

ORDINANCE NO. 1

POLICE ORDINANCE

Adopted: June 11, 1973
Effective: June 19, 1973

An Ordinance to create a Police Department in and for the Township of Prairieville, Barry County, Michigan

THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN

ORDAINS:

Section I. Name

This Ordinance shall be known and cited as the Police Ordinance of the Township of Prairieville.

Section II. Department

There is hereby created and established the Prairieville Township Police Department which shall be composed of a police chief and such patrolmen, detectives, and other officers and members as may be determined necessary by the Prairieville Township Board for the proper and efficient operation and maintenance of said department.

Section III. Rules and Regulations

The Prairieville Township Board shall from time to time by resolution make and establish such rules and regulations for the governing of the employees and officers thereof, their compensation, and for the care and management of the motor vehicles, equipment, property and buildings pertaining thereto as shall be necessary for the proper and efficient operation and maintenance of the Prairieville Township Police Department and shall prescribe the duties of the officers and employees thereof.

Section IV. Powers of Officers

Prairieville Township police officers appointed under this ordinance shall have and possess all of the powers conferred upon them by Act 181 of the Public Acts of 1951 as amended; Act 246 of the Public Acts of 1945 as amended; Act 50 of the Public Acts of 1919 as amended; and are further specifically empowered to issue appearance tickets as provided by Act 147 of the Public Acts of 1968 as amended; and are under authority of said Acts hereby declared to be peace officers and shall have the duty to preserve peace and good order.

Section V. Effective Date

This Ordinance shall take effect upon publication thereof.

Judith M. Decker
Judith M. Decker
Prairieville Township Clerk

C E R T I F I C A T E

I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board, held June 11, 1973, at 7:30 o'clock P.M., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 1, heretofore recorded to become effective on June 19, 1973, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier
Judith M. Decker
Otis Hermenitt
Graydon Doster
Michael Nevins

Nay: None

I do further certify that said Ordinance No. 1 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on the 19th day of June, 1973; and further, that said Ordinance No. 1 was recorded in this Ordinance Book on the 19th day of June, 1973, and filed with the County Clerk on June 20, 1973.

DATED: June 19, 1973

Judith M. Decker
Judith M. Decker
Prairieville Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

William R. Cook

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Meeting of Prairieville twp. Ordinance No. 1; Ordinance No. 2 and Ordinance No. 3.

has been duly published in said paper at least once in each week for one successive weeks, on the following dates, to-wit:

June 20 A. D. 19 73

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

William R. Cook

Subscribed and sworn to before me this 20th

day of June A. D. 19 73

Grace McPharlin

Notary Public for Barry County.
Grace McPharlin

Commission expires May 25 19 74

21 fol. 1 wk. \$ 105.00

Patrick a check for \$100 to be used in house improvements on the lot grounds. - Banner photo.

Burglary

five long guns, a black and white television set, three radios were taken from the home, but were recovered.

LYONS

SEPTIC TANK & Excavating SERVICE

PUMPING -
1st. 1000 Gal. \$30.00

INSTALLATION OF

- Septic Tanks
- Drain Fields
- Drywells
- Bulldozing
- Backhoes

PH. 945-5402

MILLER
ESTATE

Hastings Place Dog...
requirements...
depending on Army manp...
disciplined at any time...
This offer may change or b...
Today's Army wants to job...
Call Battle Creek 962-9999
bonus jobs and qualifications
drive has a complete list of
Your local Army Represent...
Individual Training
part parts and advanced
necessarily commensurate

RESOLUTION CONCERNING POLICE PROTECTION
FOR PRAIRIEVILLE TOWNSHIP

WHEREAS, the Township of Prairieville, Barry County, Michigan, desires to establish and furnish police protection for the inhabitants of the Township under authority granted to Prairieville Township by Act 181 of the Public Acts of 1951, as amended.

NOW THEREFORE, BE IT RESOLVED, that the Township of Prairieville, Barry County, Michigan, under authority of Act 181 of the Public Acts of 1951, as amended, shall and does hereby appropriate the sum of SIXTEEN THOUSAND DOLLARS AND NO/100 ---- (\$16,000.00), which does not exceed 10 mills of the assessed valuation of the Township for the purpose of purchasing motor vehicles, apparatus and equipment and housing for the same; and does not exceed 2-1/2 mills of the assessed valuation of the Township for the purpose of maintenance and operation of a police department for the Township's fiscal year ending April, 1974.


BE IT FURTHER RESOLVED THAT THE Prairieville Township Board shall annually hereafter appropriate sums necessary for the purchase of apparatus and equipment and for the operation and maintenance of the Prairieville Township Police Department.

C E R T I F I C A T E

The above Resolution was adopted by the Prairieville Township Board on June 11, 1973. The following members of the Board voted as follows:

Aye: Karl E. Palmatier
Judith M. Decker
Otis Hermentitt
Graydon Doster

Nay: Michael Nevins


Judith M. Decker
Prairieville Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 2
PRAIRIEVILLE TOWNSHIP UNIFORM TRAFFIC CODE

Adopted: June 11, 1973
Effective: July 20, 1973

An Ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages.

THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN

ORDAINS:

UNIFORM TRAFFIC CODE

Section I. Code Adopted

The Uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police on February 14, 1958 and published in Supplement No. 13, and as amended both on February 14, 1961 and published in Supplement No. 25, and on February 26, 1968 and published in Supplement No. 54, to the 1954 Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference.

Section II. References in Code

References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the Township of Prairieville.

Section III. Notice to be Published

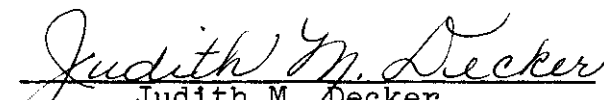
The Prairieville Township Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that complete copies of the Code are available at the Office of the Clerk for inspection by and distribution to the public at all reasonable times.

Section IV. Conflicting Ordinances Repealed

All ordinances or parts of ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

Section V. When Effective

The Uniform Traffic Code will be in effect in Prairieville Township July 20, 1973.


Judith M. Decker
Prairieville Township Clerk

Adopted: June 11, 1973

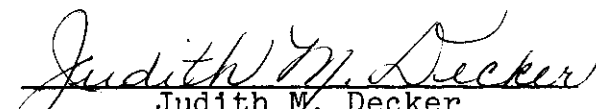
C E R T I F I C A T E

I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board, held June 11, 1973, at 7:30 o'clock P.M., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 2 heretofore recorded to become effective July 20, 1973, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier
Judith M. Decker
Otis Hermenitt
Graydon Doster
Michael Nevins

I do further certify that said Ordinance No. 2 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 19th day of June, 1973; and further that said Ordinance No. 2 was recorded in this Ordinance Book on the 19th day of June, 1973, and filed with the County Clerk on June 20, 1973.

Dated: June 19, 1973


Judith M. Decker
Prairieville Township Clerk

PLEASE TAKE NOTICE that the following Ordinance of the Township of Prairieville, Michigan, was adopted at a regular meeting of the Board of Trustees on July 20, 1973.

**PRAIRIEVILLE TOWNSHIP
ORDINANCE NO. 4
PRAIRIEVILLE TOWNSHIP
UNIFORM TRAFFIC CODE**

Adopted: June 11, 1973
Effective: July 20, 1973

An Ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages.

**THE TOWNSHIP OF
PRAIRIEVILLE
BARRY COUNTY, MICHIGAN
ORDAINS:**

UNIFORM TRAFFIC CODE

Section I. Code Adopted
The Uniform Traffic Code for cities, townships and villages promulgated by the Commission of State Police on February 14, 1960 and published in Supplement No. 13, and as amended both on February 14, 1961 and published in Supplement No. 25, and on February 23, 1963 and published in Supplement No. 26, to the 1964 Michigan Administrative Code, in accordance with Public Act 63 of 1966, State of Michigan, is hereby adopted by reference.

Section II. References in Code
References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the Township of Prairieville.

Section III. Notice to be Published
The Prairieville Township Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the new Uniform Traffic Code and of the fact that complete copies of the Code are available at the Office of the Clerk in conjunction with and distributed to the public at all reasonable times.

Section IV. Conflicting Ordinances Repealed

All ordinances or parts of ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

Section V. When Effective
The Uniform Traffic Code will be in effect in Prairieville Township July 20, 1973.

Judith Decker
Prairieville Township Clerk
Adopted: June 11, 1973

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
Notice of Adoption of Uniform Traffic Code**

Notice is hereby given that pursuant to the provisions of Act 63 of the Public Acts of 1966, State of Michigan, the Uniform Traffic Code for cities, townships and villages was adopted by reference by the Township Board of the Township of Prairieville on the 11th day of June, 1973.

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the Township of Prairieville and to provide penalties for the violation of said Code.

Complete copies of the Uniform Traffic Code are available at the office of the Prairieville Township Clerk at 4021 West DeLeon Road, and at the Township Hall located on Norris Road within the Township for inspection by and distribution to the public at all reasonable times.

Notice of additional publication of the Uniform Traffic Code is required or contemplated.

Judith Decker
Prairieville Township Clerk

PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN

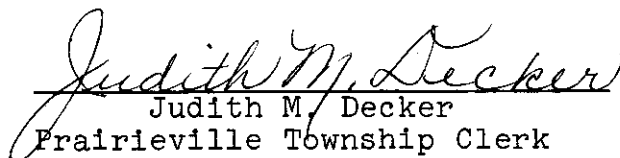
Notice of Adoption of Uniform Traffic Code

Notice is hereby given that pursuant to the provisions of Act 62 of the Public Acts of 1956, State of Michigan, the Uniform Traffic Code for cities, townships and villages was adopted by reference by the Township Board of the Township of Prairieville on the 11th day of June, 1973.

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the Township of Prairieville and to provide penalties for the violation of said Code.

Complete copies of the Uniform Traffic Code are available at the office of the Prairieville Township Clerk at 8421 West Delton Road, and at the Township Hall located on Norris Road within the Township for inspection by and distribution to the public at all reasonable times.

No further or additional publication of the Uniform Traffic Code is required or contemplated.


Judith M. Decker
Prairieville Township Clerk

Dated: June 19, 1973

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 3

THE PRAIRIEVILLE TOWNSHIP JUNK YARD AND JUNK VEHICLE ORDINANCE

Adopted: June 11, 1973
Effective: July 20, 1973

An Ordinance to provide for control and regulation of outdoor parking, accumulation, storage and/or abandonment of junk, including junk motor vehicles, and junk farm equipment, within certain areas of the Township of Prairieville, to provide for penalties for the violation of this ordinance and to repeal any ordinance or parts of ordinances in conflict herewith.

PREAMBLE

It is hereby determined by the Prairieville Township Board that the public peace, health, safety and welfare of the inhabitants of the township is threatened by virtue of accumulations of outdoor parking, storage and abandonment of junk, including junk motor vehicles, wreckage and parts of such vehicles, junk farm equipment and other litter and refuse in certain areas of the township. It is further determined that such accumulation constitutes a nuisance and that it is essential to protect the public peace, health, safety and welfare of the people of the Township of Prairieville, that Township regulation of junk, including junk motor vehicles, be provided.

Section I. Name

This Ordinance shall be known and cited as "The Prairieville Township Junk Yard and Junk Vehicle Ordinance".

Section II. Definitions

The term "private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building or other structure whether inhabited or temporarily or continuously uninhabited or vacant.

Section III. Regulations

A. Except to the extent permitted under state law, no person or corporation, whether owner, tenant or manager of private property, or whether the past registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the parking, storage or accumulation thereof upon any public right of way, public property or private premises within the township, of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building or a completely walled enclosure, or are otherwise screened by natural objects, plantings, fences or other appropriate means so as not to be visible to public view, except for the following:

1. Motor vehicles in operating condition eligible for use in accordance with the requirements of the Michigan Vehicle Code, being 1939 PA 300, as amended;

2. Motor vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or used motor vehicles or equipment used in the operation of such dealership;

3. Motor vehicles or parts thereof located in junk yards or the places of business of wreckers duly licensed by state or township authority, pursuant to governing state law;

4. Motor vehicles temporarily inoperable due to minor mechanical failure, but which are not in any manner, dismantled and have substantially all main component parts attached, may remain upon private property for not to exceed an aggregate total of thirty (30) days;

5. No more than one modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured may be permitted, provided no building or garage is located upon the premises in which said vehicle could be parked or stored.

B. No repairing, redesigning, modifying or dismantling work or operation shall be allowed upon any vehicle or parts thereof except pursuant to authority conferred by the state or township under governing law, or upon any public right of way or public property for a period in excess of one week, except such as shall be accomplished within fully enclosed buildings or completely walled enclosures; provided further, that such repairing, redesigning, modifying or dismantling shall be conducted in conformity with any applicable zoning ordinance and in such a manner as not to adversely effect the owners or occupants of adjoining property.

C. In the event of special or peculiar hardship beyond the control of any individual due to unforeseen circumstances by reason of the application of the provisions of this ordinance, the court may grant a reasonable stay in any proceeding brought for violation of this ordinance, provided that the court shall have discretion to consider unreasonable or adverse effect to owners or occupants of adjoining property in considering application for such stay to the end that the spirit and purpose of this ordinance may be substantially carried out.

Section IV. Nuisance

Any parking, storage, accumulation, placement or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined pursuant to governing law or for which the violator may be subjected to a suit for civil damages, as well as the fines and penalties herein provided.

Section V. Construction

This ordinance shall not apply to any junk yards, salvage yards, garages, body or paint shops operated within the Township, which shall be licensed pursuant to governing state law, but shall be in addition to and not in conflict with all other laws and ordinances respecting junk and junk vehicles.

Section VI. Saving Clause

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason, by a court, the remaining portion of said ordinance shall remain in force.


Section VII. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine of not more than Five Hundred ----(\$500.00)---- Dollars. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.

Section VIII. Effective Date

This ordinance shall take effect July 20, 1973. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Adopted: June 11, 1973


Judith M. Decker
Prairieville Township Clerk

**THE TOWNSHIP OF PRAIRIEVILLE
EMERY COUNTY, MICHIGAN**

To the residents and property owners of the Township of Prairieville, Emery County, Michigan, and their interested persons:

PLEASE TAKE NOTICE that the following Prairieville Township Ordinance No. 1 was adopted by the Prairieville Township Board at a regular meeting held June 11, 1973, effective July 30, 1973.

**PRAIRIEVILLE TOWNSHIP
ORDINANCE NO. 1
THE PRAIRIEVILLE TOWNSHIP
JUNK YARD AND JUNK VEHICLE
ORDINANCE**

Adopted: June 11, 1973
Effective: July 30, 1973

An Ordinance to provide for control and regulation of outdoor parking, accumulation, storage and/or abandonment of junk, including junk motor vehicles and junk farm equipment, within certain areas of the Township of Prairieville, to provide for penalties for the violation of this ordinance and to repeal any ordinance or parts of ordinances in conflict herewith.

PREAMBLE

It is hereby determined by the Prairieville Township Board that the public peace, health, safety and welfare of the inhabitants of the township is threatened by virtue of accumulations of outdoor parking, storage and abandonment of junk, including junk motor vehicles, wreckage and parts of such vehicles, junk farm equipment and other litter and refuse in certain areas of the township. It is further determined that such accumulation constitutes a nuisance and that it is essential to protect the public peace, health, safety and welfare of the people of the Township of Prairieville, that Township regulation of junk, including junk motor vehicles, be provided.

Section I. Name
This Ordinance shall be known and cited as "The Prairieville Township Junk Yard and Junk Vehicle Ordinance."

Section II. Definitions
The term "private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building or other structure whether inhabited or tenanted, fully or continuously uninhabited or vacant.

Section III. Regulations
A. Except to the extent permitted under state law, no person, corporation, whether owner, tenant or manager of private property, or whoever the past registered owner of the vehicle or transferee on a Bill of sale covering the vehicle, shall permit the parking, storage or accumulation thereof upon any public right of way, public property or private premises within the township, of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building or a completely walled enclosure, or are otherwise screened by natural objects, plantings, fences or other appropriate means so as not to be visible to public view, except for the following:

1. Motor vehicles in operating condition eligible for use in accordance with the requirements of the

state of Michigan, shall be exempt from the provisions of this ordinance.

4. Motor vehicles, including mopeds, but which are not fully dismantled and dismantling all main components attached, may remain on private property for not to exceed an aggregate total of thirty (30) days.

5. No more than one vehicle in fully operating condition such as a stock manufactured, repaired or reconstructed vehicle for any other than that for which manufactured may be stored provided no building or enclosure located upon the premises where said vehicle could be readily stored.

B. No repairing, redesigning, modifying or dismantling work in operation shall be allowed upon any vehicle or part thereof unless pursuant to authority conferred by the state or township under governing law, or upon any public right of way or public property for a period in excess of five (5) days, except such work shall be accomplished within fully enclosed buildings or completely walled enclosures; provided further that such repairing, redesigning, modifying or dismantling shall be conducted in conformity with any applicable ordinance and in such a manner as not to adversely affect the owner or occupants of adjoining property.

C. In the event of special hardship beyond the control of the individual due to unusual circumstances by reason of the application of the provisions of this ordinance, the court may grant a reasonable stay in any proceeding brought for violation of this ordinance, provided that the court shall have discretion to grant such stay if unreasonable or adverse to the owners or occupants of adjoining property in considering penalties for such stay is the spirit and purpose of this ordinance may be substantially carried out.

Section IV. Penalties
Any person who accumulates, places or causes in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be abated pursuant to governing law for which the violator may be liable as well as the fines and penalties as provided.

Section V. Construction
This ordinance shall not apply to any junk yards, sales yards, garages, body or paint shops located within the Township, which shall be licensed pursuant to governing law, but shall be in addition to and not in conflict with all other laws, ordinances respecting junk and junk vehicles.

Section VI. Severability
The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by court, the remaining portion of this ordinance shall remain in force.

Section VII. Penalty
Any person firm or corporation violating any of the provisions of this ordinance shall be subject to a fine not more than Five Hundred (\$500) dollars per violation. Each day of violation shall constitute a separate violation. The maximum number of violations shall be three (3).

Section VIII. Effective Date
This ordinance shall be effective July 30, 1973.

C E R T I F I C A T E

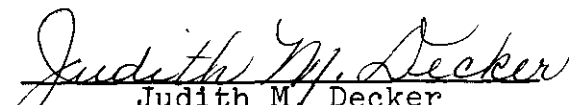
I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board, held June 11, 1973, at 7:30 o'clock P.M., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 3 heretofore recorded to become effective July 20, 1973, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier
 Judith M. Decker
 Otis Hermenitt
 Graydon Doster
 Michael Nevins

Nay: None

I do further certify that said Ordinance No. 3 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 19th day of June, 1973; and further that said Ordinance No. 3 was recorded in this Ordinance Book on the 19th day of June, 1973, and filed with the County Clerk on June 20, 1973.

Dated: June 19, 1973


 Judith M. Decker
 Prairieville Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 4
THE PRAIRIEVILLE TOWNSHIP LOT DIVISION ORDINANCE

Adopted: December 10, 1973

Effective: January 21, 1974

An Ordinance to regulate the division of lots within recorded plats and to provide penalties for violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

Section I. Title

This Ordinance shall be known and cited as "The Prairieville Township Lot Division Ordinance".

Section II. Regulations

A. Platted lots may be partitioned or divided upon resolution adopted by the Township Board into not more than four (4) parts, provided that the resulting lots or parcels or combinations of portions of two (2) or more divided lots shall not be less in width or area than allowed by the Michigan Subdivision Control Act of 1967, and provided further that such resulting lots shall have direct access to a public roadway and also to public utilities necessary or required to service such lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Subdivision Control Act of 1967 and all County and Township ordinances or Subdivision Control Ordinances of the County and Township.

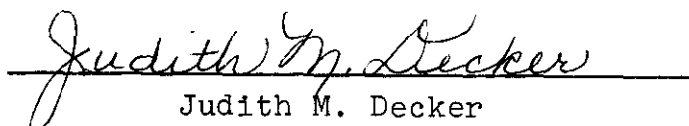
B. Any person or persons who shall violate any of the provisions of this Ordinance shall, upon conviction thereof,

be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Each and every day that such violation continues shall constitute a separate offense.

Section III. Effective Date

This Ordinance shall take effect January 21, 1974. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Adopted: December 10, 1973



Judith M. Decker
Prairieville Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

William R. Cook

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Prairieville Twp. - Ordinance No. 4 - lot division ordinance etc.

has been duly published in said paper at least once in each week for one week ~~successive weeks~~ on the following dates, to-wit:

Dec. 20 A. D. 1973

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

William R. Cook

Subscribed and sworn to before me this 20th

day of December A. D. 1973

Grace McPharlin

Grace McPharlin Notary Public for Barry County.

My Commission expires May 25 1974

4 fol. 1 wk. \$20.00

C E R T I F I C A T E

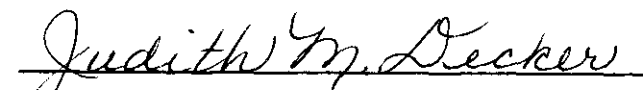
I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board, held December 10, 1973, at 7:30 o'clock P.M., Eastern Standard Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 4 heretofore recorded to become effective January 21, 1974 and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier, Supervisor
Judith M. Decker, Clerk
Otis Hermenitt, Treasurer
Graydon Doster, Trustee
Michael Nevins, Trustee

Nay: None

I do further certify that said Ordinance No. 4 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 20th day of December, 1973; and further that said Ordinance No. 4 was recorded in this Ordinance Book on the 20th day of December, 1973, and filed with the County Clerk on December 17, 1973.

Dated: December 20, 1973


Judith M. Decker
Prairieville Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 5

THE PRAIRIEVILLE TOWNSHIP STREET ADDRESS NUMBERING ORDINANCE

Adopted: January 28, 1974

Effective: March 11, 1974

An Ordinance to regulate the numbering of businesses, buildings and structures within the Township of Prairieville and to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

Section I. Title

This Ordinance shall be known and cited as "The Prairieville Township Street Address Numbering Ordinance".

Section II. Regulations

1. Each property description having a residence or business in the Township of Prairieville shall be numbered with a street address number assigned by Consumers Power Company.

2. The Township Supervisor shall keep a chart and/or maps showing the proper street number of every building or structure in the Township which shall be open to inspection by anyone interested.

3. It shall be the duty of the owners and occupants to have placed thereon in close proximity to the main building in a place visible from the street figures at least three (3) inches high showing the street address number of the building, structure and/or business.

4. Any person, firm or corporation failing to so number any building, structure or business occupied by him if after

receiving notice to do so from the Supervisor shall continue in his failure to so number his building, structure or business shall be in violation of this ordinance.

5. Any person or persons who shall violate any of the provisions of this ordinance shall upon conviction thereof be punished by a fine of not to exceed One Hundred Dollars (\$100.00). Each and every day that such violation continues shall constitute a separate offense.

Section III. Effective Date

This ordinance shall take effect March 11, 1974. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Adopted: January 28, 1974

Judith M. Decker
Judith M. Decker
Prairieville Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
 County of Barry } ss.

William R. Cook

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Prairieville Twp. #5 The Prairieville Twp. Street Address Numbering Ordinance etc. has been duly published in said paper at least once in each week for one week ~~successive weeks~~ on the following dates, to-wit:

Feb. 7 A. D. 1974
 A. D. 19____
 A. D. 19____
 A. D. 19____
 A. D. 19____
 A. D. 19____
 A. D. 19____
 A. D. 19____

William R. Cook

Subscribed and sworn to before me this 7th day of February A. D. 1974

M. Joan Baines
 M. Joan Baines Notary Public for Barry County.

My Commission expires January 7 1978

4 fol. 1 wk. \$20.00

STATE OF MICHIGAN, }
 County of Barry } ss.

William R. Cook

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Prairieville Twp. #5

The Prairieville Twp. Street Address Numbering Ordinance etc.

has been duly published in said paper at least once in each week for one week ~~successive weeks~~ on the following dates, to-wit:

Feb. 7 A. D. 1974
 A. D. 19____
 A. D. 19____
 A. D. 19____
 A. D. 19____
 A. D. 19____
 A. D. 19____

William R. Cook

Subscribed and sworn to before me this 7th

day of February A. D. 1974

M. Joan Baines

M. Joan Baines Notary Public for Barry County.

My Commission expires January 7 1978

4 fol. 1 wk. \$20.00

C E R T I F I C A T E

I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Prairieville Township Board, held January 28, 1974, at 7:30 o'clock P.M., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 5 heretofore recorded to become effective March 11, 1974, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier, Supervisor
Otis Hermenitt, Treasurer
Graydon Doster, Trustee
Michael Nevins, Trustee

Nay: Judith M. Decker, Clerk

I do further certify that said Ordinance No. 5 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 7th day of February, 1974, and filed with the County Clerk on February 8, 1974; and further that said Ordinance No. 5 was recorded in this Ordinance Book on the 7th day of February, 1974.

Dated: February 7, 1974

Judith M. Decker
Judith M. Decker
Prairieville Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 6
THE PINE LAKE WATERCRAFT CONTROL ORDINANCE

Adopted: January 28, 1974

Effective: March 11, 1974

An Ordinance to regulate the speed of vessels and to provide for the safe use of the waters of Pine Lake in Prairieville Township; enacted under the authority of Act 303, Public Acts of 1967 as amended (M.S.A. 18.1287(17)), being identical to State Administrative Rules filed in the Office of the Secretary of State.

THE TOWNSHIP OF PRAIRIEVILLE ORDAINS:

Section I

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P. A. 1967 as amended, M.S.A. 18.1287.(8).

Section II

On the waters of the hereinafter described channels of Pine Lake, Town 1 North, Range 10 West, Prairieville Township, Barry County, it is unlawful for the operator of a vessel to exceed a slow - no wake speed:

(a) Between a line from where the north line of Lot 3, Crispe's Plat of Boniface Point intersects the water's edge, thence easterly to the point where the north line of Lot 18, Island Plat intersects the water's edge and a line from the southernmost point of Lot 1, Crispe's Plat of Boniface Point, east to the nearest opposite shore.

(b) Between a line from where the east line of Lot 8, Supervisor's Plat of Sunset Point intersects the water's edge, thence northeasterly to where the south line of Lot 30, Sylvan Shore Plat, intersects the water's edge and from where the northernmost point of Lot 30, Supervisor's Plat of Sunset Point thence northerly to the easternmost point of Lot 27, Sylvan Shore Plat.

(c) Between a line from where the west line of Lot 28, Supervisor's Plat of Ford's Point, intersects the water's edge, thence southwesterly to where the south line of Lot 122, Supervisor's Plat No. 1, of Long Point, intersects the water's edge and a line from the point where the east line of Lot 118, Supervisor's Plat No. 1, of Long Point intersects the water's edge thence northerly to the point where the south line of Lot 38, Supervisor's Plat of Ford's Point intersects the water's edge.

Section III

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section IV

Violations of this ordinance are a misdemeanor and may be punished by a fine not to exceed One Hundred Dollars (\$100.00) together with costs of prosecution or imprisonment in the county jail or such other place of detention as the court may prescribe, for a period not to exceed ninety (90) days, or said fine, costs of prosecution, and imprisonment, at the discretion of the court.

Section V

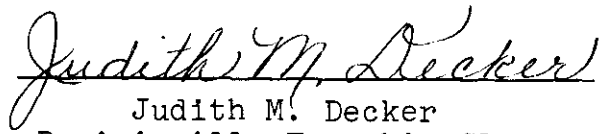
This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any

part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

Section VI

This ordinance shall take effect 30 days after its publication in the Hastings Banner.

Adopted: January 28, 1974


Judith M. Decker
Prairieville Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
 County of Barry } ss.

William R. Cook

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Prairieville Twp., Ord. # 6 The Pine Lake Watercraft Control Ordinance etc.

has been duly published in said paper at least once in each week for one week ~~successive weeks~~ on the following dates, to-wit:

Feb. 7 A. D. 1974

A. D. 19__

A. D. 19__

A. D. 19__

A. D. 19__

A. D. 19__

A. D. 19__

William Cook

Subscribed and sworn to before me this 7th day of February A. D. 1974

M. Joan Baines
 M. Joan Baines Notary Public for Barry County.

My Commission expires January 7 1978.

6 fol. 1 wk \$30.00

Section III
 other ordinances or parts of or
 Section IV
 of this ordinance are a
 and may be punished
 not to exceed One Hundred
 (\$100.00) together with costs
 of prosecution or imprisonment in the
 county jail or such other place of
 detention as the court may prescribe,
 for a period not to exceed ninety (90)
 days, or said fine, costs of
 prosecution, and imprisonment, at
 the discretion of the court.

Section V
 This ordinance and the various par-
 ts, sections, subsections, provisions,
 sentences and clauses are severable.
 If any part of this ordinance is found
 to be unconstitutional or invalid it is
 declared the remainder of this or-
 dinance shall not be affected hereby.

Section VI
 This ordinance shall take effect as
 if it had been published in the

STATE OF MICHIGAN, }
 County of Barry } ss.

William R. Cook

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Prairieville Twp., Ord. # 6 The Pine Lake Watercraft Control Ordinance etc.

has been duly published in said paper at least once in each week for one week ~~successive weeks~~ on the following dates, to-wit:

Feb. 7 A. D. 1974

A. D. 19__

A. D. 19__

A. D. 19__

A. D. 19__

A. D. 19__

A. D. 19__

William Cook

Subscribed and sworn to before me this 7th

day of February A. D. 1974

M. Joan Baines
 M. Joan Baines Notary Public for Barry County.

My Commission expires January 7 1978.

6 fol. 1 wk \$30.00

C E R T I F I C A T E

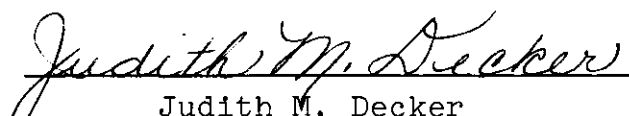
I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Prairieville Township Board, held January 28, 1974, at 7:30 o'clock P. M., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 6 heretofore recorded to become effective March 11, 1974, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier, Supervisor
 Otis Hermenitt, Treasurer
 Judith M. Decker, Clerk
 Graydon Doster, Trustee
 Michael Nevins, Trustee

Nay: None

I do further certify that said Ordinance No. 6 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 7th day of February, 1974; and further that said Ordinance No. 6 was recorded in this Ordinance Book on the 7th day of February, 1974, and filed with the County Clerk on February 8, 1974.

Dated: February 7, 1974


 Judith M. Decker
 Prairieville Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 7
THE PRAIRIEVILLE PARKS REGULATION ORDINANCE

Adopted: August 12, 1974

Effective: September 23, 1974

An ordinance to regulate the use of township parks within the Township of Prairieville and to provide penalties for the violation of this Ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

Section I. Title

This Ordinance shall be known and cited as "The Prairieville Township Parks Regulation Ordinance".

Section II. Regulations

1. Park entry fees may be established and changed from time to time by resolution of the Prairieville Township Board. Notice of such fees shall be posted conspicuously near the entrance of township parks.
2. It shall be unlawful to, and no person, firm or corporation shall:
 - a. Enter upon a township park without payment of the established entrance fee.
 - b. Enter upon a township park or adjoining beach or swimming area (except to launch or recover a boat) between the hours of 11:00 p.m. and

6:00 a.m. daily when such closing hours are posted on the premises by order of the Township Park Commission.

- c. Park vehicles of any kind in any area other than designated parking areas.
- d. Store or leave a boat, duck blind, ice shanty, raft or other property on the premises overnight or moor private boats permanently on the premises.
- e. Dispose of refuse, trash or garbage anywhere on the premises except in receptacles provided for that purpose and only if the refuse, rubbish, trash or garbage resulted from the use of the premises.
- f. Use the premises for business or commercial purposes or for any special event or activity of any organization, club or group without prior written permission of the Township Park Commission.
- g. Engage in any violent, abusive, vulgar, lewd, obscene or disorderly conduct or lounge, sit or lie upon walks, roads or paths, obstructing the free passage of other persons.
- h. Post, place or erect signs, distribute commercial advertising material, erect a fence or barrier, construct or occupy improvements upon township park lands.
- i. Destroy, damage or remove any township equipment or property or destroy, damage or remove any living tree or shrub, grass or vegetation without prior written permission of the Township Park Commission.

- j. Operate a self-propelled motor or mechanically driven vehicle anywhere on the premises except on designated roads, trails or parking lots.
- k. Move, remove, destroy, mutilate or deface posters, notices, signs or markers of the township or any other agency of government.
- l. Ride or lead a horse or other riding animal or pack animal on or allow such animal or any animal-drawn vehicle to use or travel areas other than established roads or trails designated for such use without the prior written permission of the Township Park Commission.
- m. To possess or use any narcotic substance anywhere upon the park premises or to consume alcoholic beverages in any area other than an established picnic area.
- n. Bring a dog or any other animal pet onto the park premises except on a leash and under control at all times, nor shall such animals be allowed in any designated beach or swimming area.
- o. Use firearms or firecrackers upon the park premises, nor shall trapping or hunting be allowed upon township park property.
- p. Build open or ground fires.
- q. To camp or park recreational units or tents on the premises overnight.

3. Definition of terms:

- a. "Designated" means posted with a sign or signs at the site or reasonably identified for a particular use.
- b. "Written permission" means a written permit issued by the Chairman of the Township Park Commission or by a representative authorized by the Chairman to do so.
- c. "Camp" means the erection of any tent; the opening or setting up of a tent-type camper; the parking or occupancy of a travel or housetrailer; sleeping in any type motor vehicle, sleeping bag or in any other manner after 10:00 p.m.; or sleeping in any anchored, tied or moored boat or floating craft of any type in water immediately adjacent to township-owned public parks or lands after 10:00 p.m.

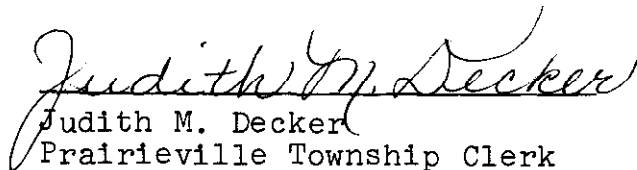
4. Penalty

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall upon conviction thereof be punished by a fine of not to exceed ONE HUNDRED DOLLARS (\$100.00) or imprisonment in the county jail for not more than ninety (90) days or both.

Section III. Effective Date

This ordinance shall take effect September 23, 1974. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Adopted: August 12, 1974


Judith M. Decker
Prairieville Township Clerk

C E R T I F I C A T E

I, JUDITH M. DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board, held on Monday, August 12, 1974, at 7:30 o'clock P.M., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 7 heretofore recorded to become effective September 23, 1974, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier
Judith M. Decker
Graydon Doster
Michael Nevins

Nay: Otis Hermenitt

I do further certify that said Ordinance No. 7 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 22nd day of August, 1974; and further that said Ordinance No. 7 was recorded in this Ordinance Book on the 15th day of August, 1974, and filed with the County Clerk on August 16, 1974.

Dated: August 15, 1974

Judith M. Decker
Judith M. Decker
Prairieville Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

William R. Cook

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Ordinance No. 7 - Prairieville Parks Regulation Ordinance

published in said paper at least once in one week ~~successive~~ successive weeks, on the following dates, to-wit:

August 22 A. D. 1974

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

William R. Cook

and sworn to before me this 22nd

August A. D. 1974

John Daines
Notary Public for Barry County.

expires January 7 1978

9 fol. 1 wk. \$45.00

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 8

1974 BUILDING CODE ORDINANCE

Adopted: September 16, 1974

Effective: November 3, 1974

An Ordinance to adopt a nationally recognized model building code pertaining to the construction, structural alteration, demolition, occupancy and use of buildings and structures within Prairieville Township, Barry County, Michigan, pursuant to Act No. 230 of the Public Acts of 1972 (MCLA 125.1501 etc.; MSA 5.2949(1) etc.); to exempt Prairieville Township from the operation and effect of said Public Act; to provide for the administration and enforcement of this Ordinance and building code by Prairieville Township through agreement or otherwise; to provide penalties for the violation thereof; and to repeal existing building codes and ordinances in conflict therewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE.

This Ordinance shall be known and cited as the 1974 Building Code Ordinance.

SECTION II

PURPOSE.

The purpose of this Ordinance is to exempt Prairieville Township from the operation and effect of Act No. 230 of the Public

Acts of the State of Michigan for 1972 (MCLA 125,1501 etc.; MSA 5.2949 (1) etc.) in accordance with the provisions of Section 8 of said Public Act; to adopt a nationally recognized model building code for the control of construction within Prairieville Township to be administered and enforced by Prairieville Township; and to relieve the State Construction Code Commission and/or any agency of the county, other than the adopting municipality, from any right, authority or responsibility for the enforcement of any State Construction Code within Prairieville Township.

SECTION III

NATIONALLY RECOGNIZED MODEL CODE.

That certain document or booklet, official copies of which are on file in the office of Prairieville Township and which are available for examination by the general public during regular business hours or by appointment, entitled "The BOCA Basic Building Code, 1970 Edition," as amended by Cumulative Supplement dated 1973, as published by Building Officials and Code Administrators International, Inc., 1313 East 60th Street, Chicago, Illinois 60637, is hereby adopted by reference thereto as if fully set forth herein as controlling and regulating the erection, construction, enlargement, alteration, repair, conversion, occupancy, equipment, use, height and maintenance of all buildings and/or structures within Prairieville Township.

SECTION IV

ENFORCEMENT.

Prairieville Township hereby assumes the right and authority to administer and enforce the within ordinance and "the BOCA Basic Building Code, 1970 Edition," as supplemented in 1973 as hereinbefore adopted by reference, in the manner provided by law, by the ordinances of Prairieville Township and by said code.

SECTION V

PENALTY.

Any violation of this Ordinance or the nationally recognized model code adopted by reference therein or any part of either of the same shall be punishable by a fine of not to exceed \$100.00, plus taxable costs, and/or by confinement in the county jail for a term of not to exceed 90 days. Each day a violation continues to exist will constitute a separate offense. In addition, Prairieville Township 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, mandatory order, or other appropriate civil remedy to compel compliance with this Ordinance and/or said Code.

SECTION VI

SAVING CLAUSE.

Should any portion of this Ordinance or the nationally recognized model code adopted by reference therein be declared unconstitutional, illegal, or of no force or effect by a court of competent jurisdiction, such decision or judgment shall not affect the validity of the remaining portions thereof which shall continue to remain in full force and effect.

SECTION VII


REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The foregoing, however, shall not affect the validity of building permits heretofore legally issued and in effect and the construction, authorized thereunder may be completed in compliance with said permit and in compliance with any previous municipal building code in effect at the time such permit was issued. All proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance or building code being hereby repealed shall not be affected by this ordinance and may be continued pursuant to said previous ordinances.

SECTION VIII

EFFECTIVE DATE.

This Ordinance shall take effect on November 3, 1974 and a copy thereof shall be delivered to the Michigan State Construction Code Commission by certified mail with return receipt requested by the Clerk of Prairieville Township, Barry County, Michigan.


Judith M. Decker
Prairieville Township Clerk

Adopted: September 16, 1974

Effective: November 3, 1974

Published: October 3, 1974

C E R T I F I C A T E

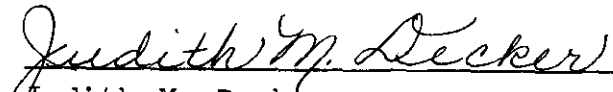
I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Prairieville Township Board, held September 16, 1974, at 7:30 o'clock p.m., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 8 heretofore recorded to become effective November 3, 1974 and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier
Judith M. Decker
Otis Hermenitt
Graydon Doster
Michael Nevins

Nay: None

I do further certify that said Ordinance No. 8 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 3rd day of October, 1974; and further that said Ordinance No. 8 was recorded in this Ordinance Book on the 28th day of September, 1974, and filed with the County Clerk on September 27, 1974.

Dated: September 27, 1974


Judith M. Decker
Prairieville Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Prairieville Twp. - 1974
Building Code Ordinance etc.

has been duly published in said paper at least once in each week for one week ~~several weeks~~, on the following dates, to-wit:

Oct. 3 A. D. 1974

_____ A. D. 19____

_____ A. D. 19____

_____ A. D. 19____

_____ A. D. 19____

_____ A. D. 19____

_____ A. D. 19____

Hugh S. Fullerton

Subscribed and sworn to before me this 3rd

day of October A. D. 1974

M. Joan Baines Notary Public for Barry County.

My Commission expires January 7 1978



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 9
FIRST AMENDMENT TO "1974 BUILDING CODE ORDINANCE"

Adopted: October 21, 1974
Effective: December 30, 1974

An Ordinance to amend the "1974 Building Code Ordinance" by the amending and supplementing of certain sections of "The BOCA Basic Building Code, 1970 Edition," as supplemented in 1973, as more particularly hereinafter set forth; and to provide for rates and charges for the administration of such building code ordinance, the issuance of building permits, examination of plans and specifications, inspection of construction, issuance of certificates of use and occupancy and the hearing of appeals; and the adoption by reference of the "national Electrical Code of 1971" as published by the National Fire Protection Association of Boston, Massachusetts, and the "Michigan State Plumbing Code," 1966 Edition, as published by the Michigan State Plumbing Board with the concurrence of the Advisory Council of Health under the provisions of Act 266 of the Public Acts of Michigan for 1929, as amended; and to repeal all ordinances or codes or portions thereof in conflict therewith.

TOWNSHIP OF PRAIRIEVILLE

COUNTY OF BARRY

ORDAINS:

SECTION I

AMENDMENTS AND SUPPLEMENTS TO THE BOCA BASIC BUILDING CODE, 1970 Edition, as supplemented in 1973

The BOCA Basic Building Code, 1970 Edition, as supplemented in 1973 and as adopted by reference in the "1974 Building Code Ordinance" is hereby amended and supplemented in the following sections and portions, to wit:

A. Whenever the words "name of municipality" appear in said BOCA Basic Building Code, reference shall thereby be to the Township of Prairieville.

B. Sections 118.0 through 118.7 and 126.3 of said Code, which pertains to fees to be paid to the Township of Prairieville or otherwise but which do not include any specific amounts thereof are hereby repealed and in lieu thereof the Township Board of Prairieville Township is hereby given the authority to establish by resolution at any regular public meeting a schedule of fees, rates and charges for the administering of said building code ordinance and conducting its various activities thereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. Said governing body shall further hereby have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness. Similarly, the construction board of appeals shall establish fees for hearing appeals which may be revised from time to time in accordance with the foregoing limitations.

C. Sections 109.1, 109.3, 118, 123.2, 201.2 in the following portions, to wit: definitions of building, mobile homes, owner, and structure, 401.1 in the following portions, to wit: definition of mobile home, 425.0 through 425.52, 1100.0 through 1139.62, 1300.0 through 1323.0, 1600.0 through 1621.21, 1700.0 through 1707.0, 1800.0 through 1812.0 and 1900.4 of said Basic Building Code are hereby repealed in accordance with General Rule R 408.30401 of the rules promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

D. Sections 301.1 and 301.2 of said Basic Building Code are hereby amended to read as follows:

301.1 Fire District No. 1: Fire District No. 1 shall comprise the areas housing highly congested business, commercial, manufacturing and industrial uses or in which such uses are developing. The limits of such areas shall be determined from time to time by resolution of the governing body of the adopting municipality through the utilization of a map or legal description. 301.2 Fire District No. 2: Fire District No. 2 shall comprise the areas housing residential uses (use groups L-1 and L-2), together with retail stores, business and amusement centers or in which such uses are developing and the limits of such areas shall be as determined from time to time by resolution of the governing body of the adopting municipality through the utilization of a map or legal description.

E. Sections 107.5, 107.6 and 127.22 of said Basic Building Code pertaining to the qualifications of the building official or technical assistants or Board of Appeals are hereby repealed.

F. Section 318.0 through 318.9 are hereby added to said Basic Building Code pertaining to "barrier free design" as are more particularly set forth in General Rule R 408.30427 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

G. Section 614.2 of said Basic Building Code is hereby amended and Sections 614.6 and 614.7 are hereby added to said Basic Building Code to read as set forth in General Rule R 408.30443 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

H. Section 617.0 of said Basic Building Code is hereby amended to read as set forth in General Rule R 408.30445 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

I. Section 618.51 and 618.61 of said Basic Building Code are hereby amended to read as set forth in General Rule R 408.30446 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

J. Section 627 is hereby added to said Basic Building Code to read as set forth in General Rule R 404.30448 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

K. Section 858.46 of said Basic Building Code is hereby amended to read as set forth in General Rule R 408.30456 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

L. Section 873.5 is hereby added to said Basic Building Code to read as set forth in General Rule R 408.30459 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

M. Section 1900.0 of said Basic Building Code is hereby amended to read as set forth in General Rule R 408.30495 promulgated by the Construction Code Commission and filed with the Secretary of State on May 6, 1974.

SECTION II

NATIONAL ELECTRICAL CODE OF 1971

That certain document known as the National Electrical Code of 1971, published by the National Fire Protection Association of Boston, Massachusetts, copies of which are on file in the office of the clerk of the Township of Prairieville for public examination and use during regular business hours or by appointment is hereby adopted by reference as governing and regulating electrical installation and construction within the Township of Prairieville as if fully set forth in the within ordinance. Notwithstanding anything

to the contrary therein contained, however, no licensing or professional degree shall be required of any township inspector, enforcing officer or member of a Board of Appeals.

SECTION III

MICHIGAN STATE PLUMBING CODE

That certain document entitled "The Michigan State Plumbing Code, 1966 Edition," published by the Michigan State Plumbing Board with the concurrence of the Advisory Council of Health under the provisions of Act 266 of the Public Acts of Michigan of 1929 as amended is hereby adopted by reference as controlling and regulating plumbing construction and installation within the adopting municipality as if fully set forth in the within ordinance. Notwithstanding anything to the contrary contained therein, however, no licensing or professional degree shall be required of any township inspector, enforcing officer or member of a Board of Appeals.

SECTION IV

ADMINISTRATION AND ENFORCEMENT

The aforementioned additional construction codes which have herein been adopted by reference shall be administered and enforced by the Township of Prairieville as provided for in ordinances of said Township and in said codes. Accordingly, the State Construction Code Commission and/or any agency other than the Township of Prairieville are hereby relieved of any right, authority, or responsibility for the administration or enforcement of any such code within the Township of Prairieville. The Township of Prairieville further reserves the right to provide, by agreement or contract with any other municipality or public corporation or public agency, for the joint enforcement and administration of the within ordinance and the codes adopted by reference herein.

SECTION V

DEFINITIONS

Whenever the words "city," "village," "municipality,"

"municipal corporation," "mayor," or "president" appear in any of the codes adopted by reference in the within ordinance or in the 1974 Building Code Ordinance, said terms shall respectively be deemed to refer to the Township of Prairieville and to the supervisor of said Township, as the case may be.

SECTION VI

SAVING CLAUSE

Should any portion of this Ordinance or any portion of any code adopted by reference herein be declared unconstitutional, illegal or of no force or effect by a court of competent jurisdiction, the same shall not affect the balance of said ordinance or code and such balance shall remain in full force and effect.

SECTION VII

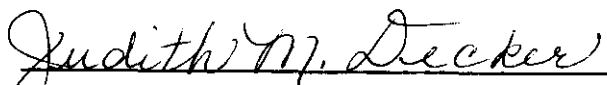
EFFECTIVE DATE

In accordance with 1972 PA 230, as amended, this ordinance shall take effect 60 days after the adoption thereof by the adopting municipality and 60 days after a certified copy of this ordinance is delivered to the Michigan State Construction Code Commission.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Building permits validly issued, however, before the effective date of this ordinance shall not be invalidated by this ordinance and the construction authorized thereunder may be completed in compliance with said permit and with any previous building codes pertaining thereto at the time such permit was issued.

Any proceedings pending, including prosecutions for violations or rights and liabilities acquired or incurred under any previous ordinance or building code of the adopting municipality being hereby repealed shall not be affected by this ordinance and may be continued pursuant to said previous ordinances.


Judith M. Decker
Prairieville Township Clerk

C E R T I F I C A T E

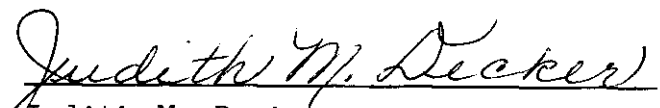
I, JUDITH M. DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Prairieville Township Board, held October 21, 1974, at 7:30 o'clock p.m., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 9 heretofore recorded to become effective December 30, 1974, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Karl E. Palmatier
Judith M. Decker
Otis Hermenitt
Graydon R. Doster

Absent: Michael Nevins

I do further certify that said Ordinance No. 9 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 12th day of November, 1974; and further that said Ordinance No. 9 was recorded in this Ordinance Book on the 14th day of November, 1974.

Dated: November 14, 1974


Judith M. Decker
Prairieville Township Clerk

STATE OF MICHIGAN, }
County of Barry } ss.

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Prairieville Township, Notice of Ordinance No. 9 being adopted.

has been duly published in said paper at least once in each week for one successive weeks, on the following dates, to-wit:

November 12 A. D. 1974

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

Hugh S. Fullerton

Subscribed and sworn to before me this 12th

day of November A. D. 1974

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires Oct. 29 1978

20 fol. 1 wk. \$ 100.00

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 10
1975 PLUMBING CODE ORDINANCE

Adopted: May 15, 1975

Effective: June 30, 1975

An Ordinance to adopt a nationally recognized model plumbing code within the Township pursuant to Act No. 230 of the Public Acts of 1972, as amended, (MCLA 125.1501 et seq; MSA 5.2949(1) et seq); to exempt the Township from the operation and effect of said Act; to provide for the administration and enforcement of this Ordinance and the Plumbing Code by the Township through agreement or otherwise; to provide penalties for violations thereof; and to repeal existing Township Plumbing Codes and Plumbing Code Ordinances or other ordinances in conflict therewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

Section I

This Ordinance shall be known and cited as the Township Plumbing Code Ordinance.

Section II

This Ordinance is enacted by the Township for the purpose of continuing the exemption of the Township from the operation and effect of Act No. 230 of the Public Acts of the State of Michigan of 1972, as amended (MCLA 125.1501 et seq; MSA 5.2949(1) et seq), pursuant to Section 8 of said Act, by the adoption in this Ordinance of a nationally recognized model plumbing code, which code shall be administered and enforced by the Township as provided for in this Ordinance and in said Plumbing Code. The State

Construction Code Commission and/or any agency of the County of Barry charged with the responsibility of enforcing said Act is hereby relieved of any right, authority or responsibility for the enforcement of any State Construction Code or State Plumbing Code within the Township.

Section III

A certain document or booklet, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business hours or by appointment, which is marked and entitled as "BOCA Basic Plumbing Code, 1970 Edition", including accumulative supplement dated 1973, as published by the Building Officials and Code Administrators, International, Incorporated, of Chicago, Illinois, is hereby adopted by reference as if fully set forth herein as a part of this Ordinance for the purpose of regulating the installation, enlargement, alteration, repair, or maintenance of plumbing fixtures, plumbing facilities, plumbing appliances and plumbing devices within the Township; each and all of the regulations, provisions, penalties, conditions and terms thereof, except as may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

Section IV

The Township hereby assumes the right and authority to administer and enforce this Ordinance and the BOCA Basic Plumbing Code in the manner provided by law and by the said Plumbing Code. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city, county or with the State of Michigan for the joint enforcement and administration of this Ordinance and the Uniform Plumbing Code.

Section V

Any violation of this Ordinance or the Plumbing Code or any part thereof shall be punishable by a fine not to exceed ONE HUNDRED (\$100.00) DOLLARS plus costs and/or confinement in the county jail for a term not to exceed ninety (90) days. 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 the said Plumbing Code.

Section VI

Should any portion of this Ordinance or the Uniform Plumbing Code adopted hereby be declared unconstitutional, illegal or of no force and 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

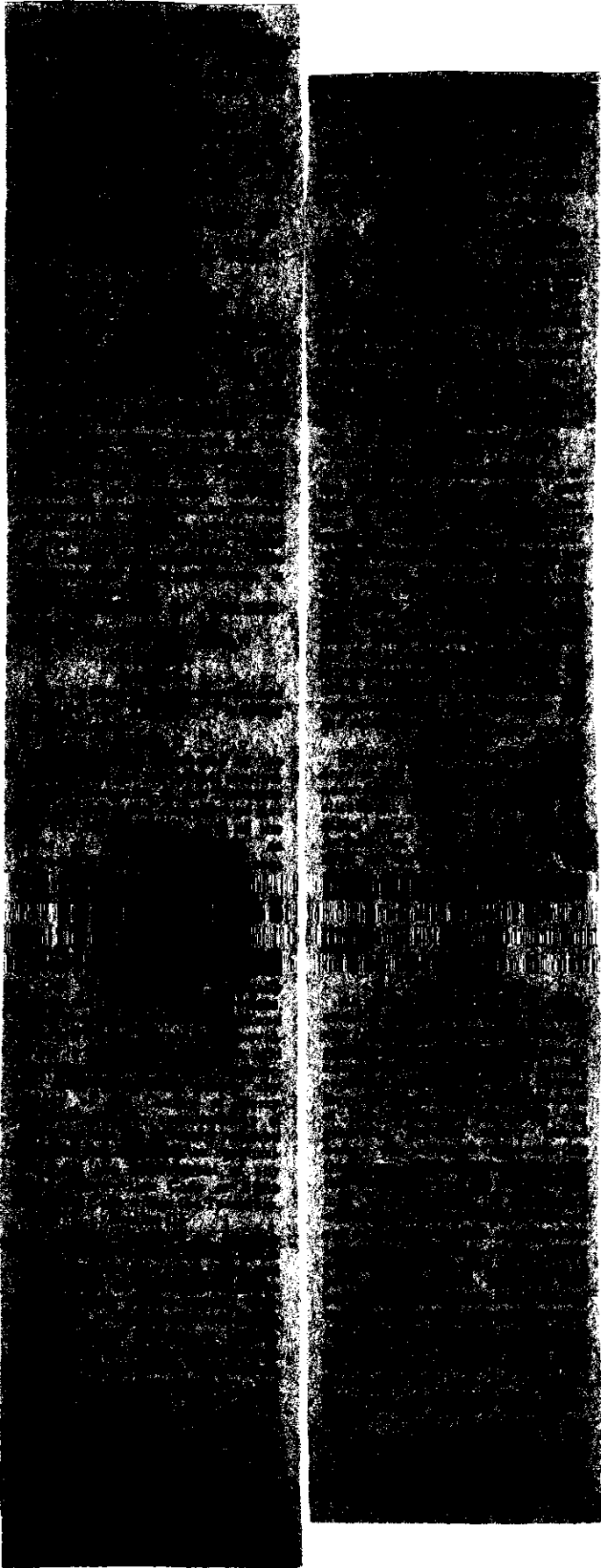
All ordinances or parts of ordinances in conflict herewith, including any plumbing code or parts of plumbing code ordinances previously adopted by the Township are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. However, any plumbing permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with any previous township plumbing code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance or township plumbing code being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

Section VIII

This Ordinance shall take effect June 30, 1975.

Judith M. Decker
Judith M. Decker
Township Clerk

Affidavit of Publication



STATE OF MICHIGAN, } ss.
County of Barry

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Prairieville Township
Ordinance Number 10.

has been duly published in said paper at least once in each week for one successive weeks, on the following dates, to-wit:

- June 4 A. D. 1975
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____

Hugh S. Fullerton

Subscribed and sworn to before me this 4th day of June A. D. 1975

Myrtle L. Clark
Notary Public for Barry County.
MYRTLE L. CLARK
Notary Public, Barry County, Michigan
My Commission expires Oct. 29, 1978

C E R T I F I C A T E

I, JUDITH DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Prairieville Township Board, held May 15, 1975, at 9:30 p.m., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 10 heretofore recorded to become effective June 30, 1975 and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Robert Vanderboegh
 Judith Decker
 Otis Hermenitt
 Graydon Doster
 Michael Nevins

Nay: None

I do further certify that said Ordinance No. 10 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 5th day of June, 1975; and further that said Ordinance No. 10 was recorded in this Ordinance Book on the 19th day of May, 1975.

Dated: May 19, 1975

Judith M. Decker
Judith M. Decker
Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 11
FIRST AMENDMENT TO THE 1975 TOWNSHIP PLUMBING CODE

Adopted: May 15, 1975

Effective: July 21, 1975

An Ordinance to amend the Township Plumbing Code pursuant to Act No. 230 of the Public Acts of 1972 (MCLA 125.1501 et seq; MSA 5.2949(1) et seq) by the deletion therefrom of certain sections and by the amendment or addition of other sections relating to title, violations, definition of plumbing terms, new buildings, existing buildings, availability of public systems, industrial-commercial chemical waste information, freezing, water service pipes, prohibited fittings, swimming pools, air gap or air break requirements, building traps, recesses for trap connections, base of stacks, building drain and building sewer junction, underground drainage, plastic connections, requirements for stall type urinals with watertight pans, prohibitions for used water returned, pressure relief valves, temperature relief valves, combination pressure-temperature relief valves, definitions, authorized master plumbers, plumbing permits, building sewer and private sewer permits, and certain requirements relating to a home owner; and fees to provide penalties for violations thereof; and to repeal existing township ordinances in conflict therewith.

THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN

ORDAINS:

Section I

The Township Plumbing Code, being the "BOCA Basic Plumbing Code, 1970 Edition", including accumulative supplement dated 1973, which was previously adopted by the Township as the

Township Plumbing Code is hereby amended, in the following sections, as follows:

A. Sections P-102.0, P-105.0, P-302, P-501.2, P-1101.5, P-1205.2, P-1500.0 through P-1511.4, and P-1700.0 through P-1705.2 are hereby deleted.

B. Section P-100.2 of the code is amended to read as follows:

P-100.2. Title. This part shall be known as the Michigan plumbing code and is hereinafter referred to as the plumbing code or this code.

C. Section P-117.0 of the code is amended to read as follows:

P-117.0. Violations. Written notice of any violation of this code shall be given by the administrative authority to the violator within 7 days thereof, and upon his failure to remove the violation within a reasonable time, prosecution for violation of this code shall be commenced against him.

D. Section P-201.1 of the code is amended to read as follows:

P-201.1 Definition of Terms.
Administrative authority. The individual official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended; except when used in sections P-301.3, P-301.31, P-301.32, P-401.1, P-405.22, P-405.28, P-405.33, P-405.51, P-406.8, P-502.6, P-502.7, P-602.33, P-602.51, P-602.54, P-916.0, P-1002.31, P-1216.2, P-1605.114; it means the state administrative authority and not a local authority.

(All other definitions within the section remain the same.)

E. Section P-301.1 of the code is amended to read as follows:

P-301.1. New Buildings. All plumbing materials and plumbing systems or parts thereof installed hereafter shall meet the provisions of this code.

F. Section P-301.2 of the code is amended to read as follows:

P-301.2. Existing Buildings. In existing buildings or premises in which plumbing installations are to be altered, renovated or replaced, such new materials and work shall meet the provisions of this code. Where the administrative authority

shall find that the full performance of bringing such work into compliance with all requirements of this code would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability, a deviation may be granted by the administrative authority only where, and to the extent, necessary to relieve such exceptional or undue hardship, and only where, and to the extent, such deviation can be granted without impairing the intent and purpose of this code. A record, open to inspection by the public, shall be maintained by the administrative authority of each and every deviation allowed under the terms of this section.

G. Section P-308.2 of the code is amended to read as follows:

P-308.2. Public Systems Available. A public water supply system and/or public sewer system shall be deemed available to premises used for human occupancy if such premises are within 200 feet, measured along a street, alley, or easement, of the public water supply or sewer system, and a connection conforming with the standards set forth in this code may be made thereto.

H. Section P-309.3 of the code is added as follows:

P-309.3. Industrial-Commercial Chemical Waste Information. When plans of plumbing installations that involve industrial or commercial type wastes are submitted for approval, complete process information shall accompany the plans. The information shall include without limitation the following:

- (a) Description of process yielding the waste.
- (b) Composition and concentration of chemical mixtures in the process.
- (c) Composition of wastes and concentration of constituents.
- (d) Quantities of wastes to be treated and rates of discharge to treatment equipment.
- (e) Capacity of largest process tank or tanks that will be simultaneously discharged.
- (f) Water demands of the industrial waste producing process.
- (g) Description of waste treatment equipment to be used, including capacities, methods of treatment, quality of effluent, nature and disposition of products resulting from treatment.

I. Section P-313.3 of the code is amended to read as follows:

P-313.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration. In climates with freezing temperatures, plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

J. Section P-405.12 of the code is amended to read as follows:

P-405.12. Water Service Pipe. Water service pipe shall be made of asbestos cement pipe, brass pipe, copper pipe, copper tube, cast iron water pipe, open-hearth iron pipe, plastic pipe or steel pipe. Copper tube when used underground shall have a weight not less than copper water tube type L. All threaded ferrous pipe and fittings shall be galvanized or cement lined. When used underground in corrosive soil or fill, the piping material or protective coating or covering shall be as approved by the State plumbing board.

K. Section P-602.31 of the code is amended to read as follows:

P-602.31. Prohibited Fittings. No tee branch shall be used as a drainage fitting. No fitting or connection which has an enlargement chamber or recess with a ledge or shoulder, or reduction in pipe area shall be used. No running threads, bands, or saddles, shall be used. No drainage or vent piping shall be drilled, tapped or welded.

L. Section P-701.16 of the code is amended to read as follows:

P-701.16. Swimming Pools. Pipes carrying waste water from swimming or wading pools, including pool drainage, back wash from filters and water from floor drains which serve walks around pools, may be installed as piping for an indirect waste. Where the recirculation pump is used to discharge waste pool water to the drainage system, the pump discharge line shall be installed to convey an indirect waste to the sewer.

M. Section P-701.2 of the code is amended to read as follows:

P-701.2. Air Gap or Air Break Required. All indirect waste piping shall discharge into the building drainage system through an air gap or air break, as set forth in Section P701.1 of this code.

N. Section P-1001.7 of the code is amended to read as follows:

P-1001.7. Building Traps. The use of building or house traps is optional except where specifically required by the administrative authority. Each building trap, when installed, shall be provided with a cleanout and with a relieving vent or fresh air intake on the inlet side of the trap which need not be larger than 1/2 the diameter of the drain to which it connects. The relieving vent or fresh air intake shall be carried above grade and terminate in a screened outlet located outside the building.

O. Section P-1001.9 of the code is added as follows:

P-1001.9. Recesses for Trap Connection. A recess provided for connection of the underground trap such as one serving a bath tub in slab-type construction shall have sides and bottom of corrosion resistant, insect and vermin proof construction.

P. Section P-1101.3 of the code is amended to read as follows:

P-1101.3. Base of Stacks. An accessible cleanout shall be provided at or near the foot of each vertical waste or soil stack.

Q. Section P-1101.4 of the code is amended to read as follows:

P-1101.4. Building Drain and Building Sewer Junction. There shall be a cleanout near the junction of the building drain and the building sewer. This cleanout may be either inside or outside the building wall. If outside, the cleanout shall not be installed in public property nor more than 5 feet from the outside face of the wall or other permanent obstruction or foundation. If inside, the cleanout opening shall be not more than 24 inches from the inside face of the wall, except that buildings with unusually wide footings shall have the cleanout installed as close to the finished wall as possible, without encasement of the cleanout extension in the foundation.

R. Section P-1102.0 of the code is amended to read as follows:

P-1102.0. Underground Drainage. Cleanouts, when installed on an underground drain, shall be extended vertically to or above the finished grade level.

S. Section P-1204.55 of the code is amended to read as follows:

P-1204.55. Plastic Connections. Plastic water closet bends may be used when provided with a suitable 4 inch by 3 inch flange used to receive the fixture horn.

T. Section P-1205.41 of the code is added to read as follows:

P-1205.41. Urinals, Stall Type, Watertight Pans Required. Urinals of stall type shall be constructed so as to have a watertight pan of lead or other approved materials by the state plumbing board installed beneath them. The drain for the urinal shall be made with a drainable clamping ring assembly to the watertight pan.

U. Section P-1605.10 of the code is amended to read as follows:

P-1605.10. Used Water Return Prohibited. Water used for cooling of equipment or other processes shall not

be returned to the potable water system. The water shall be discharged into a drainage system through an air gap or may be used for nonpotable purposes.

V. Section P-1606.21 of the code is amended to read as follows:

P-1606.21. Pressure Relief Valves. The valves shall have a relief rating adequate to meet the pressure conditions in the equipment served. They shall be installed in the cold water supply line to the heating equipment served except where scale formation from hard water may be encountered in which case they may be installed in the hot water supply line from the heating equipment served. There shall be no shutoff valve between the pressure relief valve and the tank. The pressure relief valve shall be set to open at not less than 25 p.s.i. above the street main pressure or not less than 25 p.s.i. above the setting of any house water pressure regulating valve. The setting shall not exceed the tank working pressure. The minimum size of both the inlet and discharge connections shall be 3/4 inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 BTU per hour may have inlet and discharge connections of 1/2 inch pipe size.

W. Section P-1606.22 of the code is amended to read as follows:

P-1606.22. Temperature Relief Valves. Temperature relief valves shall be of adequate relief rating, expressed in BTU/HR, for the equipment served. They shall be installed so that the temperature sensing element is immersed in the hottest water within the top 6 inches of the tank. The valve shall be set to open when the stored water temperature is 210° F. or less. The minimum size of both the inlet and discharge connections shall be 3/4 inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 B.T.U. per hour may have inlet and discharge connections of 1/2 inch pipe size.

X. Section P-1606.23 of the code is amended to read as follows:

P-1606.23. Combination Pressure-Temperature Relief Valves. Combination pressure-temperature relief valves shall comply with the applicable requirements for individual pressure and individual temperature relief valves and shall be installed so that the temperature sensing element is immersed in the hottest water within the top 6 inches of the tank. The minimum size of both the inlet and discharge connections shall be 3/4 inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 B.T.U. per hour may have inlet and discharge connections of 1/2 inch pipe size.

Section II

As used in this Ordinance and in the Plumbing Code, the following terms have the following meanings:

(a) "Authorized master plumber" means a person who has met the qualifications to obtain plumbing permits from an administrative authority.

(b) "Building sewer permit" means a permit issued by an administrative authority for a building sewer.

(c) "Plumbing permit" means a permit issued by an administrative authority for a plumbing system.

(d) "Private sewer permit" means a permit issued by an administrative authority for a private sewer.

Section III

Notwithstanding anything to the contrary in the township plumbing code, the following subsections are additions to said code and are paramount in their application.

A. AUTHORIZED MASTER PLUMBERS

1. To obtain plumbing permits, an applicant shall:

- (a) Be an authorized licensed master plumber in this state.
- (b) Be active in the business of serving the public as a master plumber in a county, city, village or township in this state.
- (c) Represent only one firm, which may operate one or more branches in this state bearing the same firm name, when a licensed master plumber is in charge and has the responsibility of supervision at each branch. A firm may have one or more authorized master plumbers to obtain permits. The names of the authorized master plumbers representing a firm shall be on record with the state plumbing board.

2. To become an authorized master plumber, an application shall be made on a form furnished by the state plumbing board and filed with the board at Lansing, Michigan. An incomplete application will be returned to the applicant.

B. PLUMBING PERMITS

1. An applicant for a permit shall be an authorized master plumber.
2. An application for a permit shall be made in writing on a form provided by an administrative authority. An incomplete application shall be returned to the applicant. The application shall contain:
 - (a) Name of authorized master plumber.
 - (b) Master plumber license number.
 - (c) Name of plumbing firm.
 - (d) Address of place of business.
 - (e) Name and address of the owner or agent for whom the work is being done.
 - (f) Location of work by city or township, county, street and number, or lot and block number when street number is not available.
 - (g) Type of building.
 - (h) Number and type of fixtures or devices to be installed or nature of construction, alteration or repair.
3. An authorized master plumber is responsible for completion of the plumbing for which he has an active permit. Permits issued to an authorized master plumber representing a plumbing firm are valid for the firm to complete the plumbing upon his death. However, work shall be done under the supervision of a master plumber.
4. If the authorized master plumber who signs an application for a permit does not desire to do the work covered by it, either in part or in its entirety, he shall notify the administrative authority in writing, requesting that he be released from responsibility for that part of the work which he does not desire to do. However, he will be held responsible for the work which he has completed. The administrative authority's record shall indicate the extent of the completed work and the responsibility.
5. When an emergency requires a plumbing permit, the authorized master plumber shall apply for a permit within 72 hours.
6. An administrative authority may refuse to issue new permits to an authorized master plumber who has failed to correct violations or to any authorized master plumber representing a firm which has failed to correct violations.

C. BUILDING SEWER AND PRIVATE SEWER PERMITS

1. An application for a permit shall be made in writing on a form provided by an administrative authority. An incomplete application shall be returned to the applicant. The application shall contain:
 - (a) Name of the applicant.
 - (b) Name of the applicant's firm.
 - (c) Address of place of applicant's firm.
 - (d) Name and address of the owner or agent for whom the work is being done.
 - (e) Location of work by city or township, county, street and number, or lot and block number when street number is not available.

- (f) Type of building.
- (g) Nature of sewer construction, alteration or repair.

2. A person is responsible for completion of the work for which he has an active permit.

3. If the person who signs an application for a permit does not desire to do the work covered by it, either in part or in its entirety, he shall notify the administrative authority in writing, requesting that he be released from responsibility for that part of the work which he does not desire to do. However, he will be held responsible for the work which he has completed. The administrative authority's record shall indicate the extent of the completed work and the responsibility.

4. When an emergency requires a sewer permit, a person shall apply for a permit within 72 hours.

5. An administrative authority may refuse to issue new permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations.

D. HOMEOWNER INSTALLATION

1. A homeowner installing his own plumbing, building sewer or private sewer and having knowledge of the plumbing code rules shall:

- (a) Apply for the appropriate permit.
- (b) Furnish a statement that all work will be performed by himself and by no one else.
- (c) Pay the required fee.
- (d) Apply for inspection by and approval of the administrative authority.

E. FEE SCHEDULE

The fee for plumbing inspections as may be required under the plumbing code shall be established from time to time by resolution of the township board and shall, in no event, exceed the actual cost of the township in providing such services.

Section IV


Any violation of this Ordinance or the Plumbing Code or any part thereof shall be punishable by a fine not to exceed ONE HUNDRED (\$100.00) DOLLARS plus costs and/or confinement in the county jail for a term not to exceed ninety (90) days. 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 the said Plumbing Code.

Section V

Should any portion of this Ordinance or the Uniform Plumbing Code adopted hereby be declared unconstitutional, illegal or of no force and 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 VI

All ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date of this Ordinance. This Ordinance shall take effect July 21, 1975.


Judith M. Decker, Township Clerk

C E R T I F I C A T E

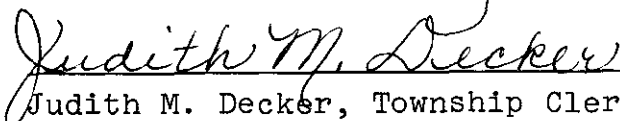
I, JUDITH M. DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Prairieville Township Board, held May 15, 1975, at 9:30 o'clock p.m., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 11 heretofore recorded to become effective July 21, 1975, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Robert Vanderboegh
 Judith M. Decker
 Otis Hermenitt
 Graydon Doster
 Michael Nevins

Nay: None

I do further certify that said Ordinance No. 11 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 5th day of June, 1975; and further that said Ordinance No. 11 was recorded in this Ordinance Book on the 19th day of May, 1975.

Dated: May 19, 1975


Judith M. Decker, Township Clerk

} ss.

lerton

deposes and says that he is one
the Hastings Banner, a newspaper
in said County of Barry; that the

Prairieville Township

r 11.

d in said paper at least once in
successive weeks, on
wit:

June 4 A. D. 1975

A. D. 19

A. D. 19

A. D. 19

A. D. 19

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 12
 PRAIRIEVILLE TOWNSHIP SUBDIVISION ORDINANCE

Adopted: April 7, 1976

Effective: June 4, 1976

An Ordinance regulating the subdivision of land in the Township of Prairieville, Barry County, Michigan, requiring and regulating the preparation and presentation of preliminary and final plats for such purpose; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedures to be followed by the Township Board in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

ARTICLE I - GENERAL PROVISIONS

1. SHORT TITLE: This Ordinance shall be known and may be cited as the "Prairieville Township Subdivision Ordinance."
2. PURPOSE: The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Prairieville, in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:
 - (a) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
 - (b) Achieve individual property lots of maximum utility and livability.
 - (c) Insure adequate provisions for water, drainage, sanitary facilities, and other health requirements.
3. LEGAL BASIS: This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act

288, PA 1967, as amended; Act 191, PA 1939 providing for publication of ordinances; Act 246, PA 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public health, safety and general welfare.

4. SCOPE: This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.
5. ADMINISTRATION: The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, PA 1967, as amended.
6. SCHEDULE OF FEES: The fees for review of plats shall be equal to the sum of One Dollar (\$1.00) multiplied by the number of lots contained in the proposed subdivision, but not less than Fifty Dollars (\$50.00).

ARTICLE II - PRELIMINARY PLAT FOR TENTATIVE APPROVAL

1. Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the Township Board for tentative approval, shall submit not less than four (4) or more than ten (10) legible copies of said proposed preliminary plat accompanied by the fee as indicated in Article I, Section 6. Said copies must contain, as a minimum, the following information:

- (a) Show relief of area proposed to be platted with contour intervals.
- (b) Indicate road layout.
- (c) Indicate lot layout, showing size and shape of proposed lots.
- (d) Indicate whether proposed plat will be served by sanitary sewer and/or water.
- (e) Indicate the general location and size of any flood plain possibly located within the area to be platted.
- (f) Indicate in general the methods proposed for storm water disposal.
- (g) When the proprietor owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.

2. Upon receipt of copies of said proposed plat for tentative approval, the Township Board shall examine said proposed preliminary plat with the assistance and review by such engineer and attorney as the Township Board shall require. The Township Board shall determine whether said proposed preliminary plat complies with all County and Township Ordinances and State Statutes as well as makes adequate provision for the following:

A. Streets

- (1) The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
- (2) Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract so as to make provisions for future projection of streets into adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.

- (3) Private streets may be permitted by the Township Board if the Township Board finds that private streets within the plat will not adversely affect public health, safety or welfare.
- (4) All new streets shall be named as follows:
Streets with predominant north-south directions shall be named "Street"; streets with predominant east-west direction shall be named "Avenue"; meandering streets may be named "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs may be named "Circle", "Court", "Way" or "Place", etc.
- (5) Streets should intersect at 90 degrees or closely thereto and in no case less than 80 degrees.
- (6) Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
- (7) The maximum length allowed for residential blocks shall be 1,000 feet.
- (8) All primary road right-of-way, as designated by the Township Board, within or abutting plats hereinafter recorded, shall provide a 50 foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited except upon prior approval of the Township Board, to be granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.
- (9) A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed so as to provide two or more access streets.

B. Lots

- (1) The lot width, depth, and area shall not be less than the particular district requirements of the county or township zoning ordinance. If such ordinances are not in effect at the time of said plat approval, then no residential lot shall be less than 80 feet wide at the distance of 25 feet from its front line. If a lot diminishes in width from front to rear, it shall be no less than 80 feet wide at a distance of 50 feet from its front line; and no residential lot shall have an area of less than 12,000 square feet.
- (2) Corner lots generally should have extra width to permit appropriate building setback from both streets.

C. General Provisions

- (1) Privately held reserve strips controlling access to streets shall be prohibited.
 - (2) Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
 - (3) Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open spaces.
3. If the Township Board determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions herein set forth, it shall grant tentative approval of the preliminary plat, which approval shall confer upon the proprietor for a period of one (1) year from date of approval, lot size, lot orientation and street layout. Such

tentative approval may be extended in the discretion of the Township Board upon application of the proprietor.

ARTICLE III - PRELIMINARY PLAT FOR FINAL APPROVAL

1. Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat to the Township Board for final approval shall submit the fee as required in Article I, paragraph 6 and shall submit the following relevant data:
 - A. Evidence that all requirements imposed by the Township Board at the time of granting tentative approval have been incorporated into the proposed plat.
 - B. Working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
2. Upon receipt of all required copies of the preliminary plat for final approval, the Township Board shall examine the same with such assistance and review by an engineer and attorney as the Township Board shall request. During its review, the Township Board shall determine whether said proposed preliminary plat complies with the requirements imposed by the Township Board at the time of tentative approval; has obtained the required statutory approval of other governmental agencies and in addition, meets the following requirements:
 - A. All road grades shall not exceed a 7% grade or be less than a .5% grade except upon special approval of the Township Board.
 - B. All road rights-of-way within or abutting such plat shall be constructed with not less than 6 inch compacted gravel base, 22 feet wide, covered with not less than 2 inches of bituminous aggregate pavement, 20 feet wide.

- C. All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a .5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The foregoing .5 foot elevation and tree and obstruction removal may be varied or adjusted by the Township Board upon recommendation of the township engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.
- D. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 125 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet.
- E. Adequate provisions shall be made for the drainage of all surface waters. Where storm sewers are used, inlet basins must not be spaced further than 300 feet apart except upon approval of the Township Board. Where such outlets are not available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage.
- F. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed subdivision.
- G. In the discretion of the Township Board, the proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground

entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.

- H. No land within the subdivision may be isolated from a public highway nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
3. If the Township Board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two (2) years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two-year period may be extended in the discretion of the Township Board upon application by the proprietor.

ARTICLE IV - FINAL PLAT FOR FINAL APPROVAL

1. Final plat shall be prepared and submitted as provided in the Subdivision Control Act, accompanied by the recording fee and an abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
2. The Township Board shall review the proposed final plat and determine that:

- A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors.
- B. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
- C. If any flood plains are involved in the proposed subdivision land, such flood plains shall be restricted as provided by the Michigan Subdivision Control Act and such restrictions shall be submitted to the Township Board for review and approval prior to recording, and thereafter shall be recorded in the Office of the Register of Deeds contemporaneously with the recording of the plat.
- D. All utilities servicing the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the Township Board sufficient in amount to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
- E. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot-lines provided for utilities shall be at least twelve (12) feet wide, usually six (6) feet dedicated from each lot or parcel, except side lot easements three (3) feet wide granted for street lighting drop-outs. These easements should be direct and continuous from block to block.
- F. All public improvements such as fire hydrants, parks, etc., which have been required by the Township Board, have been

completed and installed or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the specified time and a Deposit Agreement executed by the proprietors.

- G. The proposed final plat complies with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
 - H. That the dedication is executed by all required owners.
3. The Township Board shall review the final plat at its next regular meeting or at a meeting to be called within twenty (20) days of receipt of the plat.
 4. The Township Board shall approve the plat or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing.
 5. The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting which shall be open for inspection and to sign the municipal certificate on the approved plat in behalf of the Township Board.

ARTICLE V - PENALTY IN A CASE OF FAILURE TO COMPLETE
THE CONSTRUCTION OF A PUBLIC IMPROVEMENT

In the event the subdivider shall, in any case, fail to complete any work required within such period of time as required by the conditions of the guarantee and Deposit Agreement for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider has deposited with the Township Board or it may take such steps as may be deemed necessary to require performance in accordance with the Deposit Agreement executed by the proprietors.

ARTICLE VI - LOT SUBDIVISION

The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application

shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the township or county zoning ordinance. No building permit shall be issued, or any building construction commenced unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

ARTICLE VII - PENALTIES FOR FAILURE TO COMPLY
WITH THIS ORDINANCE

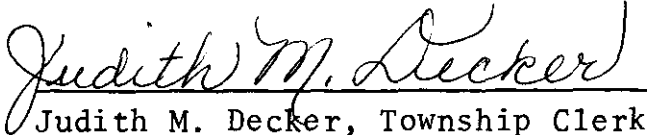
PENALTIES: Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land owners, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer 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 Subdivision Control Act.

ARTICLE VIII - AMENDMENTS

PROCEDURES: The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance, as provided by law.

ARTICLE IX - MISCELLANEOUS PROVISIONS

1. VALIDITY: Should any section, clause or provision of this Ordinance be declared by the courts 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.
2. EFFECTIVE DATE: This Ordinance shall take effect on the 4th day of June, 1976. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Judith M. Decker, Township Clerk

C E R T I F I C A T E

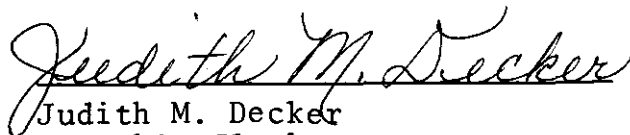
I, JUDITH M. DECKER, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board, held April 7, 1976, at 7:30 o'clock p.m., Daylight Savings Time, at the Prairieville Township Hall, on Norris Road in the Township of Prairieville, at which the following members were present, said Board enacted and passed Ordinance No. 12 heretofore recorded to become effective June 4, 1976, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Joel D. Welty
 Judith M. Decker
 Margaret Tobin
 Graydon Doster
 Michael Nevins

Nay: None

I do further certify that said Ordinance No. 12 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 5th day of May, 1976; and further that said Ordinance No. 12 was recorded in this Ordinance Book on the 16th day of April, 1976.

Dated: April 16, 1976


Judith M. Decker
Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

----- Hugh S. Fullerton -----

being first duly sworn, deposes and says that he is
of the Publishers of the Hastings Banner, a newspc
printed and circulated in said County of Barry; that

annexed notice of Prairieville Township,

Barry County, Michigan, Ordinance No.

has been duly published in said paper at least once

each week for one successive weeks
the following dates, to-wit:

----- May 5 ----- A. D. 197

----- A. D. 19

----- A. D. 19

----- A. D. 19

----- A. D. 19

----- A. D. 19

----- A. D. 19

Hugh S. Fullerton

Subscribed and sworn to before me this 5th

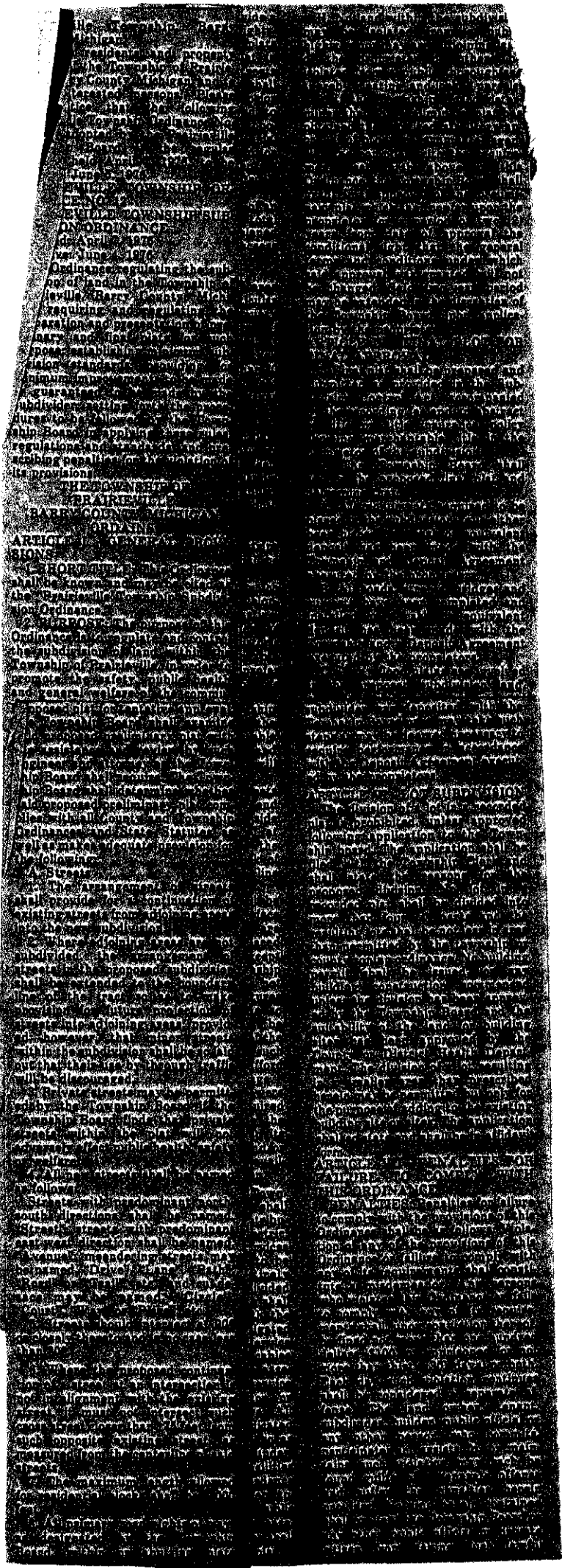
day of May ----- A. D. 1976

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires October 29 1977

34 fol. 1 wk. \$ 170.00



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 13

ZONING ORDINANCE

PRAIRIEVILLE TOWNSHIP

BARRY COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE
TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN AND
ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Prairieville
Township Ordinance No. 13 was adopted by the Prairie-
ville Township Board of Trustees at a regular meeting held
December 8 , 19 76.

An Ordinance to promote the public safety, health,
morals, convenience and general welfare of Prairieville
Township; to provide a zoning document to be used as a
guide and foundation for future planned development of this
Township, said document to assist in the fair dispute of
all cases and to alter same when necessary to keep this
Ordinance up to date with the general feelings and desires
of the majority of the people.

INDEX

	PAGE
<u>ARTICLE 1</u>	
PURPOSE AND AUTHORITY	
Section 1.0 - Purpose	1.
Section 1.1 - Authority	1.
<u>ARTICLE 11</u>	
Short Title	1.
<u>ARTICLE 111</u>	
RULES APPLYING TO TEXT AND DEFINITIONS	
Section 3.0 - Rules Applying to text	2.
Section 3.1 - Definitions	2.
<u>ARTICLE 1V</u>	
GENERAL PROVISIONS	
Section 4.0 - Purpose	16.
Section 4.1 - Application of Regulations	16.
Section 4.2 - Building Relationships	16.
Section 4.3 - Temporary Uses	17.
Section 4.4 - Moving of Buildings	17.
Section 4.5 - Razing of Buildings	17.
Section 4.6 - Intersection Visibility	18.
Section 4.7 - Through Lots	18.
Section 4.8 - Essential Services Exemption	18.
Section 4.9 - Required Water Supply and Sewage Disposal Facilities	18.
Section 4.10 - Grades	19.
Section 4.11 - Removal of Soil, Sand or other Material	19.
Section 4.12 - Mobile Homes	19.
Section 4.13 - Development Plan Requirements	20.
Section 4.14 - Greenbelts	21.
Section 4.15 - Restoration of Unsafe Buildings	21.

INDEX

	PAGE
Section 4.16 - Continued Conformance with Regulations	21.
Section 4.17 - Parking and Loading Spaces	22.
Section 4.18 - Signs	27.
Section 4.19 - Home Occupations	29.
Section 4.20 - Accessory Buildings	30.
Section 4.21 - Accessory Buildings as Dwellings	31.
Section 4.22 - Yard Encroachments	31.
Section 4.23 - Outdoor Storage Facilities	32.
Section 4.24 - Lots Having Water Frontage	32.
Section 4.25 - Keeping of Animals	32.
Section 4.26 - Repair and Clean-up: Damaged or Destroyed Buildings	34.
Section 4.27 - Governmental Improvements	34.
Section 4.28 - Short-Term Gatherings and Special Events	34.
Section 4.29 - Supplementary Setback Requirements	34.
Section 4.30 - Refuse	35.
Section 4.31 - Swimming Pools and Swimming Pool Fences	35.
Section 4.32 - Fences, Walls and Screens	35.

ARTICLE V

ESTABLISHMENT OF ZONING DISTRICTS

Section 5.0 - Zoning Districts	35.
Section 5.1 - Zoning District Map	36.
Section 5.2 - Interpretation of Zoning District Boundaries	36.

ARTICLE VI

ZONING DISTRICT REGULATIONS

Section 6.0 - "R-1" - Single Family, Low Density, Residential District	44.
Section 6.1 - "R-2" - Single Family and Two Family Medium Density Residential District	45.
Section 6.2 - "R-4" - Multiple Family, High Density Residential District	46.
Section 6.3 - "R-5" - Mobile Home Parks, Residential District	48.

INDEX

	PAGE
Section 6.4 - "C-1" - Rural Area Convenience, Commercial District	49.
Section 6.5 - "I-1" - Industrial District, Light	50.
Section 6.6 - "A" - Agricultural District	51.
Section 6.7 - "P-1" - Public Land	52.
Section 6.7 - "P-2" - Semi-Public Land	53.

ARTICLE V11

SPECIAL USES

Section 6.8 - Permit Required for Certain Uses	53.
Section 6.9 - Procedures	53.
Section 6.10 - Basis of Determination	54.
Section 6.11 - Conditions and Safeguards	54.
Section 6.12 - Re-application	54.

ARTICLE V111

NON-CONFORMING USES, LOTS, AND STRUCTURES

Section 6.13 - Intent	55.
Section 6.14 - Continuance of Use	55.
Section 6.15 - Change of Non-Conforming Use	55.
Section 6.16 - Repair of Non-Conforming Buildings	55.
Section 6.17 - Non-Conforming Lots of Record	55.

ARTICLE 1X

ZONING BOARD OF APPEALS

Section 7.0 - Purpose	56.
Section 7.1 - Creation. Membership, Terms of Office	56.
Section 7.2 - Compensation	56.
Section 7.3 - Rules of Procedure	56.
Section 7.4 - Appeals	57.
Section 7.5 - Duties and Powers of the Zoning Board of Appeals	57.
Section 7.6 - Stay of Proceedings	59.

INDEX

PAGE

ARTICLE X

ADMINISTRATION & ENFORCEMENT

Section 8.0 - Administration	59.
Section 8.1 - Zoning Compliance Permits	59.
Section 8.2 - Zoning Compliance Permit Application	59.
Section 8.3 - Pre-Construction Inspection	60.
Section 8.4 - Amendments	60.
Section 8.5 - Filing Fees and Cost	63.
Section 8.6 - Enforcement - Violations Penalties	63.
Section 8.7 - Interpretation and Conflict	63.
Section 8.8 - Relief from Personal Responsibility	63.
Section 8.9 - Validity	64.
Section 8.10 - Effective Date	64.

THE TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY

ORDAINS:

ARTICLE 1

PURPOSE AND AUTHORITY

Section 1.0 - Purpose

It is the purpose of this Zoning Ordinance to promote the public safety, health, morals, convenience and general welfare; to encourage the use of lands and natural resources in the County in accordance with their character and trend of community development; to limit the improper use of land; to avoid over-crowding of population; to provide adequate light and air; to lessen congestion on the public streets and highways; to reduce the hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage, drainage, safe and adequate water supply and distribution, 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 environment by establishing herein standards for community development in accordance with these objectives and the Prairieville Township Land Use Plan and by providing for the enforcement of such standards.

It is the further purpose to adopt provisions for each designated zoning district, which within each location, the sizes and use of buildings, land and minimum open spaces, sanitary measures required, and the number of families to be housed in certain areas, in buildings erected or altered in the future are specified.

Section 1.1 - Authority

The Prairieville Township Planning Commission was created in April, 1972 by the Prairieville Township Board under 1959 PA 168, as amended, for the purpose of planning and preparing a master plan; and all powers, duties and responsibilities provided by the 1943 PA 184 for zoning boards were transferred by resolution to the Prairieville Township Planning Commission pursuant to Section 11 of said Township Planning Act.

ARTICLE 11

SHORT TITLE

Section 2.0

This Ordinance shall be known and may be cited as the Prairieville Township Zoning Ordinance and will be referred to herein as "this Ordinance".

ARTICLE 111

RULES APPLYING TO TEXT AND DEFINITIONS

Section 3.0 - Rules Applying to Text

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In any case of difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. 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.
- E. The word "erected" shall include the moving upon the land of any structure including mobile homes.
- F. The word "building" includes the word "structure."
- G. A "building" or "structure" includes any part thereof.
- H. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".
- I. Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- J. The term "adjoining lots and parcels" is intended to include lots and parcels separated by highways, roads, streets or natural water courses.

Section 3.1 - Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

1. Accessory Building or Structure: A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An accessory structure attached to a main structure shall be considered part of the main structure. The general character of any accessory structure shall be complementary to the zoning district.

2. Accessory Use: A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.
3. Agriculture: See "farm".
4. Alley: Any dedicated public way, other than a street, providing a secondary means of access to a property and not intended for general traffic circulation.
5. Alter or Alteration: The word "alter" or "alteration" in the context of this Ordinance shall mean any change, improvement, or repair to the structure that results in a change or modification to the exterior dimension of said structure. Roofing, siding, insulation, etc. shall not be construed to be a change in the exterior dimension.
6. Apartment: A room or suite of rooms, including bath and culinary accommodations, in a multiple dwelling intended or designed for use as a residence by a single family.
7. Bars: See "tavern".
8. Basement: That portion of the building which is partly underground and which has a majority of its floor to ceiling height below grade.
9. Billboards and Signs:
 - a. Billboards: Any structure, 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.
 - b. Business Sign: Any structure, 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.
 - c. Real Estate Sign: Any temporary structure used only to advertise, with pertinent information, the sale, rental, or leasing of the premises upon which it is located.
 - d. Identifying Sign: 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.

- e. Name Plate: 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.
10. Boarding House - Rooming House: A dwelling having one or more kitchens and used for the purpose of providing meals and/or lodging for pay or compensation of any kind and having four or less sleeping rooms in addition to those used by the immediate family.
11. Building: A structure either temporary or permanent, having a roof supported by columns or walls.
12. Building Code: The building or construction code in effect in Prairieville Township. In general, the building code will regulate requirements for construction, housing, plumbing, electrical wiring, and fire protection.
13. Building, Height of: The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.
14. Building Inspector: The administrator of the building, housing, plumbing, electrical or other codes that have been adopted or may be adopted in the future by the Township or which the Township is required by law to enforce. The Building Inspector is employed by the Prairieville Township Board and may also be assigned to perform the duties of the Zoning Administrator.
15. Building Line: A line parallel to the front lot line drawn at a distance representing the minimum horizontal distance between the front lot line and the nearest point of the building.
16. Building Permit: A permit issued by the Building Inspector as required by the Building Code regulations. A Building Permit is not a Zoning Permit.
17. Cabin: A detached building which is used for seasonal occupancy as a dwelling or sleeping quarters, but not including motels.
18. Cabin Court: One (1) or more cabins which may be used for seasonal occupancy as a dwelling or sleeping quarters for transients or tourists for a fee, but not including motels.

19. Prairieville Township Planning and Zoning Commission: The official and legally consummated Township Planning and Zoning Commission of Prairieville Township, Barry County, Michigan.
20. Development Plan: A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including but not limited to locations and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, utility systems, open spaces, greenbelts, and drainage facilities.
21. Districts: "Districts" as used herein is synonymous with the word "zones" or "zoning district".
22. Dog Kennel: Any place where more than three (3) dogs over six (6) months of age are housed and cared for and which is not an animal hospital.
23. Drive-In Restaurant: A public eating place where a majority of the food that is prepared is served or sold for consumption other than within a building on the premises.
24. Dwelling: Any building or portion thereof, which is designed or used exclusively for residential purposes.
- a. Duplex: Two family dwelling, ~~single level~~.
25. Dwelling, Multiple Family: A building conforming to Prairieville Township Building Code, designed for or occupied exclusively by three (3) or more families with separate housekeeping facilities for each, but not including motels or hotels.
26. Dwelling, Single Family: A detached building conforming to Prairieville Township Building Code, designed for or occupied exclusively by one (1) family and containing housekeeping facilities, but not including mobile homes.
27. Dwelling, Two Family: A building conforming to Prairieville Township Building Code, designed for or occupied by two (2) families, with separate housekeeping facilities for each.
28. Dwelling Unit: a building, or portion thereof, designed for residential occupancy by one (1) family.

29. Essential Service by Public Utilities and Other Agencies: This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments or other governmental agencies of electric substations, gas regulator buildings and auxiliary buildings, underground or overhead gas, electrical communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices, buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies. Transmission towers or cables associated with radio and television broadcastings are not considered to qualify as an essential service.
30. Family (One): An individual, or two (2) or more persons related by blood, marriage or adoption, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group of persons occupying a boarding house, or lodging house, hotel, club, fraternity or similar dwelling for group use. The usual domestic servants residing on the premises shall be considered as a part of the family.
31. Family (Immediate): A person or persons related by blood, marriage, or adoption, excluding aunts, uncles and cousins.
32. Farm: All the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute the type of farming being performed.; and, for the purpose of this Ordinance, farms may be considered as including establishments operated as bonafide green houses, nurseries, orchards, chicken hatcheries, poultry farms, dairy farms, apiaries and other similar activities. The words "agriculture" and "farming" shall be considered as synonymous.

33. Farm Buildings: Any building or structure, other than a dwelling, used or maintained on a farm which is essential and customarily used on farms in the pursuit of agricultural activities.
34. Floor Area: The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, car ports, verandas, garages, unfinished attics, attic floor areas with less than five (5) vertical feet from floor to finished ceiling, and all basements are excluded.
35. Foundation (Permanent): All exterior walls shall be supported on continuous masonry or concrete footings (or other approved structural system) which shall be of sufficient design to support safely the loads imposed as determined by the character of the soil.
36. Frontage: The total length along which a parcel of land fronts on a street measured along the line where the property abuts the street right-of-way line.
37. Garage - Private: A detached accessory building or portion of main building for the parking or temporary storage of automobiles, boats, house trailers and similar vehicles owned and used by the occupants of the building to which it is accessory or to which it is a part of.
38. Garage - Public: A building, other than a private garage, used for the care, repair or storage of equipment, automobiles, boats, trucks, buses, motorcycles, snowmobiles and other similar vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.
39. Gasoline Service Station: A building or structure and land area combined, used primarily for servicing motor vehicles, with the usual operating commodities such as gasoline, fuel oil, grease, water, batteries, tires and other minor accessories, or services such as washing, waxing, lubricating, and minor repairs such as the repair of tires, lights, charging of batteries or minor engine repairs and adjustments when conducted within an enclosed building. Major repairs such as engine replacement, painting, body work, and refinishing shall not be included.
40. Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

41. Greenbelt: A planting strip or buffer strip at least ten (10) feet in width, composed of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and which grow to approximately five feet in height after one (1) full growing season.
42. Home Occupation: An occupation or profession carried on as a subordinate use by a member of a family residing on the premises and conducted entirely within the dwelling, and which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (See Section 4.19)
43. Hotel: A building having more than two (2) stories above the surface of the ground where lodging with or without meals is furnished to transients or to resident guests for compensation, and containing more than four (4) sleeping units.
44. Inoperable Motor Vehicle: Any motor vehicle which is unlicensed, dismantled, wrecked or which cannot be operated under its own power and is kept or stored outside a structure. See Ordinance No. Three (3) as provided in the Prairieville Township Ordinances.
45. Institutional or Public Uses: Churches, schools teaching academic subjects, hospitals, convalescent and nursing homes (4-bed homes and larger), parks, civic centers, libraries and other governmental structures.
46. Junk: Any old, worn out or discarded material including but not limited to scrap metal, rope, rags, paper, trash, debris, inoperable motor vehicles and parts, and other old or scrap materials.
47. Junkyard/Salvage Yard: Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition or use of junk, including scrap materials, motor vehicles, machinery, buildings, structures, construction material or other salvaged material. Also, any premises upon which two (2) or more inoperable motor vehicles are kept or stored outside a building. (See Ordinance No. Three (3) as provided in the Prairieville Township Ordinances.) The storage of used cars in inoperable condition, used or salvaged materials, used furniture and household equipment are excluded if carried on in an enclosed building.
48. Land Use Plan: The official and legally recognized Prairieville Township Land Use Plan including any subsequent amendments or addition thereto.

49. Lot/Parcel/Tract: A piece of land described in a recorded plat or by metes and bounds, occupied or intended to be occupied, by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto together with such area regulations and parking and loading spaces as required by this Ordinance and having its principal frontage on the street.
50. Lot-Corner: A lot which has frontage on two (2) streets and occupies the interior angle of the intersection of the two (2) street right-of-way lines which make an angle of less than one hundred and forty-five (145) degrees.
51. Lot Coverage: The amount of a lot, stated in terms of percentage, that as covered by all the roofed buildings and other structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences, or swimming pools.
52. Lot-Interior: A lot other than a corner lot.
53. Lot-Through: An interior lot having frontage on more than one (1) street.
54. Lot-Line: For the purpose of this Ordinance, a lot line is either the boundary line between two (2) lots or the line between the properties of two (2) different owners.
55. Lot-Line-Front: In the case of an interior lot, the boundary line of the lot immediately adjacent to the right-of-way upon which the lot fronts, and in the case of a corner lot, the front lot line shall be the boundary line of the lot immediately adjacent to the street right-of-way on that side of the lot which has the narrowest frontage.
56. Lot-Line-Rear: A lot line which is opposite and most distant from the front lot line and, in case of an irregular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
57. Lot-Line-Side: Any boundary line not a front lot line or a rear lot line.
58. Lot-Width: The distance between the side lot lines measured at right angles to the lot depth at the setback line.

59. Lot-Depth: The distance between the front and rear lot lines measured in the mean direction of the side lot lines.
60. Lot or Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds; or a lot described by metes and bounds, the deed, land contract, or survey to which has been recorded in the office of the Register of Deeds, or a lot that has been consummated legally by a land contract or survey.
61. Mobile Homes: 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(s) without a permanent foundation.
- The phrase "without a permanent foundation" indicates that the permanent support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.
- This unit shall be designed and built in accordance with National Fire Protection Association Mobile Home Standard (NFPA) No. 501B, and the American National Standards Institute (ANSI) No. A119.1. The 1973 editions of NFPA and the 1974 edition of ANSI are currently in use.
62. Mobile Home Park: A parcel of land under single ownership, for the exclusive use of its occupants, which has been planned, improved and licensed for the placement of single Mobile Home Units for Non-transient use.
63. Mobile Home Park Lot: A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.
64. Modular Home: A factory fabricated transportable dwelling unit conforming to the Prairieville Township Building Code, designed to be used by itself or to be incorporated with similar units at a building site into modular structure to be used exclusively by one (1) family for residential purposes, excluding mobile homes and recreational units as defined herein.
65. Motel: A building or group of buildings having two (2) or fewer stories above the surface of the ground where lodging with or without meals is furnished to transients or to temporary resident guests for compensation, and containing more than four (4) sleeping units.
66. Nightclub: See "Tavern".

67. Non-conforming Building or Structure: Any building or other structure which does not comply with the applicable bulk regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.
68. Non-conforming Lot of Record: See Section 6.17.
69. Non-conforming Use: Any use, whether a building or structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.
70. Occupied: Any structure which is being used for dwelling or sleeping purposes. (Also see Section 3.0 - H.)
71. Owner: A person having legal title to the land through a deed or land contract as distinguished from the owner of personal property.
72. Planned Community Cluster: A type of PUD permitted within the "A" District and generally including between one hundred (100) and five hundred (500) dwelling units with an overall gross density not exceeding five (5) units per acre and served by public water and sanitary sewer facilities.
73. Planned Unit Development: A planned unit development or PUD is a land development project comprehensively planned as an entity via an overall site plan which may permit flexibility in building siting, mixtures of housing types, land uses, usable open spaces and the preservation of natural features.
74. Persons: "Persons" includes any individual, political subdivision, estate, trust, or body of persons, whether incorporated or not, acting as a unit.
75. Principal or Main Use: The primary or predominant use of the premises.
76. Recreational Unit: 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 mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric. Unit shall include but shall not be limited to the following:

- A. Travel Trailer/Fifth Wheel: A vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile/truck primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use.
 - B. Camping Trailer: A vehicular portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material, which folds for towing by another vehicle and unfolds at the camp-site to provide temporary living quarters for recreational, camping or travel use.
 - C. Motor Home: A vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping or travel use.
 - D. Truck Camper: A portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide living quarters for recreational, camping or travel use.
77. Restaurant: A public eating place where a majority of the food that is prepared is served or sold for consumption within a principal building. A restaurant serving alcoholic beverages shall be classified as a tavern in this Ordinance.
78. Right-of Way: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
79. Seasonal Dwelling: A dwelling other than a permanent residence occupied for less than six (6) months in any one (1) year.
80. Setback: A minimum horizontal distance between the building line of the building and the front lot line.
81. Setback Line (Minimum): A line parallel to the front lot line drawn at the minimum horizontal distance as stipulated in the particular zoning district. The building line shall be at or behind the setback line (minimum).
82. Sign: See "Billboards".

83. Solid Waste Disposal Site: Any site or tract of land used for the disposition, storage, transfer, collection or reclamation of solid waste material, and operating in conformance to applicable state and local regulations.
84. Special Use: A use permitted under certain conditions within a zoning district as regulated in Article VII of this Ordinance. Special uses which are permitted within a specific zone district are listed in the Use Regulations of all zone districts.
85. Stable-Private: A building used or to be used by an individual for housing horses owned by said individual for the use of himself and his immediate family.
86. Stable-Public: A building used or to be used for the housing of horses for hire by the owner or operator thereof.
87. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it, and exclusive of any mezzanine balcony or basement.
88. Story-Half: That portion of a building between the eaves and the ridge lines of a pitched roof which may or may not be used for tenant purposes.
89. Street: A public or private thoroughfare which affords the principal means of vehicular access to abutting property including roads and highways but not including an alley.
90. Structure: Anything constructed, erected or to be moved to or from any premises which is permanently located above, on or below the ground, including signs and billboards.
91. Tavern: Any establishment or portion thereof where malt, vinous or spiritous liquors are sold for consumption on the premises.
92. Theatre-Indoor: An indoor theatre shall be any building or portion thereof used as a place of enactment of significant events or activities or for the presentation of dramatic spectacles, shows, movies or other entertainment. Said building shall have a roof completely sheltering actors and patrons and be open to the public, with or without charge.

93. Theatre-Outdoor: An outdoor theatre shall be any place other than an indoor theatre used for the enactment of significant events or activities or the presentation of dramatic spectacles, shows, movies or other entertainment open to the public, with or without charge, including drive-in theatres.
94. Travel Trailer Park: Any site, lot, field or tract upon which three (3) or more occupied recreational units are harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such travel trailer; which site, lot, field or tract shall be licensed and regulated by the State of Michigan and the provisions of this Ordinance.
95. Variance: A change or variance in the dimensional requirements of this Ordinance such as lot area, yard or parking regulations or interpretations of the zoning map. A variance shall be granted by the Board of Appeals in accordance with the provisions of Article IX.
96. Yard: An open space, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the nearest point of the principal building or structure.
97. Yard-Front: A yard extending across the front of the lot between the side lot line and measured between the front lot line and the building line.
98. Yard-Rear: A yard extending across the rear of a lot between the side lot line and being the minimum horizontal distance between the rear lot line and the rear line of the main building or any other projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
99. Yard-Side: A yard between the side lot line and the nearest point of the building and extending from the rear line of the building to the building line.

100. Zoning Administrator: The administrator of this Ordinance, employed by the Prairieville Township Board of Trustees.
101. Zoning Permit: Any permit issued by the Zoning Administrator indicating compliance with the provisions of this Ordinance.

ARTICLE IV

GENERAL PROVISIONS

Section 4.0 - Purpose

General regulations apply to all districts except as noted in this Ordinance. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

Section 4.1 - Application of Regulations

Zoning affects every structure and extends vertically, except as specifically provided in this Ordinance:

- A. No building or structure shall hereafter be erected, razed, altered or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises are located.
- B. No building shall hereafter be erected or altered to exceed the height limitations, or occupy a greater percentage of lot area, or intrude on the required front yard, rear yard, side yards or inner or outer courts, or accommodate or house a greater number of families, or provide less space per dwelling unit than is specified for the district in which such building is located.
- C. No lot area and no yard, court, parking areas or other required space shall be so divided, altered reduced or diminished as to make said area ordimension less than the minimum required under this Ordinance, except where such reduction has been brought about by the expansion or acquisition of public rights-of-way for a street, road or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

Section 4.2 - Lot - Building Relationships

Hereafter, every building erected, razed, altered or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, a mobile home park, or a farm (as regulated in the "A" and "CR" districts), there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zone district permitting residential use.

Section 4.3 - Temporary Uses

- A. No garage or other accessory building, mobile home, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit by the Zoning Administrator or by the Zoning Board of Appeals and satisfying all of the conditions thereof.
- B. No structure shall be used for temporary dwelling purposes that does not comply with public health, safety and welfare regulations.
- C. Temporary buildings for use incidental to construction work shall be permitted provided that all debris shall be removed within fifteen (15) days after the completion or abandonment of the work and said use shall not be in conflict with public health, safety and welfare regulations.
- D. One recreational unit, as defined, may be temporarily located and occupied for recreational purposes on a lot in an A, and CR zone district only, provided that: (1) The owner of the lot is also the owner of the recreational unit. (2) The recreational unit is not rented or leased to the occupants. (3) There are no violations of health or sanitary codes. (4) The recreational unit is not permanently connected to utilities or sewer/septic systems. The recreational unit may be parked and used for recreational purposes as stipulated herein, up to five (5) consecutive days without a permit. In the event an owner desires to exceed the five (5) day limit a permit shall be required; said permit shall be valid for a maximum of forty-five (45) days.

Section 4.4 - Moving of Buildings

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations or requirements relative to the erection of a new building shall be applicable thereto.

Section 4.5 - Razing of Buildings

No building other than a farm out-building shall be razed until a permit has been obtained from the Building Official. Said permit shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed in the permit and complying with such regulations as the Building Inspector may prescribe including filling of excavations and proper termination of utility connections.

Section 4.6 - Intersection Visibility

On any corner lot in any district requiring front and side yards, no fence, wall, screen hedge, sign or other structure or planting shall obstruct vision between the heights of two (2) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision area shall be measured from the elevation of the street centerlines at the point of intersection. No fence, wall, screen hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of two (2) feet and ten (10) feet, measured above the elevation of the street centerline within ten (10) feet of any front property line.

Section 4.7 - Through Lots

In any district, a through lot, as herein defined, shall have a front yard, as hereinafter provided for its particular district on all frontage along each street lot line.

Section 4.8 - Essential Services Exemption

Essential services, as defined in Section 3.1 (Definition 32) shall be permitted as authorized by law and other ordinances in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance; provided that electric transmission substations (supply voltage over 46KV) and gas transmission regulator stations (supply pressure over 400 PSIG) shall be subject to the provisions of this Ordinance; and further provided that appropriate permits will be obtained for all construction. Fees will be charged for substations, regulator buildings and auxiliary buildings but not for those elements directly associated with distribution or transmission systems.

Section 4.9 - Required Water Supply and Sewage Disposal Facilities

- A. Every building, permanent or temporary, hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and means for collecting

and disposing of all human excreta and of all water-carried domestic, commercial, industrial and other wastes that may adversely affect health conditions. The written approval of such facilities by the District Department of Health shall be filed with an application for zoning permit.

B. Large public and private gathering, See (Section 4.28).

Section 4.10 - Grades

- A. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- B. Leaching ponds or holding ponds to handle maximum water run-off may be required when large buildings or parking lots are constructed.

Section 4.11 - Removal of Soil, Sand or other Material

The removal of soil, sand, topsoil or other material from the land shall only be permitted when such use is in conformance with any applicable Soil and Sedimentation Erosion Control Ordinance. The written approval of the administering agency of said ordinance shall be filed with an application for a zoning permit.

Section 4.12 - Mobile Homes

- A. The following rule regarding mobile home units is consistent with the requirements of the State Construction Code:

Any mobile home unit that conforms to requirements of the basic building code for conventional single family dwellings, and is installed on a permanent foundation (as defined), will be allowed as a primary use in any zone district where single family dwellings are permitted. In this case the unit will no longer be considered to be a mobile home by definition.

Section 4.13 - Development Plan Requirements

No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zoning districts where a development plan is required, unless a development plan is submitted to the Prairieville Township Board of Appeals. Development plans are required for mobile home parks, industrial uses, commercial uses, and for special uses in all zone districts. The review of a development plan shall normally be completed within sixty (60) days of application. Any approval shall be valid for one (1) year and if physical development of the project has not been started within the year, a new application must be filed. Three (3) copies of the development plan, drawn to scale, shall be filed with the Zoning Administrator and shall contain the following information:

- A. Total area in the development project.
- B. Location, shape, area and dimension of the lot, lots or acreage to be used.
- C. Present zoning and use of the subject property and adjacent property including the names and addresses of adjacent property owners within three hundred (300) feet of the proposed use.
- D. All public and private right-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated or abandoned. See (Section 6.6 - "A" Agricultural District, B. To prevent land locked areas.)
- E. Location and total number of curb cuts, driveways, off-street parking spaces and loading.
- F. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
- G. Location and dimension of all existing and proposed structures, walks, malls, open spaces, walls, fences, screen plantings and/or other landscaping.
- H. Existing and proposed sewer, water and other utility lines plus location and type of sewage treatment facility and water source.
- I. Required setbacks of the zoning district.
- J. Area of subject property to be covered by building.

- K. Development plans for residential projects (multiple family developments and mobile home parks) shall include the following additional information:
1. Minimum floor area of dwelling units in multiple family development.
 2. Total number of units proposed.
 3. Number of bedrooms per unit in multiple family developments.
 4. Areas to be used for open space and recreation.
 5. Description of any deed or plat restrictions contemplated.
- L. The manner of financing; indicating the financial ability of the owner/developer to complete the proposed project.
- M. Such other information regarding the development area that may be required to determine conformance with this Ordinance or any applicable local development plans, regulations or guidelines.

Section 4.14 - Greenbelts

A greenbelt, as defined herein, shall be required for any commercial or industrial use that abuts a residential use on either the side yard or rear yard. In all instances, this may be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential property owners, the greenbelt may be omitted or a fence substituted for the greenbelt if, after public hearing and notice, the Zoning Board of Appeals finds that there would be no adverse effects upon neighboring property resulting from the waiver or omission.

Section 4.15 - Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by any Building Inspector in the Township.

Section 4.16 - Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and building limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, for a

building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

Section 4.17 - Parking and Loading Spaces

- A. 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>USES</u>	<u>MINIMUM PARKING SPACES REQUIRED</u>
1. Dwelling:	Two (2) for each dwelling unit.
2. Lodging, rooming and boarding houses:	Two (2) for each three (3) guest rooms or each six (6) beds for guests, whichever amount is greater.
3. Private clubs and lodges:	One (1) for each five (5) active members and one (1) for each employee with a minimum of one (1) for each one hundred (100) square feet of floor area.
4. Hospital and institutions:	Two (2) for each patient bed.
5. Sanitariums or convalescent nursing homes:	One (1) for each two (2) beds.
6. Homes for senior citizens:	One (1) for each three (3) beds.
7. Hotels:	One (1) for each two (2) guest rooms.
8. Motels:	One (1) for each sleeping room.
9. Theaters, auditoriums, stadiums:	One (1) for each three (3) seats.

10. Studios, skating rinks, assembly halls and convention halls without fixed seats: Two (2) for each one hundred (100) square feet of floor area open to the public.
11. Bowling alleys: Eight (8) for each alley.
12. Private, elementary and junior high schools: Two (2) for each three (3) employees normally engaged in or about the buildings and grounds plus one (1) for each eight (8) auditorium seats.
13. Senior high schools and institutions of higher learning: Two (2) for each three (3) employees normally engaged in or about the buildings and grounds and one (1) additional for each four (4) students enrolled in the institution.
14. Churches: One (1) for each four (4) seats in the main worship unit.
15. Libraries, museums and post offices: One (1) for each one hundred (100) square feet of floor area.
16. Professional offices: One (1) for each one hundred and fifty (150) square feet of floor area.
17. Restaurants, grills, dining rooms, dairy bars, soda fountains: One (1) for each two (2) seats.
18. Medical doctors offices or dental clinic: Ten (10) for each doctor plus one (1) for each employee.
19. Banks, business offices and public buildings not specifically mentioned elsewhere: One (1) for each one hundred and fifty (150) square feet of floor area.
20. Mortuaries or funeral homes: One (1) for each fifty (50) square feet of floor area used for services.

21. Taverns: Two (2) for each three (3) seats but not less than forty (40) spaces in any event.
22. Marinas: Two (2) for each slip or mooring.
23. Civic or social clubs: One (1) for each fifty (50) square feet of assembly room.
24. Public meeting halls and community centers: Two (2) for each one hundred (100) square feet of public area.
25. "Drive-in" establishments: Eight (8) for each one hundred and twenty-five (125) square feet of ground floor area.
26. Industrial uses: One (1) parking space for each employee at maximum production.
27. Use groupings:
- a. Retail stores, supermarkets, department stores, billiard or pool rooms, personal service shops, general business: Two (2) for each one hundred (100) square feet of floor area in the basement and on the first floor used for retail sales and one (1) for each two hundred (200) square feet of floor area on the second floor used for retail sale and one (1) for each three hundred (300) square feet of floor area on the third floor used for retail sales, and one (1) for each four hundred (400) 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 (1) for each employee on the maximum shift or peak employment period.
 - c. 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.

- d. 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 (1) 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.

- B. 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.
- C. Location of facilities: Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance 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.
1. For all residential buildings and for all non-residential 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 non-residential buildings and uses in commercial zoning districts, required parking shall be provided within three hundred (300) feet.
- D. Size of parking space: Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10) feet in width.
- E. Requirements for parking area: Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) 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 abuts any Zoning District permitting residential use, by a greenbelt as regulated in (Section 4.14.)
 2. The parking lot and its driveway shall be (1) designed

to provide adequate drainage, (2) surfaced with concrete, asphalt pavement, or other approved surface and (3) maintained in good condition, free of dirt, 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. The parking lot shall be provided with wheel or bumper guards so located that no part of a parked vehicle will extend beyond the parking area.
 6. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
 7. No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten (10) feet to the street right-of-way line.
- F. 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, industry, 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 (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles and (2) off-street loading spaces in relation to floor areas as follows:
1. Up to twenty thousand (20,000) square feet -- one (1) space;
 2. Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet -- two (2) spaces; and
 3. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof. Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any Zoning District permitting residential use.

Section 4.18 - Signs

- A. One (1) business sign is permitted for non-residential uses in any "C-1" or "I-1" Zoning District or in a "PUD" Zoning District permitting commercial and industrial uses. If the sign is freestanding, no part of the sign shall extend closer than five (5) feet to street right-of-way or obstruct visibility at street intersections.
- B. The surface area of a business sign shall not exceed thirty-two (32) square feet.
- C. In any residence - "R" Zoning District, one (1) permanent identifying sign is permitted which shall not exceed twelve (12) square feet in area. In all other districts, one (1) identifying sign is permitted which shall not exceed thirty-two (32) square feet in area.
- D. 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.
- E. Flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited.
- F. Temporary real estate signs are permitted in all Zoning Districts. The total area of a temporary real estate sign or signs advertising one (1) lot shall not exceed twelve (12) square feet in area. The total area of a temporary real estate sign or signs advertising more than one (1) lot shall not exceed twenty-four (24) square feet in area.
- G. All signs shall be maintained in good condition and repair.
- H. Gasoline service stations and public garages may display, in addition to one (1) business sign, the following signs:
 - 1. One (1) freestanding or pylon sign advertising the name of the station or garage and/or the principal products sold on the premises, including any special company or brand name, insignia or emblem; provided, however, that each such sign shall not exceed thirty-two (32) square feet in area on a side and shall not be hung closer than five (5) feet to the street right-of-way and not less than fourteen (14) or more than thirty (30) feet above the ground.

2. Not more than two (2) temporary signs located inside the property line and specifically advertising special seasonal servicing of automobiles or gasoline prices; provided, however, that no such sign shall exceed twelve (12) square feet in area.
3. Directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words "washing", "lubrication", "repair", "mechanic on duty", or other words closely similar: provided, however, that there shall not be more than one (1) such sign over each entrance or bay.
- I. No permanent business sign or other type of permanent business sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the Zoning Administrator.
- J. All signs may be illuminated if the source of light is not hazardous; flashing types of signs of any kind are prohibited.
- K. Temporary political signs shall be permitted in all zoning districts provided that a temporary use permit is issued by the Zoning Administrator and all such signs are removed within fifteen (15) days following an election or event.
- L. The following signs are exempt from the provisions of this Ordinance with respect to permits, height, area and location, unless otherwise specified herein:
 1. Highway signs erected by the State of Michigan, Barry County or Prairieville Township.
 2. Governmental use signs erected by 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 (4) 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/trespassing.
 6. Subdivision signs offering real estate for sale not exceeding thirty-two (32) square feet in area; (a) that such signs shall be removed at such times as fifty (50)

percent or more of the lots in such subdivisions are sold; (b) or sign must be maintained as deemed necessary.

7. One (1) construction sign per project, denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two-family dwellings, provided that such signs do not exceed one (1) per project and thirty-two (32) feet in area.
8. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
9. Memorial signs or tablets which are either (a) cut into the face of a masonry surface or (b) constructed of bronze or other non-combustible material when located flat on the surface of a building.
10. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized as a special use by the Board of Appeals. In considering such authorization, the Board of Appeals shall consider the following standards:
 - (a) the size, character and nature of the display on display;
 - (b) the duration or time period during which the sign 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; and
 - (g) the effect of the sign or display on the surrounding neighborhood.

Section 4.19 - Home Occupations

- A. Home occupations shall be permitted only after the issuance of a special use permit as provided in this Ordinance. The home occupations shall not be allowed when the opinion on the Zoning Board of Appeals is; the home occupation would change or alter the Residential character of a neighborhood.
- B. Home occupations, as defined in this section (Section 4.19), shall include: professional business and personal service on a small scale including but not limited to: insurance agencies, beauty shops, barber shops, income tax service, shop repair, arts and crafts, real estate, photographic studio, music teaching, small appliance and electrical motor repair, professional office, consulting services. Other similar uses may be permitted as home occupations subject to the provisions of Article IV, Section 4.20.

- C. All home occupations shall be subject to the following requirements:
1. The home occupation shall be conducted within the principal building and only by a person resident in the building. Not more than one (1) person shall be employed who is not a resident of the premises.
 2. No home occupation shall occupy more space than twenty-five (25) percent of the total floor area as defined of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided, however, in no event shall such home occupation occupy more than three hundred (300) square feet.
 3. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference to the surrounding neighborhood.
 4. There shall be no alteration in the residential character of the premises in connection with such home occupation.
 5. There shall be no external evidence of said home occupation such as window displays or lawn displays other than the small name plate sign as specified here. (Section 4.19, C-7).
 6. All articles or materials used in connection with such home occupation shall be stored in a building.
 7. For the purpose of identification, one (1) non-illuminated name plate not exceeding four (4) square feet in area shall be permitted. Such identification name plate shall identify only the name and profession, vocation or trade of the person or persons operating the occupation. No other sign shall be utilized in connection with such home occupation.

Section 4.20 - Accessory Buildings

- A. Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal buildings by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.

- B. Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
- C. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located not nearer than six (6) feet to any side lot line.
- D. No detached accessory building shall be located nearer than six (6) feet to any rear lot line, except, when such accessory building shall be a garage which is entered at right angles to any road, it shall be located not nearer than twenty (20) feet to said rear lot line.
- E. No detached accessory building shall project into any front yard setback, except water front lots. See (Section 4.24 - Lots having Water Frontage).
- F. An accessory building shall not occupy more than thirty (30) percent of any rear yard.

Section 4.21 - Accessory Buildings as Dwellings

When approved by the Zoning Board of Appeals an accessory building on the same lot as a principal building may be used for dwelling purposes.

Section 4.22 - Yard Encroachments

The yard requirements of all zones are subject to the following permitted encroachments:

- A. Terraces, patios, walkways may project into a ^{yard} as required herein, provided that such construction be unroofed and without walls or other continuous enclosures.
- B. Unenclosed, roofed porches may project into a yard, a distance not to exceed eight (8) feet, provided that such porch shall not exceed one (1) story in height, that such porch shall not be permitted within six (6) feet of any lot line.

- C. Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
- D. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into any required yard a maximum of twenty-four (24) inches.
- E. Unenclosed and unroofed fire escapes, outside stairways and balconies, may project into a required yard a maximum of five (5) feet on the front and back yard or three (3) feet on the side yards.

Section 4.23 - Outdoor Storage Facilities

- A. In all zoning districts permitting residential uses, outdoor storage facilities such as tanks or drums of fuel directly connected with heating devices or appliances shall be enclosed by a fence or screening adequate to conceal such facilities from the street or adjacent property.
- B. In all zoning districts permitting residential use, all boats, boat trailers, recreational units or similar vehicles shall be stored neatly, or in an enclosed building, or, in the case of a mobile home park or multi-family development, in an area specifically designated and approved for such use.

Section 4.24 - Lots Having Water Frontage

In all cases where a lot has water frontage, the front lot line shall be the boundary line of the lot immediately adjacent to the water's edge. The front yard shall be the yard extending across the front of the lot between the side lot lines and measured between the front lot line and the building line.

Section 4.25 - Keeping of Animals

The keeping of domestic household pets, i.e. cats, dogs, fish, birds and gerbils is permitted as an accessory use, provided that the number of said animals, or the specific way they are being housed and/or taken care of, does not endanger the health, safety and welfare of said animals and/or any inhabitants within the dwelling or the immediate neighborhood. The keeping of any other non-household type animal or poultry in any zoned district shall be subject to the following;

A. Except in the agriculture and open space districts,

The keeping or maintaining of any wild or domestic beasts or fowl of any kind is prohibited within every area and Zone Classification of Prairieville Township when any of the following conditions exist as a result of said keeping or maintenance of said beast or fowl:

1. Unpleasant odors sufficiently strong to be readily discernible to the occupants thereof are permitted to drift upon adjacent property for any period in excess of twenty-four (24) hours.
 2. Noise sufficiently strong to be readily discernible to the occupants thereof is permitted to penetrate upon adjoining property for any continuous period in excess of three (3) hours.
 3. Flies, insects, or rodents are attracted to the place where said beasts and/or fowl are kept and maintained and are thereafter permitted to multiply and escape upon adjoining property.
 4. Said beast or fowl, alive or dead, or any refuse therefrom is permitted to trespass or be carried upon adjacent property.
- B. The restrictions in paragraph (A) above shall not be construed to pertain to the following:
1. Farming or agricultural operations or to lawful operations involving any beasts or fowl existing on the date of the recording of any plat or the construction of any home or commercial building adjoining the same; to any land area which is in the soil bank at the time the adjacent land area is platted or developed for residential or commercial purposes; to any land, last active use of which, during the preceding three (3) years prior to such platting or residential development of adjacent land, was farming or agricultural operations.
 2. To any such operations which are approved by the Prairieville Township Board of Appeals, which approval shall be limited to the situation where, in the discretion of said Board, sufficient land area and isolation from adjoining residences and developments are available and maintained in a proper condition to prevent the same from being a nuisance or annoyance to adjacent property owners or occupants. Said Board is authorized to impose such conditions and limitations upon such operations as are necessary to comply with the foregoing, including, among other, the number of beasts or fowl permitted, screening, setback requirements, housing, enclosures, health and sanitation protection, and safety measures.

Section 4.26 - Repair and Clean-up of Damaged or Destroyed Buildings

The owner of any building or structure which has been damaged or destroyed by fire, windstorm or other casualty shall repair such damage within one (1) year after its occurrence, or, prior to the year's deadline, show due cause why said repair cannot be completed to the Prairieville Township Board of Appeals and be quoted an extension by said Board. In the event the building or structure is damaged beyond repair, any part left standing after such damage or destruction shall be razed pursuant to a permit therefor to be granted pursuant to (Section 4.5).

Section 4.27 - Governmental Improvements

The provisions of this Ordinance shall be applicable to and enforceable against the township itself and all other governmental agencies and units, federal, state or county.

Section 4.28 - Short-Term Gatherings and Special Events

Short-term gatherings and special events such as organizational picnics and functions, carnivals, fairs, outdoor concerts and so forth may be permitted in any zoning district provided that an application is submitted for a special events permit to the Zoning Administrator and is approved by the Zoning Administrator. A special events permit may include the necessary documentation to confirm:

- A. Health Department approval
- B. Clean-up and restoration
- C. Adequate parking and safe access
- D. Utility requirements
- E. Other information necessary to determine if the intent of this Ordinance is being met.
- F. Adequate police security.

The Zoning Administrator shall determine the extent of information necessary to issue a special events permit.

Section 4.29 - Supplementary Setback Requirements

Notwithstanding any other provisions of this Ordinance, no building or structure shall hereafter be constructed, erected or enlarged on a lot abutting a State or Federal Highway or a County Primary or Secondary roadway (interior plat roads are excepted) unless the following minimum building setbacks measured from the right-of-way line are maintained:

- A. State or Federal Trunklines - Seventy-five (75) feet.
- B. County Primary or Secondary Roads (excluding interior plat roads) - Fifty (50) feet.

Section 4.30 - Refuse

The outdoor storing, parking, accumulating or placing of junk, discarded material, building materials, metal, or solid waste of any kind is hereby prohibited, except in approved and authorized solid waste disposal facilities or salvage yards. (For Junkyard and Junk-Vehicles see Township Ordinance No. #3.

Section 4.31 - Swimming Pools and Swimming Pool Fences

A private or public swimming pool shall be considered a structure for purposes of this Ordinance and shall therefore require issuance of a permit. All ground level swimming pools shall be enclosed by a fence, wall or other structure which shall be at least four (4) feet in height as measured from the outside. Any opening under the fence shall be not more than four (4) inches in height. Any fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is self-closing and latching type with the latch on the pool side of the gate. Said entranceway shall lead to the shallow end of the pool. If the entire premises is enclosed by a fence or wall this requirement may be waived. Above ground swimming pools need not be fenced, provided that the steps and pool entrance are secured by a self-closing and latching gate with the latch on the pool side of the gate.

Section 4.32 - Fences, Walls and Screens

Within the limits of a side or front yard space of a lot within a residential district no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than five (5) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height (See Section 4.24 regarding definition of front and rear yard on waterfront lots.)

There shall be no electric fences authorized in any residential zone district or platted area.

ARTICLE V

ESTABLISHMENT OF ZONING DISTRICTS

Section 5.0 - Zoning Districts

In order to regulate and restrict the location, erection, alteration or use of building structures or land and to carry out the purposes of this Ordinance, Prairieville Township is hereby divided into the following zoning districts:

- A. "R-1" Single Family Low Density Residential District
- B. "R-2" Single Family and Two Family Medium Density Residential District
- C. "R-4" Multiple Family High Density Residential District

- D. "R-5" Mobile Home Parks
- E. "C-1" Commercial District
- F. "I-1" Light Industrial District
- G. "A" Agricultural District
- H. "P-1" Public Land
- I. "P-2" Semi-Public Land

Section 5.1 - Zoning District Map

The locations and boundaries of these districts, so established, are shown on the map entitled Prairieville Township Zoning Map which accompanies and is hereby declared to be part of this Ordinance.

Section 5.2 - Zoning District Boundaries

The description of the various use districts of the Township of Prairieville are separated under two (2) headings; to wit: 'Unplatted Land' and 'Recorded Plats.' Under 'Unplatted Land' each section or part of section of the original United States Land Survey of the Township of Prairieville is described and set forth under the various use districts. It is not the intention under 'Unplatted Land' to cover any part of land embraced with any plat now of record in said Township and whenever any land described under 'Unplatted Land' includes the whole part of any plat now of record, it shall be construed that such plat or part thereof be excepted from the land so described. Under 'Recorded Plats' the lots embraced within the various recorded plats now of record in the Township of Prairieville are described and set forth as to their use under the districts herein mentioned. As to any land located in 'Unplatted Land' at the time of the adoption of this Ordinance or any amendment thereto, which said land subsequently becomes part of a recorded plat, the use district in which said land is located at the time it becomes a part of such recorded plat shall apply to such land after it becomes a part of such recorded plat until it is specifically otherwise designated in the 'Recorded Plats' section of the Ordinance.

(Land) Section One (1), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "P-1" Public Land.
- "R-2" Medium Density Residential: All that part East fractional $\frac{1}{2}$, Section One (1) lying Easterly of Rankin Road, West of Prairieville Township Park and South of Delton Road.
- "P-1": Public Land: Beginning at the Southwest corner of Lot 33 of the recorded plat of Bay View Resort; thence North 0 deg 26 min West, 117.16 feet to the center line of Delton Road; thence Southwesterly thereon, 127.03 feet; thence South 0 deg 26 min East, 109.93 feet; thence North 73 deg 33 min 10 sec East, 124.84 feet to the place of beginning. Also all lands lying Southerly of above description and extending to the Northerly shore of Crooked Lake.

(Land) Section Two (2), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire section except those parts herein described as "R-2" Medium Density Residential, "R-5" Mobile Home Parks, "C-1" Commercial District and "P-1" Public Land.

- "R-2" Medium Density Residential: All that part Southeast fractional $\frac{1}{4}$ lying Westerly of Parker Road and Southerly of waters edge.
- "R-5" Mobile Home Parks: All that part South fractional $\frac{1}{2}$, Section Two (2) lying Southwesterly of Parker Road and Southeasterly of Norris Road except all that part Southeast fractional $\frac{1}{4}$ lying Westerly of Parker Road and Southerly of waters edge also except commencing at intersection South line Section Two (2) with the center line of Norris Road; thence East along the South line said section, 50 rods; thence North, 16 rods to the place of beginning; thence North, 24 rods; thence West to the center line of Norris Road; thence Southwesterly thereon to a point West of beginning; thence East to the place of beginning.
- "C-1" Commercial District: Commencing at the intersection South line Section Two (2) with center line of Norris Road, thence East along South line said Section, 50 rods; thence North, 16 rods to the place of beginning; thence North, 24 rods; thence West to center line Norris Rd; thence Southwesterly thereon to a point West of beginning; thence Southwesterly thereon to a point West of beginning; thence East to the place of beginning. Also the South 313.5 feet of West 255.75 feet Northeast fractional $\frac{1}{4}$. Also beginning at the Southwest corner of Lot 32 of Supervisors Plat Village of Prairieville; thence South to the Westerly line of Norris Road; thence Northeasterly thereon to Southeast corner of Lot 33 of said plat; thence West along North line Lot 48, 127.0 feet; thence North, 239.25 feet to beginning.

(Land) Section Three (3), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section.

(Land) Section Four (4), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section

(Land) Section Five (5), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "P-1" Public Land.
- "R-2" Medium Density Residential: All that part Southwest fractional $\frac{1}{4}$ lying Easterly of Pine Lake.
- "P-1" Public Land: Commencing at the Northwest corner of Section Five (5), thence East along the North line of said section, 1205.4 feet; thence South 1754.0 feet for the place of beginning; said point also being in the northerly shore of Pine Lake; thence North 431.8 feet; thence East, 1202.0 feet, thence South 208.0 feet; thence South 25 deg 10 min East, 510.0 feet to the Northerly shore of said Pine Lake; thence Northwesterly thereon to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said section, 1205.4 feet; thence South, 1754.0 feet for the place of beginning, said point also being in the Northerly shore of Pine

Lake; thence North, 431.8 feet; thence South 75 deg 00 min West, 718.75 feet; thence Southerly to the shore of Pine Lake; thence Northeasterly thereon to beginning. Also beginning at a point on the North Line of Section Five (5), 1139.4 feet East of the Northwest corner thereof; thence East along said North line, 66.0 feet; thence South, 1322.2 feet; thence South 75 deg 00 min West to a point South of beginning; thence North to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line fo said section, 1205.4 feet; thence South, 888.6 feet for the place of beginning, thence South 433.6 feet; thence East, 85.4 feet; thence Northwesterly to the place of beginning.

(Land) Section Six (6), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "R-5" Mobile Home Parks.
- "R-2" Medium Density Residential: Beginning at the Southwest corner Section Six (6); thence East along the South line said section to its intersection with the shore of Pine Lake; thence Easterly along shore said Lake to Southeast corner of recorded plat of Pleasure Point; thence North 41 deg 00 min West along Westerly line of said plat to shore Pine Lake; thence Southwesterly to Northeast corner Lot 5 recorded plat of Home Acres, thence West along North line said lot, 150.14 feet to Northwest corner said lot; thence South along West line of Lots 5, 4, and 3, 300.0 feet to Southwest corner of said Lot 3; thence Northwesterly to a point on West line said section, 580.29 feet North of Southwest corner thereof; thence South thereon, 580.29 feet to the place of beginning.
- "R-5" Mobile Home Parks: Commencing at the intersection of West line of Section Six (6) with the center line of Pine Lake Road, thence Northeasterly along the center line of said Road, 1450.0 feet for place of beginning; thence Northeasterly along the center line of said Road 200.00 feet; thence Southeasterly at right angles to the center line of said Road to the Northwesterly shore of Pine Lake; thence Southwesterly along the Shore of said Lake to a point Southeasterly as measured at right angles to the center line of said Road, thence Northwesterly to the place of beginning.

(Land) Section Seven (7), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire section except those parts herein described as "C-1" Commercial District and "P-1" Public Land.
- "C-1" Commercial District: All that part Northwest fractional $\frac{1}{4}$, Section Seven (7), 260.0 feet South of West $\frac{1}{4}$ post thereof; thence East, 233.0 feet; thence North, 554.0 feet; thence East, 1320.00 feet; thence South, 594.0 feet; thence West, 1553.0 feet to West line said section, thence North thereon, 40.0 feet to the place of beginning.

(Land) Section Eight (8), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and Public Land.

"R-2" Medium Density Residential: West fractional $\frac{1}{2}$ of the Northwest fractional $\frac{1}{4}$. Also Northwest fractional $\frac{1}{4}$ of the Southwest fractional $\frac{1}{4}$ lying East of Pine Lake. Also that part of the Southwest $\frac{1}{4}$ Southwest fractional $\frac{1}{4}$ lying Northerly of Buckley Road.

"P-1" Public Land: Beginning at a point on the North and South $\frac{1}{4}$ line, Section Eight (8), 1898.57 feet South of the North $\frac{1}{4}$ post thereof; thence South thereon, 407.11 feet; thence North 74 deg 12 min 11 sc West, 279.70 feet to the center line of Lindsey Road, thence Northeasterly thereon, 423.85 feet to the place of beginning.

(Land) Section Nine (9), T. 1N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Ten (10), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Eleven (11), T., 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twelve (12), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those part herein described as "R-1" Low Density Residential and "R-2" Medium Density Residential.

"R-1" Low Density Residential: All that part Northwest fractional $\frac{1}{4}$ lying Southerly of Crooked Lake and Westerly of recorded plats of Hughes Park and Hughes Park No. 2.

"R-2" Medium Density Residential: All that part Southeast fractional $\frac{1}{4}$ lying East of Crooked Lake and South of recorded plat of Poplar Beach.

(Land) Section Thirteen (13), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Fourteen (14), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Fifteen (15), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Sixteen (16), T. 1 N., R. 10 W.

Agricultural District: Entire Section.

(Land) Section Seventeen (17), T. 1N, R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "P-2" Semi-Public Land.

"P-2" Semi-Public Land: Southwest Fractional $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$. Also North fractional $\frac{1}{2}$ of the Southwest fractional $\frac{1}{4}$.

(Land) Section Eighteen (18), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein

described as "C-1" Commercial District and "P-2" Semi-Public Land.

"C-1" Commercial District: South 600 feet of West 600 feet of the Southwest fractional $\frac{1}{4}$.

"P-2" Semi-Public Land: Southeast fractional $\frac{1}{4}$ of the Northeast fractional $\frac{1}{4}$. Also that part Northeast fractional $\frac{1}{4}$ of the Southeast fractional $\frac{1}{4}$ lying Easterly of Warner Lake.

(Land) Section Nineteen (19), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twenty (20), T. 1 N., R. 10 W.

"A" - Agricultural District: Entire Section.

(Land) Section Twenty-one (21), T. 1N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twenty-two (22), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "C-1" Commercial District and "P-1" Public Land.

"C-1" Commercial District: All that part of the North 400 feet of the Northeast fractional $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$ lying Easterly of Norris Road and West of Crooked Lake.

"P-1" Public Land: All that part of the South 400 feet of the North 800 feet Northeast fractional $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$ lying Easterly of Norris Road and West of Lower Crooked Lake.

(Land) Section Twenty-three (23), T. 1N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twenty-four (24), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "C-1" Commercial District and "P-1" Public Land.

"C-1" Commercial District: South 500 feet of the East 264 feet of the Southeast $\frac{1}{4}$.

"P-1" Public Land: The North 360 feet of the East 264 feet of the Southeast $\frac{1}{4}$.

(Land) Section Twenty-five (25), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twenty-six (26), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twenty-seven (27), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twenty-eight (28), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Twenty-nine (29), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Thirty (30), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Thirty-one (31), T. 1 N., R. 10 W.

"A" Agricultural District: All that part Section Thirty-one (31) lying Southerly of Highway M-89 and also that part of the Southeast $\frac{1}{4}$ Lying Northerly of Highway M-89 and East of Kane Road.

"R-1" Low Density Residential: All that part of Section Thirty-one (31) lying Northerly of Highway M-89 and West of Kane Road except recorded plats of "B-Z Bee Acres and B-Z Bee Acres No. 2.

(Land) Section Thirty-two (32), T. 1N., R. 10 W.

Agricultural District; Entire Section.

(Land) Section Thirty-three (33), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Thirty-four (34), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Thirty-five (35), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section.

(Land) Section Thirty-six (36), T. 1 N., R. 10 W.

"A" Agricultural District: Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$.

"R-1" Low Density Residential: All that part Section Thirty-six(36) lying North and West of Highway M-43 except the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$.

"R-2" Medium Density Residential: All that Part Section Thirty-six (36) lying Southerly and Easterly of Highway M-43 except that part lying West of a creek and extending West along M-43 approximately 186 feet with a frontage along Gull Lake of approximately 200 feet.

"P-1" Public Land: All that part lying Southerly of Highway M-43 West of a creek and extending West along Highway M-43 approximately 186 feet with a frontage along Gull Lake of approximately 200 feet.

(Recorded Plats)Arnold's Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) First Addition to Arnold's Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Bay View Resort

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Bay View Resort No. 1

"R-2" Medium Density Residential: Entire Plat

(Recorded Plats) Crispe's Plat of Boniface Point

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Buckley Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) B-Z Bee Acres

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) B-Z Bee Acres No. 2

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Dekema Subdivision

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Elmdale

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Englewood Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Englewood Plat No. 1

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Ford's Channel Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Hallwood

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Home Acres

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Homestead

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Hughes Park

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Hughes Park No. 2

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Hyde Away Resort

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Hyde Away Resort No. 1

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Supervisor's Plat of Fords Point

"R-2" Medium Density Residential : Entire Plat.

(Recorded Plats) Island Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Lockshore Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Supervisor's Plat of Long Point

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Supervisor's Plat of Long Point No. 1

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Merlau's Pine Lake Plat

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Pine Point

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Pleasant Beach

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Pleasure Point

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Poplar Beach No. 1 and No. 2

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Prairieville Heights

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Supervisor's Plat of the Village of Prairieville

"R-2" Medium Density Residential: Entire Plat except lots included under "C-1" Commercial District and "P-1" Public Land.

"C-1" Commercial District: Lot 18 also Easterly 141.75 feet of the South 52 feet of Lot 17 also Lots 32, 33, and 46.

"P-1" Public Land: Lots 45, 49 also Lot 48 except the South 147.5 feet thereof.

(Recorded Plats) Ridgewood

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Sandy Beach

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Shady Heights

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Shady Heights No. 2

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Village of Milo

"A" Agricultural Zone: Entire Plat

(Recorded Plats) William C. Schultz Park

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Shangri-La No. 2

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Southgate

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Spring Point

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Spring Point No. 1

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Stoney Point

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Supervisor's Plat of Sunset Point

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Re-Plat of Lot 19, Upson's Resort

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Sylvan Shores

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Upson's Resort

"R-2" Medium Density Residential: Entire Plat.

(Recorded Plats) Wintergreen Point

"R-2" Medium Density Residential: Entire Plat.

ARTICLE VI

ZONING DISTRICT REGULATIONS

Section 6.0 - Single Family, Low Density, Residential District

- A. Purpose - The purpose of this zoning district is to provide a stable and sound environment for single family detached dwellings by restricting uses and activities which are not appropriate in such an area and by permitting construction and occupancy of single family dwellings on moderate sized lots.
- B. Use Regulations - Land and/or building in the "R-1" zoning district may be used for the following purposes only:
1. One single family dwelling on each lot.

2. Any detached accessory building other than a garage not more than twelve (12) feet or one (1) story in height.
 3. Special uses that may be authorized in this district include the following uses provided that an application is submitted for a special use permit and is approved in accordance with the procedures, provisions and standards of Article VII of this Ordinance.
 - a. Home occupations as defined herein and regulated in Article IV, Section 4.19 of this Ordinance.
 - b. Accessory buildings used as guest houses or dwellings for caretakers and other domestic employees. (See Section 4.21)
- C. Area Regulations - No building or structure shall hereafter be erected, altered or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, erection, alteration or enlargement.
1. Front Yard - There shall be a front yard of not less than thirty-five (35) feet, except as regulated in (Section 4.29).
 2. Side Yard - There shall be a side yard of not less than ten (10) feet on each side of any dwelling or accessory building, except on the street side of a corner lot where a twenty-five (25) foot side yard shall be provided and maintained.
 3. Rear Yard - There shall be a rear yard of not less than twenty (20) feet.
 4. Lot Area - The minimum lot area for dwellings hereafter erected shall be regulated as follows:

Extent of Public Water and Sewer Service	Minimum <u>Lot Area</u>	Minimum <u>Lot Width</u>
No public utility service available	One (1) Acre 43,560 sq. ft.	150 ft.
Both public water and sewer available*	9,350 sq. ft.	85.ft.

*Subject to the provisions of local subdivision regulations being in effect as specified in the Subdivision Control Act 288 of the Public Acts of 1967, as amended, MSA. 26.430 (186-d).
 5. Floor Area - The minimum floor area of a dwelling hereafter erected shall be one thousand (1,000) square feet.

Section 6.1 "R-2", Single Family and Two-Family, Medium Density, Residential District

- A. Purpose - The purpose of this zoning district is to provide a stable and sound environment for single family and two family dwellings, by restricting uses and activities which are not appropriate in such an area and by permitting construction and occupancy of said dwellings in an area on lots that shall accommodate individual private sewer systems and protect the ecological balance of the area. It is intended that this zoning district be utilized around developed or developing areas.
- B. Use Regulations - Land and/or buildings in the "R-2" zoning district

may be used for the following purposes only:

1. All uses permitted in "R-2" including authorized special uses are subject to the same restrictions and conditions imposed for special uses in "R-1".
2. Two family dwellings.
3. Accessory uses customarily incidental to the preceding listed uses including, but not limited to, off-street parking and signs as permitted by this Ordinance.

C. Area Regulations - No building or structure for single family or two-family use shall hereafter be erected, altered or enlarged unless the following yard and lot area requirements are provided and maintained in connection with building, structure or enlargement.

1. Front Yard - There shall be a minimum front yard of thirty-five (35) feet, except as regulated in Section 4.29.
2. Side Yard - There shall be a minimum side yard of ten (10) feet on each side of the building excepting the street side of the corner lot where a twenty-five (25) foot side yard shall be required.
3. Rear Yard - There shall be a rear yard of not less than twenty (20) feet.
4. Lot Area - The minimum lot area for a dwelling hereinafter erected shall be as follows:

<u>Extent of Public Water & Sewer Service</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
a. Single Family Dwelling		
No public utility service available.	12,000 sq. ft.	100 ft.
Both public water & sewer service available.*	8,000 sq. ft.	75. ft.
b. Duplex Dwellings		
No public utility service available.	18,700 sq. ft.	125 ft.
Both public water & sewer service available.*	15,000 sq. ft.	100 ft.

* Subject to the provision of local subdivision regulations being in effect as specified in the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended, MSA. 26.430 (186-d).

5. Minimum Floor Area - 1,440 sq. ft. total, with the area equally divided between the two (2) units.

Section 6.2 - "R-4", Multiple Family, High Density, Residential District

A. Purpose - The purpose of this district and its accompanying regulations is to provide for a stable and sound environment for high density residential development.

B. Use regulations - Land and/or buildings in the "R-4" zoning district may be used for the following purposes only:

1. High density multiple family dwelling units provided that all of the the following requirements are met:

- a. Area Requirements: A multiple dwelling may not cover more than 30% of the ground area of the parcel upon which it is located.
- b. Setback Requirements: The minimum building setback shall be as follows, and shall be measured from the street right-of-way line where applicable:
 1. Front Yard - There shall be a front yard of not less than forty (40) feet, except as regulated in (Section 4.29).
 2. Side Yard - The sideyard setback, except ^{where} ~~when~~ the sideyard abuts a street, shall be at least fifteen (15) feet or 1/2 the height of the building, whichever is greater; when a side abuts a street, the minimum setback must be forty (40) feet.
 3. Rear Yard - The rear yard setback shall be at least forty (40) feet or 3/4 of the height of the building, whichever is greater.
 4. Building Height - The maximum height for a multiple dwelling shall be two (2) stories.
 5. Minimum Allowable Distance Between Buildings - The minimum allowable distance between buildings shall be fifty (50) feet.
- c. Required Parking - Each dwelling unit containing 0 to 2 bedrooms must be provided with at least 2 1/2 parking spaces. Each dwelling unit with more than two (2) bedrooms must have an additional one (1) parking space for each additional bedroom.
- d. See Section 4.17 - Parking and Loading Spaces - E. 1., 2., 3., 4., 5., 6., 7.
- e. Street Frontage - Each multiple dwelling building must abut a dedicated public street.
- f. Unit Number and Size - The minimum size for multiple dwellings units shall be as follows:
 1. 0 bedrooms - (efficiency apartment) - 400 square feet.
 2. 1 bedroom - 500 square feet.
 3. 2 or more bedrooms - 150 square feet for each additional bedroom above one.
 4. Multiple dwelling buildings shall not contain more than eight (8) units, and when located within one-hundred and thirty-two (132) feet of a single family residentially zoned property shall not contain more than four (4) units. No more than four (4) units shall be allowed at the first floor level.
- g. Required Recreation Area - Recreation area equivalent to five-hundred (500) square feet per unit shall be provided by the developer. Recreation area is defined for the purposes of this Ordinance as that area specifically set aside for outdoor leisure activities.
- h. Relationship to Adjoining Property - If a structure including swimming pools is proposed to be located within one hundred (100) feet of a single family residentially zoned property, the plot plan must be submitted to the Prairieville Township Zoning Board

of Appeals which Board shall review the plan to insure that all structures are so constructed and the adjoining area screened and landscaped so that the adjoining single family residential property will not be adversely affected and the adjoining single family residential use will not be discouraged.

- i. Utilities - All telephone and electrical lines must be placed underground.
- j. Vehicular entrances and exits will be constructed with approach lanes if deemed necessary by the Zoning Board of Appeals so as not to interfere with moving traffic. The Zoning Board of Appeals shall have the authority to require the dedication of sufficient frontage to provide a 100-foot roadway right-of-way where the Board finds that it can be reasonably anticipated that the adjoining public right-of-way will be required to accommodate a heavy flow of traffic.
- k. Every apartment development containing forty (40) or more units must also contain a minimum of 800 square feet of indoor recreation area at a single location set aside for the apartment residents. For every eight additional units, an additional 100 square feet of area must be provided. The minimum size of any one recreation area shall be 800 square feet.
- l. Every development must have a minimum of two access streets connecting said development to a public highway; provided, however, that the Board of Appeals may waive this requirement upon a finding by the Board that due to the particular characteristics of the proposed development that a second access street would not improve traffic safety or could interfere with traffic safety.

Section 6.3 - "R-5" Mobile Home Parks, Residential District

- A. Purpose - To provide a place where people may obtain the convenience and economics of mobile home park living.
- B. Use Regulations - In an area where all state regulations governing mobile home parks and the following requirements are met:
 1. Each park shall be in single ownership and shall contain a minimum land area of ten (10) acres.
 2. All mobile home park developments shall be connected to a central water supply and sanitary sewage collection and disposal system.
 3. All mobile home parks must maintain a minimum of one hundred (100) foot landscaped setback from any public street that borders the park boundaries, and a minimum of fifty (50) foot landscaped rear and side yards shall be provided and maintained adjacent to any adjoining properties.
 4. At least ten percent (10%) of the park area shall be retained for open space and recreation purposes in addition to the yard and setback requirements.
 5. No mobile home lot shall be less than forty (40) feet in width or contain less than four thousand (4,000) square feet.
 6. Each mobile home site shall have a front yard of at least twenty (20) feet, a side yard of at least five (5) feet each, and a rear yard of at least fourteen (14) feet. No drive, walkway or accessory structure shall be nearer than five (5) feet to the side line of said site.

7. Not less than two (2) off-street parking spaces shall be required for each dwelling unit.
8. All public and private utilities shall be installed underground.
9. All property in any mobile home park shall be graded so as to be well drained, and a means of conveying storm water away from structures and streets shall be provided.
10. Health Department approval of the proposed park must be obtained, and evidence of such approval must be submitted with the application for a zoning permit.
11. Buildings housing laundry facilities, offices, rest room or shower facilities, a pool or the sale of retail goods for the exclusive use of the residents of the park may be permitted as an accessory use.
12. Sites for travel trailers or camping accommodations may be provided within a mobile home park for temporary stays not to exceed fourteen (14) days. These sites shall be provided with at least common rest rooms, showers, laundry facilities and water supply. Provision shall be made for the sanitary disposal of sewage into the public system on the premises. Sites for such use shall be separated from the main mobile home park area and adequate greenbelts as defined herein shall be required to separate such uses.
13. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.
14. A development plan shall be submitted for each mobile home park in accordance with Article IV, Section 4.13 of this Ordinance and said plan shall indicate or illustrate how the requirements of this section are being met.

Section 6.4 - "C-1" Rural Area Convenience Commercial District

- A. Purpose - This district is composed of certain lands and structures located in the rural area of the township and principally along major highways. It is the intent to develop attractive and efficient grouped business areas which are convenient centers for rural residents and the traveling public. In general, many of the existing rural "cross-roads" centers would be included in this zone district and similar new districts may be established as the need arises.
- B. Use regulations - Land and/or buildings in the "C-1" zoning district may be used for the following general purposes:
 1. Gasoline service stations.
 2. Motels, restaurants.
 3. Drive-in restaurants.
 4. Grocery and "General" stores selling primarily convenience goods, including drug stores.
 5. Cleaning and laundry pick-up service.
 6. Beauty and barber shops.
 7. Single family house, detached or adjoining, if associated for operation of the business.
 8. Feed store and farm supply.

9. Grain elevators.
 10. Laundromats.
 11. Equipment repair and service shops.
 12. Community and governmental buildings.
 13. Institutional uses.
 14. Antique shops.
 15. Hardware stores.
 16. Lumber yards.
 17. Taverns.
 18. Appliance stores.
 19. Clinics.
 20. Branch banks.
 21. Florist shops.
 22. Out-door theatres - The face side of an outdoor theater screen shall not be seen from any major roads.
 23. Accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and signs as permitted by this Ordinance and dwellings for human occupancy co-located in the principal structure when such use is necessary to operate a permitted use within this district. (See Section 4.21).
- C. Area Regulations - No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot areas and building coverage are provided and maintained in connection with such building, structure or enlargement:
1. Lot Area and Coverage - Any lot or parcel of land upon which a building or structure is to be erected shall be of such size that such building or structure will not occupy more than twenty-five percent (25%) of the lot area.
 2. Yards for All Structures - Every building or structure shall be at least seventy-five (75) feet from a public right-of-way. Every building or structure shall be at least fifty (50) feet from any "R", or "A" zoned district. A side yard shall not be required adjacent to a C or I zone, but if a building is not constructed to the lot line, there shall be a side yard of not less than ten (10) feet width.
 3. Lot area and yard regulation for single family detached dwellings in this zone district are specified in Section 6.0 - C.
- D. Other Development Regulations:
1. A greenbelt, as required by Article IV, Section 4.14 of this Ordinance shall be provided where required.
 2. A development plan, in accordance with Article IV, Section 4.13 shall be submitted for uses in this zoning district.

Section 6.5 - "I-1", Industrial District, Light

- A. Purpose - To provide land area used for light industry and such other industry that is natural to the township.
- B. Industrial - The following 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 (6) feet in height; provided that no goods, materials or objects within five (5) feet of the fence or wall shall be stacked higher than the fence or wall. All business will be conducted in such a manner that no unreasonable noise, smoke, noxious odor, dust, vibration or any other like nuisance shall exist to affect the ecology of the area.

Section 6.6 - "A" Agricultural District

- A. Purpose - It is the primary purpose of this zoning district to preserve and enhance the township's most suitable agricultural areas; avoid conflicts between farm and non-farm uses; and to maintain a large contiguous area where land values can remain relatively stable and the pressures of speculative or or potential land development can be avoided. It is further intended that farming operations for the purpose of the production of foods and/or fibers shall take precedence over all other uses in this district and that the customary noise, dust or odors associated with said production, provided such farming is done in a good husbandry-like manner, shall be considered a necessary part of said farming operation.
- B. Use Regulations - Land and/or buildings in the "A" Agricultural District shall be used for the following purposes only:
1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations associated with such farms. (More than one (1) dwelling unit may be permitted as living quarters on a farm for a member or members of the owner's immediate family, or for unrelated families having permanent employment on the farm, for which the provisions of Section 4.2 are waived, provided that an application is submitted for a special use permit and approved.)
 2. Accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and signs as permitted by this Ordinance.
 3. To prevent landlocked areas, under no conditions will a parcel of land be sold without a sixty-six (66) foot right-of-way or easement.
 4. Special uses that may be authorized in this zoning district include the following uses, provided that an application is submitted for a special use permit and standards of Article VII of this Ordinance are complied with:
 - a. Non-farm single family dwellings provided that:
 - 1) The location of said dwelling shall not be upon land that is deemed to be substantially productive agricultural crop land. The determination of productive agricultural crop land will generally conform to the Soil Conservation Service Capability Classification of Class I, II, and III. A Capability Classification Map prepared by a professional soil scientist or civil engineer may be required by the Planning and Zoning Commission.
 - 2) The lot and area regulations as specified in this zoning district are complied with:
 - a) The minimum shall be two (2) acres with a maximum of nine and one-half (9-1/2) acres containing road frontage of three hundred and thirty (330) feet.
 - b) Public schools and colleges when owned and operated by a governmental agency: minimum fifty (50) foot side and rear yards are required for all such uses.

- c) Private non-profit schools and colleges, subject to the conditions stipulated in b) above, and said private schools shall not include trade schools, business schools, or private schools operated as commercial enterprises.
- d) Riding stables.
- e) Junkyards, salvage yards, public dumps and sanitary landfills, provided that all applicable regulations of the State of Michigan are complied with and no more than a minimum of three hundred (300) feet near any body of water.
- f) Temporary sawmill operations shall not be less than a minimum of three hundred (300) feet near any body of water.
- g) Commercial natural resource extraction or re-location, including sand and gravel, shall not be less than a minimum of three hundred (300) feet near any body of water.
- h) Roadside stands for the sale of farm products grown on the farm, provided that adequate off-street parking shall be provided and no hazardous traffic conditions result from such activity.
- i) Housing for transient labor, provided that such housing shall not be occupied for more than one hundred and eighty (180) days off any calendar year; such use shall comply with all applicable regulations of the State of Michigan and Barry County District Health Office.
- j) Home occupations as defined and regulated by Article IV, Section 4.19.
- k) Religious institutions.
- l) Cemeteries.
- m) Dog kennels.

C. Area Regulations - No building or structure shall hereafter be erected, altered or enlarged unless the following yard and lot area requirements are provided and maintained in connection with such building erection, alteration or enlargement.

1. Front Yard - There shall be a minimum front yard of fifty (50) feet except as regulated in Section 4.29.
2. Side Yard - There shall be a minimum side yard requirement of twenty (20) feet.
3. Rear Yard - There shall be a rear yard of not less than twenty (20) feet.
4. Lot Area - The minimum lot for use in this zone shall be two (2) acres, maximum of nine and one-half (9 1/2) acres, with a minimum lot width of three hundred and thirty (330) feet.

D. Private Roads - A private road which serves more than one separately held parcel, or more than one dwelling unit, or more than one commercial or industrial activity, shall be constructed to Barry County Road Commission standards, provided that while such road remains private, hard surfacing will not be required. A private road which serves more than one separately held parcel with no dwelling units, commercial or industrial activity shall be sixty-six (66) feet wide.

Section 6.7 - "P-1" Public Land

A. Purpose - Land areas owned by governmental units.

B. Use regulations:

1. Schools
2. Cemeteries.
3. Township Hall.
4. Township Parks.
5. Fire Barns.

Section 6.7 - Semi-Public Land - "P-2"

- A. Purpose - Real property owned by a non-profit or other quasi-public body, i. e. church, grange halls, scout camps, etc.

ARTICLE VII

SPECIAL USES

Section 6.8 - Permit Required for Certain Uses

- A. Purpose - Certain land use activities entitled "Special Uses" might be authorized in the various zoning districts but only if adequate safeguards are provided to ensure the protection of public health, safety and general welfare. The special uses that may be authorized are listed in the "Use Regulation" section of each zoning district.
- B. Special uses may be authorized by the Prairieville Township Zoning Board of Appeals by issuance of a special permit provided:
1. The proposed use is listed as a special use for that district in which said use is located.
 2. The provisions of this Article (Article VII) are complied with.
 3. The standards for the particular use as stated in the provisions for that district are fulfilled, and the standards or other requirements of this Article are met.

Section 6.9 - Procedures

- A. Applications for special use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Application shall be accompanied by the payment of a fee specified in Section 4.13. In case of a minor development requiring a special use permit, the Zoning Administrator may waive portions of the information required for a development plan obviously not necessary for determination of compliance with this Ordinance. When the application is for landfills, commercial dumping grounds, or natural resource extraction operations, the development plan shall also include a topographical map showing existing contour lines at an interval not greater than five (5) feet, and proposed contour lines at the same interval which will exist upon completion of the operation.
- B. An application for a special use permit shall be processed in the following manner:

1. The Zoning Administrator shall forward the application and supporting data to the Zoning Board of Appeals.
2. The Zoning Board of Appeals shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.
3. After adequate review and study of any application, the Zoning Board of Appeals shall hold a duly advertised public hearing, and written notification of all property owners within three hundred (300) feet of the proposed use shall be given, with the exception of landfills and dumps, in which cases everyone within one (1) mile shall be notified.
4. The Zoning Board of Appeals, after public hearing procedures, may issue a special use permit. A copy of the decision, with any conditions or reasons for rejection, if it be so, shall be promptly sent to the Zoning Administrator and to the applicant.

Section 6.10 - Basis of Determination

The Zoning Board of Appeals shall review the special use in terms of the standards stated with in this Ordinance and shall find adequate evidence that such use in the proposed location:

- A. Will be harmonious with and in accordance with the general and specific objectives of any Prairieville Township development plans, regulations or guidelines.
- B. Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity, and that such a use will not change the character of the area in which it is proposed to be located.
- C. Will not be hazardous or disturbing to existing or future nearby uses. Special consideration shall be given to the issuing of a special use permit within any "A" district to assure that such action will not be detrimental to existing or potential farming operations.
- D. Will be served adequately by public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- E. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the township.
- F. Will be consistent with the intent and purposes of this Ordinance.

Section 6.11 - Conditions and Safeguards

The Zoning Board of Appeals may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights on nearby parcels and for insuring that the purposes of this Ordinance and the general purpose and spirit of the district in which the special use is proposed will be observed.

Section 6.12 - Re-Application

No application for a special use permit which has been denied wholly or in part shall be re-submitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Prairieville Township Board of Appeals.

ARTICLE VIII

NONCONFORMING USES, LOTS, AND STRUCTURES

Section 6.13 - Intent

Within the districts established by this Ordinance or any subsequent amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was effective but which would be prohibited, regulated, or restricted under the terms of this Ordinance or amendments thereto.

- A. It is the intent of this Ordinance to permit these non-conforming uses, but not to encourage their continuance. If a non-conforming use is discontinued for a period of twelve (12) months or more, the future use shall be in conformity with the provisions of the Ordinance.
- B. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except by appeal to the Board.
- C. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been continuously and diligently carried on.

Section 6.14 - Continuance of Use

Such repairs and maintenance work as required to keep non-conforming buildings or structures in a sound condition may be made. In the event that any non-conforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored.

Section 6.15 - Change of Nonconforming Use

Whenever a zoning district shall be changed, any then legally existing non-conforming use in such changed district may be continued, provided all other regulations governing use are complied with. Whenever a nonconforming use of a building or premises has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 6.16 - Repair of Nonconforming Buildings

Nothing in this Ordinance shall prevent the repair, reinforcement or reconstruction of a nonconforming building, or part thereof, rendered necessary by wear and tear or deterioration.

Section 6.17 - Nonconforming Lots of Record

Lots of record that are nonconforming because of the lack of the required number of acres, minimum number of square feet, or other dimensional criterion shall be allowed to be built on, provided that:

- A. The lot was legally established by recorded deed or land contract or other legal document prior to effective date of this Ordinance.
- B. At least fifty (50) percent of the side and rear yard requirements can be met, but in no case shall a side yard for a dwelling or accessory structure be less than six (6) feet.
- C. The front yard requirement shall be as specified in the zoning district except where an established setback of buildings has been previously determined. In such case, the structure to be located on the proposed

building site will be no closer to the roadway than the existing line of buildings on either side for a distance of three hundred (300) feet. The exact setback shall be determined, in each case, by the Zoning Administrator following a site inspection. If there are no buildings on either side within three hundred (300) feet, the Zoning Administrator will designate the setback distance which shall conform as closely as possible to the required setback for the zone district as established in this Ordinance.

- D. An adequate potable water supply and proper safe sewage disposal facilities can be provided in accordance with the requirements of the Barry County Health Department.

ARTICLE IX

ZONING BOARD OF APPEALS

Section 7.0 - Purpose

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and justice be done, there is hereby established a Prairieville Township Zoning Board of Appeals.

Section 7.1 - Creation, Membership, Terms of Office

The Township Board shall appoint a Zoning Board of Appeals to consist of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from among the electors of the township residing outside the incorporated cities and villages. The members selected shall be representatives of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board. An elected officer of the Township shall not serve as chairman of the Board of Appeals. An employee or contractor of the Township Board shall not serve as a member or an employee of the Township Board of Appeals.

Section 7.2 - Compensation

The total amount allowed the Zoning Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum which shall be appropriated annually in advance by the Township Board.

Section 7.3 - Rules of Procedure

- A. The Zoning Board of Appeals shall adopt its own rules and regulations to govern its procedures and to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Township Clerk.
- B. All meetings of the Zoning Board of Appeals may be open to the public and shall be held at the call of the chairman and at such times as the Board may determine.

- C. The Board of Appeals shall act by resolution. 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 the Zoning Administrator or to decide in favor of the applicant any matter upon which the Board of Appeals is required to pass under this Ordinance or to grant variances from the requirements of this Ordinance.
- D. Records - Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every such determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decision shall be sent promptly to the applicant, to the appellant, and to the Zoning Administrator.
- E. Secretary and Counsel - The Zoning Board of Appeals shall designate one of its members Secretary for the Zoning Board of Appeals, and all records of the Board of Appeals' action shall be taken and recorded under his direction and filed with the Township Clerk. The Township Attorney shall act as legal counsel for the Board of Appeals and shall, upon request by the Board of Appeals, be present at designated meetings.

Section 7.4 - Appeals

- A. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the township, county or state.
- B. Hearings - When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearings, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal at least five (5) days prior to the date of the scheduled hearing.

All notices shall be sent to addresses given in the last assessment roll. The Zoning Board of Appeals may recess such hearings from time to time; and, if the time and place of the continued hearing be publicly announced at the adjournment, no further notice shall be required.

- C. Decisions - The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed with the Board of Appeals unless additional time is agreed upon with the parties concerned.
- D. Representation - Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

Section 7.5 - Duties and Powers of the Zoning Board of Appeals

The Prairieville Township Zoning Board of Appeals shall have the following specified duties and powers:

- A. Review - Shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator

in the administration of this Ordinance.

B. Interpretation - Shall have the power to:

1. Hear and decide appeals for the interpretation of the provisions of this Ordinance.
2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision on such subject made by the Zoning Administrator.

C. Variances - The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and regulations, yard width and depth regulations, and such requirements as off-street parking as specified in this Ordinance when all the basic conditions listed below are satisfied.

It shall be found by the Zoning Board of Appeals that any variance granted:

1. Will not be contrary to the public interest or to the spirit and intent of this Ordinance;
2. Shall not permit the establishment within a zoning district of any use which is not permitted by right within that district;
3. Will not cause any adverse effect to property in the vicinity or in the zoning district or in the county;
4. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practical.
5. Relates only to property that is owned by the applicant;
6. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.

D. Special Uses: See Article VII

E. Other Rules - In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:

1. In granting a variance, the Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure, substantially, the objectives of the regulations or provisions to which the variance applies. The breach of any such condition shall automatically invalidate the permit granted.
2. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.
3. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six months after the granting of the variance.

F. Review of development plans as provided in this Ordinance.

Section 7.6 - Stay of Proceedings

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

ARTICLE X

ADMINISTRATION AND ENFORCEMENT

Section 8.0 - Administration

The provisions of this Ordinance shall be administered by the Prairieville Township Board in accordance with the State of Michigan Township Rural Zoning Act, Act 184 of the Public Acts of 1943, as amended.

The Township Board shall appoint a Zoning Administrator to act as its officer and except as otherwise provided in this Ordinance, The Zoning Administrator and enforce this Ordinance including receiving and processing of applications for zoning permits, certificates of occupancy, special use permits, appeals for variances, or other matters the Zoning Board of Appeals or Township Planning Commission is required to decide; and the Administrator shall be responsible for the inspection of premises, the issuance of zoning permits, and for instituting proceedings for the enforcement of the provisions of this Zoning Ordinance. The Administrator shall be a resident of the unincorporated area of Prairieville Township and a United States citizen.

Section 8.1 - Zoning Compliance Permits

It shall be unlawful for any person to commence excavation for any building or structure or to commence the erection, addition, alteration or repair of any building, structure or parking area, or repair or move any building or structure; and no land use shall be commenced until a zoning compliance permit has been secured by the Zoning Administrator. Except upon a written order of the Township Zoning Board of Appeals, no such zoning compliance permit or certificate of occupancy shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

Each zoning compliance permit shall become null and void within one (1) year following the issuing of said permit unless the provisions of the permit have been utilized or unless re-application is made and approved by the Zoning Administrator.

Exempted from the permit requirements are alterations and ordinary maintenance repairs made on any building or structure that does not affect the external dimension of the structure. This provision shall apply except when in conflict with any of the provisions of Article VIII of this Ordinance in which case the provisions of Article VIII shall apply.

Section 8.2 - Zoning Compliance Permit Application

Application for a zoning compliance permit shall be filed in writing with the Zoning Administrator, signed by the person, firm, co-partnership or corporation requesting the same, or by the duly authorized agent of such person,

firm, co-partnership or corporation. There shall be submitted with all applications for zoning compliance permits two (2) copies of a plot plan, giving accurate dimensions on either a scale drawing or a rough sketch. Scale drawings shall be required on all structures and shall contain the following information:

- A. Existing or intended use of the structures.
- B. Lines and dimensions of the lots to be used.
- C. Location upon the lot of all existing and proposed structures and streets.
- D. Application for zoning permits under the provision of this Ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.
- E. Evidence that all required federal, state and county licenses or permits (except building permits) have been acquired or that applications have been filed for the same.
- F. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator.

One copy of both plans and specifications shall be filed in and retained by the office of the Zoning Administrator, and the other shall be given to the applicant when the Zoning Administrator has approved the application and issued the permit. In case of minor alterations, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance. Any permit required by this Zoning Ordinance shall be displayed face out, within twenty-four hours (24) of its issuance by placing the same in a conspicuous place on the premises facing the nearest street and shall be continuously so displayed until all work, or the term for which issued, or the purpose for which issued is completed. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance, and shall subject each person or persons or corporation for whose benefit the permit is required and the owner or owners of the premises involved to prosecution for such violation.

For developments in "PUD" Districts or for developments involving a Development Plan as specified in this Ordinance, the above requirements for a plot plan shall be waived and three (3) copies of the Final "PUD" Development Plan or three (3) copies of the Development Plan shall be submitted with the application for a Zoning Compliance Permit.

In addition, for developments in "PUD" Districts or for developments involving a Development Plan as specified in this Ordinance, no zoning compliance permit shall be issued by the Zoning Administrator until the Final "PUD" Development Plan or the Development Plan is approved by the Zoning Board of Appeals.

Section 8.3 - Preconstruction Inspection

After the issuance of a zoning compliance permit and before any construction begins, the property owner shall be required to notify the Zoning Administrator. Upon such notification, the Zoning Administrator or his designee shall make a preconstruction field inspection to determine that the provisions of the zoning compliance permit are being met.

The Zoning Administrator shall have the authority to waive this provision where it is obviously not necessary to assure compliance with this Ordinance.

Section 8.4 - Amendments

Amendments or supplements to the Zoning Ordinance may be made from time to time in the same manner provided in this Ordinance for the enactment of the original Ordinance except that the public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner. If an individual property is proposed for rezoning, the property shall be conspicuously posted. The Township Planning Commission shall also give a notice thereof to the owner of the property in question, to all persons to whom any real property within three hundred

feet of the premises is assessed and to the occupants of all single and two family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Zoning Board of Appeals prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing provided by the provisions of Public Act 184 of 1943, as amended, stating the time, place, date and purpose of the hearing.

It shall only be necessary to publish the section or sections to be amended in or added to the Zoning Ordinance. Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction as to any specific land may be adopted by the Township Board and the amendment published without referring to same or any other board or agency provided in this Ordinance.

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the zoning map may be amended, supplemented or changed by ordinance of the Township Board.
- B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.
- C. The procedure to be followed for initiating and processing an amendment shall be as follows:
 1. Petition for Change of Zone or Amendment - Each petition by one or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee prescribed in Section 8.5 to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner if a public hearing is held.
 2. Transmittal of Application to Township Planning Commission - Upon completion by the applicant of the necessary forms, maps, etc., as specified by this Ordinance, the Zoning Administrator shall transmit a complete copy of said application to the Township Planning Commission. The Zoning Administrator shall also cause the consideration of said application to be placed on the agenda to be discussed at the next regular Township Planning Commission meeting.
 3. Township Planning Commission Review and Action
 - a. The Zoning Administrator and the applicant, if he wishes, shall make a factual presentation to the Township Planning Commission describing to the best of their ability the nature of the proposed amendment. In the case of rezoning requests, the Zoning Administrator shall indicate, with the appropriate maps, the area proposed for rezoning, its existing zoning and its relation to

the existing land use and any township development plans, regulations or guidelines. In addition, the Zoning Administrator shall describe the applicant's intended use of the land and any pertinent factors relating thereto.

- b. The Planning Commission shall consider each proposal for amendment in terms of its judgment on particular factors related to the individual proposal and in terms of the most likely effect on the township's development in relation to any township development plans, regulations or guidelines.
- c. After deliberation on any proposal, the Township Planning Commission shall act by formal motion on the proposed amendment to either:
 - 1) Approve the amendment as requested for a public hearing and cause said public hearing to be scheduled according to provisions of Public Act 184 of 1943 as amended.
 - 2) Approve the amendment with any modifications or additions to be specified in the motion; and cause a public hearing to be scheduled according to provisions of Public Act 184 of 1943, as amended.
 - 3) Deny the request for amendment.
 - 4) Delay action on the request for a period of not more than sixty (60) days from the said Township Planning Commission meeting to allow time to study further the request. The period of delay shall be specified in the motion and the Township Planning Commission shall take appropriate action before the period expires. If appropriate action is not taken by the Township Planning Commission within the specified period of delay, the Zoning Administrator shall cause a public hearing to be scheduled pursuant to the provisions of Public Act 184 of 1943 as amended, and the provisions of this Ordinance.

The reasons for denying the request for amendment or for delaying the public hearing shall be specified in the formal motion of the Township Planning Commission.

- 4. Public Hearings - The public hearing, held pursuant to the provisions of Public Act 184 of 1943, as amended, shall be conducted in the following manner:
 - a. The applicant shall present evidence regarding the general character and substance of the proposed amendment, objectives and purposes to be served, adequacy and completeness of standards, application of standards, scale and scope of amendment, time factors and scheduling of events, financing arrangements, and relationship of the amendment to the township development plans, regulations or guidelines.
 - b. Any person at the public hearing may ask questions of the applicant or Township Planning Commission or make comments regarding the proposed amendment and such discussion shall be generally recorded in the minutes of the public hearing.
- 5. Meeting of the Township Planning Commission - Following the public hearing, the Township Planning Commission shall conduct a meeting to deliberate the results of the public hearing and decide the course of action on the proposed amendment.
- 6. Re-application for Zoning - No application for a rezoning which has

been denied by the Township Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

Section 8.5 - Filing Fees and Costs

Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees specified by the Township Board except where otherwise noted.

The Township Board shall, upon the recommendations of the Township Planning Commission, by resolution, enact a fee schedule making reasonable charges for the services involved, including cost of hearing and appeals.

All monies collected shall be deposited in the Township General Fund.

Section 8.6 - Enforcement - Violations and Penalties

- A. Buildings erected, altered, moved, razed or converted or any uses of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.
- B. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the violator, or by posting the premises, of all conditions found to be in violation of this Ordinance. A violation not corrected within a time period as determined by the Zoning Administrator shall be reported to the Township Attorney who shall initiate prosecution procedures.
- C. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance upon conviction thereof before any court of the county shall be fined not more than one hundred (100) dollars, or imprisoned for not more than ninety (90) days, or by both such fine and imprisonment at the discretion of the court, with the cost of prosecution for such offense. Every day that the violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

Section 8.7 - Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Ordinance to interfere or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of a building or land other than existing easements, covenants or other agreements, the provisions of this Ordinance shall govern or control. Whenever the requirements of this Ordinance differ from the requirements of other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 8.8 - Relief from Personal Responsibility

An official, officer or employee charged with the enforcement of this Ordinance, while acting for the Township of Prairieville, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed

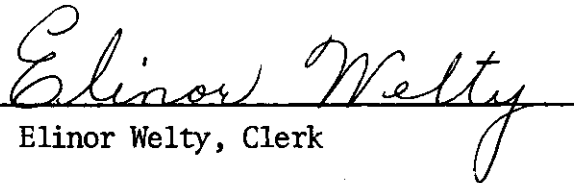
by him in the lawful discharge of his duties and under the provisions of the zoning ordinance shall be defended by the legal representative of the municipality until the termination of the proceedings. In no case shall the Zoning Administrator or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this Ordinance; any officer of the department of zoning administration, acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of this ordinance or by reason of any act or omission in the performance of his official duties in connection therewith.

Section 8.9 - Validity

Should any action, clause or provision of this Ordinance be declared by the courts 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.

Section 8.10 - Effective Date

This Ordinance shall become effective January 7, 1977 .


Elinor Welty, Clerk

CERTIFICATE

I, Elinor Welty, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board, held December 8, 1976, at 7:30 P. M. o'clock Eastern Standard Time, at the Prairieville Township Hall, at 10115 South Norris Road, Route #1, within the Township, at which the following members were present, said Board enacted and passed Ordinance No. 13 heretofore recorded to become effective January 7, 1977, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Joel Welty, Supervisor - Yes

Elinor Welty, Clerk - Yes

Eleanor Houvener, Treasurer - Yes

Graydon Doster, Trustee - Yes

Willis Aukerman, Trustee - Yes

I do further certify that said Ordinance No. 13 was duly published in The Hastings Banner, a newspaper circulated in Prairieville Township, on the 5th day of January, 1977, and further that said Ordinance No. 13 was recorded in said Ordinance Book on the 11th day of January, 1977, and delivered to the Barry County Planning Commission on the 12th day of January, 1977.

Elinor Welty
Township Clerk

Dated: January 11, 1977



PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION

RECOMMENDATIONS OF THE PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION
 RESULTING FROM THE PUBLIC HEARING HELD: June 16, 1976

The Prairieville Township Planning Commission hereby
 recommends the adoption of the attached Prairieville Township Zoning Ordinance:


Mr Reed questions the parking spaces allowed on pages 22 and 23. The Planning Commission will work on this again.

Graydon Doster made a motion that the Zoning Ordinance be accepted with the necessary corrections to be made. Seconded by Gordon Champion. Carried.

Joel Welty brought up a discussion on the old Bob Lyons farm sale. Mr Welty wanted to know that when the Township Board gave the New Owners a tentative approval on their platting, if that now means, the Township Board must approve it? Mr Reed said, the Township Board approved the platting by resolution and so therefore has to accept it.

Richard Honeysett made a motion to ajourn. Seconded by Gordon Champion. Carried.

12:00 p.m.


 secretary

The Barry County Planning Commission, having duly considered the foregoing recommendation of the Prairieville Township Planning Commission, hereby approves the same for consideration by the Prairieville Township Board for the following reasons:

Dated:

MISSION

Prairieville Township, Barry County, Michigan

PLEASE TAKE NOTICE that the following resolution has been adopted by the Prairieville Township Board, Barry County, Michigan, on August 19, 1974.

Resolution of the Prairieville Township Board

BE IT FURTHER RESOLVED that the Township Board of the Township of Prairieville, Barry County, Michigan, does hereby declare its intent to proceed under the provisions of Act No. 184 of the Public Acts of the State of Michigan for 1943, as amended, which provides for the enactment of a zoning ordinance and the establishment of zoning districts in the unincorporated portions of Prairieville Township in accordance with such act; and

BE IT FURTHER RESOLVED that public notice of the passage of this Resolution shall be made by publication in a newspaper of general circulation in the township within 10 days of the date of passage of this Resolution.

I, Judith M. Decker, Prairieville Township Clerk, do hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Prairieville Township Board on August 19, 1974.

Judith M. Decker, Clerk

Prairieville Township Notice

PLEASE TAKE NOTICE that the following resolution has been adopted by the Prairieville Township Board, Barry County, Michigan, on August 19, 1974.

RESOLUTION OF THE PRAIRIEVILLE TOWNSHIP BOARD

BE IT FURTHER RESOLVED that the Township Board of the Township of Prairieville, Barry County, Michigan, does hereby declare its intent to proceed under the provisions of Act No. 184 of the Public Acts of the State of Michigan for 1943, as amended, which provides for the enactment of a zoning ordinance and the establishment of zoning districts in the unincorporated portions of Prairieville Township in accordance with such act; and

BE IT FURTHER RESOLVED that public notice of the passage of this Resolution shall be made by publication in a newspaper of general circulation in the township within 10 days of the date of passage of this Resolution.

I, Judith M. Decker, Prairieville Township Clerk, do hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Prairieville Township Board on August 19, 1974.

PUBLIC HEARING
 for
PRAIRIEVILLE
TOWNSHIP RESIDENTS
 Concerning Final
ZONING ORDINANCE
 June 16, 1976 7:30 P.M.
 Township Hall. A copy of
 the zoning ordinance shall
 be at the Township Hall
 for public review at your
 convenience.

STATE OF MICHIGAN } ss. Wm. Rogers
 County of Kalamazoo

being duly sworn deposes and says she is Principal Clerk of

THE KALAMAZOO GAZETTE
DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified accord-
 ing to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly

published in said paper at least once in each week for one successive week,

and that the first publication was on the 18th day of

May A. D. 19 76 and that the last publication was

on the _____ day of _____ A. D. 19 _____

Sworn to and subscribed before me this 21st day of May 1976

WM. ROGERS, JR.

Notary Public, Kalamazoo County, Mich. Wm Rogers
 My Commission Expires Nov. 26, 1977 Notary Public, Kalamazoo County, Michigan.

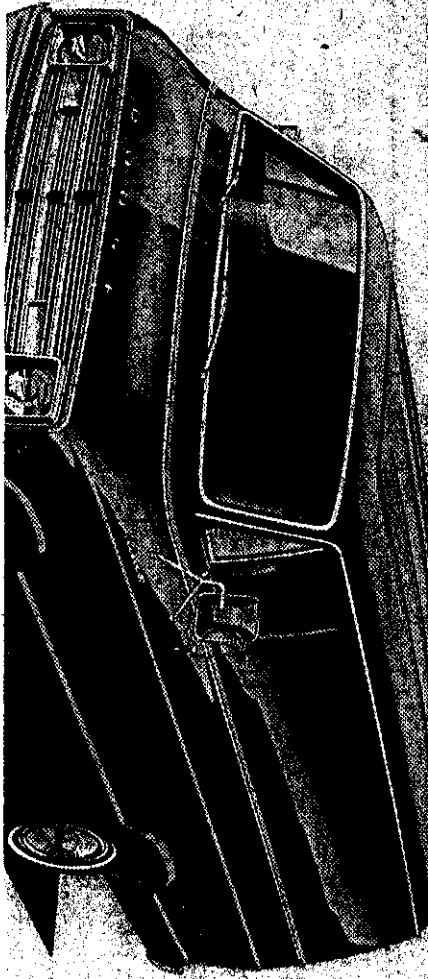
PRINTER'S BILL 17 li. 1 times, \$ 8.50

OK Hazelton Date 6.9.76 Affidavit of Publication \$ 2.00
 OK Jol Welly 6/9/76 Total \$ 10.50

Received Payment _____

Per _____

THEN GO ON A DODGE TRADESMAN VAN.

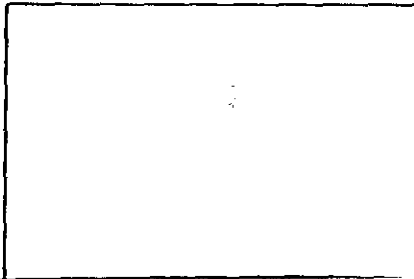


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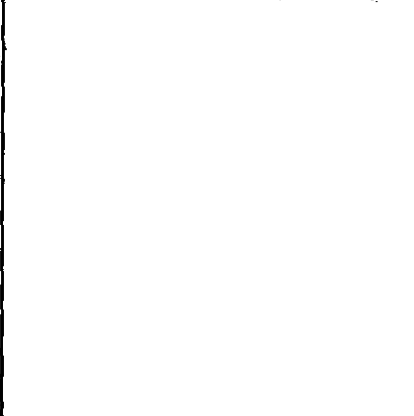
That is the Question

How much is your bank paying you for the use of your money?

At Union Bank in Lake Odessa, you'll receive a full 5%, compounded quarterly. This, in spite of much recent advertising about daily interest... might surprise you by paying more **DOLLARS** and **CENTS** than some other banks. Wouldn't that be a kick in the pants!!! Stop in today and see for yourself.



RESIDENTS OF PRAIRIEVILLE
 BE NOTIFIED that there will
 be a public hearing of the Township
 Board, Prairieville, MI,
 on June 16, 1976 at the
 Planning and Zoning Commis-
 sion, New Zoning Ordinance for
 Township, Barry County,



STATE OF MICHIGAN }
 County of Kalamazoo

ss. Edna Pfeiffer

being duly sworn deposes and says she is Principal Clerk of

THE KALAMAZOO GAZETTE
 DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified accord-
 ing to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly
 published in said paper at least once in each week for one successive week,
 and that the ~~first~~ ^{this} publication was on the 14th day of
June A. D. 1976 and that the last publication was
 on the _____ day of _____ A. D. 19____

Edna Pfeiffer

Sworn to and subscribed before me this 18th day of June 1976

Notary Public for the County of Kalamazoo, Mich.
 My Commission Expires _____

Wm Rogers II
 Notary Public, Kalamazoo County, Michigan.

PRINTER'S BILL	<u>1</u> " <u>Times</u>	<u>1</u> times, \$ <u>8.24</u>
	Affidavit of Publication	\$ <u>2.00</u>
	Total	\$ <u>10.24</u>
	Received Payment _____	
	Per _____	

Affidavit of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

----- Hugh S. Fullerton -----

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of Public Prairieville Township Meeting, June 16, at the Town Hall, Zoning Board

has been duly published in said paper at least once in each week for one successive week, on the following dates, to-wit:

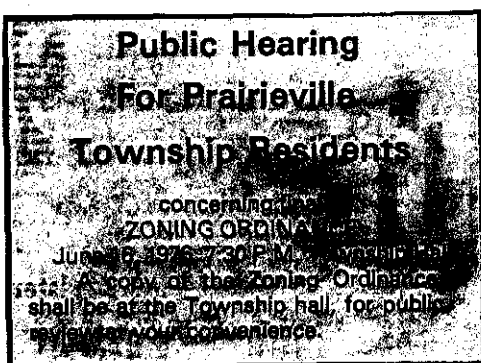
- May 17 ----- A. D. 1976 -----
- A. D. 19 -----
- A. D. 19 -----
- A. D. 19 -----
- A. D. 19 -----
- A. D. 19 -----
- A. D. 19 -----

----- *Hugh S. Fullerton* -----

Subscribed and sworn to before me this 17th day of May A. D. 19 76

Notary Public for Barry County.
Myrtle L. Clark
My Commission expires October 29 1978

5 inches @ \$ 1.40 \$ 7.00



STATE OF MICHIGAN, }
County of Barry } ss.

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Residents of Prairieville Township of final public hearing June 16, 1976 on the Township Planning and Zoning Comm.

has been duly published in said paper at least once in each week for one successive weeks, on the following dates, to-wit:

- June 14 A. D. 1976
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____
- _____ A. D. 19_____

Hugh S. Fullerton

Subscribed and sworn to before me this 14th

day of June A. D. 1976

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires October 29 1978

5 inches @ \$ 1.40 = \$ 7.00

MYRTLE L. CLARK
Notary Public, Barry County, Michigan
My Commission Expires Oct. 29, 1978

**To The Residents Of
Prairieville Township**

PLEASE BE NOTIFIED that there will be a final public hearing at the Township Hall at 10118 Barry Rd. Prairieville, Michigan at 7:30 p.m. on June 16, 1976 of the Township Planning and Zoning Commission on the New Zoning Ordinance for Prairieville Township, Barry County, Michigan.

STATE OF MICHIGAN, }
County of Barry } ss.

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one
of the Publishers of the Hastings Banner, a newspaper
printed and circulated in said County of Barry; that the

annexed notice of Prairieville Township

Zoning Ordinance

has been duly published in said paper at least once in
each week for one successive weeks, on
the following dates, to-wit:

January 5 A. D. 1977

A. D. 19____

A. D. 19____

A. D. 19____

A. D. 19____

A. D. 19____

A. D. 19____

Hugh S. Fullerton

Subscribed and sworn to before me this 10th

day of January A. D. 1977

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires October 29 1978

PRAIRIEVILLE TOWNSHIP
AFFIDAVIT OF SERVICE OF NOTICE

STATE OF MICHIGAN)
)
) : SS
COUNTY OF BARRY)

I, SHERI ARMINTROUT, being first duly sworn, depose and say that, as Secretary of the Prairieville Township Planning Commission, I served a true and correct copy of the attached Notice of Public Hearing held June 16, 1976 upon the following named public utilities and railroads, as directed by the Clerk of Prairieville Township, Barry County, Michigan:

1. Barry County Telephone Company
2. Consumers Power Company
3. Hickory Corners Telephone Company
4. Michigan Bell Telephone Company
5. Penn Central Railroad Transportation Company

by placing the same in envelopes, with postage prepaid thereon, properly sealed and addressed to said companies, and by mailing the same, Certified Mail, from a United States Post Office in Delton, Michigan, on May 24, 1976, and that attached hereto are the receipts of such mailing.

Sheri Armintrout
SHERI ARMINTROUT

Subscribed and sworn to before me this 4th day of May, 1977.

Eleanor Rousseau
- Notary Public

Barry County, Michigan
My Commission Expires: Feb 22-1981

No. 347597

1. **PS** For SPECIAL SERVICES (see front)

2. **PS** For SPECIAL SERVICES (see front)

3. **PS** For SPECIAL SERVICES (see front)

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100. **PS** For SPECIAL SERVICES (see front)

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 14

ZONING ORDINANCE AMENDMENT NO. 1

Adopted: April 6, 1977

Effective: April 6, 1977

An Ordinance to amend Section 6.6, entitled "A" Agricultural District, the subsection thereof numbered B.4.a.2.(a) regulating the minimum acreage, and the subsection thereof numbered C.4 regulating lot area.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

Section 6.6, "A" Agricultural District, the subsection thereof numbered B.4.a.2.(a) shall hereafter be amended to read as follows:

2. The lot and area regulations as specified in this zoning district are complied with:

(a) The minimum shall be two (2) acres with no maximum and containing road frontage of three hundred and thirty (330) feet.

SECTION II

Section 6.6, "A" Agricultural District, the subsection thereof entitled "Area Regulations", the subportion thereof entitled "Lot Area" and numbered C.4, shall hereafter be amended to read as follows:

4. Lot Area - The minimum lot for use in this zone shall be two (2) acres with a minimum lot width of three hundred and thirty (330) feet.

SECTION III

This Ordinance shall take immediate effect.

SECTION IV

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Elinor Welty
Elinor Welty, Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

----- Hugh S. Fullerton -----

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of ----- Prairieville Township -----

----- Ordinance No. 14 -----

has been duly published in said paper at least once in

each week for ----- one ----- successive weeks, on the following dates, to-wit:

----- April 25 ----- A. D. 1977 -----

----- A. D. 19 -----

----- A. D. 19 -----

----- A. D. 19 -----

----- A. D. 19 -----

----- A. D. 19 -----

----- A. D. 19 -----

----- Hugh S. Fullerton -----

Subscribed and sworn to before me this ----- 25th -----

day of ----- April ----- A. D. 1977 -----

----- Myrtle L. Clark -----

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires ----- October 29 ----- 1978 -----

PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
TO: THE RESIDENTS AND
PROPERTY OWNERS OF THE
TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,
AND ANY OTHER INTERESTED
PERSONS:

PLEASE TAKE NOTICE that the following Prairieville Township Ordinance No. 14 was adopted by the Prairieville Township Board at a regular meeting held April 6, 1976.

PRAIRIEVILLE TOWNSHIP
ORDINANCE NO. 14
Adopted: April 6, 1976
Effective: Immediately

Ordinance to amend Section 6.6 entitled "A" Agricultural District, the subsection thereof numbered B.4.a.2.(a) regulating the minimum acreage, and the subsection thereof numbered C.4. regulating lot area.

THE TOWNSHIP OF
PRAIRIEVILLE
BARRY COUNTY, MICHIGAN
ORDAINS:
SECTION I

Section 6.6, "A" Agricultural District, the subsection thereof numbered B.4.a.2.(a) shall hereafter be amended to read as follows:

2. The lot and area regulations as specified in this zoning district are complied with:

(a) The minimum shall be two (2) acres with no maximum and containing road frontage of three hundred and thirty (330) feet.

SECTION II

Section 6.6, "A" Agricultural District, the subsection thereof entitled "Area Regulations," the subportion thereof entitled "Lot Area" and numbered C.4., shall hereafter be amended to read as follows:

4. Lot Area - The minimum lot for use in this zone shall be two (2) acres with a minimum lot width of three hundred thirty (330) feet.

SECTION III

This Ordinance shall take immediate effect.

SECTION IV

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ELINOR WELTY, Township Clerk
4-26

PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION

RECOMMENDATIONS OF THE PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION
RESULTING FROM THE HEARING HELD ON:

MARCH 15, 1977

The Prairieville Township Planning Commission hereby recommends
the following amendment to the Prairieville Township Zoning Ordinance:

LAND USE PLAN

TENTATIVE TEXT

AGRICULTURE

Recommendations: All kinds and types of farm operations be permitted
including part-time and full-time farming.

Housing adequate for the operation of the farm.

Single family homes shall not be allowed on Class I, II, or III soils
as designated by the Soil Conservation Service.

A minimum lot size of two (2) acres and no maximum lot size, including
a minimum of 330 feet of road frontage.

ZONING ORDINANCE

TENTATIVE TEXT

Section 6.6 - "A" Agricultural District

B. Use Regulations

4.a.2. The lot and area regulations as specified in this zoning
district are complied with:

- (A) The minimum shall be two (2) acres with no maximum,
containing road frontage of 330 feet.

ZONING ORDINANCE

TENTATIVE TEXT

Section 6.6 - "A" Agricultural District

C. Area Regulations

4. Lot Area - The minimum lot for use in this zone shall be two
(2) acres, with a minimum lot width of 330 feet.

PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION

By: _____

Planning Commission Secretary

C E R T I F I C A T E

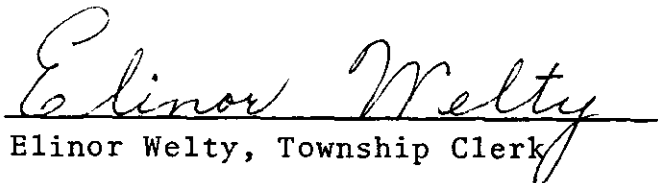
I, Elinor Welty, the duly appointed Clerk of Prairieville Township, Barry County, Michigan do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board of Trustees held April 6, 1977 at 7:30 o'clock P. M., Daylight Savings Time, at the Prairieville Township Hall, 10115 South Norris Road, in the Township of Prairieville at which the following members were present, said Board enacted and Passed Ordinance No. 14 heretofore recorded to become effective April 6, 1977, and that the Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Joel Welty
 Elinor Welty
 Eleanor Houvener
 Graydon Doster
 Willis Aukerman

Nay: None

I do further certify that said Ordinance No. 14 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on the 25th day of April, 1977; and further, that said Ordinance No. 14 was recorded in this Ordinance Book on the 27th day of April, 1977.

Dated: April 27, 1977


Elinor Welty, Township Clerk



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 15

PRAIRIEVILLE TOWNSHIP ELECTRICAL CODE ORDINANCE

An Ordinance to adopt a nationally recognized model Electrical Code pursuant to Act No. 230 of the Public Acts of 1972 (MCLA 125.1501 et seq; MSA 5.2949(1) et seq); to exempt the Township from the operation and effect of said Act; to provide for the administration and enforcement of this Ordinance and said Electrical Code by the Township through agreement or otherwise; to provide penalties for violations thereof; and to repeal existing Township Electrical Codes and Electrical Code Ordinance or Ordinances in conflict therewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY

MICHIGAN

ORDAINS:

SECTION I

This Ordinance shall be known and cited as the Prairieville Township Electrical Code Ordinance.

SECTION II

This Ordinance is enacted by the Township for the purpose of exempting the Township from the operation and effect of Act No. 230 of the Public Acts of the State of Michigan of 1972 (MCLA 125.1505 et seq; MSA 5.2949(1) et seq), as amended, pursuant to Section 8 of said Act, by the adoption of a nationally recognized model Electrical Code, which code shall be administered and enforced by the Township as provided for in this Ordinance and in said Electrical Code. The State Construction Code Commission and/or any agency of the County of Barry charged with the responsibility of enforcing said Act is hereby relieved of any right, authority or responsibility for the enforcement of any Electrical Code within the Township.

SECTION III

That certain document or booklet, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business

hours or by appointment, which is marked and entitled as "NATIONAL ELECTRICAL CODE, 1975 EDITION" as published by the National Fire Protection Association, is hereby adopted by reference as if fully set forth herein as a part of this Ordinance for the purpose of governing the installation, replacement, alteration, relocation and use of electrical systems or materials within the Township; each and all of the regulations, provisions, penalties, conditions and terms thereof, except as may be hereafter modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

SECTION IV

The Township hereby assumes the right and authority to administer and enforce this Ordinance and the Uniform Electrical Code in the manner provided by law and by the said Uniform Electrical Code. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county for joint enforcement and administration of this Ordinance and the Uniform Electrical Code.

SECTION V

Any violation of this Ordinance or the Uniform Electrical Code or any part thereof shall be punishable by a fine not to exceed \$100.00 plus costs and/or confinement in the County Jail for a term not to exceed ninety (90) days. In addition, the Township specifically reserves the right and shall have the authority to proceed on 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 the said Uniform Electrical Code.

SECTION VI

Should any portion of this Ordinance or the Uniform Electrical Code adopted hereby be declared unconstitutional, illegal or of no force and 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

All Ordinances or parts of Ordinances in conflict herewith, including any Electrical Code or Electrical Code Ordinance previously adopted by the Township are hereby repealed and

shall be of no further force or effect on the effective date of this Ordinance. However, Electrical permits validly issued before the effective date of this Ordinance shall not be invalidated by the Ordinance and the Construction may be completed in compliance with said permit, or renewal thereof, and in compliance with any previous Township Electrical Code under which the permit was issued. Any proceeding pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance or Township Electrical Code being repealed hereby shall not be affected by this Ordinance and may be considered pursuant to said previous Ordinances.

SECTION VIII

This Ordinance shall take effect December 13, 1977.

Elinor Welty
Elinor Welty, Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, } ss.
County of Barry

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the annexed notice of -----
Ordinance to adopt

Electrical Code for Prairieville

Township.

has been duly published in said paper at least once in each week for -----
one
----- successive weeks, on the following dates, to-wit:

November 14 A. D. 1977

A. D. 19

A. D. 19

A. D. 19

THE CALICO CAT
10% OFF ALL RUG KITS

ORDINANCE NO. 15
TO: THE RESIDENTS OF PRAIRIEVILLE TOWNSHIP, BARRY COUNTY, MICHIGAN
PLEASE TAKE NOTICE that the following Ordinance was adopted by the Prairieville Township Board of Trustees at the regular meeting of the Board on Wednesday, November

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weaters
& Petties]
ants

C E R T I F I C A T E

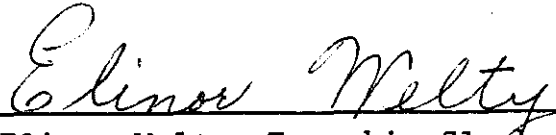
I, Elinor Welty, the duly appointed Clerk of Prairieville Township, Barry County, Michigan do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board of Trustees held November 9, 1977 at 7:30 P. M., Eastern Standard Time, at the Prairieville Township Hall, located at 10115 South Norris Road, in the Township of Prairieville at which the following members were present, said Board enacted and passed Ordinance No. 15 heretofore recorded to become effective December 13, 1977, and that the Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Joel Welty
 Elinor Welty
 Eleanor Houvener
 Graydon Doster
 Willis Aukerman

Nay: None

I do further certify that said Ordinance No. 15 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 14th day of November, 1977; and further, that said Ordinance No. 15 was recorded in this Ordinance Book on the 15th day of November, 1977.

Dated: November 15, 1977



Elinor Welty, Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 19

FISCAL YEAR ORDINANCE

ADOPTED: February 14, 1979

EFFECTIVE: February 14, 1979

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

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

HEREBY ORDAINS:

SECTION I

Commencing in 1979, the fiscal year of the Township shall extend from April 1st of each year until March 31st of the following year.

SECTION II

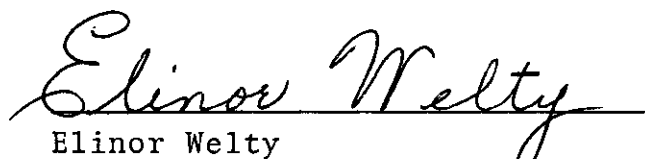
The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III

The annual meeting of the electors of the Township, when the same has not been abolished, shall be held on the last Saturday of 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 in conflict herewith are hereby repealed.


Elinor Welty
PRAIRIEVILLE TOWNSHIP CLERK

of Publication

STATE OF MICHIGAN, }
County of Barry } ss.

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Ordinance No. 19, Fiscal Year Ordinance for Prairieville Township

has been duly published in said paper for one issues, on the following dates, to-wit:

February 26 A. D. 19 79

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

Hugh S. Fullerton

Subscribed and sworn to before me this 26th

day of February A. D. 19 79

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires September 14 19 82

ORDINANCE NO. 19
FEBRUARY 26 1979
FIVE FEBRUARY 1979
...
THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN
SECTION I
...
SECTION II
...
SECTION III
...
SECTION IV
...
Inor Welty, Township Clerk
2-26

CERTIFICATE

I, Elinor Welty, duly elected Township Clerk of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on February 14, 1979, at 7:30 P. M., at the Prairieville Township Hall located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No.19, hereinbefore recorded, to become effective February 14, 1979, and that members of the said Board present at said meeting voted on the adoption of said Ordinance as follows:

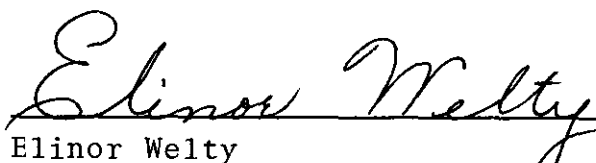
Aye: Joel welty
Elinor Welty
Darlene Vickery
Graydon Doster

Nay: None

Absent: Willis Aukerman

I do further certify that said Ordinance No. 19 was duly published in The Hastings Banner, a newspaper published and printed in Barry County, Michigan, and circulated in Prairieville Township, on the 26th day of February, 1979, and further, that said Ordinance No. 19 was recorded in said Ordinance Book on the 16th day of February, 1979.

DATED: February 16, 1979


Elinor Welty
Prairieville Township Clerk



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 20

ZONING ORDINANCE AMENDMENT NO. 2

Adopted: July 11, 1979

Effective: Immediately

An Ordinance to amend Sections 3.1 Definitions in the following portions, to-wit: Duplex; Dwelling, single family; 4.13 Development Plan Requirements; 5.1 Zoning District Map; 5.2 Zoning District Boundaries, in the following portions, to-wit: "Unplatted Land" (Land) Section 2, T1N, R10W, (Land) Section 7, T1N, R10W, (Land) Section 9, T1N, R10W, and (Land) Section 31, T1N, R10W, Section 6.2 "R-4" Multiple Family, High Density Residential District by the addition of a new sub-paragraph C to provide for Planned Unit Developments; 6.6 "A" Agricultural District, sub-paragraphs 3,4, and new 5, and sub-paragraph C-new 5, with respect to minimum floor area; 6.8 Permit Required for Certain Uses with respect to its title, purpose and the authority of the Township Planning Commission; 6.9 Procedures; 6.10 Basis of Determination; 6.11 Conditions and Safeguards; 6.12 Reapplication; new Section 6.12-1 Record of Conditions; 7.5 to repeal sub-paragraphs D and F, Duties and Powers of the Zoning Board of Appeals, and 8.0 Administration of the Prairieville Township Zoning Ordinance, including the addition of new sections thereto as indicated.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

The hereinbefore listed Sections and sub-paragraphs of Sections of the Prairieville Township Zoning Ordinance are hereby amended or added to said Ordinance to read as follows:

Section 3.1, Definitions:

24a. Duplex: Two family dwelling.

26 Dwelling, Single Family: A detached building conforming to Prairieville Township Building Code, designed for or occupied exclusively by one (1) family and containing housekeeping facilities.

Section 4.13 Site Plan Review

4.131 Purpose:

The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance, and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

4.132 Developments Requiring Site Plan Review:

The Building Inspector shall not issue a building permit for the construction of the following buildings, structures or uses until a detailed site plan has been reviewed and approved by the Township Planning Commission:

- a. Multiple Family Planned Unit Developments
- b. Mobile Home Park Developments
- c. Office Developments
- d. Commercial Developments
- e. Industrial Developments
- f. Special Land Uses Applications
- g. Applications for a permit to construct more than one dwelling on a single parcel.

4.133 Application

Requests for site plan review shall be made by filing with the Township Clerk the following:

- a. A review fee. A schedule of fees for site plan review shall be determined by the Township Board based on the cost of processing the review and shall be made available to the public at the Township Office.
- b. Six copies of the applications for site plan review, which shall contain the following data:
 - (1) The name and address of the applicant.
 - (2) The legal description of the subject parcel of land.
 - (3) The area of the subject parcel of land stated in acres or, if less than one acre, in square feet.
 - (4) The present zoning classification of the subject parcel of land.
 - (5) A general description of the proposed development.
- c. Six copies of the site plan, which shall contain the following data:
 - (1) It shall be of a scale not greater than one inch equals 20 feet, not less than one inch equals 200 feet; however, of such size and accuracy that the Zoning Board can readily interpret the plan.
 - (2) It shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.
 - (3) It shall identify the subject property by lot lines and location, including dimension, angles and size, correlated with the legal description.
 - (4) It shall show the topography at not less than four-foot contour intervals and all natural features, including wood lots, streams,

rivers, lakes, drains, wet lands, natural drainage channels, unstable soils and similar features.

- (5) It shall show existing man-made features on and within 500 feet of the site, such as buildings, structures, high tension towers, pipelines, existing utilities, including water and sewer lines, excavations, bridges, culverts, drains and easements.
- (6) It shall show the location, proposed finished floor and grade line elevations and size of proposed main and accessory buildings, their relation to one another and to all existing structures on the site, the height of all buildings and square footage of floor space. Site plans for multiple family residential development shall include a density schedule showing the number of dwelling units per acre; including a dwelling schedule showing the type and number of each unit type.
- (7) It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, and service parking and loading and unloading areas.
- (8) It shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
- (9) A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, and shall identify the existing uses and zoning of adjacent properties.

d. When the completed application is filed, the Township Clerk shall transmit it to the Chairman of the Planning Commission and cause notice to be given in accordance with notice provisions of Section 6.10. The applicant and persons interested shall be given the opportunity to appear before the Planning Commission at the time, date and place stated in the notice to present his plan and discuss it with the Commission.

4.134 Standards for Site Plan Review:

In reviewing the detailed site plan, the Planning Commission shall ascertain whether or not the proposed site plan is consistent with all regulations of this Zoning Ordinance. Further, in consideration of each site plan, the Planning Commission shall endeavor to insure the following:

- a. The proper development of roads, easements and public utilities has been provided to protect the general health, safety and welfare of the Township.
- b. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- c. The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of the subject parcel and the occupants of adjacent properties.
- d. The proposed use will not have a harmful effect on the surrounding neighborhood development. Provision for fencing, walls and landscaping devices

may be required to provide screening from adjacent land.

4.135 Approval/Disapproval:

After review, the Planning Commission shall either approve or disapprove the site plan. Decisions rejecting, approving or conditionally approving a site plan shall be based upon requirements and standards contained in the Zoning Ordinance. If the plan is disapproved, the Commission shall state the reasons for the disapproval.

4.136 Conformity to Approved Site Plan Required:

Developments of the subject parcel shall be in complete conformity with the approved site plan and any amendments thereto approved by the Planning Commission.

4.137 Amendment to Site Plan:

A proposed amendment or modification to a previously approved site plan may be submitted for review in the same manner as the original application for site plan review.

4.138 Security Deposit:

- a. To insure compliance with a zoning ordinance and conditions imposed at the time of granting of the site plan approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering 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.
- b. The Planning Commission shall, by resolution, request the Township Clerk to rebate said cash 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 meeting of the Planning Commission based on evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
- c. 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 Planning 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.
- d. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by a planning 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.

5.1 Zoning District Map:

The locations and boundaries of zoning districts

established by this Ordinance may be shown on a map entitled "The Prairieville Township Zoning Map". In case of conflict between the Prairieville Township Zoning Map and the description of boundaries set forth in Section 5.2, the description in Section 5.2 shall prevail.

5.2 Zoning District Boundaries:

(Land) Section Two (2), T.1N., R. 10 W.

"A" Agricultural District: Entire section except those parts herein described as "R-5" Mobile Home Parks, "C-1" Commercial District and "P-1" Public Land.

"R-5" Mobile Home Parks: All that part South fractional 1/2, Section Two (2) lying southwesterly of Parker Road and southeasterly of Norris Road except all that part southeast fractional 1/4 lying westerly of Parker Road and Southerly of waters edge also except commencing at intersection of south line Section Two (2) with the center line of Norris Road; thence east along the south line said section, 50 rods; thence north, 16 rods to the place of beginning; thence north, 24 rods; thence west to the center line of Norris Road; thence southwesterly thereon to a point west of beginning; thence east to the place of beginning. Also except commencing at the center 1/4 post Section Two (2); thence south, 37 degrees thirty minutes east along center line of Parker Road, 561.12 feet for place of beginning; thence south 37 degrees 30 minutes east thereon, 120.00 feet; thence south 750.00 feet to bank of pond; thence west 380.00 feet to north and south 1/4 line of said section; thence south thereon, 550.0 feet; thence west 1350.0 feet to center line of Norris Road; thence northeasterly thereon 1880.0 feet; thence east, 690.0 feet to center line of Parker Road to place of beginning.

"C-1" Commercial District: Commencing at the intersection south line Section Two (2) with center line Norris Road, thence east long south line said Section, 50 rods; thence north, 16 rods to the place of beginning; thence north, 24 rods; thence west to center line Norris Road, thence southwesterly thereon to a point west of beginning; thence east to the place of beginning. Also the south 313.5 feet of west 255.75 feet northeast fractional 1/4. Also beginning at the southwest corner of Lot 32 of Supervisor's Plat Village of Prairieville; thence south to the westerly line of Norris Road; thence northeasterly thereon to southeast corner of Lot 33 of said plat, thence west along south line of said lot, 76 feet; thence north 84 feet; thence west, 148.2 feet to the place of beginning.

"P-1" Public Land: Beginning at northeast corner of Lot 51 of the recorded plat of Supervisor's Plat of the Village of Prairieville; thence east, 1002.7 feet; thence south 648.50 feet; thence west, 868.63 feet to the southeast corner of Lot 47 of said plat, thence north along east line of said plat, 395.5 feet to the northeast corner Lot 48; thence west along north line Lot 48, 127.0 feet; thence north, 239.25 feet to the beginning.

(Land) Section Seven (7), T. 1N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential, "C-1" Commercial District, and "P-1" Public Land.

"R-2" Medium Density Residential: Commencing at the southwest corner of Section (7), thence north 88 degrees 23 minutes west 1558.78 feet; thence north 0 degrees 31 minutes west 1382.69 feet to the place of beginning; thence north 0 degrees 31 minutes west 641.07 feet to southerly shore of Pine Lake Number 4; thence southeasterly thereon 236.0 feet; thence south 0 degrees 16 minutes east 583.23 feet; thence west 230.92 feet to beginning.

"C-1" Commercial District: All that part northwest fractional 1/4, Section Seven (7) lying northwesterly of Pine Lake.

"P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.00 feet south of west 1/4 post thereof; thence east, 233.0 feet; thence north, 554.0 feet; thence east, 1320.0 feet; thence south, 594.0 feet; thence west, 1553.0 feet to west line said section, thence north thereon, 40.0 feet to the place of beginning.

(Land) Section Thirty-one (31), T. 1 N., R 10 W.

"A" Agricultural District: All that part Section Thirty-one (31) lying southerly of Highway M-89 and also all that part of the southeast 1/4 lying northerly of Highway M-89 and east of Kane Road except that part herein described as "C-1" Rural Area Convenience Commercial District.

"R-1" Low Density Residential: All that part of Section thirty-one (31) lying northerly of Highway M-89 and west of Kane Road except recorded plats of "B-Z Bee Acres" and "B-Z Bee Acres No.2."

"C-1" Rural Area Convenience District: The northwesterly 10 acres of the east 1/2 of the southwest 1/4 Section Thirty-one (31) lying southerly of Highway M-89.

6.2 "R-4" Multiple Family High-Density Residential District

C. Planned Unit Developments

(1) In order to permit planned diversification in the location of multiple family dwellings and to improve circulation and other site qualities, while insuring adequate standards, one or more such structures may be erected and maintained on the same lot; or several lots in the same ownership may be combined into one special plan covering a planned building group. The condition which creates planned unit development eligibility is the preparation of a plan which will meet the spirit and intent of this Ordinance and the conditions herein imposed but which requires variances from some of the Ordinance requirements.

(2) An application for approval of a planned unit development hereunder shall be filed with the Planning Commission by the owner or owners of the entire land area to be included within the planned unit development and shall contain a site plan prepared in accordance with the provision of Section 4.13.

(3) The Planning Commission shall fix a time for hearing on the special plan and give notice as provided in Section 6.10. At the hearing, and interested person or party may appear and be heard either in person or by his agent or attorney. The Planning Commission shall hear evidence and arguments upon each of the following points, as well as other material matters:

(a) Is there anything in the plan which is inconsistent with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare, and/or will adjoining property be adversely affected?

(b) Is there adequate open space under the proposed plan?

(c) The plan shall not omit any necessary street or street right-of-way.

(d) Adequate design of grades, paving, gutters, and drainage to handle storm waters, prevent erosion and formation of dust shall be provided.

(e) Safe and convenient arrangements of pedestrian circulation facilities, roadways, driveways, off-street parking, loading area and illumination shall be provided.

(f) External boundaries and landscaping shall be harmonious with that of abutting property.

(g) Adequate and safe recreational and play areas will be provided for children.

(h) Facilities for the disposal of garbage and refuse shall be provided.

(4) Every development must have a minimum of two access streets connecting said development to a public highway; provided, however, that the Planning Commission may waive this requirement upon a finding by the Commission that due to the particular characteristics of the proposed development, a second access street would not improve traffic safety or could interfere with traffic safety.

(5) Vehicular entrances and exits will be constructed with approach lanes if deemed necessary by the Planning Commission so as not to interfere with moving traffic. The Planning Commission shall have the authority to require the dedication of sufficient frontage to provide a 100-foot roadway right-of-way where the Commission finds that it can be reasonably anticipated that the adjoining public right-of-way will be required to accommodate four lanes of traffic. No road, either public or private, shall be approved which has a right-of-way width of less than 66 feet, where the same would presently or within the foreseeable future serve as a connecting link between different land ownerships or different public roads.

(6) If the Planning Commission approves the plan, then it may grant a variance from the terms of this Ordinance and as to the tract so proposed to be developed, modify the height, area, setback, sign and yard regulations as well as the requirement that all buildings must abut dedicated streets. The Planning Commission shall prepare a report stating its conclusion on the request for the planned unit development, the basis for its decision, its decision, and any conditions relating to an affirmative decision.

(7) All planned unit development projects approved by the Planning Commission shall limit and control the issuance and validity of building permits and shall restrict and limit construction, location, use and operation of all developments set forth in such plans.

(8) Prior to the issuance of a building permit by the Building Inspector, all required street and easement dedications shall be provided for and certification of the same shall be made to the Planning Commission.

6.6 "A" Agricultural District:

B. Use Regulations

3. Single family dwellings

4. To prevent landlocked areas, under no conditions will a parcel of land be sold without a 66 foot right-of way or easement.

5. Special uses that may be authorized in this zoning district include the following uses, provided that an application is submitted for a special use permit and standards of Article VII of this Ordinance are complied with.

a. Public schools and colleges when owned and operated by a governmental agency; minimum 50 foot side and rear yards are required for all such uses.

- b. Private non-profit schools and colleges, subject to the conditions stipulated in a) above, and said private schools shall not include trade schools, business schools, or private schools operated as commercial enterprises.
- c. Riding stables.
- d. Junkyards, salvage yards, public dumps and sanitary landfills, provided that all applicable regulations of the State of Michigan are complied with and are no more than a minimum of 300 feet near any body of water.
- e. Temporary sawmill operations shall not be less than a minimum of 300 feet near any body of water.
- f. Commercial natural resource extraction or relocation, including sand and gravel, shall not be less than a minimum of 300 feet near any body of water.
- g. Roadside stands for the sale of farm products grown on the farm, provided that adequate off-street parking shall be provided and no hazardous traffic conditions result from such activity.
- h. Housing for transient labor, provided that such housing shall not be occupied for more than 180 days of any calendar year; such use shall comply with all applicable regulations of the State of Michigan and Barry County District Health Office.
- i. Home occupations as defined and regulated by Article IV, Section 4.19.
- k. Religious institutions.
 - l. Cemeteries.
- m. Dog kennels.
- n. A garage, accessory building, mobile home, basement, portion of a structure or temporary structure, may be occupied as a temporary dwelling under the additional conditions and limitations set forth in Section 6B-3-c of this Ordinance.

C. Area Regulations

- 5. Floor area: the minimum floor area required for any dwelling built in the agricultural zone shall be 1000 square feet.

6.8 Special Land Uses:

Purpose: Certain land use activities entitled "Special Land Uses" might be authorized in the various zoning districts, but only if adequate safeguards are provided to ensure the protection of public health, safety and general welfare. The special land uses that may be authorized are listed in the "Use Regulations" section of each zoning district.

6.9 Special Land Uses, Explanation:

A. In order to make this Ordinance a flexible zoning control and still afford protection of property values

and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of those uses designated as Special Land Uses within the various zoning classifications set forth in the Ordinance.

B. Such special land uses have been so designated because of the unique character of the use, which, in the particular zone involved, under certain physical circumstances, and without prior controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

C. With this in mind, such special land uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor, and imposed by said Commission, would meet the special condition set forth in the Ordinance text which designates the special land use and general conditions hereafter set forth.

6.10 Special Land Use, Application and Notice:

A. Application for a special land use permit shall be filed with the Township Clerk. The applicant shall submit a site plan containing plans and specifications or other data or explanatory material required by the Ordinance and also stating the methods by which the use will comply with the conditions specified for each grant of special land use. At the time of filing a request for special land use permit the applicant shall pay the fee determined by the Township Board by resolution to help defray expenses in connection with the application.

B. The Planning Commission shall receive the application, determine the date for a public hearing and shall cause statutory notice thereof to be given to include the following:

1. Notice that a public hearing will be held upon special land use approval shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval 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 thereof. The notice shall be given not less than 5 nor more than 15 days before the date of the public hearing.
2. The notice shall:
 - (a) Describe the nature of the special land use request.
 - (b) Indicate the property which is the subject of the special land use request.
 - (c) State when and where the public hearing will be held.
 - (d) Indicate when and where written comments will be received concerning the request.
 - (e) Indicate that anyone so wishing will be heard at the hearing.

6.11 Special Land Use, Hearing Procedure

In hearing a request for a special land use permit, the Planning Commission shall be governed by the following principles and procedure:

- A. The applicant for a special land use permit shall

have the burden of proof, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Commission.

B. A special land use permit may be granted if the Planning Commission finds from the evidence produced at the hearing that:

(1) That all special conditions and limitations set forth in the text of the Ordinance accompanying the special use designation within a zone classification can and will be complied with.

(2) That public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

(3) That the proposed land use or activity will not unreasonably interfere with protection of the natural environment and conserve natural resources and energy.

(4) That the proposed land use or activity will be compatible with the adjacent uses of land and promote the use of land in a socially and economically desirable manner.

6.12 Special Land Use Permits, Special Provisions

The Planning Commission may, and is hereby empowered to, add to the specific conditions and limitations enumerated in the Ordinance, others that it may deem necessary to protect adjacent properties, the general neighborhood, the residents and workers therein and to make the use comply with the intent and purpose of the special land use provisions of this Ordinance, other Township ordinances and state and federal statutes. In addition, such special conditions shall meet the following requirements:

(1) Be designed to protect natural resources, the health safety, and welfare and the social, economic well-being of those persons who will use the land use or activity under consideration, the residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.

(2) Be related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

6.121 Record of Conditions:

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the land owner. The Planning Commission shall maintain a record of conditions which are changed.

7.5 Duties and Powers of the Zoning Board of Appeals:

D. Repealed.

F. Repealed.

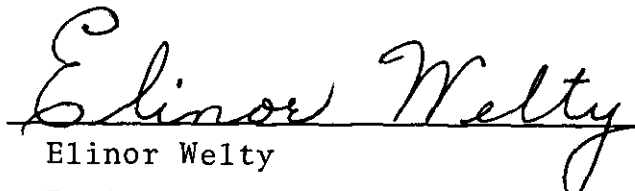
8.0 Administration:

Administration: the provisions of this Ordinance shall be administered by the Prairieville Township Board in accordance with the State of Michigan Township Rural Zoning Act; Act 184 of the Public Acts of 1943, as amended.

The Township Board shall appoint a Zoning Administrator to act as its officer and except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance including the receiving and processing of applications for zoning permits, certificates of occupancy, special use permits, appeals for variances, or other matters the Zoning Board of Appeals or Township Planning Commission is required to decide; and the Administrator shall be responsible for the inspection of premises, the issuing of zoning permits, and for instituting proceedings for the enforcement of the provisions of this Zoning Ordinance.

SECTION II

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


Elinor Welty
Prairieville Township Clerk



CERTIFICATE

I, Elinor Welty, duly elected Township Clerk of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of statute and law provided, at a regular meeting of the Prairieville Township Board held on July 11, 1979, at 7:30 P. M., at the Prairieville Township Hall located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 20, hereinbefore recorded, to become effective on July 11, 1979, and that members of the said Board present at said meeting voted on the adoption of said Ordinance as follows:

Aye: Joel Welty
 Graydon Doster
 Darlene Vickery
 Willis Aukerman

Nay: None

Absent: Elinor Welty

I do further certify that said Ordinance No. 20 was duly published in the Hastings Banner, a newspaper published and printed in Barry County, Michigan, and circulated in Prairieville Township, on the 23rd day of July, 1979, and further, that said Ordinance No. 20 was recorded in said Ordinance Book on the 25th day of July, 1979.

DATED: July 25, 1979



 Elinor Welty
 Prairieville Township Clerk

Affidavit of Public

ORDINANCE NO. 100
TOWNSHIP OF PRAIRIEVILLE
BERRY CO. INDIANA
SECTION 1

SECTION 1. The purpose of this ordinance is to provide for the health, safety and general welfare of the Township of Prairieville, Berry County, Indiana, by regulating the use of land and buildings thereon. This ordinance shall be known as the Prairieville Zoning Ordinance.

SECTION 2. The powers and authority of the Township Board of Prairieville, Indiana, is hereby affirmed and the Board is authorized to enact this ordinance.

SECTION 3. The provisions of this ordinance shall be administered by the Prairieville Township Board in accordance with the State of Indiana Township, Rural Zoning Act, Act 134 of the Public Acts of 1913, as amended.

SECTION 4. The Township Board shall appoint a Zoning Administrator to act as its officer and except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance including the receiving and processing of applications for zoning permits, certificates of occupancy, special use permits, appeals for variances, or other matters the Zoning Board or appeals of Township Zoning Commission is required to decide, and the Administrator shall be responsible for the inspection, premises, the issuing of zoning permits, and for the enforcement of the provisions of this Zoning Ordinance.

SECTION 5. This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ELINOR WELT
Prairieville Township Clerk

Affidavit of Publication

**PRAIRIEVILLE TOWNSHIP
NOTICE OF PLANNING
COMMISSION PUBLIC HEARING
TO: THE RESIDENTS AND PRO-
PERTY OWNERS OF PRAIRIE-
VILLE TOWNSHIP, BARRY
COUNTY, MICHIGAN, AND ANY
OTHER INTERESTED PERSONS:**

Notice is hereby given that the Prairieville Township Planning Commission will hold a public hearing upon proposed changes in the Prairieville Township Land Use Master Plan and Ordinance on Wednesday, February 7, 1979, at 7:30 o'clock p.m. at the Prairieville Township Hall, 4011 1/2 South Norris Road, Delton, Michigan.

PLEASE TAKE FURTHER NOTICE that the proposed changes in the Land Use Plan and proposed amendments to be considered at said hearing including in brief the following:

1. A proposed change in the Land Use Master Plan in the areas including and surrounding and a proposed rezoning of an area of approximately 3.8 acres situated on the north side of M-43 having 466.41 feet of frontage along M-43 and commonly known as 15536 M-43, Hickory, Cassara, Michigan, from "R-12" Low Density Residential Zone classification to "R-1" Multifamily High Density Residential classification.

2. The amendment of the Land Use Plan of the areas including and surrounding and the rezoning of an area of approximately 30 acres situated on the south side of M-89 described as the northwest 10 acres lying out of M-89 in the east one half of the southeast one quarter of Section 21, T15S, R10W, from "A" Agricultural District Zone classification to "C-1" Rural Area Convenience Commercial District.

3. A proposed change in the Land Use Plan and the rezoning of approximately 37 acres situated on the southeasterly side of Norris Road having approximately 1,680 feet of frontage on Norris Road from "R-5" Mobile Home Park Residential District, to "A" Agricultural District Zone classification.

4. Such other and further matters as may properly come before the Planning Commission.

PLEASE TAKE FURTHER NOTICE that the proposed amendments to be considered, including the Land Use map and Township zoning map may be examined at the Prairieville Township Hall located on South Norris Road, within the Township, or at the office of the Township Attorneys, Bauckham, Reed, Lang, Schaefer & Travis, 132 West South Street, Kalamazoo, Michigan, at any reasonable time from and after the first publication of this notice until and including the time of public hearing. It may be further examined at said public hearing.

The Prairieville Township reserves the right to make changes in the proposed master plan and zoning amendment and tentative text at or following the public hearing.

All persons are invited to be present for comments and suggestions at the foregoing public hearing.

**PRAIRIEVILLE TOWNSHIP
PLANNING COMMISSION
1011 1/2 South Norris Road
Delton, Michigan 49046**

Affidavit of Publication

NOTICE OF PRAIRIE
VILLE TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
TO THE RESIDENTS
AND PROPERTY
OWNERS OF PRAIRIE
VILLE TOWNSHIP,
BARRY COUNTY, MICH-
IGAN AND ANY OTHER
INTERESTED PERSONS:

Notice is hereby given that

Notice is hereby given that the Prairieville Township Planning Commission will hold a public hearing upon proposed changes in the Prairieville Township Land Use Master Plan and Amendments to the Zoning Ordinance on Wednesday, May 9, 1979, at 7:00 p.m. at the Township Hall, North Road, Township, Michigan.

FURTHER notice and other to provide for hearing pro-
the Prairieville Township Planning Commission and
the exclusive jurisdiction of
plan review shall be
Land Use and
the proposed
FURTHER

Your Res

10115 South
Delton, Mich
Telephone
TOWNSHIP
PRAIRIE
PUBLIC HEARING
and suggestions for
going public hearings at 10115
All persons are invited
a hearing.
and present are invited
at 10115 South
Township map
zoning map
Plan map
including the
ments to
that
A K E
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39

Affidavit of

PRAIRIEVILLE TOWNSHIP
 NOTICE OF PLANNING
 COMMISSION PUBLIC HEAR
 TO THE RESIDENTS AND P
 PERTY OWNERS OF PRAI
 VILLE TOWNSHIP, BAI
 COUNTY, MISSOURI, AND
 OTHER INTERESTED PERSC
 Notice is hereby given that
 Prairieville Planning Com
 mission will hold a Public Hea
 upon "proposed changes" in
 Prairieville Township Land
 Master Plan and proposed am
 ments to the Prairieville Tow
 Zoning Ordinance on Thursday
 25, 1976, at 7:30 o'clock p.m., at
 Prairieville Township Hall, 1
 South Norris Road, Dalton, M
 gan.

PLEASE TAKE FURTHER
 NOTICE that the proposed cha
 in the Land Use Plan and
 proposed amendments to be co
 ered at said hearing include in
 the following:

1. An amendment to the Land Plan recommending the area located in the southeast quarter of Section 1, southwest side of Parker Road, be designated for Residential use.
2. An amendment to the Land Plan proposing that the area located in the southeast quarter of Section 2, be designated single and two family Residential.
3. The rezoning of approximately thirteen (13) acres situated on the southwesterly side of Parker Road and abutting the south section of Section 2, having approximately 100 feet of frontage along Parker Road, from R-2 Residential and two family medium density residence district "A" Agricultural District.
4. The rezoning of a parcel of land located in the southeast one quarter of Section 7, lying west of recorded plat of Southgate Estates, having a frontage on Pine Lane approximately 236 feet and a depth of approximately three (3) acres, more or less, from "A" Agricultural district zone classification to single and two family medium density residence district zone classification.
5. The amendment of Section 10 of the Zoning District Map to provide in case of conflict, the Zoning District boundaries described in the Ordinance take precedence over

044 /

PRAIRIEVILLE TOWNSHIP
AFFIDAVIT OF SERVICE OF NOTICE

STATE OF MICHIGAN)
COUNTY OF KALAMAZOO) : ss

I, KIM K. HUGHSON, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Public Hearing, held February 7, 1979, upon the following named public utilities and railroads, as directed by the Clerk of Prairieville Township, Barry County, Michigan:

- 1. Barry County Telephone Company
- 2. Consumers Power Company
- 3. Hickory Corners Telephone Company
- 4. Michigan Bell Telephone Company
- 5. Consolidated Rail Corporation

by placing the same in envelopes, with postage prepaid thereon, properly sealed and addressed to said companies, and by mailing the same, certified mail, from a United States Post Office in Kalamazoo, Michigan, on January 2, 1979, and that attached hereto are the receipts of such mailing.

Kim K. Hughson
KIM K. HUGHSON

Subscribed and sworn to before me this 2nd day of January, 1979.

Terri L. Wolthuis
Terri L. Wolthuis, Notary Public
Kalamazoo County, Michigan

No. 820785
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)
SENT TO
Consolidated Rail Corporation

No. 820787
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)
SENT TO
Hickory Corners Telephone

No. 820786
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)
SENT TO
Barry County Telephone Co.

No. 820785
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)
SENT TO
Michigan Bell Telephone Co.
133 West Lovell Street
P.O. STATE AND ZIP CODE
Michigan 49007
No. 820788
(See Reverse)

SENT TO
Consumers Power Company
STREET AND NO.

CLASS POSTAGE, (see front)
the left portion of the address
article at a post office service
and mail the article.
stubs on the left portion of the
nd your name and address on a
article by means of the gummed
front of article RETURN RECEIPT
torized agent of the addressee,
s on the front of this receipt. If
1 of Form 3811.
* GPO 1977 - 289-172

#1 PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION

RECOMMENDATIONS OF THE PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION
RESULTING FROM PUBLIC HEARING HELD: May 9, 1979 subsequent
hearing held May 23, 1979

The Prairieville Township Planning Commission hereby
approves the following amendment to the Prairieville
Township Zoning Ordinance:

The amendment of the Land Use Plan and the amendment
of the Zoning Ordinance so as to designate and rezone from "A-1"
Agricultural District Zone classification to "R-1" Single
Two Family Medium Density District Zone classification, the
one-half (S 1/2) of Section 12, lying generally south of
Cedar Lake and East of Parker Road, except the recorded plat of
William C. Schultz Park and land of Robert Bell.

PRAIRIEVILLE TOWNSHIP PLANNING COMMISSION

By: *[Signature]*
Richard D. Reed, Township Clerk

The Barry County Planning Commission, having duly
considered the foregoing recommendation of the Prairieville Township
Planning Commission, hereby approves ~~disapproves~~ the same for
consideration by the Prairieville Township Board for the following
reasons:

Dated: June 25, 1979

BARRY COUNTY PLANNING COMMISSION

By: *[Signature]*
- District Director

FINAL ACTION BY THE PRAIRIEVILLE TOWNSHIP BOARD:
 Enacted *Approved by Township Board*
 Denied
 Referred back to Planning Commission

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 21

ZONING ORDINANCE AMENDMENT NO. 3

Adopted: August 8, 1979

Effective: Immediately

An Ordinance to amend 5.2, Zoning District Boundaries in the following portions, to wit, "Unplatted Land" (Land) Section 12, T1N, R10W, to rezone portions thereof and Section 4.3 subparagraph D, entitled Temporary Use of Recreational Units, to regulate the temporary occupancy of recreational units and the conditions and limitations to be attached thereto.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION 1

Section 4.3, subparagraph D thereof is hereby amended to read as follows:

Section 4.3 - Temporary Use of Recreational Units

A recreational unit may be occupied for temporary recreational purposes within any zone classification established in this Ordinance, subject to the following conditions and limitations:

- (a) The occupancy upon a parcel of land is short term, meaning not more than 30 days within any calendar year.
- (b) The occupancy is associated with recreational activity or short term visits.
- (c) Not more than one recreational unit is allowed per parcel of land.
- (d) A zoning permit must be obtained from the Township Zoning Inspector, for any occupancy exceeding 5 days within the calendar year.
- (e) The recreational unit may not be temporarily or permanently connected to the utilities, sewer facilities or water.
- (f) The recreational unit may not be leased or rented to the occupants.
- (g) Recreational units may be stored neatly or in enclosed buildings or on property contiguous with the registered owner of the recreational unit.
- (h) Recreational units such as recreational vehicles, boats, trailers, or similar type vehicles shall be prohibited from being stored or parked in zoning districts R-1, R-2

and R-4 for a period of time greater than two weeks within a calendar year.

- (i) The Prairieville Township Board of Appeals shall have the right and authority to interpret and enforce off-street parking or storage where the health, safety, and the general welfare of the neighborhood would thereby be impaired or, also, if the spirit of the zoning ordinance deters the encouragement of orderly development and the conservation of property values.

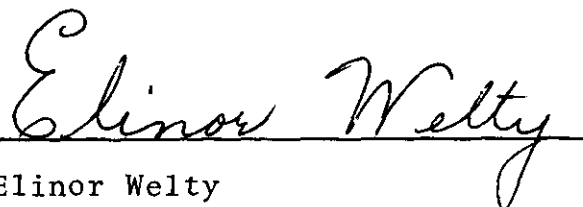
SECTION II

Section 5.2, Zoning District Boundaries in the following portions, to wit, (Land) Section 12, T1N, R10W, is hereby amended to read as follows:

"R-2" Medium Density Residential: The South fractional 1/2 of Section Twelve (12) except commencing at the Southwest corner of said Section; thence South $89^{\circ} 25' 4''$ East along South line of said Section, 550 feet for place of beginning; thence North $0^{\circ} 14' 30''$ West 200 feet; thence North $89^{\circ} 25' 04''$ West, 17.0 feet; thence North $0^{\circ} 14' 30''$ West, 519.66 feet; thence North $89^{\circ} 45' 30''$ East, 636.47 feet; thence North $53^{\circ} 04' 30''$ East 157.94 feet; thence South $36^{\circ} 35' 30''$ East 249.47 feet; thence South $89^{\circ} 25' 04''$ East 731.67 feet; thence South $0^{\circ} 34' 56''$ West 627.0 feet to South line of said Section, thence West thereon 1618.0 feet to beginning.

SECTION III

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



Elinor Welty

Prairieville Township Clerk

CERTIFICATE

I, Elinor Welty, duly elected Township Clerk of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of statute and law provided, at a regular meeting of the Prairieville Township Board held on August 8, 1979 at 7:30 P. M. at the Prairieville Township Hall located in the Township of Prairieville at which the following members were present, the Board enacted and passed Ordinance No. 21, hereinbefore recorded, to become effective immediately, and that members of the said Board present at said meeting voted on the adoption of said Ordinance as follows:

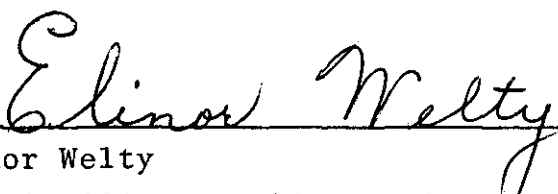
Aye: Joel Welty
 Willis Aukerman
 Darlene Vickery
 Elinor Welty

Nay: None

Absent: Doster

I do further certify that said Ordinance No. 21 was duly published in The Hastings Banner, a newspaper published and printed in Barry County, Michigan, and circulated in Prairieville Township, on the 22nd day of August, 1979, and further, that said Ordinance No. 21 was recorded in said Ordinance Book on the 24th day of August, 1979.

DATED: August 24, 1979



 Elinor Welty
 Prairieville Township Clerk

Affidavit of Publication

STATE OF MICHIGAN, } ss.
County of Barry

Hugh S. Fullerton

being first duly sworn, deposes and says that of the Publishers of the Hastings Banner, a printed and circulated in said County of Barry

annexed notice of Prairieville Township Ordinance No. 21

has been duly published in said paper one.... issues, on the dates, to-wit:

August 22, 1975

----- A. C
----- A. C
----- A. C
----- A. C
----- A. C
----- A. C
----- A. C

Hugh S. Fullerton

Subscribed and sworn to before me this 25

day of August A. D.

Myrtle L. Clark
Notary Public for Barry County
Myrtle L. Clark

My Commission expires September 14

NOTICE
PRAIRIEVILLE TOWNSHIP
BARRY COUNTY
To the residents and property owners of the Prairieville Township, Barry County, Michigan and any other interested parties:
PLEASE TAKE NOTICE that the following Prairieville Township Ordinance, No. 21, being an amendment to the Prairieville Township Zoning Ordinance was adopted by the Prairieville Township Board August 8, 1975 to be effective immediately and that a copy of the Ordinance may be purchased or inspected at the office of the Township Clerk at the Prairieville Township Hall, 10175 South North Road, Prairieville Township during all regular business hours.

PRAIRIEVILLE TOWNSHIP
ORDINANCE NO. 21
AMENDMENT TO
PRAIRIEVILLE TOWNSHIP
ZONING ORDINANCE
ADOPTED August 8, 1975
EFFECTIVE immediately
An Ordinance to amend 5.2 Zoning District Boundaries in the following portions of the "Unplatted Land" owned by the Township to read as follows:
Temporary use of recreational units shall be the temporary occupancy of recreational units and the conditions and limitations to be attached thereto.

TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN
ORDAINS
SECTION I
Section 4.3, sub paragraph D, thereof is hereby amended to read as follows:
Section 4.3. Temporary Use of Recreational Units.
(a) Recreational units may be occupied for temporary recreational purposes within zone classifications established by this Ordinance, subject to the following conditions and limitations:
(1) The occupancy upon a parcel of land is short term, meaning not more than 90 days within any calendar year.
(b) The occupancy is associated with recreational activity or short term visits.

(c) Not more than one recreational unit is allowed per parcel of land.
(d) A zoning permit must be obtained from the Township Zoning Inspector for any occupancy exceeding 90 days within any calendar year.

(e) The recreational unit may not be temporarily or permanently connected to the utilities, sewer facilities or water.

(f) The recreational unit may not be used or rented to the occupants.
(g) Recreational units may be attached to an enclosed building on property contiguous with the property of the recreational unit.

Recreational units such as recreational vehicles, boats, trailers, off-highway vehicles shall be stored from being stored or in zoning districts R-1, R-2, for a period of time no longer than two weeks within a calendar year.

The Prairieville Township Appeals shall have the right and authority to interpret and enforce street parking or storage regulations, the health, safety and the welfare of the neighborhood and shall be empowered, also, to enforce the zoning ordinance for the encouragement of orderly and conserve property.

SECTION II
Section 5.2, Zoning District Boundaries in the following portions, to-wit: (Land) Section 12, TIN, is hereby amended to read as follows:

12" Medium Density Residential
The south fractional 1/2 of Section Twelve (12) except the southwest quarter of said Section, thence South 20° 04' East along South line of said Section 350.00 feet for place of beginning; thence North 01 degree 30' West 200 feet; thence North 89 degrees 25' 04" West; 17.0 feet; thence North 0 degrees 14' 30" West; 512.00 feet; thence North 89 degrees 45' 30" East; 636.47 feet; thence North 58 degrees 04' 30" East 167.94 feet; thence South 88 degrees 35' 30" East 245.47 feet; thence South 89 degrees 25' 04" East 731.67 feet; thence South 0 degrees 34' 56" West 627.0 feet to South line of said Section; thence West thereon 1618.0 feet to beginning.

SECTION III
This Ordinance shall take effect. All ordinances or resolutions in conflict herewith are hereby repealed.

ELINOR WELTY
Prairieville Township Clerk
8-22

is and keep.

**BARRY COUNTY
PLANNING / ZONING / BUILDING**

117 SOUTH BROADWAY - PHONE 948-8081
HASTINGS, MICHIGAN 49058

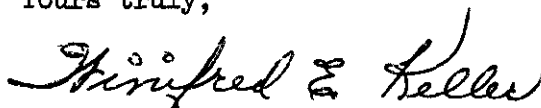
August 6, 1979

Mr. Joel Welty
10115 S. Norris Rd., Twp. Hall
Delton, MI 49046

Dear Mr. Welty:

The Barry County Planning Commission approved the corrected requests #1 and 7 at their meeting held on July 23, 1979. Enclosed in a copy of the minutes; and the Planning Commission forms.

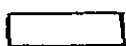
Yours truly,



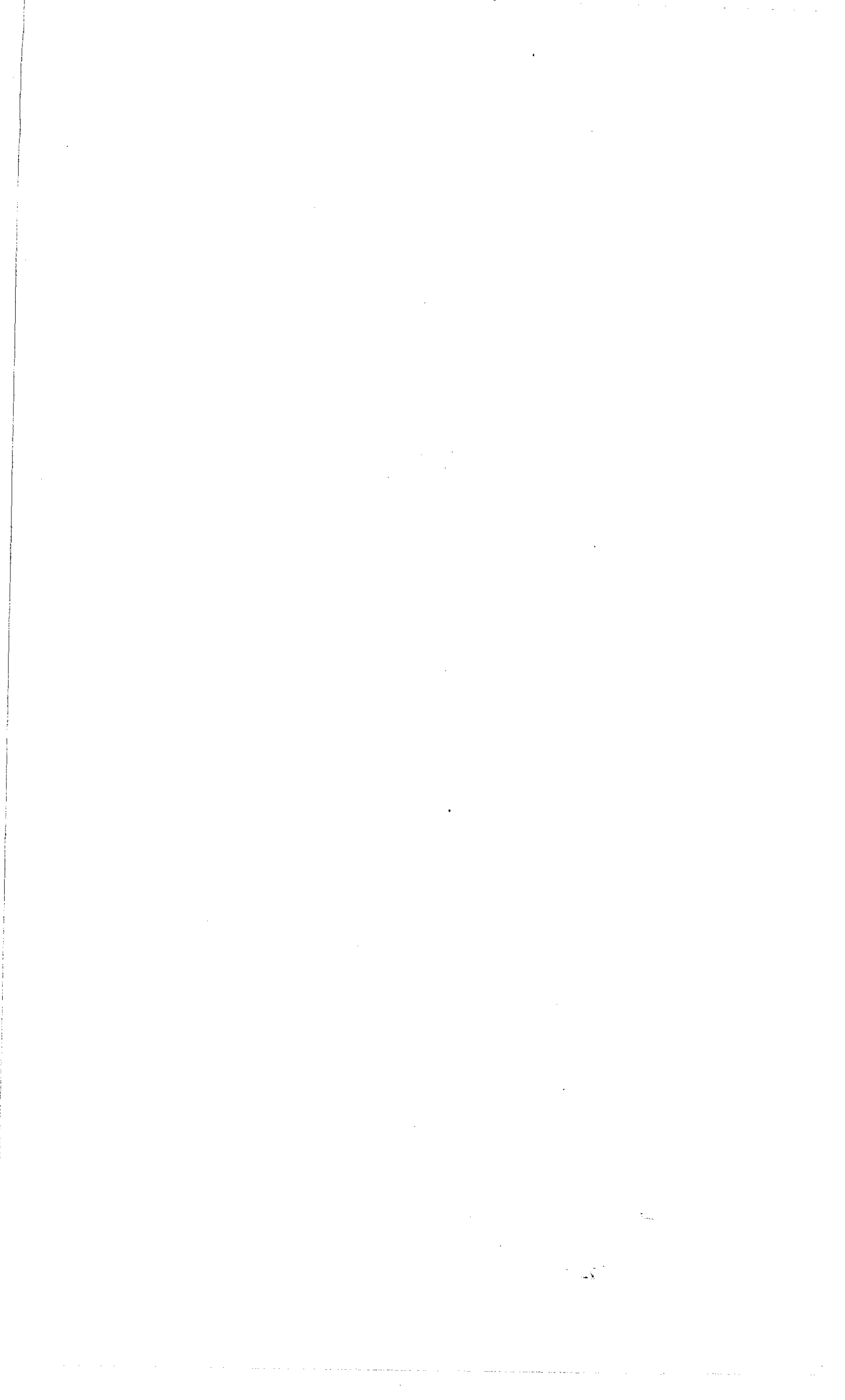
Winifred E. Keller, Director
Planning/Zoning/Building

WEK/prc

Enclosure



Referred back to Planning Commission



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 22

MECHANICAL CODE ORDINANCE

Adopted: March 29, 1980

Effective: May 7, 1980

An Ordinance to adopt a nationally recognized model mechanical code pertaining to the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the Township pursuant to 1972 PA 230, as amended; to exempt the Township from the operation and effect of said Act; to provide for the administration and enforcement of this Ordinance and mechanical code by the Township through agreement or otherwise, to provide penalties for violations thereof; and to repeal existing Township mechanical codes and mechanical code ordinances or other ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

This Ordinance shall be known and cited as the Prairieville Township Mechanical Code Ordinance.

SECTION II

This Ordinance is enacted by the Township for the purpose of exempting the Township from the operation and effect of 1972 PA 230, as amended, pursuant to Section 8 of said Act, by the adoption in this Ordinance of a nationally recognized model mech-

anical code, which code shall be administered and enforced by the Township as provided for in this Ordinance and in said mechanical code. The State Construction Code Commission and/or any agency of the County of Barry charged with the responsibility of enforcing said Act is hereby relieved of any right, authority or responsibility for the enforcement of any State Construction Code within the Township.

SECTION III

That certain document or booklet, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business hours or by appointment, which is marked and entitled as "Uniform Mechanical Code, 1979 Edition", as published by the International Conference of Building Officials, is hereby adopted by reference as if fully set forth herein as a part of this Ordinance for the purpose of regulating the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerator and other miscellaneous heat-producing appliances within the Township; each and all of the regulations, provisions, penalties, conditions and terms thereof, except as may hereafter be modified, shall be deemed adopted and made a part hereof of this reference as if fully set forth in this Ordinance.

SECTION IV

The Township hereby assumes the right and authority to administer and enforce this Ordinance and the Uniform Mechanical Code in the manner provided by law and by the said Uniform Mechanical Code. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county for joint enforcement and administration of this Ordinance and the Uniform Mechanical Code.

SECTION V

Any violation of this Ordinance or the Uniform Mechanical Code or any part thereof shall be punishable by a fine not to exceed ONE HUNDRED (\$100.00) DOLLARS plus costs and/or confinement in the County jail for a term not to exceed ninety (90) days. 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 the said Uniform Mechanical Code.

SECTION VI

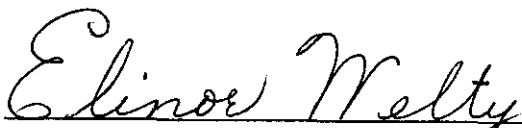
Should any portion of this Ordinance or the Uniform Mechanical Code adopted hereby be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII

All ordinances or parts of ordinances, including any mechanical codes or mechanical code ordinances previously adopted by the Township are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. However, permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with any previous township mechanical code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance or township mechanical code being repealed repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

SECTION VIII

This Ordinance shall take effect on May 7, 1980.



Elinor Welty, Township Clerk

STATE OF MICHIGAN



WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF LAW

C. PATRICK BABCOCK, Director

July 11, 1980

Mr. Richard D. Reed
Bauckham, Reed, Lang, Schaefer
& Travis, P.C.
132 West South Street
Kalamazoo, Michigan 49007

Dear Mr. Reed:

Ordinance No. 22 for Prairieville Township received
May 23, 1980 to administer the 1979 Uniform Mechanical
by the Construction Code Commission at their meeting.

If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in cursive script that reads "Bill B. Moyer".

Bill B. Moyer
Executive Director
Bureau of Construction Codes

BBM/ibm

C E R T I F I C A T E

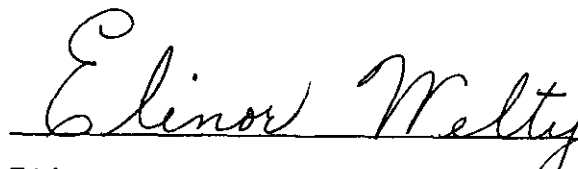
I, Elinor Welty, the duly elected Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Prairieville Township Board held on March 29, 1980, at 6:30 p. m. at the Prairieville Township Hall located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 22, hereinbefore recorded, to become effective May 7, 1980, and that members of the said Board present at said meeting voted on the adoption of said Ordinance as follows:

AYES: Joel Welty
 Elinor Welty
 Darlene Vickery
 Graydon Doster
 Willis Aukerman

NAYS: None

I do further certify that said Ordinance No. 22 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan and circulated in Prairieville Township, on the 7th day of April, 1980, and further that said Ordinance No. 22 was recorded in said Ordinance Book on the 9th day of April, 1980.

Dated: April 9, 1980



Elinor Welty, Township Clerk



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 23

ADOPTED: April 9, 1980

EFFECTIVE: May 21, 1980
(30 days after publication)

An Ordinance to prohibit hunting or the discharge of firearms on or over the waters edge of Shelp Lake.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

R. 317.108.2 Prairieville Township; Shelp Lake, hunting prohibited.

Rule 2. Hunting with, or the discharge of, a firearm is unlawful on or over the waters of Shelp Lake, Section 4, T1N, R10W, Prairieville Township, Barry County.

SECTION II

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III

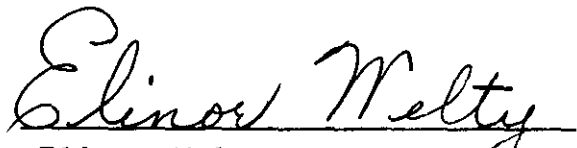
Violations of this Ordinance are a misdemeanor and may be punished by fine not to exceed \$100.00 together with costs of prosecution or imprisonment in the county jail, or such other place of detention as the Court may prescribe, for a period not to exceed 90 days, or said fine, costs of prosecution and imprisonment at the discretion of the Court.

SECTION IV

This Ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this Ordinance is found to be unconstitutional or invalid, it is declared that the remainder of this Ordinance shall not be affected thereby.

SECTION V

This Ordinance shall take effect thirty (30) days following its publication in the Hastings Banner.


Elinor Welty
Prairieville Township Clerk

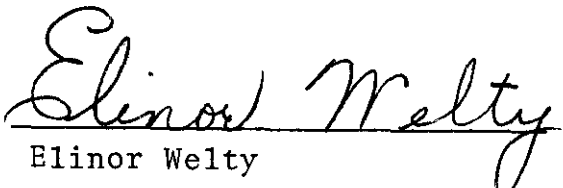
C E R T I F I C A T E

I, ELINOR WELTY, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on April 9, 1980, at 7:30 o'clock p. m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 23, hereinbefore recorded, to become affective May 21, 1980, and that the members of the said Board present at said meeting voted on the adoption of said Ordinance as follows:

AYES: Joel Welty
Elinor Welty
Graydon Doster
Darlene Vickery
Willis Aukerman

NAYS: None

I do further certify that said Ordinance No. 23 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan and circulated in Prairieville Township, on the 21st day of April, 1980, and further, that said Ordinance was recorded in said Ordinance Book on the 23rd day of April, 1980.


Elinor Welty
Prairieville Township Clerk

Dated: April 23, 1980

STATE OF MICHIGAN, } ss.
County of Barry

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Prairieville Township
Ordinance No. 23

has been duly published in said paper for
.....one..... issues, on the following
dates, to-wit:

April 21 A. D. 19 80

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

Hugh S. Fullerton

Subscribed and sworn to before me this 21st

day of April A. D. 19 80

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires September 14 19 82

7-80
PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
The following notice and property
owners of Prairieville Township,
Barry County, Michigan, are hereby
PLEASE TAKE NOTICE of the
following Special Hunting Area
Control for the Sheep Lake,
Prairieville Township, and the
adoption of Prairieville Township
Ordinance No. 23 establishing said
control ordinance.
NOTICE OF CLOSURE
By authority conferred on the
Human Resources Control Committee
and the Commission of Cultural
Resources by Sections and of Act
No. 100 of the Public Act of 1967,
and Sections 21 and 22 of the
Public Act of 1967, as amended,
being Sections 117, 123, and 119-351 of
the Michigan Compiled Laws, the
following regulations shall become
effective on the date and posting of the
advertisement and posting of the
advertisement to the
Regulation to the Barry County
of the Township of Prairieville Town-
ship, Barry County, Michigan, prohib-
iting the use of firearms in the
vicinity of the Sheep Lake,
Prairieville Township, Barry
County, Michigan.

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 26

UNIFORM TRAFFIC CODE ORDINANCE AMENDMENT NO. 1

Adopted: July 8, 1981

Effective: August 28, 1981

An Ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of State Police; to amend said Uniform Traffic Code with respect to impoundment or immobilization of vehicles under certain terms and conditions and with respect to the offense of driving under the influence of intoxicating liquors; and to repeal all Ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

The Uniform Traffic Code for cities, Townships, and Villages as promulgated by the Director of State Police and published in the 1979 Edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 Edition of the Michigan Administrative Code, in accordance with the Public Act 62 of 1956 of the State of Michigan, is hereby adopted by reference except as amended hereinafter.

SECTION II

References in the said Uniform Traffic Code for Michigan Cities, Townships, and Villages to "governmental unit" shall mean the respective township or village adopting this Ordinance.

SECTION III

The respective township or village clerk of the governmental subdivision enacting this Ordinance shall publish this Ordinance in the manner required by law and shall, at the same time, publish a supplementary notice setting forth the purpose of the said Uniform

Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public at all times.

SECTION IV

The said Uniform Traffic Code for Cities, Townships, and Villages as adopted by reference herein is hereby amended by the creation of a new Section 2.5b to read as follows:

"Sec. 2.5b. IMPOUNDMENT OR IMMOBILIZATION OF VEHICLE FOR UNANSWERED CITATIONS; PROCEDURE.

(1) Where a police officer of the governmental unit receives a certified notice from the clerk of the district court or from the clerk of the parking violations bureau of the governmental unit that the owner of a motor vehicle has failed to answer six or more parking violation notices or citations regarding illegal parking, then and in such event a police officer of the governmental unit is hereby authorized to impound or immobilize the motor vehicle of such owner which may be found on public property or on private property open to the public within the territorial boundaries of the governmental unit.

(2) Where a police officer impounds or immobilizes a vehicle as authorized by this Section, then and in such event such police officer shall cause a notice of such act to be served upon the owner and secured party, if any, of such motor vehicle in accordance with and under the same conditions imposed by Section 2.5(2)(c) of the said Uniform Traffic Code. In the event any such vehicle is stored in a garage, a copy of such notice shall be given to the proprietor of such garage.

(3) In case of the impounding or immobilization of a motor vehicle as authorized under this Section, a police officer of the governmental unit is hereby authorized to restore possession of the same to the owner thereof, or his agent, upon the payment of all charges outstanding against the same, including unsettled citations in the amounts then prevailing and charges for towing and storage actually paid out by the governmental unit. In the event such owner professes that the citations are not true and he or she wishes to have the matter decided by a court of competent jurisdiction, possession of said motor vehicle may be restored to the owner promptly upon his or her tendering a plea of not guilty or not responsible, as the case may be, before a court of competent jurisdiction."

SECTION V

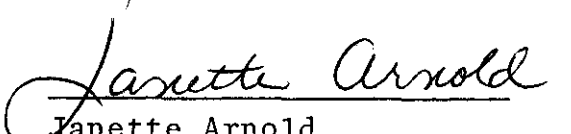
The said Uniform Traffic Code for Cities, Townships, and Villages as adopted by reference herein is hereby amended by the creation of a new Section 5.15h to read as follows:

"Sec. 5.15h. JURY INSTRUCTION REGARDING REFUSAL TO SUBMIT TO CHEMICAL TEST. If a jury instruction regarding a defendant's refusal to submit to a chemical test under Section 5.15b of the Uniform Traffic Code is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

'Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his or her guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant.'

SECTION VI

This Ordinance shall take effect on the 28th day of August, 1981. All Ordinances or parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance and the said Uniform Traffic Code as adopted herein, including any previous ordinances adopting the said Uniform Traffic Code, are hereby repealed.


Janette Arnold
PRAIRIEVILLE TOWNSHIP CLERK

Hon

STATE OF MICHIGAN, }
County of Barry } 55.

Hugh S. Fullerton

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Prairieville Township

Ordinance No. 26

has been duly published in said paper for
.....one..... issues, on the following dates, to-wit:

July 29 A. D. 19 81

A. D. 19.....

A. D. 19.....

A. D. 19.....

A. D. 19.....

A. D. 19.....

A. D. 19.....

Hugh S. Fullerton

Subscribed and sworn to before me this 29th

day of July A. D. 19 81

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires September 14 19 82

vehicle of such owner which may be found on public property or on private property open to the public within the territorial boundaries of the governmental unit.
(17) Where a police officer impounds or immobilizes a motor vehicle authorized by this Section, the owner in such event such police officer shall issue a notice of such seizure to the registered owner and secured party, if any, of such motor vehicle in accordance with and under the same conditions imposed by Section 25 (2) (c) of the said Uniform Traffic Code. In the event any such vehicle is stored in a storage yard, a copy of said notice shall be given to the proprietor of such storage yard.
(18) In case of the impounding or immobilization of a motor vehicle as authorized under this section, a police officer of the governmental unit is hereby authorized to remove possession of the same from the owner thereof or his agent upon the payment of all charges outstanding against the same, including storage charges, in the amount then prevailing and charges for towing and storage, if any, paid out by the governmental unit in the event such owner or agent fails to do so. The officer is authorized to have the same towed to a place of competent jurisdiction, possession of said motor vehicle may be restored to the owner promptly upon his or her tendering a check of the full amount of charges, as the case may be, before a court of competent jurisdiction.
SECTION V
The said Uniform Traffic Code for Cities, Townships, and Villages, as adopted by reference herein, hereby amended by the creation of a new Section 5156 to read as follows:
SECTION V. JURY INSTRUCTION REGARDING REFUSAL TO SUBMIT TO CHEMICAL TEST. In any prosecution regarding a defendant's refusal to submit to a chemical test under Section 5156 of the Uniform Traffic Code, it is requested by the prosecution or the defendant, the jury instruction shall be given as follows:
"Evidence was admitted in this case, which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal, within the statute, is not evidence of guilt of the defendant, and is not evidence of his or her guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."
SECTION VI
This Ordinance shall take effect on the 29th day of August, 1981. All Ordinances or parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance and the said Uniform Traffic Code as adopted herein, including any previous ordinances adopting the said Uniform Traffic Code, are hereby repealed.
Janette Arnold
Township Clerk
721

CERTIFICATE

I, Janette Arnold, duly elected Township Clerk of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on July 8, 1981, at 7:30 P.M., at the Prairieville Township Hall located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 26, hereinbefore recorded, to become effective August 28, 1981, and that members of the said Board present at said meeting voted on the adoption of said Ordinance as follows:


Aye: Darlene Vickery
 Graydon Doster
 Roy Reck
 Janette Arnold

Nay: None

Absent: Willis Aukerman

I do further certify that said Ordinance No. 26 was duly published in the Hastings Banner, a newspaper published and printed in Barry County, Michigan, and circulated in Prairieville Township, on the 29th day of July, 1981, and further, that said Ordinance No. 26 was recorded in said Ordinance Book on the 20th day of July, 1981.

DATED: July 20, 1981



 Janette Arnold
 Prairieville Township Clerk



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 28

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: July 14, 1982

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1(47) thereof; the amendment of Section 6.6B(5)(d) thereof; the amendment of Section 6.6B(5) by the addition of a new subsection 'n'; the amendment of Section 5.2 Zoning District Boundries thereof pertaining to Land Section 31, T. 1 N., R. 10 W.; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

Section 3.1(47) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(47) Junkyard/Salvage Yard: Any parcel of land maintained ~~or operated~~ for the purchase, sale, storage, dismantling, demolition or use of junk, including scrap materials, motor vehicles, machinery, buildings, structures, construction material or other salvaged material. In addition, any premises upon which two (2) or more inoperable motor vehicles are kept or stored outside a building. (See Ordinance Number Three (3) as provided in the Prairieville Township Ordinances). The storage of used cars in inoperable condition, used or salvaged materials, used furniture and household equipment shall not be considered a junkyard/salvage yard under this Ordinance if said materials are stored entirely within an enclosed building. Furthermore, under no circumstances shall a solid waste sanitary landfill or solid waste disposal area as defined and made licensable under the Solid Waste Management Act, 641 PA 1978, as amended, be considered a junkyard/salvage yard for the purposes of this Ordinance.

SECTION II

Section 6.6B(5) of the Prairieville Township Zoning Ordinance is hereby amended by the amendment of subsection "d" thereof to read as follows:

- d. Junkyards/salvage yards, provided that all applicable laws and regulations of the State of Michigan are complied with and said activities are located no less than 300 feet from any body of water.

SECTION III

Section 6.6B(5) of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "n" thereof to read as follows:

n. Solid Waste Disposal Areas

(1) Prior to approval of the Planning Commission of a special exception use for a solid waste disposal area as defined under the Solid Waste Management Act, 641 PA 1978, as amended, said Planning Commission shall determine that the following limitations and conditions are or shall be strictly complied with in addition to any other requirements contained in the Township Zoning Ordinance, or in any other Township Ordinance controlling such operations. The following conditions and limitations shall apply specifically to each solid waste disposal area, unless county or state laws or regulations on any particular requirement are more restrictive, and then such more restrictive regulation shall apply.

(2) Location

(a) All such operations shall be located on a state highway or county primary road, as defined by the Barry County Road Commission, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve to Michigan State Highway specifications, a road to accommodate the truck travel necessitated by the operations as a condition of such operations, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the solid waste disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicant's property which are within one hundred (100) feet of any residence.

(b) Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No solid waste disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no such disposal areas shall be permitted closer than 300 feet to any domicile. No such disposal area shall be permitted closer than 100 feet to adjacent public right-of-ways, property lines or lakes and streams. Such disposal areas shall at no time be permitted where adjoining lateral support for the maintenance of adjoining land is not maintained.

(c) Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 500 feet of a residence, it shall be obscured by a suitable barrier, not less than 8 feet high, with 75% screening. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.

(3) Any sanitary landfill located within the boundaries of the Township, whether publicly or privately owned, shall be open to Township residents, property owners, and businesses, during established business hours, at a rate competitive with other sanitary landfills in Southwestern Michigan.

(4) The solid waste disposal area shall be fenced with an eight-foot high chain link fence. Such fence shall be located inside of any berms or screening along the exterior boundaries. The entrance to the disposal area shall have a gate which shall be closed and locked at all times that the disposal area is not open.

(5) Nuisance Abatement.

(a) Air pollution and vibration, and their effect upon adjacent properties shall be minimized. Interior and adjoining roads used in the solid waste disposal operations shall have their surfaces treated to minimize any air pollution condition.

(b) Any security lighting deemed necessary by the owner/operator shall be of the sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjoining residential property.

(c) All litter shall be collected from the solid waste disposal area by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.

(d) Every sanitary landfill facility which accepts refuse shall have adequate water supply and facilities equipped with an adapter to fit fire hoses for quick delivery of water to any part of the property for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire continuously for at least ten hours. The source of water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the Planning Commission.

(e) Rodent traps shall be placed every 100 yards around the perimeter of the sanitary landfill, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.

(6) A legible copy of all ground water monitoring reports or data filed on behalf of the owner/operator with the Barry County Health Department or the Michigan Department of Natural Resources shall also be filed by the owner/operator with the Township Clerk within three days from the date of the original filing. This duty shall continue until termination and complete reclamation of the solid waste disposal area.

(7) All solid waste disposal area operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting dumping at other times shall be placed in a conspicuous location at the entrance.

(8) Keys for admittance to the solid waste disposal area shall be filed with the Township Clerk.

(9) Solid waste disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction and covering of materials.

(10) Liability Insurance. All sanitary landfill applicants shall be required to carry, in addition to any and all insurance or bonds required by state law, personal injury and property damage insurance in the amount of not less than four million dollars (\$4,000,000.00) for each person injured or property damaged or for any injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or property damage occurring upon the site of the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing upon the site. A copy of the insurance policy shall be filed with the Township Clerk prior to issuance of a special exception use permit hereunder and shall be maintained in effect for a period of not less than twenty-five (25) years following final closure of the landfill site. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance for any reason.

(11) Prior to the commencement of the construction of any sanitary landfill within the Township, the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, water course and private, residential, agricultural and commercial water well a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a half mile radius of the exterior boundaries of the property acquired for the sanitary landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water samples was taken, and the name and address of the principal user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the Township Clerk for the purpose of future reference should there at some later date be suspected ground water contamination.

(12) Closure of Disposal Areas. Reclamation or rehabilitation of solid waste disposal area shall be accomplished as soon as practicable following the completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the facility's operations. Substantial completion of reclamation and rehabilitation shall be effected within two years after the termination of the waste disposal facility. Inactivity for twelve consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources, Resource Recovery Division, Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.401 et seq of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

(13) Submission of Operational and Closure Plans. No special exception use permit for a solid waste disposal area may be granted hereunder until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions within this Ordinance, or the matter in which compliance will be secured by the applicants. Such plans shall include, among other things, the following:

(a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining properties. The contour map shall also show the location of any structures to be established upon the site.

(b) The number of acres and the location of same, proposed to be operated upon within the following twelve-month period after commencement of operations.

(c) A written statement indicating the type of solid waste disposal area proposed to be constructed, the nature of the equipment to be used in the operation of the solid waste disposal area, and the types of materials which will be accepted for deposit and/or processing in the solid waste disposal area.

(d) A map disclosing the location of all lakes, streams, creeks, water courses and public, private, residential, agricultural and commercial water wells within 1,000 feet of the solid waste disposal area.

(e) A contour map of the tract of land disclosing the final grades and elevations to be established following the completion of the solid waste disposal area, including the proposed uses than being contemplated for the land, and such other 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 solid waste disposal area.

(14) Trust Fund for the Mitigation of Landfill Problems. A trust fund shall be established at a convenient bank, within the county, chosen by the Planning Commission. The owner/operator shall agree to pay ten cents per cubic yard of waste disposed of, into this trust fund, for the life of the special exception use permit. Expenditures from the trust fund shall be approved by a committee consisting of one citizen appointed by the Township Board, the Township Supervisor, and one representative of the owner/operator. Funds from the trust fund may be used for, but are not limited to, off-site litter control, ground water and surface water monitoring, and payments to adjacent property owners and others, at the discretion of the committee, for damages proven to have been caused as a result of the solid waste disposal area or its operations. The trust fund shall exist and earn interest for twenty years following closure, and at that time the funds remaining shall be paid to the owner/operator or its successors or assigns.

(15) A decision by the Planning Commission on an application for a special exception use permit hereunder shall be based upon the criteria set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:

- (a) The most advantageous use of the land resources and property.
- (b) The character of the area in question and its particular suitability, if any, for the particular use.
- (c) Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
- (d) The protection and preservation of the general health, safety and welfare of persons within the Township.
- (e) The scarcity or value of solid waste disposal areas as compared with the effect upon areas near the proposed solid waste disposal operation.

(16) The Planning Commission may provide for a periodic review of the solid waste disposal area to ascertain compliance with the conditions and limitations imposed upon the same.

SECTION IV

Section 5.2 Zoning District Boundaries in the following **portions**, to wit: Land Section Thirty-one (31), T. 1N., R. 10W of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(Land) Section Thirty-one (31), T. 1N., R. 10 W

- "A" Agricultural District: All that part Section Thirty-one (31) lying Southerly of Highway M-89 and also that part of the Southeast $\frac{1}{4}$ lying Northerly of Highway M-89 and East of Kane Road except those parts herein described as "C-1" Rural Area Convenience Commercial District and "I-1" Light Industrial District
- "R-1" Low Density Residential: All that part of Section thirty-one (31) lying Northerly of Highway M-89 and West of Kane Road except

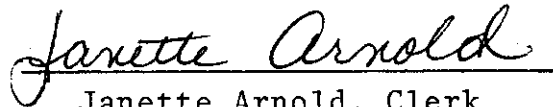
recorded plats of "B-Z Bee Acres" and "B-Z Bee Acres No. 2".

"C-1" Rural Area Convenience Commercial District: The Northwesterly 10 acres of the east $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section Thirty-one (31) lying Southerly of Highway M-89.

"I-1" Light Industrial district: Commencing at the South $\frac{1}{4}$ post of Section Thirty-one (31); thence East along the South line of said Section, 1284.33 feet; thence North at right angles to said South line, 40.0 feet for the place of beginning, continuing thence North, 128.30 feet, thence East, 706.72 feet parallel with said South line to the Westerly line of State Highway M-89; thence South 43 degrees, 10 minutes East along the Westerly line of said Highway, 175.91 feet; thence West, 827.05 feet to place of beginning.

SECTION V

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



Janette Arnold, Clerk
Prairieville Township

CERTIFICATE

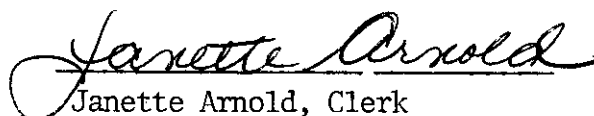
I, Janette Arnold, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on July 14, 1982, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 28, 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:

AYES: Darlene Vickery, Graydon Doster, Roy Reck,
Willis Aukerman and Janette Arnold.

NAYES: None

I do further certify that said Ordinance No. 28 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on July 28, 1982, and further that said Ordinance No. 28 was recorded in said Ordinance Book on the 28th day of July, 1982.

Dated: 7-28-82



Janette Arnold, Clerk
Prairieville Township

STATE OF MICHIGAN, } ss.
County of Barry

Melvin F. Jacobs

being first duly sworn, deposes and says that he is one of the Publishers of the Hastings Banner, a newspaper printed and circulated in said County of Barry; that the

annexed notice of Prairieville Township

Ordinance No. 28

has been duly published in said paper for one issues, on the following dates, to-wit:

July 29 A. D. 1982

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

A. D. 19

Melvin F. Jacobs

Subscribed and sworn to before me this 29th

day of July A. D. 1982

Myrtle L. Clark

Notary Public for Barry County.
Myrtle L. Clark

My Commission expires September 14 1982

mitted who support for defining planning Commission shall not be 250 feet from dry lines within 500 feet shall be observed with 75% practical in the following portion of the Township. Zoning and other hereby amended shall not apply to the Township District. All transportation thirty one (31) located within or to the south of the Township formerly or property of the Township during the Township District with other Township. Such shall be West of the Township recorded plat of Such funds and side of any be shall be provided Convenience section of the Township. Key to the Township solid waste disposal section be filed with the Township of Solid waste personnel shall be directed the dump the South line material. (10) Liability person injured or for any person injured or for any person's property shall cover person's property damage or other property damaged or other properties upon the site. A insurance policy with the Township issuance of a special use permit here be maintained.

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 29

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: May 18, 1983

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1 thereof pertaining to the definitions of "Building", "Dwelling", "Duplex", "Dwelling, Multiple Family", "Dwelling, Single Family", "Dwelling, Two Family", "Mobile Home", "Mobile Home Park", "Recreational Vehicle", "Tent", and "Travel Trailer Park"; by the amendment of Section 4.3 pertaining to temporary uses of structures for dwelling purposes; by the amendment of Section 4.12 pertaining to additions to mobile homes; by the repeal of Section 3.1(35) and 3.1(64) pertaining to "foundation (permanent)" and "modular home"; by the repeal of Section 4.21 and amendment of Section 6.0(B)(3)(b) pertaining to use of accessory buildings as dwellings; by the amendment of Section 6.6(5) to create a new subsection "o"; by the amendment of Section 6.4(B) to create a new subsection "24" pertaining to veterinarian clinics; by the amendment of Section 4.25 pertaining to the keeping of animals; by the amendment of Section 6.18 pertaining to non-conforming mobile homes; by the amendment of Sections 6.0(C)(5), 6.1(C)(5), 6.4(C)(3) and 6.6(C)(5) pertaining to minimum floor area of a dwelling; by the repeal of Section 6.6(D) and addition of Section 4.33 pertaining to private roads; by the repeal of Section 6.6(B)(4) and addition of Section 4.34 pertaining to divisions of land; by the amendment of Sections 3.1(42) and 4.19 pertaining to home occupation uses; by the amendment of Sections 6.0(B)(3) and 6.6(B)(5) pertaining to temporary occupancy of accessory buildings, mobile homes or partially completed permanent dwellings; and by the amendment of Section 5.1, which Section is entitled "Zoning District Boundaries" in the following portions, to wit: Land Sections 2, 5, 6, 7, and 24; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN
ORDAINS:

SECTION I

DEFINITION OF "BUILDING"

Section 3.1(11) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

11. Building: A structure erected on-site, a mobile home or mobile structure, or a pre-manufactured or pre-cut structure which has a roof supported by columns or walls and which is designed primarily for the shelter, support, or enclosure of persons, animals or property of any kind.

SECTION II

DEFINITIONS OF "DWELLING" AND "DUPLEX"

Section 3.1(24) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

24. Dwelling: A single family, two family or multiple family dwelling.
 - a. Duplex: A two family dwelling.

SECTION III

DEFINITION OF "DWELLING, MULTIPLE FAMILY"

Section 3.1(25) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

25. Dwelling, Multiple Family: A building containing three or more dwelling units, each with separate housekeeping facilities, designed for residential use and conforming in all other respects to the standards set forth in Section 3.1(26). A motel or hotel shall not be deemed a multiple family dwelling.

SECTION IV

DEFINITION OF "DWELLING, SINGLE FAMILY"

Section 3.1(26) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

26. Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:
- a. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
 - b. At least 50% of the longest side of the dwelling must also have a depth of not less than 24 feet.
 - c. 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, in addition thereto, 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.
 - d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 - e. The dwelling shall contain 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.

The dwelling 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.

SECTION V

DEFINITION OF "DWELLING, TWO FAMILY"

Section 3.1(27) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

27. Dwelling, Two Family: A building containing not more than two separate dwelling units, each with separate housekeeping facilities, designed for residential use and conforming in all other respects to the standards set forth in Section 3.1(26).

SECTION VIDEFINITION OF "MOBILE HOME"

Section 3.1(61) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

61. Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a residence with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

SECTION VIIDEFINITION OF "MOBILE HOME PARK"

Section 3.1(62) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

62. Mobile Home Park: A parcel of tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

SECTION VIIIDEFINITION OF "RECREATIONAL VEHICLE"

Section 3.1(65) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

65. Recreational Vehicle: A vehicle primarily designed and used as a temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

SECTION IX

DEFINITION OF "TENT"

Section 3.1(91a) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 91a. Tent: A collapsible shelter of canvas or other fabric.

SECTION X

DEFINITION OF "TRAVEL TRAILER PARK"

Section 3.1(94) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

94. Travel Trailer Park: Any site, lot, field or tract upon which three (3) or more occupied recreational vehicles or tents are harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such travel trailer.

SECTION XI

REPEAL OF DEFINITION OF "FOUNDATION (PERMANENT)"

Section 3.1(35) of the Prairieville Township Zoning Ordinance pertaining to the definition of "Foundation (Permanent)" is hereby repealed.

SECTION XII

REPEAL OF DEFINITION OF "MODULAR HOME"

Section 3.1(64) of the Prairieville Township Zoning Ordinance pertaining to the definition of "Modular Home" is hereby repealed.

SECTION XIIITEMPORARY USES OF STRUCTURES FOR DWELLING PURPOSES

Section 4.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4.3 Temporary Uses of Structures for Dwelling Purposes:

- A. No garage or other accessory building, mobile home, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit by the Zoning Administrator or by the Zoning Board of Appeals and satisfying all of the conditions thereof.
- B. No structure shall be used for temporary dwelling purposes that does not comply with public health, safety and welfare regulations
- C. Temporary buildings for use incidental to construction work shall be permitted provided that all debris shall be removed within fifteen (15) days after the completion or abandonment of the work and said use shall not be in conflict with public health, safety and welfare regulations.
- D. A recreational vehicle or tent may be occupied for temporary recreational purposes within any zone classification established in this Ordinance, subject to the following conditions and limitations:
 - (a) The occupancy upon a parcel of land is short term, meaning not more than 30 days within any calendar year.
 - (b) The occupancy is associated with recreational activity of short term visits.
 - (c) Not more than one recreational vehicle or tent is allowed per parcel of land.
 - (d) A zoning permit must be obtained from the Township Zoning Inspector, for any occupancy exceeding 5 days within the calendar year.
 - (e) The recreational vehicle or tent may not be leased or rented to the occupants.
 - (f) Recreational vehicles must be stored neatly or in enclosed buildings or on property contiguous with the registered owner of the recreational vehicle or tent.

SECTION XIVADDITIONS TO MOBILE HOMES

Section 4.12 of the Prairieville Township Zoning

Ordinance is hereby amended to read as follows:

Section 4.12 - Additions to Mobile Homes.

Any addition to a mobile home within the Township must, if erected on-site, be constructed in accordance with the Prairieville Township Building Code and, if pre-manufactured, be in compliance with the "Mobile Home Constuction 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.

SECTION XVREPEAL OF "ACCESSORY BUILDINGS AS DWELLINGS"

Section 4.21 of the Prairieville Township Zoning Ordinance pertaining to "Accessory Buildings as Dwellings" is hereby repealed.

SECTION XVIREPEAL OF REFERENCE TO SECTION 4.21

Section 6.0(B)(3)(b) of the Prairieville Township Zoning Ordinance is hereby amended so as to eliminate the reference to Section 4.21 previously contained therein and to now read as follows:

- b. Accessory buildings used as guest houses or dwellings for caretakers and other domestic employees.

SECTION XVIIINDIVIDUAL MOBILE HOMES FAILING TO SATISFY
CRITERIA FOR "SINGLE FAMILY DWELLINGS"

Section 6.6(5) of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "o" to read as follows:

- o. Individual mobile homes failing to satisfy all of the criteria for "single family dwellings", subject to the following additional conditions and limitations:
 - 1. The mobile home and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall conform 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.
 - 2. The mobile home shall have a minimum floor area of 780 square feet.
 - 3. The mobile home must not have exposed wheels, towing mechanism, undercarriage or chassis.
 - 4. The mobile home must be connected to a public sewer and water supply or to such private facilities approved by the local health department.
 - 5. The mobile home shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure.
 - 6. A special land use permit issued hereunder will automatically terminate and be void if said mobile home is vacated and unoccupied for a period of two months or if said mobile home is moved off the premises.

SECTION XVIII

VETERINARIAN CLINICS

Section 6.4(B) of the Prairieville Township Zoning Ordinance is hereby amended by the addition thereto of a new subsection "24" to read as follows:

- 24. Veterinarian clinics as a special land use, provided that an application is submitted for a special land use permit and the standards of Article VII of this Ordinance are complied with.

SECTION XIX
KEEPING OF ANIMALS

Section 4.25 of the Prairieville Township Zoning

Ordinance is hereby amended to read as follows:

4.25 Keeping of Animals:

- A. The keeping of domestic household pets (i.e., cats, dogs, fish, birds, and gerbils) is permitted as an accessory use, provided that the number of said animals, or the specific way they are being held and/or taken care of, does not endanger the health, safety, and welfare of said animals and/or any inhabitants within the dwelling of the immediate neighborhood. The keeping of any other non-household type animal shall be prohibited in all platted areas within the Township and shall be permitted in unplatted areas the in "A" Agricultural District zoning classification. The keeping of such other non-household type animals shall also be permitted in unplatted areas in other zoning classifications but only where conditions of maintenance do not cause one or more of the following:
1. Unpleasant odors sufficiently strong to be readily discernible upon adjacent property for any period in excess of 24 hours.
 2. Noise to be generated sufficiently loud to penetrate indoors upon property of others for any continuous period in excess of 3 hours.
 3. Flies, insects, or rodents to be attracted to the place where said animals are kept and are thereafter permitted to multiply and escape upon adjoining property.
 4. Said animals, alive or dead, or any refuse therefrom are permitted to trespass or be carried upon adjacent property.
- B. In addition to the foregoing, the Prairieville Township Planning Commission shall have authority to allow as a special land use the raising of non-household animals in areas that would otherwise be prohibited under the above provisions. In passing upon applications for such a special land use permit, the Planning Commission shall be subject to the standards for special land uses set forth in Article VII of this Ordinance. In addition, the Planning Commission shall approve such a special land use only in those situations where, in the judgment of the Planning Commission, sufficient land area and isolation from adjoining residences and developments is available and the Commission is satisfied that such animals will be maintained in a proper condition to prevent the same from being a nuisance or annoyance to adjacent property owners or occupants. The Planning Commission shall have authority to impose such conditions upon the grant of a special land use permit as the Planning Commission determines necessary to insure compliance with the aforementioned standards. These conditions may include, but are not limited to, the number and type of animals permitted, screening, setback requirements, housing, enclosures, health and sanitation protection, and safety measures.

SECTION XXNON-CONFORMING MOBILE HOMES

Article VIII of the Prairieville Township Zoning Ordinance is hereby amended by the addition thereto of a new Section 6.18 to read as follows:

- 6.18 Non-Conforming Mobile Homes.
Notwithstanding the foregoing, a mobile home which is a lawful non-conforming use under this Ordinance may not be replaced with another mobile home unless the replacement mobile home is in full compliance with all applicable standards contained in this Ordinance. An addition to a mobile home which is a lawful non-conforming use will be permitted subject to compliance with the conditions contained in Section 4.12 of this Ordinance.

SECTION XXIMINIMUM FLOOR AREA IN "R-1" DISTRICT

Section 6.0(C)(5) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

5. Floor Area - The minimum floor area of a dwelling hereafter erected shall be 840 square feet.

SECTION XXIIMINIMUM FLOOR AREA IN "R-2" DISTRICT

Section 6.1(C)(5) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

5. Minimum floor area.
- a. Single Family Dwelling - 840 square feet.
 - b. Two Family Dwelling - 720 square feet per dwelling unit.

SECTION XXIIIMINIMUM AREA REQUIREMENTS IN "C-1" DISTRICT

Section 6.4(C)(3) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. Lot area, yard, and minimum floor area regulations for single family detached dwellings in this zone district shall be as specified in Section 6.0(C).

SECTION XXIVMINIMUM FLOOR AREA IN "A" DISTRICT

Section 6.6(C)(5) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

5. Floor Area - The minimum floor area required for any dwelling built in the "A" Agricultural District zone shall be 840 square feet.

SECTION XXVPRIVATE ROADS

Section 6.6(D) of the Prairieville Township Zoning Ordinance is hereby repealed and Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition thereto of a new Section 4.33 to read as follows:

- 4.33 Private Roads.
A private road which serves more than one separately held parcel, or more than one dwelling unit, or more than one commercial or industrial activity, shall be constructed to Barry County Road Commission standards, provided that while such road remains private, hard-surfacing will not be required. A private road which serves more than one separately held parcel with no dwelling units, commercial or industrial activity shall be 66 feet wide.

SECTION XXVIDIVISIONS OF LAND

Section 6.6(B)(4) of the Prairieville Township Zoning Ordinance is hereby repealed and Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition thereto of a new Section 4.34 to read as follows:

- 4.34 Divisions of Land.
To prevent land locked parcels, under no conditions may a parcel of land be divided so as to create a parcel of land which has less than 66 feet of frontage upon a public road or, in the alternative, is not connected by at least a 66-foot easement or right-of-way to a public road.

SECTION XXVIIDEFINITION OF "HOME OCCUPATION"

Section 3.1(42) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

42. Home Occupation: An occupation or profession carried on as a subordinate use by a member of a family residing on the premises and conducted either entirely within the dwelling or in a detached accessory building located on the premises, and which is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the character thereof. (See Section 4.19)

SECTION XXVIIIREGULATION OF HOME OCCUPATIONS

Section 4.19 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4.19 Home Occupations:

- A. Home occupations shall be permitted only after the issuance of a special use permit as provided in this Ordinance. A home occupation shall not be allowed when, in the opinion of the Planning Commission, the home occupation would change or alter the residential character of the neighborhood.
- B. Home occupation as defined in this Section shall include professional business and personal service on a small-scale including, but not limited to: insurance agencies, beauty shops, barber shops, income tax service, repair shops, arts and crafts, real estate, photographic studio, music teaching, small appliance and electrical motor repair, professional office, and consulting services. Other similar uses may be permitted as home occupations, subject to the provisions of this Section.
- C. All home occupations shall be subject to the following requirements:
 1. The home occupations shall be conducted either within the dwelling or in a detached accessory building located on the same premises as the dwelling.
 2. No home occupation conducted within the dwelling shall occupy an area greater than 25% of the total floor area of the dwelling exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters. In no event, however, may a home occupation conducted within the dwelling occupy an area greater than 300 square feet.

3. The home occupation must be owned and operated by a person residing in the dwelling on the premises. Not more than one person shall be employed who does not reside on the premises.
4. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference to the surrounding neighborhood.
5. There shall be no alteration in the residential character of the premises in connection with such home occupation.
6. There shall be no external evidence of said home occupation, such as lawn displays, other than the small nameplate sign allowed as specified herein.
7. All articles or materials used in connection with the home occupation shall be stored in a building.
8. For the purpose of identification, one non-illuminated nameplate not exceeding four square feet in area shall be permitted. Such identification nameplate shall identify only the name and profession, vocation or trade of the person or persons operating the occupation. No other sign shall be utilized in connection with such home occupation.

SECTION XXIX

TEMPORARY RESIDENCES IN "R-1" DISTRICT

Section 6.0(B)(3) of the Prairieville Township Zoning Ordinance is hereby amended by the addition thereto of a new subsection "c" to read as follows:

- c. Accessory building, mobile home or partially completed permanent dwelling for use as a temporary residence for a period of not to exceed one (1) year, provided that the ability and intent to erect, reconstruct and/or complete a permanent dwelling upon the premises is shown and subject to the following additional conditions:
 - (1) The applicant must first submit plans for and receive a building permit for the construction or reconstruction of a permanent dwelling upon the premises.
 - (2) The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of said building permit.
 - (3) The temporary residence must be located upon premises having a safe and sanitary water supply and adequate sewage facilities in compliance with the requirements of the local health department.
 - (4) The temporary residence must comply with all pertinent building and fire codes or an appropriate variance must be obtained therefrom. In the case of a mobile home being used as a temporary residence hereunder, 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.

(5) If, at the expiration of the one-year period, the permanent dwelling has not yet been completed in accordance with the requirements of this Ordinance and all other pertinent Township Ordinances, the Planning Commission, upon application and upon the showing of hardship and good cause, may extend the temporary permit issued hereunder for one or more additional six-month periods.

SECTION XXX

TEMPROARY RESIDENCES IN "A" DISTRICT

Section 6.6(B)(5) of the Prairieville Township Zoning Ordinance is hereby amended by the addition thereto of a new subsection "p" to read as follows:

- p. Accessory building, mobile home or partially completed permanent dwelling for use as a temporary residence for a period of not to exceed one (1) year, provided that the ability and intent to erect, reconstruct and/or complete a permanent dwelling upon the premises is shown and subject to the following additional conditions:
- (1) The applicant must first submit plans for and receive a building permit for the construction or reconstruction of a permanent dwelling upon the premises.
 - (2) The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of said building permit.
 - (3) The temporary residence must be located upon premises having a safe and sanitary water supply and adequate sewage facilities in compliance with the requirements of the local Health Department.
 - (4) The temporary residence must comply with all pertinent building and fire codes or an appropriate variance must be obtained therefrom. In the case of a mobile home being used as a temporary residence hereunder, 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.
 - (5) If, at the expiration of the one-year period, the permanent dwelling has not yet been completed in accordance with the requirements of this Ordinance and all other pertinent Township Ordinances, the Planning Commission, upon application and upon the showing of hardship and good cause, may extend the temporary permit issued hereunder for one or more additional six-month periods.

SECTION XXXILAND SECTION 24

Section 5.1, entitled "Zoning District Boundaries" in the following portions, to wit: Land Section Twenty-Four (24), T. 1 N., R. 10 W., of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(Land) Section Twenty-Four (24), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "C-1" Commercial District, "P-1" Public Land and "P-2" Semi-Public Land.
- "C-1" Commercial District: South 500 feet of the East 264 feet of the Southeast 1/4.
- "P-1" Public Land: The North 360 feet of the East 264 feet of the Southeast 1/4.
- "P-2" Semi-Public Land: Commencing at intersection of center lines of Milo Road and Burrows Road; thence East 504.7 feet on center line Milo Road; thence North 400 feet; thence West 359.7 feet to center line Burrows Road; thence Southwest on center line of Burrows Road 458.7 feet to place of beginning.

SECTION XXXIILAND SECTION 2

Section 5.1, entitled "Zoning District Boundaries" in the following portions, to wit: Land Section Two (2), T. 1 N., R. 10 W., of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(Land) Section Two (2), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire section except those parts herein described as "R-5" Mobile Home Parks, "C-1" Commercial District and "P-1" Public Land.
- "R-5" Mobile Home Parks: All that South fractional 1/2, Section Two (2) lying southwesterly of Parker Road and southwesterly of Norris Road except all that part southeast fractional 1/4 lying westerly of Parker Road and Southerly of waters edge also except commencing at intersection of south line Section Two (2) with the center line of Norris Road; thence east along the south line said section, 50 rods; thence north, 16 rods to the place of beginning; thence north, 24 rods; thence west to the center line of Norris Road; thence southwesterly thereon to a point west of begining, thence east to the place of begining. Also except commencing at the center 1/4 post Section Two (2); thence south, 37 degrees thirty minutes east along center line of Parker Road, 561.12 feet for place of beginning; thence south 37 degrees 30 minutes east thereon 120.00 feet; thence south 750.00 feet to bank of pond; thence west 380.00 feet to north and south

1/4 line of said section; thence south thereon, 550.0 feet thence west 1350.0 feet to center line of Norris Road, thence Northeasterly thereon 1880.0 feet; thence east 690.0 feet to center line of Parker Road to place of beginning.

"C-1" Commercial District: Commencing at the intersection south line Section Two (2) with center line Norris Road, thence east along south line said Section, 50 rods; thence north, 16 rods to the place of beginning; thence north, 24 rods; thence west to center line Norris Road, thence southwesterly thereon to a point west of beginning; thence east to the place of beginning. Also the south 313.5 feet of west 255.75 feet northeast fractional 1/4. Also beginning at the southwest corner of Lot 32 of Supervisor's Plat Village of Prairieville; thence south to the westerly line of Norris Road; thence northeasterly thereon to southeast corner of Lot 33 of said plat, thence west along south line of said lot, 76 feet; thence north 84 feet; thence west, 148.2 feet to the place of beginning.

"P-1" Public Land: Beginning at northeast corner of Lot 51 of the recorded plat of Supervisor's Plat of the Village of Prairieville; thence east, 1002.7 feet; thence south 648.50 feet; thence west, 868.63 feet to the southeast corner of Lot 47 of said plat, thence north along east line of said plat, 395.5 feet to the northeast corner of Lot 48; thence west along north line Lot 48, 127.0 feet; thence north, 239.25 feet to the beginning.

SECTION XXXIII

LAND SECTION 5

Section 5.1, entitled "Zoning District Boundaries", in the following portions, to wit: Land Section Five (5), T. 1 N., R. 10 W., of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(Land) Section Five (5), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "P-1" Public Land.

"R-2" Medium Density Residential: All that part Southwest fractional 1/4 lying Easterly of Pine Lake and also all that part beginning Northwest corner post; thence East 1139.4 feet; South 1 deg 44 min East, 1340 feet; thence South 71 deg West, 650 feet to Pine Lake; thence Southwesterly on water's edge to west section line; thence North on West line to place of beginning, all in the West 1/2 of Northwest 1/4 Section 5.

"P-1" Public Land: Commencing at the Northwest corner of Section Five (5), thence East along the North line of said section, 1205.4 feet; thence South 1754.0 feet for the place of beginning; said point also being in the northerly shore of Pine Lake; thence North 431.8 feet; thence east, 1202.0 feet, thence South 208.0 feet; thence South 25 deg 10 min East, 510.0 feet to the Northerly shore of said Pine Lake; thence Northwesterly thereon to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said section, 1205.4 feet; thence South, 1754.0 feet for the place of beginning, said point also being in the Northerly shore of Pine Lake; thence North, 431.8 feet; thence South 75 deg 00 min West, 718.75 feet; thence Southerly to the shore of Pine Lake; thence Northeasterly thereon to beginning. Also beginning at a point on the North line of Section Five (5), 1139.4 feet East line, 66.0 feet; thence South, 1322.2 feet; thence South 75 deg 00 min West to a point South of beginning; thence North to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said Section, 1205.4 feet; thence South 433.6 feet; thence East, 85.4 feet; thence Northwesterly to the place of beginning.

SECTION XXXIV

LAND SECTION 7

Section 5.1, entitled "Zoning District Boundaries", in the following portions, to wit: Land Section Seven (7), T. 1 N., R. 10 W., of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(Land) Section Seven (7), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential, "C-1" Commercial District, and "P-1" Public Land.
- "R-2" Medium Density Residential: Beginning at Southwest corner of the Plat of South Gate, thence North 135.87 Feet to place of beginning; thence West 230.92 feet; thence North 641.07 feet to Lake; thence East along Lake to South Gate; thence South 583.23 feet to place of beginning.
- "C-1" Commercial District: All that part northwest fractional 1/4, Section Seven (7) lying northwesterly of Pine Lake.
- "P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.00 feet south of west 1/4 post thereof; thence east, 233.0 feet; thence north, 554.0 feet; thence east 1320.0 feet; thence south 590.0 feet; thence west, 1553.0 feet to west line said section, thence north thereon, 40.0 feet to the place of beginning.

SECTION XXXVLAND SECTION 6

Section 5.1, entitled "Zoning District Boundaries: in the following portions, to wit: Land Section Six (6), T. 1 N., R. 10 W., of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(Land) Section Six (6), T. 1 N., R. 10 W.

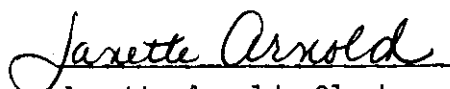
"A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "R-5" Mobile Home Parks.

"R-2" Medium Density Residential: Entire Section North of Pine Lake and South of Pine Lake Road except those parts described herein as "R-5" Mobile Home Parks.

"R-5" Mobile Home Parks: Commencing at the intersection of West line of Section Six (6) with the center line of Pine Lake Road, thence Northeasterly along the center line of said Road; 1450.0 feet for place of beginning; thence Northeasterly along the center line of said Road 200.00 feet; thence Southeasterly at right angles to the center line of said Road to the Northeasterly shore of Pine Lake; thence Southwesterly along the Shore of said Lake to a point Southeasterly as measured at right angles to the center line of said Road, thence Northwesterly to the place of beginning.

SECTION XXXVIEFFECTIVE DATE AND CONFLICTING PROVISIONS

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


Janette Arnold, Clerk
Prairieville Township

CERTIFICATE

I, Janette Arnold, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on Wednesday, May 18, 1983 at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 29, 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:


AYES: Darlene Vickery, Robert Reck, Willis Aukerman
and Janette Arnold

NAYES: None

ABSENT: Graydon Doster

I do further certify that a summary of the regulatory effect of the zoning amendment was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on June 2, 1983; that a copy of the full text of said Ordinance No. 29 was posted at the Prairieville Township Hall on June 1, 1983, and further that said Ordinance No. 29 was recorded in the official Ordinance Book on the 31st day of May, 1983.

Dated: June 1 1983



Janette Arnold, Township Clerk

PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN

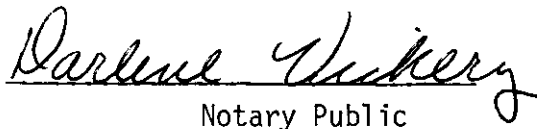
STATE OF MICHIGAN
COUNTY OF BARRY

AFFIDAVIT OF POSTING

Janette Arnold, being first duly sworn, deposes and says that on the 1st day of June, 1983, in accordance with the provisions of 1976 PA 266, as amended, and in accordance with other requirements of law, she did post a copy of the attached Ordinance on the bulletin board located at the Township Hall or other building situated at 10115 South Norris Road, Delton, MI.


Janette Arnold

Subscribed and sworn to before me
this 1st day of June, 1983


Notary Public

Barry County, Michigan
My Commission Expires 1-05-85

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 30

Adopted: July 13, 1983

Effective: July 29, 1983

DANGEROUS BUILDINGS ORDINANCE

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Prairieville, Barry County, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION ISHORT TITLE

This Ordinance shall be known and cited as the Prairieville Township Dangerous Buildings Ordinance.

SECTION IIDEFINITIONS

As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions.

- a. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the Building Codes or fire codes effective within the Township, it shall be considered that such building does not meet the requirements of this Ordinance.

b. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Codes of the Township for a new building or similar structure, purpose or location.

c. Whenever any portion of member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

d. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Codes of the Township.

e. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to fall or give way.

f. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

g. When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

h. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer of the Township of Prairieville or County of Barry, or is likely to work injury to the health, safety or general welfare of those living or working within.

i. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers

SECTION III

MAINTENANCE OF DANGEROUS BUILDING

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

SECTION IV
NOTICE OF DANGEROUS CONDITION

(A) When the whole or any part of any building or structure is found to be in a dangerous condition, the Township Building Inspector shall issue a notice of the dangerous condition.

(B) Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.

(C) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(D) All such notices required by this Ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by Certified Mail--Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure at least ten days prior to the hearing date.

SECTION V
HEARING BEFORE HEARING OFFICER

(A) A hearing officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor.

(B) The Building Inspector shall file a copy of the notice of the dangerous condition of any building with the hearing officer.

(C) At any hearing held, the hearing officer shall take testimony of the Building Inspector, the owner of the property

and any other interested party. Upon the taking of such testimony, the hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(D) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply therewith.

(E) If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section IV(D).

SECTION VI
TOWNSHIP BOARD HEARING

Upon receiving the findings and order of the hearing officer, the Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section IV(D) of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

SECTION VII
DEMOLITION OR REPAIR OF DANGEROUS BUILDING

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a

lien against the real property and shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within thirty days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

SECTION VIII

APPEAL

An owner or party in interest aggrieved by any final decision of the Township Board may appeal the decision or order to the Circuit Court for the County of Barry by filing a petition for an order of superintending control within twenty days after the date of such decision.

SECTION IX

SECURING PREMISES AGAINST CASUAL ENTRY

If the Building Inspector believes an immediate serious danger exists to the public where a vacant building or structure is left open to casual entry, he may give a notice of hearing to the owner or party in interest of the building or structure as shown on the current tax roll. This notice shall be given by either personal service or by Certified Mail--Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax roll. If any person to whom such a notice is directed is not personally served, a copy of the notice shall also be posted upon a conspicuous part of the building or structure at least 24 hours prior to the hearing date. The hearing shall be held no sooner than 24 hours after notice to all parties is effected by either personal service or by receipt of the Return Receipt for notice given by Certified Mail. The

purpose of the hearing shall be to consider the request of the Building Inspector that the Township be authorized to go upon the property for the express purpose of boarding up or making the premises secure from casual entry immediately. After taking testimony from the Building Inspector, owner (if he appears) and other interested persons who may appear, the hearing officer shall consider the urgency of the matter, whether a real danger exists to persons, including minors, who might enter the building or structure and whether there is evidence that unauthorized persons are or have entered the premises. If the hearing officer believes that such immediate dangers exist by the building or structure remaining open to casual entry, he may authorize such work as may be necessary to be done by the Township immediately to make the premises secure. The cost of such work shall be paid by the property owner within 30 days of billing by the Township. If such costs are not paid, the Township may institute suit to collect same or take such other action as may be allowed by law to compel payment.

SECTION X

REPEAL

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION XI

EFFECTIVE DATE

This Ordinance shall take effect on the 29th day of July, 1983.

Janette Arnold

JANETTE ARNOLD, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 31
ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

Adopted: December 14, 1983

Effective: 30 days following publication

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Prairieville Township, Barry County, Michigan, by the regulation of noise within said Township; to prescribe the penalties for the violation thereof and to repeal all Ordinances or parts of Ordinances inconsistent with or less restrictive than said Ordinance.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN
ORDAINS.

SECTION I
TITLE

This Ordinance shall be known and cited as the Township Anti-Noise and Public Nuisance Ordinance.

SECTION II
DEFINITIONS

The following terms used in this Ordinance are defined as follows:

"Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of $2 \times 10^{-5} \text{N/m}^2$ (Newtons per meter squared). As an example of the effect of this formula, a 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10 fold increase or decrease to 1/10th the former intensity

"dB (A)" means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1.4-1971.

SECTION III
ANTI-NOISE REGULATIONS

A. General Regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township.

B. Specific Violations. The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:

1. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.

2. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 o'clock P.M. and 7:00 A.M., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.

4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

5. The operation of any automobile, motorcycle, or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

6. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise and disturbance unreasonably annoying to other persons, other than between the hours of 7:00 o'clock A.M. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.

9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.

10. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucus noises easily heard from nearby adjoining residential property.

12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

13. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 o'clock P.M. on any evening.

C. Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, or the County of Barry, between sundown and 7:00 o'clock A.M. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

3. Warning devices emitting sound for warning purposes as authorized by law.

SECTION IV

ANTI-NOISE REGULATIONS BASED UPON dB (A) CRITERIA

In order to regulate and prove violations occurring under SECTION III of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance. However, violations under SECTION III above but which have no decibel determination available shall nevertheless be deemed violations of this Ordinance.

A. Regulations for Decibel Measurement of Noise Originating from Private Properties. Noise radiating from all properties or buildings, as measured at the boundaries of that portion of the property under single occupancy, which is in excess of the dB (A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is therefore in violation of this Ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

<u>ZONING DISTRICTS</u>	<u>LIMITATIONS</u>	<u>LIMITATIONS</u>
	<u>7 AM to 10 PM</u>	<u>10 PM to 7 AM</u>
Residential (and any area within 500 feet of a hospital regardless of zoning district and agricultural districts located within 500 feet of any dwelling under separate ownership)	55 dB (A)	50 dB (A)
Agricultural, where at least 500 feet from any dwelling under separate ownership and Commercial	65 dB (A)	55 dB (A)
Industrial	80 dB (A)	75 dB (A)

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of 5dB (A) less than those listed above.

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB (A) levels of the zoning district of the property where the noise is emanating shall control.

The following exceptions shall apply to these regulations under this SECTION IV, Subsection A:

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.
2. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
3. Noises occurring between 7:00 A.M. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in SECTION IV(A) by more than 20 dB (A).
4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
5. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal non-conforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 - a. The noise level emitted by such use at the time it became a legal non-conforming use as a result of the enactment of an amendment of the Township Zoning Ordinance if available.
 - b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial or agricultural or industrial) where such a use is specifically allowed as a permissible use.

B. Regulations for Decibel Measurement of Motor Driven Vehicles on Public Roads. All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet or 15 meters from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7-1/2 meters) and if this is done, 6dB (A) shall be added to the limits provided below. All such noises in excess of the dB (A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this Ordinance.

<u>VEHICLE</u>	<u>WEIGHT</u>	<u>dB (A) MAXIMUM LIMITATION</u>
Trucks and Buses. . . .	.Over 10,000 lbs. Gross Weight	82 dB (A)
Trucks and Buses. . . .	.Under 10,000 lbs. Gross Weight	74 dB (A)
Passenger Cars. . . . .	.Any Weight	74 dB (A)
Motorcycles, Snowmobiles & Minibikes . . . . .	.Any Weight	82 dB (A)
All other self-propelled motor vehicles. . . . .	.Any Weight	74 dB (A)

C. Measurement of Noise. All measurement of dB (A) according to subparagraphs A & B of this Section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.

SECTION V
PUBLIC NUISANCE REGULATIONS

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

SECTION VIVALIDITY

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VIIPENALTIES

Any person, firm or corporation found violating the provisions of this Ordinance, shall upon conviction, be punished by a fine of not to exceed \$100.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

SECTION VIIIEFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication of the same. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE ARNOLD, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 32

Adopted: January 11, 1984

Effective:

An Ordinance to adopt a nationally recognized model building code pertaining to the construction, structural alteration, demolition, occupancy, and use of buildings and structures within Prairieville Township, Barry County, Michigan, pursuant to Act No. 230 of the Public Acts of 1972, as amended; to exempt Prairieville Township from the operation and effect of said Act; to provide for the administration and enforcement of this Ordinance by Prairieville Township through agreement or otherwise; to permit the Prairieville Township Board to set certain fees by resolution of said Township Board; to amend, repeal, and/or supplement certain portions of the aforementioned nationally recognized model building code relating to qualifications of and restrictions upon the Township Building Official and his/her assistants, violation of a stop-work order, dangerous buildings, board of survey, excavations, and bonds and liability insurance for signs; to provide penalties for the violations of this Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION ITITLE

This Ordinance shall be known and cited as the Prairieville Township Building Code Ordinance.

SECTION IIADOPTION OF NATIONALLY RECOGNIZED MODEL CODE

That certain document or booklet, official copies of which are on file in the office of the Clerk for the Township and which are available for examination by the general public during regular business hours or by appointment, entitled "BOCA Basic Building Code, 1984 Edition", as published by the Building Officials & Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois, 60477, is hereby adopted by reference thereto as if fully set forth herein. Each and all of the regulations, provisions, penalties, conditions and terms thereof, except as may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

SECTION IIIENFORCEMENT

The "BOCA Basic Building Code, 1984 Edition" adopted hereunder shall be administered and enforced by the Township as provided for in this Ordinance and in said Code. The State Construction Code Commission and/or agency of the County of Barry charged with the responsibility of enforcing Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, is hereby relieved of any right, authority or responsibility for the enforcement of any such code within the Township. Prairieville Township specifically reserves the right to provide by ordinance 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 Code adopted herein.

SECTION IVFEEES

Sections 114.3, 114.3.1, 114.4, and 114.5 of the "BOCA Basic Building Code, 1984 Edition" adopted hereunder are hereby repealed and in lieu thereof, the Prairieville Township Board is hereby given the authority to establish by resolution at any regular public meeting a schedule of fees, rates, and charges for the administering of said Code and conducting its various activities thereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Prairieville Township Board shall further have the right to amend the aforementioned resolution from time to time within the limits of this Section.

SECTION VVIOLATION OF STOP-WORK ORDER

Section 118.2 of the "BOCA Basic Building Code, 1984 Edition", adopted by the Township hereunder, is hereby amended to read as follows:

118.2. Unlawful Continuance: Any person who shall continue in any work in or about the structure after having been served with a stop-work order, except such work as that person is directed by the Township Building Official to perform to remove a violation or unsafe conditions, shall be in violation of this Code and Ordinance and fully subject to all penalties set forth for violation of this Ordinance.

SECTION VI

REPEAL OF CERTAIN CODE PROVISIONS
PERTAINING TO BUILDING OFFICIAL AND ASSISTANTS QUALIFICATIONS
AND RESTRICTIONS

Sections 109.5, 109.6, and 109.7 of the "BOCA Basic Building Code, 1984 Edition" adopted hereunder, are hereby repealed.

SECTION VII
DANGEROUS BUILDINGS

Sections 120.0 through 120.6 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, are hereby repealed and in their place is substituted the following provision:

SECTION 120.0. DANGEROUS BUILDINGS

120.1. All buildings and structures which are dangerous buildings shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Prairieville Township Dangerous Buildings Ordinance or, in the alternative, by such procedures as may be set forth in the laws, statutes, rules or regulations of the State of Michigan or any agency thereof.

SECTION VIII
REPEAL OF PROVISIONS REFERRING TO
BOARD OF SURVEY

Sections 123.0 through 123.5.1 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, are hereby repealed.

SECTION IX
DEEP EXCAVATIONS

Section 1807.2.1 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, is hereby amended to read as follows:

1807.2.1 Deep Excavations: Whenever an excavation is made to a depth of more than two feet below the established curb, the person who causes such excavation to be made, if afforded the necessary license to enter the adjoining premises, shall preserve and protect from injury at all times and at his own expense such adjoining structure or premises which may be affected by the excavation. If the necessary license is not afforded, it shall then be the duty of the owner of the adjoining premises to make his building or structure safe by installing proper underpinning or foundations or otherwise. Such owner, if it be necessary for the prosecution of his work, shall be granted the necessary license to

enter the premises where the excavation or demolition is contemplated.

SECTION X
SHALLOW EXCAVATIONS

Section 1807.2.2 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, is hereby amended to read as follows:

1807.2.2. Shallow Excavations: Wherever an excavation is made to a depth less than two feet below the curb, the owner of a neighboring building or structure, the safety of which may be affected by the proposed excavation, shall preserve and protect from injury and shall support his building or structure by the necessary underpinning or foundations. If necessary for that purpose, such owner shall be afforded a license to enter the premises where the excavation is contemplated.

SECTION XI
BONDS AND LIABILITY INSURANCE FOR SIGNS

Sections 1906.0 through 1906.3 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, are hereby repealed.

SECTION XII
PENALTY

Any violation of this Ordinance or the nationally recognized model code adopted hereunder or any part of either of the same shall be a misdemeanor punishable by a fine of not to exceed \$100.00 and/or by confinement in the County Jail for a term of not to exceed ninety (90) days. In addition, Prairieville 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 Code. Each day that a violation continues to exist shall constitute a separate offense.

SECTION XIII
SEVERABILITY

Should any part of this Ordinance or any Code adopted hereunder be declared unconstitutional, illegal or of no force and 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 XIV
CONFLICTING PROVISIONS AND EFFECTIVE DATE

All Ordinances or parts of Ordinances in conflict with any of the provisions contained herein are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. This Ordinance shall take effect ninety (90) days after a certified copy of this Ordinance is delivered to the Michigan State Construction Code Commission. Building permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with any previous Township Building Code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance or Township Building Code being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

JANETTE ARNOLD, Clerk
Prairieville Township



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 32

Adopted: January 11, 1984

Effective:

An Ordinance to adopt a nationally recognized model building code pertaining to the construction, structural alteration, demolition, occupancy, and use of buildings and structures within Prairieville Township, Barry County, Michigan, pursuant to Act No. 230 of the Public Acts of 1972, as amended; to exempt Prairieville Township from the operation and effect of said Act; to provide for the administration and enforcement of this Ordinance by Prairieville Township through agreement or otherwise; to permit the Prairieville Township Board to set certain fees by resolution of said Township Board; to amend, repeal, and/or supplement certain portions of the aforementioned nationally recognized model building code relating to qualifications of and restrictions upon the Township Building Official and his/her assistants, violation of a stop-work order, dangerous buildings, board of survey, excavations, and bonds and liability insurance for signs; to provide penalties for the violations of this Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION ITITLE

This Ordinance shall be known and cited as the Prairieville Township Building Code Ordinance.

SECTION II
ADOPTION OF NATIONALLY RECOGNIZED MODEL CODE

That certain document or booklet, official copies of which are on file in the office of the Clerk for the Township and which are available for examination by the general public during regular business hours or by appointment, entitled "BOCA Basic Building Code, 1984 Edition", as published by the Building Officials & Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois, 60477, is hereby adopted by reference thereto as if fully set forth herein. Each and all of the regulations, provisions, penalties, conditions and terms thereof, except as may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

SECTION III
ENFORCEMENT

The "BOCA Basic Building Code, 1984 Edition" adopted hereunder shall be administered and enforced by the Township as provided for in this Ordinance and in said Code. The State Construction Code Commission and/or agency of the County of Barry charged with the responsibility of enforcing Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, is hereby relieved of any right, authority or responsibility for the enforcement of any such code within the Township. Prairieville Township specifically reserves the right to provide by ordinance 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 Code adopted herein.

SECTION IV
FEEES

Sections 114.3, 114.3.1, 114.4, and 114.5 of the "BOCA Basic Building Code, 1984 Edition" adopted hereunder are hereby repealed and in lieu thereof, the Prairieville Township Board is hereby given the authority to establish by resolution at any regular public meeting a schedule of fees, rates, and charges for the administering of said Code and conducting its various activities thereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Prairieville Township Board shall further have the right to amend the aforementioned resolution from time to time within the limits of this Section.

SECTION V
VIOLATION OF STOP-WORK ORDER

Section 118.2 of the "BOCA Basic Building Code, 1984 Edition", adopted by the Township hereunder, is hereby amended to read as follows:

118.2. Unlawful Continuance: Any person who shall continue in any work in or about the structure after having been served with a stop-work order, except such work as that person is directed by the Township Building Official to perform to remove a violation or unsafe conditions, shall be in violation of this Code and Ordinance and fully subject to all penalties set forth for violation of this Ordinance.

SECTION VI
REPEAL OF CERTAIN CODE PROVISIONS
PERTAINING TO BUILDING OFFICIAL AND ASSISTANTS QUALIFICATIONS
AND RESTRICTIONS

Sections 109.5, 109.6, and 109.7 of the "BOCA Basic Building Code, 1984 Edition" adopted hereunder, are hereby repealed.

SECTION VII
DANGEROUS BUILDINGS

Sections 120.0 through 120.6 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, are hereby repealed and in their place is substituted the following provision:

SECTION 120.C. DANGEROUS BUILDINGS

120.1. All buildings and structures which are dangerous buildings shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Prairieville Township Dangerous Buildings Ordinance or, in the alternative, by such procedures as may be set forth in the laws, statutes, rules or regulations of the State of Michigan or any agency thereof.

SECTION VIII
REPEAL OF PROVISIONS REFERRING TO
BOARD OF SURVEY

Sections 123.0 through 123.5.1 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, are hereby repealed.

SECTION IX
DEEP EXCAVATIONS

Section 1807.2.1 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, is hereby amended to read as follows:

1807.2.1 Deep Excavations: Whenever an excavation is made to a depth of more than two feet below the established curb, the person who causes such excavation to be made, if afforded the necessary license to enter the adjoining premises, shall preserve and protect from injury at all times and at his own expense such adjoining structure or premises which may be affected by the excavation. If the necessary license is not afforded, it shall then be the duty of the owner of the adjoining premises to make his building or structure safe by installing proper underpinning or foundations or otherwise. Such owner, if it be necessary for the prosecution of his work, shall be granted the necessary license to

enter the premises where the excavation or demolition is contemplated.

SECTION X
SHALLOW EXCAVATIONS

Section 1807.2.2 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, is hereby amended to read as follows:

1807.2.2. Shallow Excavations: Wherever an excavation is made to a depth less than two feet below the curb, the owner of a neighboring building or structure, the safety of which may be affected by the proposed excavation, shall preserve and protect from injury and shall support his building or structure by the necessary underpinning or foundations. If necessary for that purpose, such owner shall be afforded a license to enter the premises where the excavation is contemplated.

SECTION XI
BONDS AND LIABILITY INSURANCE FOR SIGNS

Sections 1906.0 through 1906.3 of the "BOCA Basic Building Code, 1984 Edition", adopted by Prairieville Township pursuant to Act No. 230 of the Public Acts of the State of Michigan for 1972, as amended, are hereby repealed.

SECTION XII
PENALTY

Any violation of this Ordinance or the nationally recognized model code adopted hereunder or any part of either of the same shall be a misdemeanor punishable by a fine of not to exceed \$100.00 and/or by confinement in the County Jail for a term of not to exceed ninety (90) days. In addition, Prairieville 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 Code. Each day that a violation continues to exist shall constitute a separate offense.

SECTION XIII
SEVERABILITY

Should any part of this Ordinance or any Code adopted hereunder be declared unconstitutional, illegal or of no force and 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 XIV
CONFLICTING PROVISIONS AND EFFECTIVE DATE

All Ordinances or parts of Ordinances in conflict with any of the provisions contained herein are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. This Ordinance shall take effect ninety (90) days after a certified copy of this Ordinance is delivered to the Michigan State Construction Code Commission. Building permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with any previous Township Building Code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance or Township Building Code being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

JANETTE ARNOLD, Clerk
Prairieville Township

ROSS TOWNSHIP
ORDINANCE NO. 88

RICHLAND TOWNSHIP
ORDINANCE NO. 110

PRAIRIEVILLE TOWNSHIP
ORDINANCE NO. 33

BARRY TOWNSHIP
ORDINANCE NO. 17

AMENDMENT TO RATE AND
MANDATORY CONNECTION ORDINANCE

An Ordinance to amend the Rate and Mandatory Connection Ordinance of Ross Township, No. 84, Richland Township, No. 105, Prairieville Township, No. 27, and Barry Township, No. 15, pertaining to the operation of the Kalamazoo County Sewage Disposal System (Gull Lake Area) on a public utility basis under the provisions of Act 94, Public Acts of Michigan of 1933, said amendments to the Ordinance pertaining to quarterly use charges and connection charges and other matters relative thereto.

THE TOWNSHIPS OF ROSS,
RICHLAND, PRAIRIEVILLE AND BARRY,

HEREBY ORDAINS:

SECTION I

a) The above numbered Ordinance entitled "Rate and Mandatory Connection Ordinance" is hereby amended so that Section 4 pertaining to "Sewer Use Charges", being the first full paragraph, shall read as follows:

"Sewer Use Charges (including operation and maintenance, debt service and treatment charges)

Sewer use charges to each single family residential premises shall be in the flat amount of \$69.30 per quarter representing \$50.55 for operations and maintenance expenses and \$18.75 for debt service. Each user other than a single family

residence shall pay a quarterly charge of \$69.30 multiplied by a factor representing a ratio of sewage use by such class of users to normal single family residential sewage use, as reflected in Appendix A, but not less than \$69.30."

b) The Rate and Mandatory Connection Ordinance is further amended in Section 4 thereof by changing the title of the subsection to "Direct and Indirect Connections within Original District" and by the addition at the end of subparagraph A of the following phrase:

"providing the credit has not been previously used against another connection charge."

c) Section 4, subsection C pertaining to "Indirect Connection" is also amended so that same shall read as follows:

"C. Indirect Connection: In order to defray the proportional share of the necessary over-sizing of treatment facilities, trunks and pumping stations, for each indirect connection to the system at any time hereafter, there shall be charged a fee of \$2,000 per single family residence equivalent, plus 10% per year for each year after the sewer is available. An Indirect Connection shall be defined as one made to public lines added to the system after its original construction and serving more than one property, the cost of which is paid from special assessments or private funds."

d) Section 4, subsection E pertaining to "Industrial Cost Recovery Charge", being the second full paragraph of said subsection E, is hereby repealed and eliminated in its entirety. Furthermore, the third full paragraph of said subsection E pertaining to "special rates" shall hereafter be designated as subsection F, the fourth full paragraph of said subsection E pertaining to "billing" shall hereafter be redesignated as subsection G and the fifth and sixth paragraphs of said subsection E pertaining to "enforcement" shall hereafter be designated as subsection H.

e) Section 4, is hereby amended so as to add another subsection referred to as subsection I entitled "Location of Service Leads and Connections" which shall read as follows:

"I. Location of Service Leads and Connections:
The Township shall have the right to determine the design, route and place of service leads and connections to the sewer system. Furthermore, if any property is subdivided with facilities emitting sewage being located on any separately owned parcel after such subdivision, each separate parcel shall have a separate direct connection from the facilities emitting sewage to the sewer, unless otherwise approved by the Authority as agent for the Township."

SECTION II

Section 7 of the Rate and Mandatory Connection Ordinance is hereby amended so that the following is added at the end of said Section 7:

"The first billing shall commence with the date required for all properties having the sewer available to be connected to the sewer, or upon the connection of any property to the sewer, if said connection occurs earlier."

SECTION III

The Rate and Mandatory Connection Ordinance is further amended pertaining to Appendix A attached thereto by the enactment of the following revised Appendix A in place of the original Appendix A. 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 gal/unit. In this event, the meter readings shall be averaged for a two year period and then divided by the number of days that the premises is in use times 250 gallons per day to determine the Residence-Equivalents. 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.

132
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SECTION IV

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION V

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION VI

This ordinance shall be published once, in full, in the Kalamazoo Gazette, for Richland and Ross Townships, and in the Hastings Banner, for Prairieville and Barry Townships, newspapers of general circulation within the boundaries of the Townships and qualified under state law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of each Township and such recording authenticated by the signatures of the Supervisor and Township Clerk.

SECTION VII

Except as amended hereby, all of the provisions of said ordinance entitled "Rate and Mandatory Connection Ordinance", shall remain in full force and effect hereafter.

SECTION VIII

This ordinance shall become effective April 1, 1984.

Jarrette Arnold
Township Clerk

Bendzinski & Co.



municipal finance advisors

601 Standard Federal Savings Bldg. • 409 Griswold • Detroit, Michigan 48226 • (313) 961-8222

APPENDIX A - RESIDENTIAL EQUIVALENT FACTORS

Occupation Use	Units	Unit Factor
Single Family Residence	1.0	per residence
Auto Dealers - New and/or Used	1.0	per premise plus 0.25 per 1,000 square feet of building inc. service area
Auto Repair/Collision	1.0	same as above
Auto Wash (Coin Operated Do-it-yourself 10 gallons or less per car)	1.0	per stall
Auto Wash (Mechanical - Over 10 gallons per car - Not Recycled)	10.0	per stall or production line including approach and drying area
Auto Wash (Mechanical - Over 10 gallons per car - Recycled)	5.0	per stall or production line including approach and drying area
Barber Shop	1.0	per shop plus 0.1 per chair after 2
Bar	4.0	per 1,000 sq. ft.
Beauty Shops	1.0	per shop plus 0.1 per booth
Bowling Alleys (no bar)	1.0	per premise plus 0.2 per alley
Churches	0.25	per 1,000 sq. ft. - minimum 1 unit
Cleaners (pick up only)	1.0	per shop
Cleaners (cleaning & pressing facilities)	1.0	per premise plus 0.5 per 500 sq. ft.
Clinics (Medical or Dental)	1.0	per premise plus 0.5 per exam room
Convalescent or Boarding Homes	1.0	per premise plus 0.25 per bedroom
Convents	1.0	per premise plus 0.25 per bedroom
Country Clubs and Athletic Clubs	1.5	per 1,000 sq. ft. of clubhouse plus restaurant, bar and pro shop as retail store
Drug Stores	1.0	per premise plus snack bar
Factories (office and production)	0.75	per 1,000 sq. ft.
Wet Process		based on metered sewage flow
Funeral Home	1.5	per 1,000 sq. ft. plus residence to be computed separately
Grocery Stores and Super Market	1.0	per premise plus 0.8 per 1,000 sq. ft.
Hospitals	1.1	per bed
Hotels and Motels	0.40	per bedroom plus restaurant and bar
Laundry (self serve)	1.0	per premise plus 0.5 per washer
Two Family Residential	1.0	per unit
Mobile Homes (free standing)	1.0	per unit
Mobile Homes (parks or subdivision)	0.75	per pad or site at indirect connection rate plus laundry, community bldgs. and office to be computed separately per schedule
Marinas - per boat docking space	.06	per space under 25 ft. in length
	.1	per space over 25 ft. in length

1/23/84

The information contained herein was derived from sources generally recognized as reliable and does not make any representations as to correctness or completeness and has in no way been altered except to the extent that some information may be summarized, and is in no way intended to be a solicitation for orders.

048

Bendzinski & Co.



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APPENDIX A - RESIDENTIAL EQUIVALENT FACTORS

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Multiple Family Residence		
Duplex, Row Houses or Townhouses	1.0	per dwelling unit
Apartment Residence - Self contained unit including laundry facilities in apartment	1.0	per dwelling unit
Apartment Residence - Other than self-contained unit - not having laundry facilities in apartment	0.8	per dwelling unit
Fraternity, Sorority Houses; Dormitories	0.50	per two residents
Parks, Recreation Facilities, Campgrounds		
Picnic Facilities - no bathing or overnight accomodations	0.2	per parking space
Picnic Facilities - with bathing privileges or swimming pool	0.35	per parking space
Campground Facilities - Recreation vehicles, tents, trailers under 12 feet	0.35	per pad or site plus picnic facilities
Campground Facilities - Trailer parks or trailers in excess of 12 feet	0.50	per pad or site plus picnic facilities
Post Office	1.0	per 1,000 sq. ft.
Professional Office	0.25	per 500 sq. ft. - minimum 1
Public Institutions	0.75	per 1,000 sq. ft.
Restaurants (meals only)	2.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas.
Restaurants (meals and drinks)	3.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas.
Restaurants (public areas, auxiliary dining rooms, dance floors or ballrooms which are not in regular use)	0.5	per 1,000 sq. ft.
Retail Store (other than listed)	1.0	per premise plus 0.1 per 1,000 sq. ft.
Schools	1.0	per classroom
Service Stations	1.5	per 1,000 sq. ft. of building area
Snack Bars, Drive-Ins, etc.	2.5	per 1,000 sq. ft.
Theaters (drive-in)	0.04	per car space
Theaters	0.04	per seat
Warehouse and storage	0.2	per 1,000 sq. ft.
Veterinary Facility	1.5	per facility
Veterinary Facility with Kennel	1.5	per facility plus 0.5 per 5 kennels

1/23/84

The information contained herein was derived from sources generally recognized as reliable and does not make any representations as to correctness or completeness and has in no way been altered except to the extent that some information may be summarized, and is in no way intended to be a solicitation for orders.

CERTIFICATE

I, Jan Arnold, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on March 15, 1984, at 7:30 o'clock p. m., at the Prairieville Township Hall, located within the Township of Prairieville, 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:

Roy Reck - yes
 Graydon Doster - yes
 Jan Arnold - yes

I do further certify that an attested copy of Ordinance No. 33 was filed with the County Clerk on _____, and that said Ordinance No. 33 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on March 29, 1984 and further that said Ordinance No. 33 was recorded in said Ordinance book on the 26th day of March, 19 84.

Dated: 3-26-84

Janette Arnold
 Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 34

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: June 13, 1984

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 6.3 thereof pertaining to mobile home parks; the amendment of Section 4.13-2ⁱ pertaining to developments requiring site plan review; the amendment of Section 4.8 pertaining to essential services; the amendment of Section 3.1(65) pertaining to the definition of "motel"; the amendment of Section 3.1(76) pertaining to the definition of "recreational vehicle"; the amendment of Section 6.6(B)(5) pertaining to individual mobile homes, temporary residences, and solid waste disposal areas; the amendment of the title of Section 6.0; the amendment of Section 6.1(B)(1) pertaining to the "R-2" Single-Family and Two-Family, Medium Density, Residential District zoning classification; the amendment of Section 6.4(B)(23) pertaining to accessory uses in the "C-1" Rural Area Convenience Commercial District zoning classification; the amendment of Section 3.1(101) pertaining to zoning compliance permits; the amendment of Section 5.1 pertaining to unplatted land in Land Sections 17 and 18; and the repeal of all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I"R-5" MOBILE HOME PARKS, RESIDENTIAL DISTRICT

Section 6.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 6.3. R-5 Mobile Home Parks, Residential District

A. Purpose. To provide a place where people may obtain the convenience and economy of mobile home park living.

B. Use Regulations. Mobile home parks shall be allowed as a permitted use, subject to the following terms and conditions:

1. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions herein.

2. All mobile home parks shall have a minimum of ten (10) acres.

3. Mobile homes and permanent park buildings and facilities may not be located closer than 40 feet from any public street right-of-way line or rear property line boundary and may not be located closer than 15 feet from any side property line boundary.

4. The mobile home shall be developed with sites of 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced up to 20% provided that the minimum individual site is not less than 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least 75% of the land saved shall be dedicated as open space, but in no case shall the open space requirement be less than that required under Rule 125.1946 of the Michigan Administrative Code.

5. The minimum floor area for a mobile home in a mobile home park shall be 720 square feet.

6. Buildings housing laundry facilities, offices, restroom, or shower facilities, a pool or the sale of retail goods for the exclusive use of the residents of the mobile home park may be permitted as an accessory use.

7. Sites for recreational vehicle or camping accommodations may be provided within a mobile home park for temporary stays not to exceed fourteen (14) days. These sites shall be provided with at least common restrooms, showers, laundry facilities and water supply. Sites for such use shall be separated from the main mobile home park area and adequate greenbelts as defined herein shall be required to separate such uses.

8. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.

9. Preliminary plans for all new mobile home parks or expansions to existing mobile home parks must be submitted to and approved by the Township Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before construction

may commence. Application for preliminary plan approval shall be made by (1) filing six copies of the preliminary plan with the Township Clerk and (2) paying a preliminary plan review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.

The preliminary plan must include, but shall not be limited to, the following:

- i. The name and address of the applicant.
 - ii. The legal description of the subject parcel of land.
 - iii. The area of the subject parcel of land.
 - iv. The present zoning classification of the subject parcel of land.
 - v. The number and size of individual mobile home sites and the location of the streets.
 - vi. The proposed location and method of sewage treatment and disposal.
 - vii. The source and location of the water supply and fire hydrants.
 - viii. The location of access to public roads.
 - ix. Drainage provisions.
 - x. Site features including all structures, outdoor recreational facilities, walkways, parking and street frontage.
 - xi. The location, size and design of all signs to be placed upon the site.
 - xii. The location and general description of all screening to be retained or established on the site.
 - xiii. The preliminary plan shall show the location of the site in relation to the surrounding street system, and shall identify the existing uses and zoning of adjacent properties.
 - xiv. The preliminary plan shall be of a scale not greater than one inch equals twenty feet, not less than one inch equals two hundred feet; however, of such size and accuracy that the Planning Commission can readily interpret the plan.
 - xv. The preliminary plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.
10. Property which is subject to preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission.
11. The Township Planning Commission shall have the right and authority to require the mobile home park's developer to file with the Township Clerk at the time of Township approval of a preliminary plan for a new mobile home park or for expansion of an existing mobile home park, a performance bond or bank letter of credit in such amounts as may be determined by the Planning Commission to be necessary to insure the development of the site in accordance with the approved

preliminary plans therefor, conditioned upon such proper construction and development. Such bonds, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which is a reasonable percentage of the estimated total cost of construction and site development. The bond shall be for the purpose of securing the completion of improvements considered necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and adjacent residents and property owners. The Planning Commission shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required.

SECTION II

DEVELOPMENTS REQUIRING SITE PLAN REVIEW

Section 4.13-2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.13-2. Developments Requiring Site Plan Review

The Building Inspector shall not issue a building permit the the construction of the following buildings, structures, or uses until a detailed site plan has been reviewed by the Township Planning Commission:

- a. Multiple Family Planned Unit Developments
- b. Office Developments
- c. Commercial Developments
- d. Industrial Developments
- e. Special Land Uses Applications
- f. Applications for a permit to construct more than one dwelling on a single parcel

SECTION III

ESSENTIAL SERVICES

Section 4.8 of the Prairieville Township Zoning Ordinance is hereby amended so as to change the reference therein from "Definition 32" to "Definition 29".

SECTION IV

MOTEL

Section 3.1(65) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 65. Motel: A building or group of buildings having two (2) or fewer stories above the surface of the ground where lodging with or without meals is furnished to transients or to temporary resident guests for compensation, and containing more than four (4) sleeping units.

SECTION V
RECREATIONAL VEHICLE

Section 3.1(76) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 76. Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

SECTION VI
INDIVIDUAL MOBILE HOMES, TEMPORARY RESIDENCES
AND SOLID WASTE DISPOSAL AREAS

Section 6.6(B)(5) of the Prairieville Township Zoning Ordinance is hereby amended and reorganized in part so as to designate the following provisions as subsections "n", "o", and "p" thereunder and to eliminate any reference to subsection "q":

- n. Individual mobile homes failing to satisfy all of the criteria for "single family dwellings", subject to the following additional conditions and limitations:
 - (1) The mobile home and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall conform 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.
 - (2) The mobile home shall have a minimum floor area of 780 square feet.
 - (3) The mobile home must not have exposed wheels, towing mechanism, undercarriage or chassis.
 - (4) The mobile home must be connected to a public sewer and water supply or to such private facilities approved by the local health department.
 - (5) The mobile home shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure.
 - (6) A special land use permit issued hereunder will automatically terminate and be void if said mobile home is vacated and unoccupied for a period of two months or if said mobile home is moved off the premises.

- o. Accessory building, mobile home or partially completed permanent dwelling for use as a temporary residence for a period of not to exceed one (1) year, provided that the ability and intent to erect, reconstruct and/or complete a permanent dwelling upon the premises is shown and subject to the following conditions:

- (1) The applicant must first submit plans for and receive a building permit for the construction or reconstruction of a permanent dwelling upon the premises.
- (2) The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of said building permit.
- (3) The temporary residence must be located upon premises having a safe and sanitary water supply and adequate sewage facilities in compliance with the requirements of the local health department.
- (4) The temporary residence must comply with all pertinent building and fire codes or an appropriate variance must be obtained therefrom. In the case of a mobile home being used as a temporary residence hereunder, 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.
- (5) If, at the expiration of the one-year period, the permanent dwelling has not yet been completed in accordance with the requirements of this Ordinance and all other pertinent Township Ordinances, the Planning Commission, upon application and upon the showing of hardship and good cause, may extend the temporary permit issued hereunder for one or more additional six-month periods.

p. Solid Waste Disposal Areas

- (1) Prior to the approval of the Planning Commission of a special exception use for a solid waste disposal area as defined under the Solid Waste Management Act, 641 PA 1978, as amended, said Planning Commission shall determine that the following limitations and conditions are or shall be strictly complied with in addition to any other requirements contained in the Township Zoning Ordinance, or in any other Township Ordinance controlling such operations. The following conditions and limitations shall apply specifically to each solid waste disposal area, unless county or state laws or regulations on any particular requirement are more restrictive, and then such more restrictive regulations shall apply.
- (2) Location.
 - (a) All such operations shall be located on a state highway or county primary road, as defined by the Barry County Road Commission, for ingress or egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve to Michigan State Highway specifications, a

road to accommodate the truck travel necessitated by the operations as a condition of such operations, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the solid waste disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicant's property which are within one hundred (100) feet of any residence.

- (b) Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No solid waste disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no such disposal area shall be permitted closer than 300 feet to any domicile. No such disposal area shall be permitted closer than 100 feet to adjacent public right-of-ways, property lines or lakes and streams. Such disposal area shall at not time be permitted where adjoining lateral support for the maintenance of adjoining land is not maintained.
 - (c) Any permanent processing plant and its necessary structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 500 feet of a residence, it shall be obscured by a suitable barrier, not less than 8 feet high, with 75% screening. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.
- (3) Any sanitary landfill located within the boundaries of the Township, whether publicly or privately owned, shall be opened to Township residents, property owners, and businesses, during established business hours, at a rate competitive with other sanitary landfills in Southwestern Michigan.
 - (4) The solid waste disposal area shall be fenced with an eight-foot high chain link fence. Such fence shall be located inside of any berms or screening along the exterior boundaries. The entrance to the disposal area shall have a gate which shall be closed and locked at all times that the disposal area is not open.
 - (5) Nuisance Abatement
 - (a) Air pollution and vibration, and their effect upon adjacent properties shall be minimized. Interior and adjoining roads used in the solid waste disposal operations shall have their surfaces treated to minimize any air pollution condition.

- (b) Any security lighting deemed necessary by the owner/operator shall be of sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjoining residential property.
 - (c) All litter shall be collected from the solid waste disposal area by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.
 - (d) Every sanitary landfill facility which accepts refuse shall have adequate water supply and facilities equipped with an adaptor to fit fire hoses for quick delivery of water to any part of the property for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire continuously for at least ten hours. The source of water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the Planning Commission.
 - (e) Rodent traps shall be placed every 100 yards around the perimeter of the sanitary landfill, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
- (6) A legible copy of all ground water monitoring reports or data filed on behalf of the owner/operator with the Barry County Health Department or the Michigan Department of Natural Resources shall also be filed by the owner/operator with the Township Clerk within three days of the original filing. This duty shall continue until termination or complete reclamation of the solid waste disposal area.
- (7) All solid waste disposal area operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. and 3:00 p.m., on Saturdays and legal holidays. A sign stating the hours and prohibiting dumping at other times shall be placed in a conspicuous location at the entrance.
- (8) Keys for admittance to the solid waste disposal area shall be filed with the Township Clerk.
- (9) Solid waste disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction and covering of materials.
- (10) Liability Insurance. All sanitary landfill applicants shall be required to carry, in addition to any and all insurance or bonds required by the state law, personal injury and property damage insurance in the amount not less than four million dollars (\$4,000,000.00) for each person injured or property damage or for any injury or damage for more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or property damage occurring upon the site of the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing upon the site. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special exception use

permit hereunder and shall be maintained in effect for a period of not less than twenty-five (25) years following final closure of the landfill site. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance for any reason.

- (11) Prior to the commencement of the construction of any sanitary landfill within the Township, the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, water course and private, residential, agricultural and commercial water well a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a half mile radius of the exterior boundaries of the property acquired for the sanitary landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water samples were taken, and the name and address of the principal user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory and then filed with the Township Clerk for the purpose of future reference should there at some later date be suspected ground water contamination.
- (12) Closure of Disposal Area. Reclamation or rehabilitation of solid waste disposal area shall be accomplished as soon as practicable following the completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the facility's operations. Substantial completion of reclamation and rehabilitation shall be effected within two years after the termination of the waste disposal facility. Inactivity for twelve consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources, Resource Recovery Division, Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.401 et seq of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

(13) Submission of Operational and Closure Plans.

No special exception use permit for a solid waste disposal area may be granted hereunder until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions within this Ordinance, or the matter in which compliance will be secured by the applicants. Such plans shall include, among other things, the following:

- (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining properties. The contour map shall also show the location of any structure to be established upon the site.
- (b) The number of acres and the location of same, proposed to be operated upon within the following twelve-month period after commencing of operations.
- (c) A written statement indicating the type of solid waste disposal area proposed to be constructed, the nature of the equipment to be used in the operation of the solid waste disposal area, and the types of materials which will be accepted for deposit and/or processing in the solid waste disposal area.
- (d) A map disclosing the location of all lakes, streams, creeks, water sources, and public, private, residential, agricultural and commercial water wells within 1,000 feet of the solid waste disposal area.
- (e) A contour map of the tract of land disclosing the final grades and elevations to be established following the completion of the solid waste disposal area. Including the proposed uses then being contemplated for the land, and such other matters as may evidence the bona fide nature of reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed solid waste disposal area.

(14) Trust Fund for the Mitigation of Landfill Problems.

A trust fund shall be established at a convenient bank, within the county, chosen by the Planning Commission. The owner/operator shall agree to pay ten cents per cubic yard of waste disposed of, into this trust fund, for the life of the special exception use permit. Expenditures from the trust fund shall be approved by a committee consisting of one citizen appointed by the Township Board, the Township Supervisor, and one representative of the owner/operator. Funds from the trust fund may be used for, but are not limited to, off-site litter control, ground water and surface water monitoring, and payments to adjacent property owners and others,

at the discretion of the committee, for damages proven to have been caused as a result of the solid waste disposal area or its operations. The trust fund shall exist and earn interest for twenty years following closure, and at the time the funds remaining shall be paid to the owner/operator or its successors or assigns.

- (15) A decision by the Planning Commission on an application for a special exception use permit hereunder shall be based upon the criteria set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
- (a) The most advantageous use of the land resources and property.
 - (b) The character of the area in question and its particular suitability, if any, for the particular use.
 - (c) Consecration of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
 - (d) The protection and preservation of the general health, safety and welfare of persons within the Township.
 - (e) The scarcity or value of solid waste disposal areas as compared with the effect upon areas near the proposed solid waste disposal operation.
- (16) The Planning Commission may provide for a periodic review of the solid waste disposal area to ascertain compliance with the conditions and limitations imposed upon the same.

SECTION VII

"R-1", SINGLE-FAMILY, LOW DENSITY, RESIDENTIAL DISTRICT

The title of Section 6.0 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

"R-1", Single-Family, Low Density, Residential District.

SECTION VIII

ALLOWABLE USES IN THE "R-2" DISTRICT

Section 6.1(B)(1) of the Prairieville Township Zoning Ordinance pertaining to the "R-2" Single-Family and Two-Family, Medium Density, Residential District zoning classification is hereby amended to read as follows:

1. All permitted uses in the "R-1" District shall also be allowed as permitted uses in this District. All special uses in the "R-1" District shall be allowed as special land uses in this District.

SECTION IX
ACCESSORY USES IN THE "C-1" ZONING CLASSIFICATION

Section 6.4(B)(23) of the Prairieville Township Zoning Ordinance is hereby amended by the elimination of the reference to "(see Section 4.21)" contained therein.

SECTION X
ZONING COMPLIANCE PERMIT

Section 3.1(101) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

101. Zoning Compliance Permit: Any permit issued by the Zoning Administrator indicating compliance with the provisions of this Ordinance.

SECTION XI
LAND SECTION SEVENTEEN

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section Seventeen is hereby amended to read as follows:

(Land) Section Seventeen (17), T.1N., R.10W.

- "A" Agricultural District: Entire Section except those parts herein described as "P-2" Semi-Public Land.
- "P-2" Semi-Public Land: South 38 acres of East 1/2 of Northwest 1/4. Also South 30 acres of East 1/2 of West 1/2 of Northwest 1/4. Also East 66 feet of North 10 acres of East 1/2 of West 1/2 of Northwest 1/4. Also South 17 acres of West 1/2 of West 1/2 of Northwest 1/4.

SECTION XII
LAND SECTION EIGHTEEN

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section Eighteen is hereby amended to read as follows:

(Land) Section Eighteen (18), T.1N., R.10W.

- "A" Agricultural District: Entire Section except those parts herein described as "C-1" Commercial District: and "P-2" Semi-Public Land.
- "C-1" Commercial District: South 600 feet of West 600 feet of the Southwest fractional 1/4.
- "P-2" Semi Public Land: Southeast fractional 1/4 of the Northeast fractional 1/4. Also Island in Warner Lake in Southeast 1/4.

SECTION XIII
SEVERABILITY

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not effect or impair the validity of any other section or provision of this Ordinance.

SECTION XIV
EFFECTIVE DATE AND
CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE ARNOLD, Clerk
PRAIRIEVILLE TOWNSHIP

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 35

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: August 15, 1984

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1(26)(b) pertaining to the definition of "Dwelling, Single Family"; the amendment of Section 4.21 pertaining to ground mounted satellite reception antennas; the repeal of Section 6.6(B)(5)(f) pertaining to commercial natural resource extraction operations; the amendment of Section 6.6(B)(5)(g) pertaining to landfill gas recovery processing facilities; the addition of Section 6.12-2 pertaining to "earth removal, quarrying, gravel processing, mining, and related commercial mineral extraction businesses"; the amendment of Section 6.13(B) pertaining to non-conforming uses, lots and structures; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION IDEFINITION OF "DWELLING, SINGLE FAMILY"

Section 3.1(26)(b) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- b. It has a core area of living space of at least 20 feet by 20 feet in size.

SECTION IIGROUND MOUNTED SATELLITE RECEPTION ANTENNAS

Section 4.21 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.21 - Ground Mounted Satellite Reception Antennas.

A. Ground mounted satellite reception antennas shall be allowed as an accessory use in all zoning classifications.

B. A ground mounted satellite reception antenna shall be located only in a rear yard area and in compliance with all building setback requirements. A corner lot, the sideyard of which is substantially a continuation of the front lot line of the lot to its rear, shall be regarded as having two front yards. When a ground mounted satellite reception antenna is located on such a corner lot, it shall not project beyond the continued front line of the rear lot.

C. The maximum height of a ground mounted satellite reception antenna shall be 15 feet.

D. The Zoning Board of Appeals shall have authority to grant a variance from the foregoing requirements where the applicant shows that practical difficulties exist that would prevent a ground mounted satellite reception antenna from operating properly if established in strict accordance with these provisions.

SECTION III

REPEAL OF SECTION 6.6(B)(5)(f)

Section 6.6(B)(5)(f) of the Prairieville Township Zoning Ordinance pertaining to commercial natural resource extraction operations as a special land use in the "A" Agricultural District zoning classification is hereby repealed.

SECTION IV

LANDFILL GAS PROCESSING FACILITIES

Section 6.6(B)(5) of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "q" to read as follows:

q. Landfill Gas Recovery Processing Facilities

1. Landfill Gas Recovery Processing Facilities shall be recognized as a special land use and controlled by the guidelines thereof. Control of such activities shall be the responsibility of the Township Planning Commission but shall only be permitted as a special land use in the "A" Agricultural District zoning classification. Before a special land use permit shall be granted for this activity, the Township Planning Commission shall be satisfied that the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations.

2. Location.

A. All such operations shall be located on a site that has been previously used as a sanitary landfill.

B. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property.

C. The processing plant and its accessory structures (exclusive of gas well vents and connecting pipelines) shall not be located closer than 100 feet from the exterior property lines and adjoining public rights-of-way and shall where practicable be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing setback requirement shall apply to the stockpiling or loading of materials and the location of transportation or other equipment used in the gas recovery and processing operation on the site.

D. In addition to the above-mentioned setback requirement, no processing plant, accessory processing structures, or storage of material or equipment used in the gas recovery and processing operation may be located within 1,000 feet of any existing residence.

3. Nuisance Abatement.

A. Noise and vibration shall be minimized in their effect upon adjacent property by the use of modern equipment designed to accomplish such minimization and by 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. The landfill gas recovery processing facility shall at all times comply with the noise level limitations set forth in the Prairieville Township Anti-Noise and Public Nuisance Ordinance for the zoning district in which it is located.

B. Air pollution in the form of dirt, dust and odor shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining owners. Interior and adjoining roads used in the operation shall have their surface treated to minimize any such nuisance.

C. Hours. The operation shall be permitted 24 hours of each day seven days per week.

D. Fencing. The processing plant, loading area, storage area and other related appurtenances shall be fully enclosed by a fence having a minimum height of eight feet, posted with no trespassing signs, and maintained so as to prevent unauthorized entry by children and others.

E. Cessation. Upon cessation of operations by abandonment or otherwise, the applicants shall, within a reasonable period of time not to exceed 12 months thereafter, remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a continuing function under the operational 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. The Planning Commission shall have authority in accordance with the provisions of Section 4.13-8 of this Ordinance to impose a security deposit requirement to guarantee ultimate performance of the improvements mandated by this provision.

F. Waste Disposal. All solid and liquid waste generated by the gas collection and processing operation (including, but not limited to, construction debris and spent charcoal from the hydrocarbon removal system in the amine processing train) shall be removed from the site on a daily basis and disposed of in a lawful manner.

G. Explosion-Proof Apparatus. All motors in the gas collection and processing equipment used on the site shall be explosion-proof apparatus as defined under the Township Electrical Code.

4. Submission of Operational Plan.

A. No proposed landfill gas recovery processing facility shall be granted a special land use permit until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

i. A map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, 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.

ii. The number of acres and the location of the same proposed to be operated upon after commencement of operations.

iii. The type of processing proposed to be conducted and the nature of the equipment to be used.

iv. The location of the principal processing plant, any accessory processing structures, and the distance of the same from the boundaries of the site.

B. This provision shall not relieve an applicant of the obligation to comply fully with all site plan review and approval requirements set forth at Section 4.13 of this Ordinance. If the applicant so desires, it may, by providing all necessary documentation and fees, apply for site plan approval at the same time that it applies for a special land use permit.

5. Hearing and Decision. After receiving an application for a special land use permit for a landfill gas recovery processing facility accompanied by the required plans and specifications the Planning Commission shall hold a public hearing upon such application in the same manner as set forth in Sections 6.10 and 6.11 of this Ordinance pertaining to special land uses. Following such hearing, the Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the general criteria set forth in Section 6.11 of this Ordinance as well as a consideration of the following:

A. The most advantageous use of the land, resources and property.

B. The character of the area in question and its peculiar suitability, if any, for particular uses.

C. Conservation of property values, as well as natural resources and the general and appropriate trend in character of development in the subject area.

D. The protection and preservation of the general health, safety, and welfare of the Township.

E. The scarcity or value of the resources sought to be processed as compared with the effect upon the adjacent community of the proposed operations.

F. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.

G. The extent and character of any existing permitted uses or non-conforming uses on the site.

In making any decision, the Planning Commission shall have the right and authority, as set forth at Section 6.12 of this Ordinance, to impose additional conditions and limitations with respect to the proposed special land use.

6. Liability Insurance. All parties receiving a special land use permit hereunder shall be required to carry, in addition to any and all insurance or bonds required by state law, personal injury and property damage insurance in the amount of not less than four million dollars (\$4,000,000.00) for each person injured or property damaged or for any injury or damage for more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or property damage occurring upon the site of

the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing upon the site. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit hereunder. Such insurance shall be maintained in effect throughout the period of operation of the gas collection and processing plan on the site and until all gas collection and processing plant structures, foundations, buildings, stockpiles, and equipment have been removed from the site in accordance with the provisions of this Ordinance. The deductible written into the insurance policy shall not exceed 5% of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance for any reason.

SECTION VEARTH REMOVAL, QUARRYING, GRAVEL PROCESSING, MINING, AND
RELATED COMMERCIAL MINERAL EXTRACTION BUSINESSES

The Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 6.12-2 to read as follows:

Section 6.12-2 - Earth Removal, Quarrying, Gravel Processing, Mining and Related Commercial Mineral Extraction Businesses.

1. Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction businesses shall be recognized as a special land use and controlled by the guidelines thereof. Control of such activities shall be the responsibility of the Township Planning Commission but shall only be permitted as a special land use in all zoning district classifications. Before a special land use permit shall be granted for this activity, the Township Planning Commission shall be satisfied that the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations.
2. Location.
 - A. All such operations shall be located on a primary road, as defined by the Barry County Road Commission, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes.
 - B. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Commission and adequate lateral support as set forth is at all times maintained.
 - C. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

D. The permanent processing plant and its accessory structures shall not be located closer than 100 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.

E. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

3. Screening.

Screening shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth.

4. Nuisance Abatement.

A. Noise and vibration shall be minimized in their effect upon adjacent property by the use of modern equipment designed to accomplish such minimization and by 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. The operation shall at all times comply with the noise level limitations set forth in the Prairieville Township Anti-Noise and Public Nuisance Ordinance for the zoning district in which it is located.

B. 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 or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

C. The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m.. The Planning Commission may permit operations beyond these time periods if the nature of the operation requires longer hours and the effect upon adjacent properties is minimized to an acceptable level appropriate for such extended hours of operation.

D. Fencing. All dangerous excavations, pits, or pond areas shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

5. Reclamation of Mined Areas.

A. 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 acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.

B. The following standards shall control reclamation and rehabilitation:

i. All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer ground water table in the excavation, or shall be graded or back-filled with non-hazardous, non-flammable, and non-combustible solids to insure:

a. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,

b. 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.

ii. The banks of all excavations shall be sloped to the water line in a water-producing excavation at a slope which shall not be steeper than one foot vertical to four feet horizontal, and to the pit floor in a dry operation at a slope which shall not be steeper than one foot vertical to three feet horizontal.

iii. Topsoil 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, topsoil shall be applied to a minimum depth of four inches to support vegetation.

iv. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.

v. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that 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.

C. A performance bond, cash, or bank letter of credit shall be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one foot vertical to four feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township and the Township Planning Commission. In no event shall such financial guarantee be less than \$3,000 in amount.

6. Submission of Operational and Reclamation Plans.

A. No earth removal, quarrying, gravel processing, mining and related commercial mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

i. A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public 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.

ii. The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.

iii. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

iv. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.

v. In the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, soil borings shall be made on the perimeter of the excavation site in sufficient number to disclose whether conditions exist satisfactory for lateral support of adjacent premises as determined by the Township Engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance

to the boundaries of the site. Such written consent shall only be granted if the Planning Commission determines, in its absolute discretion, that the requested operation will not have a material adverse impact upon adjacent properties. Such written consent may be made subject to such reasonable conditions and limitations as the Planning Commission deems appropriate.

vi. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other 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. Hearing.

A. After receiving an application for a grant of of a special land use permit for an earth removal, quarrying, gravel processing, mining, or related commercial mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner as set forth in Sections 6.10 and 6.11 of this Ordinance pertaining to special land uses.

Following such hearing, the Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the general criteria set forth in Section 6.11 of this Ordinance as well as a consideration of the following:

i. The most advantageous use of the land, resources and property.

ii. The character of the area in question and its peculiar suitability, if any, for particular uses.

iii. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.

iv. The protection and preservation of the general health, safety, and welfare of the Township.

v. The scarcity or value of the resources sought to be processed as compared with the effect upon the adjacent community of the proposed operations.

vi. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.

vii. The extent and character of any existing permitted uses or non-conforming uses on the site.

In making any decision, the Planning Commission shall have the right and authority, as set forth at Section 6.12 of this Ordinance, to impose additional conditions and limitations with respect to the proposed special land use.

8. Liability Insurance.

All parties receiving a special land use permit hereunder shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than five hundred thousand dollars for each person or property injured or damaged and not less than one million dollars for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. The Planning Commission shall have authority to increase this minimum liability insurance requirement at the time of granting the special land use permit if the Planning Commission determines that, because of unusual characteristics concerning the nature or location of the proposed operation, additional minimum liability insurance is necessary to adequately protect persons and property on or near site of the operation. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit hereunder. The deductible written into the insurance policy shall not exceed 5% of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance for any reason.

SECTION VINON-CONFORMING USES, LOTS, AND STRUCTURES

Section 6.13(B) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

B. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION VIIREPEAL OF CONFLICTING PROVISIONS

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VIIIEFFECTIVE DATE

This Ordinance shall take immediate effect upon publication.

JANETTE ARNOLD, Clerk
Prairieville Township



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 36

Adopted: January 16, 1985

Effective: March 2, 1985

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ANTI-NOISE
AND PUBLIC NUISANCE ORDINANCE

An Ordinance to amend Section III(A) and VII of the Prairieville Township Anti-Noise and Public Nuisance Ordinance pertaining to the regulation of noise within Prairieville Township and prescribing penalties for the violation thereof; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IANTI-NOISE REGULATION

Section III(A) of the Prairieville Township Anti-Noise and Public Nuisance Ordinance, being Ordinance Number 31 of the Ordinances of Prairieville Township, is hereby amended to read as follows:

A. General Regulation. No person, firm or corporation shall cause, or permit to be caused on premises owned, occupied, or otherwise controlled by such party, any unreasonably loud noise or disturbance injurious to the health, peace or quiet of the residents and property owners of the Township.

SECTION IIVIOLATION AND PENALTIES

Section VII of the Prairieville Township Anti-Noise and Public Nuisance Ordinance, being Ordinance Number 31 of the Ordinances of Prairieville Township, is hereby amended to read as follows:

VIOLATIONS AND PENALTIES

Any person, firm or corporation causing, or permitting to be caused on property owned, occupied, or otherwise controlled by such party, noise in violation of the

restrictions contained in this Ordinance shall be deemed to be in violation of this Ordinance. Violation of this Ordinance shall be punishable by a fine of not to exceed \$100.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

SECTION III

VALIDITY

The several provisions of this Ordinance are declared to be separate; if any Court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION IV

EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication of the same. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE ARNOLD, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 37

Adopted: March 6, 1985

Effective: April 5, 1985

An Ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships, and Villages as promulgated by the Director of the Michigan State Police; to repeal and amend certain provisions of said Uniform Traffic Code pertaining to the definition, regulation, and disposition of abandoned vehicles; to amend provisions of said Uniform Traffic Code pertaining to the offenses of operating a vehicle while under the influence of intoxicating liquor or a controlled substance or combination thereof, operating a vehicle upon a highway or other place open to the general public while having a blood alcohol level of .10% or more by weight of alcohol, operating a vehicle upon a highway or other place open to the general public while the ability to do so has been visibly impaired due to the consumption of an intoxicating liquor, a controlled substance, or a combination thereof, and to related offenses, enforcement procedures, legal presumptions and penalties for said offenses; to amend the provisions of said Uniform Traffic Code pertaining to the offense of operating a motor vehicle with a suspended or revoked license; to amend the provisions of said Uniform Traffic Code so as to regulate mandatory child restraints in specified classes of motor vehicles; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,
ORDAINS:

138
80

SECTION I

ADOPTION OF UNIFORM TRAFFIC CODE

The Uniform Traffic Code for cities, townships, and villages promulgated by the Director of the Michigan State Police and published in the 1981 Annual Supplement to the 1979 Edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956 of the State of Michigan, as amended, is hereby adopted by reference except as amended in this Ordinance.

SECTION II

REFERENCES IN CODE

References in the Uniform Traffic Code for Michigan Cities, Townships, and Villages to "governmental unit" shall mean the Township of Prairieville.

SECTION III

ABANDONED VEHICLE PROCEDURES

Sections 2.5, 2.6, and 2.7 of said Uniform Traffic Code are hereby repealed and new Sections 2.5a, 2.5b, 2.5c, 2.5d, 2.5e, 2.5f, 2.5g are hereby adopted as amendments to the said Uniform Traffic Code to read as follows:

Sec. 2.5a. Abandoned vehicle procedures.

- (1) As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or private property for a period of 48 hours after a police agency or other governmental agency designated by the police agency has affixed a written notice to the vehicle.
- (2) If a vehicle has remained on public or private property for a period of time so that it appears to the police agency to be abandoned, the police agency shall do all of the following:
 - (a) Determine if the vehicle has been reported stolen.
 - (b) Affix a written notice to the vehicle. The written notice shall contain the following information:
 - (i) The date and time the notice was affixed.
 - (ii) The name and address of the police agency taking the action.
 - (iii) The name and badge number of the police officer affixing the notice.
 - (iv) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.
 - (v) The year, make, and vehicle identification number of the vehicle, if available.
- (3) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the police agency may have the vehicle taken into custody.
- (4) A police agency which has a vehicle taken into custody shall do all of the following:
 - (a) Recheck to determine if the vehicle has been reported stolen.
 - (b) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network.
 - (c) Within 7 days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:
 - (i) The year, make, and vehicle identification number of the vehicle if available.
 - (ii) The location from which the vehicle was taken into custody.
 - (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The business address of the custodian of the vehicle.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle has been

- deemed abandoned or the reasonableness of the towing fees and daily storage fees.
- (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.
- (5) The registered owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
- (6) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (7) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle and the police agency for its accrued costs.
- (8) Not less than 20 days after the disposition of the hearing described in subsection (5) or, if a hearing is not requested, not less than 20 days after the date of the notice, the police agency shall offer the vehicle for a sale at a public sale pursuant to section 2.5g.
- (9) If the ownership of a vehicle which has been deemed abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

Sec. 2.5b. Abandoned scrap vehicle procedures.

(1) As used in this section:

(a) "Registered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:

- (i) Is on public or private property.
- (ii) Is 7 or more years old.
- (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 5.71 would exceed the fair market value of that vehicle.
- (iv) Is currently registered in the state of Michigan or displays current year registration plates from another state.
- (v) Is not removed within 48 hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.

(b) "Unregistered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:

- (i) Is on public or private property.
- (ii) Is 7 or more years old.
- (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 5.71, would exceed the fair market value of that vehicle.
- (iv) Is not currently registered in this state and does not display current year registration plates from another state.
- (v) Is not removed within 48 hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.

(2) A police agency may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:

- (a) Determine if the vehicle has been reported stolen.
- (b) Take 2 photographs of the vehicle.
- (c) Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle. The report shall contain the following information:
 - (i) The year, make, and vehicle identification number if available.
 - (ii) The date of abandonment.
 - (iii) The location of abandonment.
 - (iv) A detailed listing of the damage or the missing equipment.
 - (v) The reporting officer's name and title.
 - (vi) The location where the vehicle is being held.
- (d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.

- (3) Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of the title or a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or a certificate of scrapping.
- (4) The release form described in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c).
- (5) The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than 2 years. The 2 photographs taken pursuant to subsection (2)(b) shall be retained by the police agency for not less than 2 years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.
- (6) A police agency may have a registered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
 - (a) Determine if the vehicle has been stolen.
 - (b) Take 2 photographs of the vehicle.
 - (c) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle. The report shall contain the following information:
 - (i) The year, make, and vehicle identification number if available.
 - (ii) The date of abandonment.
 - (iii) The location of abandonment.
 - (iv) A detailed listing of the damage or the missing equipment.
 - (v) The reporting officer's name and title.
 - (vi) The location where the vehicle is being held.
 - (d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
 - (e) Within 7 days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:

- (i) The year, make, and vehicle identification number of the vehicle if available.
 - (ii) The location from which the vehicle was taken into custody.
 - (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The business address of the custodian of the vehicle.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
 - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.
- (7) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount as determined by the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
- (8) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (9) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (10) Not less than 20 days after the disposition of the hearing described in subsection (7), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (6)(e), the police agency shall follow the procedures established in subsections (3) to (5).

Sec. 2.5c. Vehicle removed from private property.

- (1) When a vehicle is removed from private property at the direction of a person other than the registered owner of the vehicle or a police agency, the custodian of the vehicle immediately shall notify the police agency from whose jurisdiction the vehicle was towed. The custodian shall supply that information which is necessary for the police agency to enter the vehicle into the law enforcement information network.
- (2) Upon receipt of the notification described in subsection (1), the police agency immediately shall do all of the following:
 - (a) Determine if the vehicle has been reported stolen.
 - (b) Enter the vehicle into the law enforcement information network.
- (3) The owner of the vehicle removed as described in subsection (1) may obtain release of the vehicle by paying the accrued towing and storage fees to the custodian of the vehicle. Upon release of the vehicle, the custodian shall notify the police agency of the disposition of the vehicle.
- (4) If the vehicle described in subsection (1) is not claimed by the owner within 7 days after the police agency has been notified by the custodian that it has been taken into custody, the vehicle is deemed abandoned and the procedures prescribed in section 2.5a(4)(c) to (9) shall apply.

Sec. 2.5d. Vehicle removed by police.

- (1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:
 - (a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
 - (b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
 - (c) If a vehicle is parked in a posted tow away zone.
 - (d) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
 - (e) If the vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.

- (f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
 - (g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.
- (2) A police agency which authorizes the removal of a vehicle under subsection (1) shall do all of the following:
- (a) Check to determine if the vehicle has been reported stolen.
 - (b) Within 24 hours after removing the vehicle, enter the vehicle into the law enforcement information network if the vehicle has not been redeemed. This subdivision does not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident.
 - (c) If the vehicle has not been redeemed within 10 days after moving the vehicle, send to the registered owner and the secured party as shown by the records of the secretary of state, by first-class mail or personal service a notice that the vehicle has been removed; however, if the police agency informs the owner or operator of the vehicle of the removal and the location of the vehicle within 24 hours after the removal, and if the vehicle has not been redeemed within 30 days and upon complaint from the towing service, the police agency shall send the notice within 30 days after the removal. The notice shall be by a form furnished by the secretary of state. The notice form shall contain the following information:
 - (i) The year, make, and vehicle identification number of the vehicle.
 - (ii) The location from which the vehicle was taken into custody.
 - (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The location where the vehicle is being held.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle was properly removed or the reasonableness of the towing and daily storage fees.
 - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.
- (3) The registered owner may contest the fact that the vehicle was properly removed or the reasonableness of the towing fees and daily

storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount equal to the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly removed, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

- (4) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (5) If the owner does not redeem the vehicle or request a hearing within 20 days, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle prior to the date of the sale.
- (6) Not less than 20 days after the disposition of the hearing described in subsection (3), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (2)(c), the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed. The public sale shall be held pursuant to section 2.5g.
- (7) If the ownership of the vehicle which has been removed under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

Sec. 2.5e. Abandoned vehicle, jurisdiction of court.

- (1) The following courts shall have jurisdiction to determine if a police agency has acted properly in processing a vehicle under section 2.5a, 2.5b(6) to (10), 2.5c, or 2.5d:
 - (a) The district court.
 - (b) A municipal court.
 - (c) The common pleas court of the city of Detroit.

- (2) The court specified in the notice prescribed in section 2.5a(4)(c), 2.5b(6), 2.5c(4), or 2.5d(2)(c) shall be the court which has territorial jurisdiction at the location from where the vehicle was removed or deemed abandoned. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8312 of the Michigan Compiled Laws.
- (3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 2.5a, 2.5b, 2.5c, or 2.5d shall be used to pay the towing and storage fees.

Sec. 2.5f. Abandoned vehicle, duties of court.

- (1) Upon receipt of a petition prescribed in section 2.5a, 2.5b, 2.5c, or 2.5d, signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:
- (a) Schedule a hearing within 30 days for the purpose of determining whether the police agency acted properly.
- (b) Notify the owner and the police agency of the time and place of the hearing.
- (2) At the hearing specified in subsection (1) the police agency shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in processing the abandoned vehicle or vehicle removed pursuant to section 2.5d.
- (3) After the hearing the court shall make a decision which shall include 1 or more of the following:
- (a) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 2.5d, and an order providing a period of 20 days after the decision for the owner to redeem the vehicle. If the owner does not redeem the vehicle within 20 days, the police agency shall dispose of the vehicle pursuant to section 2.5b or 2.5g.
- (b) A finding that the police agency did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed pursuant to section 2.5d. After making such a finding, the court shall issue an order directing that the vehicle immediately be released to the owner, and that the police agency is responsible for the accrued towing and storage charges.
- (c) A finding that the towing and daily storage fees were reasonable.
- (d) A finding that the towing and daily storage fees were reasonable and issue an order directing an appropriate reduction.

Sec. 2.5g. Abandoned vehicle, public sale.

- (1) A public sale for a vehicle which has been deemed abandoned under section 2.5a or 2.5c or removed under section 2.5d shall be conducted in the following manner:
 - (a) It shall be under the control of the police agency or agent of the police agency.
 - (b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.
 - (c) Except as provided by sections 2.5a(9) and 2.5d(7), it shall be held not less than 5 days after public notice of the sale has been published.
 - (d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.
- (2) The money received from the public sale of the vehicle shall be applied in the following order of priority:
 - (a) Towing and storage charges.
 - (b) Expenses incurred by the police agency.
 - (c) To the secured party, if any, in the amount of the debt outstanding on the vehicle.
 - (d) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.
- (3) If there are no bidders on the vehicle, the police agency may do 1 of the following:
 - (a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
 - (b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:
 - (i) Paying the towing and storage charges.
 - (ii) Applying for title to the vehicle.

- (c) Hold another public sale pursuant to subsection (1).
- (4) A person who acquires ownership of a vehicle under subsection (1) or (3), which vehicle has been designated as a distressed vehicle, shall make application for a salvage certificate of title within 15 days after obtaining the vehicle.
- (5) Upon disposition of the vehicle, the police agency shall cancel the entry into the law enforcement information network.

SECTION IVOPERATING A MOTOR VEHICLE WHILE UNDER INFLUENCE

Section 5.15 of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15. Operating a Motor Vehicle Under Influence.

(1) A person, whether licensed or not, who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the Township. A peace officer may, without a warrant, arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the Township while in violation of this subsection or of subsection (2).

(2) A person, whether licensed or not, whose blood contains 0.10% or more by weight of alcohol, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the Township.

(3) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public, including an area designated for the parking of motor vehicles, within the Township by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(4) Except as otherwise provided in this section, a person who is convicted of a violation of subsection (1), (2), or (3) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 nor more than \$500.00, or both, together with costs of the prosecution. As part of the sentence for a violation of subsection (1) or (2), the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months nor more than 2 years. The court may order the Secretary of State to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by the court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The Court shall not order the Secretary of State to issue a restricted chauffeur's license which would permit the person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The Court shall not order the Secretary of State to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family members or others able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this subsection, "work location" includes, as applicable, either or both of the following:

(1) The specific place or places of employment.

(11) The territory or territories regularly visited by the person in pursuance of the person's occupation.

(5) A person who violates subsection (1) or (2) or a Michigan statute or local ordinance substantially corresponding to subsection (1) or (2) within 7 years of a prior conviction may be sentenced to imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both. As part of the sentence, the court shall order the Secretary of State to revoke the operator's or chauffeur's license of the person. For purposes of this section, "prior conviction" means a conviction under subsection (1) or (2), a Michigan statute or local ordinance substantially corresponding to subsection (1) or (2), or a law of another state substantially corresponding to subsection (1) or (2).

(6) A person who violates subsection (1) or (2) or a Michigan statute or local ordinance substantially corresponding to subsection (1) or (2) within ten years of two or more prior convictions, as defined in subsection (5), is guilty of a felony and may be prosecuted under applicable state statute. As part of the sentence, the court shall order the Secretary of State to revoke the operator's or chauffeur's license of the person.

(7) As part of the sentence for a violation of subsection (1) or (2), the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed 12 days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.

(8) Before imposing sentence for a violation of subsection (1) or (2), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(9) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.

(10) The operator's or chauffeur's license of a person found guilty of violating subsection (1) or (2) shall be surrendered to the court in which the person was convicted, and the court shall immediately forward the surrendered license and an abstract of conviction to the Secretary of State. The abstract of conviction shall indicate the sentence imposed. Upon receipt of, and pursuant to the abstract of conviction, the Secretary of State shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the Secretary

of State, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to circuit court, the court may, ex parte, order the Secretary of State to rescind the suspension, revocation, or restricted license issued pursuant to this section.

SECTION V

CHEMICAL TEST ANALYSIS

Section 5.15a of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15a. Motor Vehicles: Operating Under Influence of Intoxicating Liquor: Test, Evidence.

(1) The amount of alcohol or presence of a controlled substance or both in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall be admissible into evidence in a criminal prosecution for any of the following:

(a) A violation of Section 5.15(1), (2), or (3), or 5.15b.

(b) Felonious driving, negligent homicide, or manslaughter resulting from the operation of a motor vehicle while the driver is alleged to have been impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or to have a blood alcohol content of 0.10% or more by weight of alcohol.

(2) If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in a criminal proceeding. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

(3) Except in a prosecution relating solely to a violation of Section 5.15(2), the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions:

(a) If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a vehicle was impaired within the provisions of Section 5.15b due to the consumption of intoxicating liquor.

(c) If there was at the time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(4) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this Ordinance. Liability for a crime or civil damages predicated on the act of withdrawing blood and related procedures shall not attach to a qualified person who withdraws blood or assists in the withdrawal in accordance with this act unless the withdrawal is performed in a negligent manner.

(5) The tests shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in subsection (1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this section within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged shall be responsible for obtaining a chemical analysis of the test sample. The person charged shall be informed that he or she has the right to demand that a person of his or her choosing administer 1 of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant, and that the person charged shall be responsible for obtaining a chemical analysis of the test sample.

(6) The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a court order. The person charged shall also be advised that the person's refusal of the request of a peace officer to take a test described in this section shall result in the suspension of his or her operator's or chauffeur's license or operating privilege, and in the addition of 6 points to his or her driver record.

(7) This Section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the person was impaired by or under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10% or more by weight of alcohol.

(8) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

"Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."

(9) If after an accident the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample

shall be admissible in a criminal prosecution for a crime described in subsection (1) to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

(10) If after a highway accident the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining blood alcohol content or presence of a controlled substance or both.

SECTION VI

OPERATING A VEHICLE WHILE VISIBLY IMPAIRED

Section 5.15b of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15b. Impaired Operating of Vehicle.

(1) A person shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the Township when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person has visibly impaired his or her ability to operate the vehicle. If a person is charged with violating Section 5.15(1) or (2), a finding of guilty is permissible under this section.

(2) Except as otherwise provided in this section, a person convicted or a violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$300.00, or both, together with costs of the prosecution. As part of the sentence, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days nor more than 1 year. The court may order the Secretary of State to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by the court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The court shall not order the Secretary of State to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The court shall not order the Secretary of State to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family members or others able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this subsection, "work location" includes, as applicable, either or both of the following:

(1) The specific place or places of employment.

(11) The territory or territories regularly visited by the person in pursuance of the person's occupation.

(3) A person who violates this section or a Michigan statute or local ordinance substantially corresponding to this section within 7 years of a prior conviction may be sentenced to imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both. As part of the sentence, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months nor more than 18 months. The court may order the Secretary of State to issue to the person a restricted license as provided in subsection (2), except that a restricted license shall not be issued during the first 60 days of the suspension period. For purposes of this section, "prior conviction" means a conviction under this Section, Section 5.15(1) or (2), a Michigan statute or local ordinance substantially corresponding to this section or Section 5.15(1) or (2), or a law of another state substantially corresponding to this Section or Section 5.15(1) or (2).

(4) A person who violates this Section, or a Michigan statute or local ordinance substantially corresponding to this section, within 10 years of 2 or more prior convictions, as defined in subsection (3), may be sentenced as provided in subsection (3), except that as part of the sentence the court shall order the Secretary of State to revoke the operator's or chauffeur's license of the person.

(5) As part of the sentence for a violation of this Section, the Court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed 12 days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.

(6) Before imposing sentence for a violation of this Section, the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(7) Before accepting a plea of guilty under this Section, the court shall advise the accused of the statutory consequences possible as a result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.

(8) The operator's or chauffeur's license of a person found guilty of violating this Section shall be surrendered to the court in which the person was convicted. The court shall immediately forward the surrendered license and an abstract of conviction to the Secretary of State. The abstract of conviction shall indicate the sentence imposed. Upon receipt of and pursuant to the abstract of conviction, the Secretary of State shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the Secretary of State, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to circuit court, that court may, ex parte, order the Secretary of State to rescind the suspension, revocation, or restricted license issued pursuant to this Section.

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

SECTION VII

IMPLIED CONSENT: BLOOD SAMPLE FOR KILLED DRIVER

Section 5.15c of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15c. Implied Consent, Blood Sample from Killed Driver.

(1) A person who operates a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the Township is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:

(a) The person is arrested for a violation of Section 5.15(1) or (2) or 5.15b.

(b) The person is arrested for felonious driving, negligent homicide, or manslaughter resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe that the person was operating the vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or while having a blood alcohol content of 0.10% or more by weight of alcohol.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood

(3) The tests shall be administered as provided in Section 5.15a.

SECTION VIII

RIGHT TO REFUSE CHEMICAL TEST

Section 5.15d of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15d. Right to Refuse Chemical Test.

If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to Section 5.15a, a test shall not be given without a court order. A written report shall be forwarded to the Secretary of State by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in Section 5.15c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been

advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the Secretary of State.

SECTION IX

MAIL NOTICE

Section 5.15e of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15e. Mail Notice.

(1) Upon receipt of the report made pursuant to Section 5.15d, the Secretary of State shall immediately notify the person in writing, mailed to his or her last known address, that the report has been received and that within 14 days of the date of the notice the person may request a hearing as provided in Section 5.15f.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

SECTION X

SUSPENSION OR REVOCATION OF LICENSE

Section 5.15f of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15f. Suspend or Revoke; Hearing.

(1) If the person who refuses to submit to a chemical test pursuant to Section 5.15d does not request a hearing within 14 days of the date of notice pursuant to Section 5.15e, the Secretary of State shall suspend the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for a period of 6 months, or for a second or subsequent refusal within a period of 7 years, for 1 year. If the person is a resident without a license or permit to operate a vehicle in the state, the Secretary shall deny to the person the issuance of a license or permit for a period of 6 months, or, for a second or subsequent refusal within a period of 7 years, for 1 year.

(2) If a hearing is requested, the Secretary of State shall hold the hearing in the same manner and under the same condition as provided in Section 322 of the Michigan Motor Vehicle Code. At least 10 days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under Section 5.15d, and, if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer shall be authorized to administer oaths, issue subpoenas for the attendance of necessary witnesses, and may grant a reasonable request for an adjournment. The hearing shall cover only the following issues:

(a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in Section 5.15c(1).

(b) Whether the person was placed under arrest for a crime described in Section 5.15c(1).

(c) Whether the person reasonably refused to submit to the test upon the request of the officer.

(d) Whether the person was advised of the rights under Sections 5.15a and 5.15c.

(3) The hearing officer shall make a record of proceedings held pursuant to subsection (2). The record shall be prepared and transcribed in accordance with Section 86 of the Administrative Procedures Act of 1969, Act No. 306 of the Public Acts of 1969, being Section 24.286 of the Michigan Compiled Laws. Upon notification of the filing of a petition for judicial review pursuant to Section 323 of the Michigan Motor Vehicle Code, the hearing officer shall transmit to the court in which the petition was filed, not less than 10 days before the matter is set for review, the original or a certified copy of the official record of the proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to determine whether or not the court will order issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.

(4) After the hearing, the Secretary of State may suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the person involved for a period of 6 months, or, for a second or subsequent refusal within 7 years, for 1 year. If the person involved is a resident without a license or permit to operate a vehicle in the state, the Secretary of State may deny to the person the issuance of a license or permit for a period of 6 months, or, for a second or subsequent refusal within 7 years, for 1 year. The person involved may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in Section 323 of the Michigan Motor Vehicle Code.

(5) When it has been finally determined that a non-resident's privilege to operate a vehicle in the state has been suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of each state in which he or she has a license to operate a motor vehicle.

SECTION XIUNIFORM STANDARDS

Section 5.15g of said Uniform Traffic Code is hereby amended to read as follows:

Sec. 5.15g. Uniform Standards.

(1) The department of state police may promulgate uniform rules for the administration of chemical tests for the purposes of this ordinance.

SECTION XIIPRELIMINARY CHEMICAL BREATH ANALYSIS

Said Uniform Traffic Code is hereby amended by the adoption of a new Section 5.15h to read as follows:

Sec. 5.15h. Preliminary Chemical Breath Analysis.

(1) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the Township and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis.

(2) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(3) The results of a preliminary chemical breath analysis shall be admissible in a criminal prosecution for a crime enumerated in Section 5.15a(1) or in an administrative hearing under Section 5.15f, solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subsection does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(4) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of Sections 5.15a, 5.15c, 5.15d, 5.15e, and 5.15f for the purposes of chemical tests described in those sections.

(5) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(6) Section 5.15g shall apply to a preliminary chemical breath analysis.

SECTION XIIIOPERATING WHILE LICENSE SUSPENDED OR REVOKED

Section 5.62a of said Uniform Traffic Code is hereby amended to read as follow:

Sec. 5.62a. Penalties.

(1) A person whose operator's or chauffeur's license or

registration certificate has been suspended or revoked who has been notified as provided in Section 212 of the Act of that suspension or revocation, or whose application for license has been denied, as provided in the Act, or who has never applied for a license, and who operates a motor vehicle upon the highways of this state or who knowingly permits a motor vehicle owned by the person to be operated by another upon a highway, except as permitted under the Act, while the license or registration certificate is suspended or revoked, or whose application for license has been denied, as provided in the Act, is guilty of a misdemeanor, punishable, except as provided in subsection (2) and (3), by imprisonment for not less than 3 days nor more than 90 days, or a fine of not more than \$100.00 or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated.

(2) A person whose operator's or chauffeur's license has been suspended under Section 321a of the Act because that person has failed to answer a citation or has failed to comply with an order or judgment issued pursuant to Section 907 of the Act and who operates a motor vehicle upon a highway, may be punished by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

(3) A person convicted of a second or subsequent violation of this section is guilty of a misdemeanor, punishable by imprisonment for not less than 5 days nor more than 1 year, or a fine of not more than \$500.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated.

(4) The secretary of state, upon receiving a record of the conviction or probate court finding of a person upon a charge of unlawful operation of a motor vehicle while the license of the person is suspended, revoked, or denied, or of the conviction, civil infraction determination, or probate court finding of a person for violation of the motor vehicle laws of this state while the license of the person is suspended, revoked, or denied, immediately shall extend the period of the first suspension or revocation for an additional like period, or if a period has not been determined, then for not less than 30 days nor more than 1 year.

(5) The secretary of state, upon receiving a record of the conviction or a civil infraction determination of a person upon a charge of unlawful operation of a motor vehicle requiring a class 1, class 2, or class 3 indorsement while the indorsement is suspended pursuant to Section 319a of the Act, immediately shall extend the period of suspension for an additional like period.

(6) Before the plea of the person is accepted, under this Section, the arresting officer shall check with the secretary of state to determine the record and status of the person according to the records of the secretary of state and so inform the court.

(7) This Section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and the summoning of prompt aid is essential.

SECTION XIVMANDATORY CHILD RESTRAINT

Said Uniform Traffic Code is hereby amended by the adoption of a new Section 5.82 to read as follows:

Sec. 5.82. Mandatory Child Restraints.

(1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being Sections 24.201 to 24.315 of the Michigan Compiled Laws, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:

(a) Any child less than 1 year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213.

(b) Any child 1 year of age or more but less than 4 years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213.

(c) Any child 1 year of age or more but less than 4 years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle.

(2) This section does not apply to a nonresident driver transporting a child in this state or to any child being nursed.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under Section 710b of the Michigan Motor Vehicle Code or federal law or regulations.

(4) A person who violates this section is responsible for a civil infraction.

(5) Points shall not be assessed for a violation of this section.

(6) The Secretary of State may exempt by rules promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, a class of children from the requirements of this section, if the Secretary of State determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The Secretary of State may specify alternate means of protection for children exempted under this subsection.

SECTION XVNOTICE TO BE PUBLISHED

The Prairieville Township Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of said Uniform

Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public.

SECTION XVI

CONFLICTING ORDINANCES REPEALED

All Ordinances or parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION XVII

SEVERABILITY

The provisions of the within Ordinance and the Uniform Traffic Code adopted hereunder 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 decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

SECTION XVIII

EFFECTIVE DATE

This Ordinance shall take effect thirty days from the date of adoption.

JANETTE ARNOLD, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 38

Adopted: April 10, 1985

Effective: May 10, 1985

THE PRAIRIEVILLE TOWNSHIP PARKS AND RECREATION ORDINANCE

An Ordinance to regulate the use of Prairieville Township parks and public access areas; to provide penalties for the violation of this Ordinance; and to repeal any Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION ITITLE

This Ordinance shall be known and cited as "The Prairieville Township Parks and Recreation Ordinance".

SECTION IIDEFINITIONS

A. "Designated" means posted with a sign or signs at the site or otherwise reasonably identified for a particular use.

B. "Written Permission" means a written permit issued by the Chairperson of the Prairieville Township Parks and Recreation Commission or by a representative authorized by the Chairperson to issue such a permit.

C. "Camp" means the erection of any tent; the opening or setting up of a tent-type camper; the parking or occupancy of a travel or house trailer; sleeping in any type of motor vehicle, sleeping bag or in any other manner after 10:00 p.m.

SECTION IIIREGULATIONS

A. Prairieville Township park entry fees may be established and changed from time to time by resolution of the Prairieville Township Parks and Recreation Commission. Notice of any such fee shall be posted conspicuously near the entrance of the Township park or public access area for which such entry fee is charged.

B. No person, firm or corporation shall do any of the following on Prairieville Township parks or lake public access areas owned or operated by Prairieville Township:

1. Enter upon the premises without payment of any established entrance fee.

2. Enter upon a township park or adjoining beach or swimming area (except to launch or recover a boat) between the hours of 11:00 p.m. and 6:00 a.m. daily when such closing hours are posted on the premises by order of the Prairieville Township Parks and Recreation Commission.

3. Park vehicles of any kind in any area other than designated parking areas. Where some of the parking spaces on the premises are specially designated for the parking of boat trailers or trailer rigs, the parking of such equipment shall be confined to those specially designated parking spaces.

4. Store or leave a boat, duck blind, ice shanty, raft or other property on the premises overnight.

5. Dispose of refuse, trash or garbage anywhere on the premises except in receptacles provided for that purpose and only if the refuse, rubbish, trash, or garbage resulted from the use of the premises.

6. Use the premises for business or commercial purposes or for any special event or activity of any organization or club without prior written permission of the Prairieville Township Parks and Recreation Commission.

7. Lounge, sit or lie upon walks, roads, or paths so as to obstruct the free passage of other persons.

8. Post signs, distribute commercial advertising material, erect a fence or barrier, or construct or occupy improvements upon the premises without the prior written permission of the Prairieville Township Parks and Recreation Commission.

9. Destroy, damage, move, mutilate or deface any vegetation, building, fence or other improvement located on the premises.

10. Operate a self-propelled motor or mechanically driven vehicle anywhere on the premises except on designated roads, trails or parking lots.

11. Ride or lead a horse or other riding animal or pack animal on or allow such animal or any animal-drawn vehicle to use or travel areas other than established roads or trails designated for such use without the prior written permission of the Prairieville Township Parks and Recreation Commission.

12. To possess or use anywhere on the premises a "controlled substance" as defined under Article 7 of the Michigan Public Health Code, being 1978 PA 368, as amended, or to consume alcoholic beverages in any area other than a designated picnic area.

13. Bring a dog or other animal pet onto the premises unless the animal is kept on a leash and kept under control at all times. No such animal shall be allowed in any designated beach or swimming area.

14. Bring or use firearms or firecrackers upon the premises. Hunting or trapping on the premises is prohibited.

15. Build open or ground fires.

16. Camp or park recreational units or tents on the premises overnight.

SECTION IV

PENALTY

Any person, firm, or corporation who shall violate any of the provisions of this Ordinance shall upon conviction thereof be punished by a fine of not to exceed One Hundred Dollars (\$100.00) or imprisonment in the County Jail for not more than ninety (90) days or both such fine and imprisonment.

SECTION V

SEVERABILITY

Should any section, clause, paragraph, or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

SECTION VI

REPEAL

All Ordinances or parts of Ordinances in conflict herewith, including Prairieville Township Ordinance Number 7, effective September 23, 1974, are hereby repealed.

SECTION VIIEFFECTIVE DATE

This Ordinance shall take effect on the 10th day of
May, 1985.

JANETTE ARNOLD, Clerk
Prairieville Township

ROSS TOWNSHIP,
KALAMAZOO COUNTY, MICHIGAN

RICHLAND TOWNSHIP,
KALAMAZOO COUNTY, MICHIGAN

PRAIRIEVILLE TOWNSHIP,
BARRY COUNTY, MICHIGAN

BARRY TOWNSHIP,
BARRY COUNTY, MICHIGAN

ROSS TOWNSHIP ORDINANCE NO. 90

RICHLAND TOWNSHIP ORDINANCE NO. 118

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 39

BARRY TOWNSHIP ORDINANCE NO. 18

SECOND AMENDMENT TO RATE AND MANDATORY CONNECTION ORDINANCE

An ordinance to amend the Rate and Mandatory Connection Ordinance of Ross Township, being No. 84 as amended by Ordinance No. 88; Richland Township Ordinance No. 105 as amended by Ordinance No. 110; Prairieville Township Ordinance No. 27 as amended by Ordinance No. 33; and Barry Township Ordinance No. 15 as amended by Ordinance No. 17, pertaining to the operation of the Kalamazoo County Sewage Disposal System (Gull Lake Area) on a public utility basis under the provisions of Act 94, Public Acts of Michigan of 1933, said amendments to the ordinance pertaining to flow studies for the determination of rates and financing of connection charges and other matters relative thereto.

THE TOWNSHIPS OF ROSS, RICHLAND, PRAIRIEVILLE AND BARRY,
HEREBY ORDAIN:

SECTION I

The above numbered ordinance entitled "Rate and Mandatory Connection Ordinance", as previously amended, is hereby further amended so that Section 4, subsection E shall read as follows:

"E. Payment of Connection Charge: Connection charges as set forth above shall be due and payable in cash upon application for connection to the system; provided, however, that said charges for connections occurring

within the original district may be payable in installments with interest at the annual rate of 7% per annum on the unpaid balance over a period of years ending in the year 2001. If paid in installments, the first installment of said connection charge shall be payable upon application for connection and upon execution of an agreement providing for such installments but not later than 30 days after the effective date of this amendatory ordinance (July 1, 1985) and all subsequent installments plus interest shall be payable annually commencing with the fourth quarterly sewer use charge billing thereafter and on that same month's billing date thereafter"

SECTION II

The Rate and Mandatory Connection Ordinance is further amended pertaining to Appendix A attached thereto as it pertains to the water or sewer flow studies to be conducted by the installation of meters, being Section 3 of the amendment to the Rate and Mandatory Connection Ordinance (Ross Township Ordinance No. 88, Richland Township Ordinance No. 110, Prairieville Township Ordinance No. 33, Barry Township Ordinance No. 17), to provide that 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 amount shall be divided by 250 gallons per day to determine the Residence-Equivalence. The metering of the water or sewage 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 III

Except as amended hereby, all of the provisions of said ordinance entitled "Rate and Mandatory Connection Ordinance",

and as amended by the ordinance entitled "Amendment to Rate and Mandatory Connection Ordinance", shall remain in full force and effect hereafter.

SECTION IV

This ordinance shall become effective July 1, 1985.

Betty J. Brown, Clerk
Richland Township

Mary Bowman, Clerk
Ross Township

Janette Arnold

Jan Arnold, Clerk
Prairieville Township

Lois Bromley, Clerk
Barry Township

CERTIFICATE

I, JAN ARNOLD, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on June 12, 1985, at 7.30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 39, hereinbefore recorded, to become effective July 1, 1985 and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Roy Reck - Aye

Jan Arnold - Aye

Darlene Vickery - Aye

Willis Aukerman - Aye

Craydon Doster - Aye

I do further certify that an attested copy of Ordinance No. 39 was filed with the County Clerk on _____, and that said Ordinance No. 39 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on June 27, 1985, and further that said Ordinance No. 39 was recorded in said Ordinance book on the 27th day of June, 1985.

Dated: 6-27-85

Jan Arnold
Jan Arnold, Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 40
OUTDOOR RECREATIONAL GATHERING ORDINANCE

Adopted: September 11, 1985

Effective: October 26, 1985

An Ordinance to require the regulation, licensing and control of short-term outdoor recreational gatherings at which more than 100 persons are in attendance and at which a donation or fee is solicited for admission or for products sold on the premises; to provide penalties for a violation of these requirements; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Prairieville Township Outdoor Recreational Gathering Ordinance.

SECTION II

AUTHORITY

This Ordinance is enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, which authorizes the Township Board to adopt ordinances to secure the public health, safety and general welfare.

SECTION III

DEFINITIONS

A. "Outdoor Recreational Gathering" as used in this Ordinance shall mean any short-term recreational gathering such as a carnival, fair, concert, festival, picnic, dance, party or similar activity at which (1) more than 100 persons are in attendance and (2) a

donation or fee is solicited for admission or for products sold on the premises. This term shall not include:

a. An event that is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or

b. 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.

SECTION IV

LICENSE REQUIREMENT

A person shall not sponsor, operate, maintain or conduct an "outdoor recreational gathering" as defined in this Ordinance unless the person shall have first made application for and obtained, as hereinafter prescribed, a license for such event.

SECTION V

APPLICATION

A. Application. An application for a license hereunder shall be submitted to and approved by the Township Supervisor. The application, which shall be on a form provided by the Township Supervisor and approved by the Township Board, shall include the following information:

(1) The name, age residence and mailing address of the person making the application and, where different, the person sponsoring the outdoor recreational gathering.

(2) The statement of the kind, character, and type of proposed outdoor recreational gathering.

(3) The address, legal description and proof of ownership of the site at which the proposed outdoor recreational gathering is to be conducted. Where ownership is not vested in the applicant, the applicant shall submit an affidavit from the owner indicating the owner's consent to the use of the site for the proposed outdoor recreational gathering.

(4) The date or dates and hours during which the proposed outdoor recreational gathering is to be conducted.

(5) An estimate of the maximum number of persons expected at the outdoor recreational gathering for each day it is conducted.

(6) The sanitation facilities that will be provided for the outdoor recreational gathering.

(7) The vehicle access and parking facilities for the outdoor recreational gathering.

(8) The facilities for cleanup and waste disposal for the outdoor recreational gathering.

(9) All electrical, water, gas, or other utility facilities to be used by the applicant in conducting the outdoor recreational gathering.

(10) The security arrangements, if any, for the outdoor recreational gathering.

(11) The noise control and abatement measures for the outdoor recreational gathering.

(12) Where the proposed outdoor recreational gathering encompasses activity for which a license or permit is required by law from the Barry County Department of Public Health or the Michigan Liquor Control Commission, a copy of each such permit or license shall be included with the application made hereunder.

SECTION VI

STANDARDS FOR OUTDOOR RECREATIONAL GATHERING

Before an application for a license can be approved, the following standards shall be satisfied and subsequently adhered to by the applicant:

(1) Restroom and other sanitary facilities shall be approved by the Barry County Department of Public Health.

(2) The applicant 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 and to insure access for ambulance, fire equipment, and other emergency vehicles. Prior to the issuance of a permit hereunder, the Prairieville Township Chief of Police shall review and make a written recommendation to the Township Supervisor as to the adequacy of the proposed access and traffic control measure.

(3) The applicant shall provide an off-street parking area sufficient to accommodate all motor vehicles, but in no case shall the parking area provide less than one parking space for every four persons in attendance.

(4) The applicant shall make such security arrangements, including the hiring of any necessary security personnel, as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons at the outdoor recreational gathering and for the preservation of order and protection of property in and around the site of the outdoor recreational gathering. Before issuing a permit hereunder, the Prairieville Township Chief of Police shall review and make written recommendation with respect to the

adequacy or inadequacy of the security measures proposed by the applicant.

(5) The applicant shall provide for solid waste storage on, and removal from, the premises. The storage shall be in containers provided in sufficient quantity to accommodate the maximum number of persons attending the outdoor recreational gathering. The applicant shall provide in its application for arrangements to insure cleanup and restoration of the subject property and the surrounding area, including public and private road right-of-ways providing access to the site of the event.

(6) The outdoor recreational gathering shall at all times be conducted in compliance with the restrictions set forth in the Prairieville Township Anti-Noise and Public Nuisance Ordinance.

(7) An outdoor recreational gathering as defined in this Ordinance shall not be permitted on land located in an "R-1" Single-Family Low-Density, Residential District or "R-2" Single-Family and Two-Family, Medium Density, Residential District zoning classification as set forth in the Prairieville Township Zoning Ordinance.

(8) The proposed outdoor recreational gathering as described in the application shall comply with all applicable statutes and rules and regulations promulgated thereunder as well as with all applicable local ordinances.

SECTION VII

DENIAL OF APPLICATION AND APPEAL

If the Township Supervisor determines that an application for a permit must be denied, the Township Supervisor shall inform the applicant of this fact by written notice either personally served on the applicant or mailed by First Class Mail to the applicant's last known address. This written notice shall inform the applicant of the reasons the application was denied and of the applicant's right to appeal this matter to the Township Board by filing a written request for such an appeal with the Township Clerk within ten days from the date of personal service or of mailing of the notice of denial to the applicant. The applicant shall be entitled at least seven days prior notice in writing personally served or mailed to the applicant's last known address of the date, time, and place of the Township Board meeting at which the applicant's appeal will be considered. The applicant shall have an opportunity to present any evidence or arguments in its behalf at such time. If the Township Board

determines that the applicant's appeal should be denied, the reasons for this decision shall be put in writing and mailed to the applicant at its last known address within eight days after the Township Board decision concerning the same.

SECTION VIII

COMPLIANCE WITH APPLICATION, PERMIT, AND ORDINANCE

Any outdoor recreational gathering conducted pursuant to a license issued hereunder shall be conducted by the licensee and his or her employees or agents in strict compliance with this Ordinance, the representations and commitments set forth in the application for the gathering, and any conditions imposed under the terms of the permit issued for such gathering.

SECTION IX

PENALTY

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or by imprisonment in the County Jail for not to exceed ninety (90) days or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. This penalty provision shall not preclude any civil action against a violator for injunctive or other relief.

SECTION X

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION XI

REPEAL

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION XII

EFFECTIVE DATE

This Ordinance shall take effect on October 26, 1985.

JANETTE ARNOLD, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE ARNOLD, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 11th day of September, 1985, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 40, hereinbefore recorded, to become effective October 26, 1985, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Roy Reck	Yes
Janette Arnold	Yes
Darlene Vickery	Yes
Willis Aukerman	No
Graydon Doster	Yes

I do further certify that a summary of the regulatory effect of Ordinance No. 40 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on September 26, 1985; and that said Ordinance No. 40 was recorded in the official Ordinance Book on the 19th day of September, 1985.

Dated: 9-19-85

Janette Arnold

 JANETTE ARNOLD, Clerk
 Prairieville Township



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 41
 AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: October 9, 1985

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1(90) pertaining to the definition of "structure"; the amendment of Section 4.3 pertaining to limitations on use and/or outdoor storage of recreational vehicles or tents; the amendment of Section 4.20 pertaining to the location of detached accessory buildings; the amendment of Section 4.24 pertaining to lots having water frontage; the amendment of Section 4.35 pertaining to riparian lot use regulations; the amendment of Section 4.36 pertaining to minimum setback requirements from private roads; the amendment of Section 6.1(B) so as to include provision for boat marinas; the amendment of Section 6.14 pertaining to repair or replacement of a non-conforming use or structure; to repeal Section 4.28 pertaining to short-term gatherings and special events; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
 BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

DEFINITION OF "STRUCTURE"

Section 3.1(90) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

90. Structure: Anything constructed, erected or to be moved to or from any premises which is permanently located above or below the ground, including signs and billboards.

SECTION IIRECREATIONAL VEHICLES OR TENTS

Section 4.3 of the Prairieville Township Zoning Ordinance is hereby amended by the amendment of Subsection "D" and by the addition of a new Subsection "E" to read as follows:

D. A recreational vehicle or tent may be occupied on a temporary, non-commercial basis within any zone classification established in this Ordinance, subject to the following conditions and limitations:

(a) The occupancy upon a parcel of land shall not in any calendar year exceed a total of 30 days or more than four weekends. Occupancy for one weekend day shall be counted as occupancy for the entire weekend for purposes of this provision.

(b) The occupancy shall not be permitted on a vacant parcel of land in the "R-1" or "R-2" zoning classifications unless a special land use permit has been granted annually in accordance with the standards set forth in Section 6.11.

(c) Not more than one recreational vehicle or tent may be occupied on a parcel of land.

(d) The recreational vehicle or tent shall be served by sewage and water supply facilities located on the same parcel of land as the recreational vehicle or tent and approved by the Barry County Department of Public Health. A sanitary sewage facility shall be screened from adjoining properties under separate ownership and shall not be located in a front yard.

(e) Neither rent nor any other fee shall be charged by the property owner or by the occupant of any permanent residence on the parcel for a temporary occupancy allowed hereunder.

(f) A zoning permit shall be obtained from the Township Zoning Administrator when the temporary occupancy of a parcel exceeds a total of five days within the calendar year. To obtain such a zoning permit, the property owner or occupant of any permanent residence on the parcel shall fill out an application form indicating the dates of temporary occupancy. Temporary occupancy shall only be allowed in conformance with the information set forth on the application form. The application form may be amended from time to time by the applicant to reflect changes in proposed dates of temporary occupancy.

(g) Any person who shall permit or cause a recreational vehicle or tent to be occupied in violation of the requirements set forth in this subsection shall be in violation of this Ordinance and subject to the penalties set forth herein.

(h) Parcels of land under the same ownership and adjacent to one another shall be considered as one parcel of land for purposes of Section 4.3(D) and (E) set forth herein. Parcels of land that would be contiguous to one another except for an intervening public or private right-of-way shall be considered

"adjacent" for purposes of Section 4.3(D) and (E).

E. Outdoor Storage of Recreational Vehicles and Tents.

(a) Except as provided below, not more than one recreational vehicle or tent may be stored outdoors on a parcel of land.

(b) The outdoor storage of a recreational vehicle or tent shall not be permitted on a vacant parcel of land in the "R-1" or "R-2" zoning classifications unless a special land use permit has been granted in accordance with the standards set forth in Section 6.11.

SECTION III

FRONT YARD SETBACK OF DETACHED ACCESSORY BUILDING

Section 4.20(E) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

E. No detached accessory building shall project into any front yard setback.

SECTION IV

LOTS HAVING WATER FRONTAGE

Section 4.24 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4.24 - Lots Having Water Frontage.

In all cases where a lot has water frontage, the front lot line shall be the boundary line of the lot immediately adjacent to the water's edge. The front yard shall be the yard extending across the front of the lot between the side lot lines and measured between the front lot line and the building line.

In those cases where a lot has water frontage on two opposite sides, that side with the greater distance between the principal building on the lot and the water's edge shall be deemed the front yard and the other side be deemed the rear yard for purposes of this Zoning Ordinance. In those cases where a lot has water frontage on two opposite sides, the required minimum front yard setback shall be observed on both sides.

SECTION V

RIPARIAN LOT USE REGULATIONS

Article IV of the Prairieville Township Zoning Ordinance

is hereby amended by the addition of a new Section 4.35 to read as follows:

4.35. Riparian Lot Use Regulations.

In any zoning district where a vacant parcel of land is contiguous to a lake, river, stream, pond, or other body of water, such vacant parcel of land may be used and developed as a recreational park for the purpose of gaining riparian access and enjoyment to said body of water for the owners and occupants of two or more residential lots within, but not exceeding, a one-quarter mile radius of such vacant parcel of land, subject to the following conditions:

1. That said vacant parcel of land shall contain a lot depth of at least 75 feet and at least 20 lineal feet of water frontage for each dwelling unit to which such privileges are extended or dedicated.
2. That in no event shall such vacant parcel of land have less than 150 lineal feet of water frontage regardless of the number of dwelling units to which such privileges are extended.
3. That in no event shall such vacant parcel of land consist of a swamp, marsh, or bog as shown on the most recent United States geological survey maps, or abut a manmade canal.
4. That the vacant parcel shall be permitted no more than one dock for each 75 lineal feet of water frontage.
5. The within restrictions shall not be deemed to prohibit the operation of a commercial boat marina as a special land use in the "R-2" zoning classification.

SECTION VI

SETBACK FROM PRIVATE ROAD INTERSECTING LOT OR PARCEL

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.36 to read as follows:

4.36 - SETBACK FROM PRIVATE ROAD INTERSECTING LOT OR PARCEL.

In those circumstances where a private road serving more than one parcel or lot of land intersects an individual lot or parcel, there shall be a minimum setback distance of 20 feet between the nearest elevations of any building, structure or portion thereof and the private road.

SECTION VII

BOAT MARINAS

Section 6.1(B)(3) of the Prairieville Township Zoning Ordinance

is hereby amended to read as follows:

3. Boat marinas as a special land use, provided that an application is submitted for a special land use permit and the standards of Article VII of this Ordinance are complied with.

SECTION VIII

ACCESSORY USES IN "R-2" ZONING CLASSIFICATION

Section 6.1(B) of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Subsection "4" to read as follows:

4. Accessory uses customarily incidental to the preceding listed uses including, but not limited to, off-street parking and signs as permitted by this Ordinance.

SECTION IX

CONTINUANCE OF USE

Section 6.14 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

6.14 - CONTINUANCE OF USE.

If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this Ordinance. This limitation shall not apply to single-family dwellings or their accessory buildings that are non-conforming solely by virtue of the setback and/or minimum total floor area requirements contained in this Ordinance, but shall apply to single-family dwellings and their accessory buildings that are non-conforming by reason of any other requirements contained in this Ordinance (including the minimum core area living space requirement). Single-family dwellings and their accessory buildings that are non-conforming solely by virtue of setback and/or minimum total floor area requirements may be completely rebuilt or replaced so long as their non-conformity is not increased.

SECTION X

REPEAL OF SECTION 4.28

Section 4.28 of the Prairieville Township Zoning Ordinance pertaining to short-term gatherings and special events is hereby repealed.

SECTION XIREPEAL OF CONFLICTING PROVISIONS

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION XIIEFFECTIVE DATE

This Ordinance shall take immediate effect upon publication.

JANETTE ARNOLD, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE ARNOLD, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 9th day of October, 1985, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 41, 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:

Roy Reck	Yes
Janette Arnold	Yes
Darlene Vickery	Yes
Willis Aukerman	No
Graydon Doster	Yes

I do further certify that a summary of the regulatory effect of Ordinance No. 41 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on October 17, 1985; and that said Ordinance No. 41 was recorded in the official Ordinance Book on the 15th day of October, 1985.

Dated: 10-15-85

Janette Arnold

JANETTE ARNOLD, Clerk
Prairieville Township



STATE OF MICHIGAN
 COUNTIES OF KALAMAZOO AND BARRY,
 ROSS TOWNSHIP ORDINANCE NO. 91
 RICHLAND TOWNSHIP ORDINANCE NO. 120
 PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 42
 BARRY TOWNSHIP ORDINANCE NO. 19
 AMENDMENT TO RATE AND MANDATORY CONNECTION ORDINANCE
 PERTAINING TO TOWNSHIP SEWER SYSTEM

An ordinance to amend the Rate and Mandatory Connection Ordinance and as previously amended so as to revise the sewer use charges, to provide for the payment of certain connection charges on an installment basis and also to add a definition pertaining to new construction and other matters relative thereto.

THE TOWNSHIPS OF ROSS, RICHLAND,
 PRAIRIEVILLE AND BARRY,
 COUNTIES OF KALAMAZOO AND BARRY, MICHIGAN,

ORDAIN:

SECTION I

Section IV of the Rate and Mandatory Connection Ordinance governing the Township sewer system is hereby amended so that the first paragraph shall read as follows:

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

Sewer Use Charges.

Sewer use charges to each single family residential premises shall be in the flat amount of \$55.00 for operations and maintenance expense per quarter, effective January 1, 1986. There shall be no sewer use charge for debt service after December 31, 1985. Each user other than a single family residence shall pay a quarterly charge of \$55.00 multiplied by a factor representing a ratio of sewage use by such class of users to normal single family residential sewage use as reflected in Appendix A, but not less than \$55.00."

SECTION II

The Rate and Mandatory Connection Ordinance governing the Township sewer system is hereby amended so that Section IV E pertaining to "Payment of Connection Charge" is hereby amended to read as follows:

"Section IV E. Payment of Connection Charge Connection charges as set forth above shall be due and payable in cash upon application for connection to the system; provided, however, that said charges for other than new construction may be payable in installments with interest at an annual rate of 7% per annum on the unpaid balance, providing that a written agreement is entered into between the Authority and the property owner. Agreements entered into before August 31, 1985 may be payable over a period of years ending in the year 2001. Agreements entered into on August 31, 1985 or thereafter shall be payable over a period of 10 years. All installment agreements shall provide that the first installment of said connection charge shall be payable upon application for connection and upon the execution of the agreement and all subsequent installments plus interest shall be payable annually on October 1."

SECTION III

Section II of the Rate and Mandatory Connection Ordinance of the Township sewer system is hereby amended so as to add an additional paragraph at the end of the Section reading as follows:

"'New Construction' shall mean any house, building or structure emitting sanitary sewage constructed after December 1, 1985, providing that the available sewer was installed prior to said new construction."

SECTION IV

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION V

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION VI

Except as amended hereby, all of the provisions of said ordinance entitled "Rate and Mandatory Connection Ordinance", being Ross Township Ordinance No. 74, amended by Ordinances 88 and 90, Richland Township Ordinance No. 105 as amended by Ordinance Nos. 110 and 118, Prairieville Township Ordinance No. 27 as amended by Ordinances 33 and 39 and Barry Township Ordinance No. 15 as amended by Ordinances 17 and 18 shall remain in full force and effect hereafter.

SECTION VII

This ordinance shall become effective January 1, 1986.

Mary Bowman, Clerk
Ross Township

Betty J. Brown, Clerk
Richland Township

Jan Arnold

 Jan Arnold, Clerk
Prairieville Township

Lois Bromley, Clerk
Barry Township

CERTIFICATE

I, Jan Arnold, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on November 13, 1985, at 7:30 o'clock Pm., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 42, 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:

AYES: Darlene Vickery
Graydon Doster
Roy Reck
Willis Aukerman
Janette Arnold

NAYS: None

Absent: None

I do further certify that an attested copy of Ordinance No. 42 was filed with the County Clerk on _____, and that said Ordinance No. 42 was duly published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on _____ and further that said Ordinance No. 42 was recorded in said Ordinance book on the 4th day of December, 1985.

Dated: 12/1/85

Janette Arnold
Township Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 43
 AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: November 13, 1985

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 5.1 thereof pertaining to unplatted land in Land Section 1; the amendment of Section 3.1 so as to add a new subsection pertaining to the definition of "Campground"; the amendment of Section 3.1(76) pertaining to the definition of "Recreational Vehicle"; the amendment of Section 6.6(B)(5) pertaining to allowing campgrounds as a special land use; the amendment of Section 3.1(30) pertaining to the definition of "Family (One)"; and the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
 BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

LAND SECTION 1

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 1 is hereby amended to read as follows:

(Land) Section One (1), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential, "P-1" Public Land, and "C-1" Commercial District.
- "R-2" Medium Density Residential: All that part East fractional 1/2, Section One (1) lying Easterly of Ranken Road, West of Prairieville Township Park and South of Delton Road, excepting that part described as commencing at the Southwest corner of Lot 33 of the recorded Plat of Bay View Resort, thence North 0°26' East 116.1 feet; thence South 70°32' West 120 feet to the point of beginning of this exception; thence South 70°32' West 331.32 feet; thence South 19°26' East 140.3 feet; thence North 54°25' East 147.92 feet;

thence North 68°11' East 71.45 feet; thence North 74°23' East 80.4 feet; thence North 0°54' East 107.5 feet to point of beginning.

"P-1" Public Land: Beginning at the Southwest corner of Lot 53 of the recorded plat of Bay View Resort; thence North 0°26' West, 117.16 feet to the center line of Delton Road; thence Southwesterly thereon, 127.03 feet; thence South 0°26' East, 109.93 feet; thence North 73°33'10" East, 124.84 feet to the place of beginning. Also all lands lying Southerly of above description and extending to the Northerly shore of Crooked Lake.

"C-1" Commercial District: Commencing at the Southwest corner of Lot 33 of the recorded Plat of Bay View Resort, thence North 0°26' East 116.1 feet; thence South 70°32' West 120 feet to the point of beginning; thence South 70°32' West 331.32 feet; thence South 19°26' East 140.3 feet; thence North 54°25' East 147.92 feet; thence North 68°11' East 71.45 feet; thence North 74°23' East 80.4 feet; thence North 0°54' East 107.5 feet to point of beginning.

SECTION II

DEFINITION OF CAMPGROUND

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "18a" to read as follows:

18a. CAMPGROUND: A parcel or tract of land set aside and used for camping in tents and/or recreational vehicles on a temporary recreational basis.

SECTION III

DEFINITION OF RECREATIONAL VEHICLE

Section 3.1(76) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3.1(76) RECREATIONAL VEHICLE: A vehicle primarily designed and used as temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. This definition includes travel trailers, camping trailers, motor homes, and truck campers as said terms are defined by Michigan statute at MSA 14.15(12501); MCLA 333.12501.

SECTION IVAMENDMENT PERTAINING TO CAMPGROUNDS

Section 6.6(B)(5) of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "r" to read as follows:

- r. Campgrounds, subject to the standards in Article VII of this Ordinance and to the following additional terms and conditions:
1. The campground shall comply with the regulations for campgrounds promulgated by the Michigan Department of Public Health at Rules 325.1551-325.1599 of the Michigan Administrative Code as well as with the supplemental standards and conditions set forth herein.
 2. The campground shall be developed with individual campsites of not less than 4,500 square feet of area.
 3. Each campsite shall abut a roadway of at least 20 feet in width exclusive of any area used for parking. Campsites specifically designated for, and used only for, tent camping need not abut a roadway, but shall be provided with a cleared and marked pedestrian pathway access which originates at a point on a roadway within 200 feet of the parking area for the campsite. All roadways inside the campground shall have an asphalt or compacted gravel surface constructed and maintained so as to provide ready access for emergency vehicles during all times that the campground is open for use.
 4. The campground shall provide vehicle parking areas for campsite occupant and guest parking. Space for vehicle parking equal to a minimum of 1-1/2 times the number of sites in a campground shall be provided within the campground. Such parking shall be located within 400 feet of the campsite it is intended to serve (except in the case of campsites specifically designated only for tent camping).
 5. Commercial uses designed and intended to serve primarily the convenience or recreational needs of the people residing in the campground shall be permitted. No commercial use in a campground may be located on a site abutting a public street bordering the campground. Off-street parking for all commercial uses in the campground shall be provided in accordance with the standards set forth in Section 4.17 of this Ordinance.
 6. All campgrounds containing more than 60 campsites shall be located on a state highway or county road, as defined by the Barry County Road Commission, for ingress and egress thereto.

7. Screening shall be established between any man-made improvements on the campground and any adjacent premises utilized for residential purposes or, if vacant, zoned for residential purposes.
8. Campsites, common use areas, roadways, and permanent buildings in the campground shall be so situated and designed as to minimize any adverse effects therefrom to owners and occupants of adjacent properties. A plot plan showing the location of these features shall be submitted to the Planning Commission as part of the application for a special exception use permit thereunder.
9. No persons, other than campground employees, shall be permitted to dwell in the campground for more than 100 days on a continuous basis or for more than a total of 150 days per year. All campground employees dwelling within the campground for more than 150 days per year shall reside in dwellings fully complying with all standards set forth in this Ordinance, the Township Building Code, and all other applicable Township, County, and State laws for dwellings of the type so established.

SECTION V

DEFINITION OF FAMILY

Section 3.1(30) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 3.1(30) FAMILY (One): a. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

SECTION VISEVERABILITY

The provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VIIEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE ARNOLD, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE ARNOLD, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 13th day of November, 1985, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 43, 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:

Roy Reck	Yes
Janette Arnold	Yes
Darlene Vickery	Yes
Willis Aukerman	Yes
Graydon Doster	Yes

I do further certify that a summary of the regulatory effect of Ordinance No. 43 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on November 21, 1985; and that said Ordinance No. 43 was recorded in the official Ordinance Book on the 19th day of November, 1985.

Dated: 11-19-85

Janette Arnold

 JANETTE ARNOLD, Clerk
 Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 44

Adopted: 8 January 1986

Effective: 15 February 1986

PRAIRIEVILLE TOWNSHIP PARKS AND RECREATION ORDINANCE

An Ordinance to regulate the use of Prairieville Township parks and public access areas; to provide penalties for the violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION ITITLE

This Ordinance shall be known and cited as "The Prairieville Township Parks and Recreation Ordinance".

SECTION IIDEFINITIONS

A. "Designated" means posted with a sign or signs at the site or otherwise reasonably identified for a particular use.

B. "Written Permission" means a written permit issued by the Chairperson of the Prairieville Township Parks and Recreation Commission or by a representative authorized by the Chairperson to issue such a permit.

C. "Camp" means the erection of any tent; the opening or setting up of a tent-type camper; the parking or occupancy of a travel or house trailer; sleeping in any type of motor vehicle, sleeping bag or in any other manner after 10:00 p.m.

SECTION IIIREGULATIONS

A. Prairieville Township park entry fees may be established and changed from time to time by resolution of the Prairieville Township Parks and Recreation Commission. Notice of any such fee shall be posted conspicuously near the entrance of the Township park or public access area for which such entry fee is charged.

B. No person, firm or corporation shall do any of the following on Prairieville Township parks or lake public access areas owned or operated by Prairieville Township:

1. Enter upon the premises without payment of any established entrance fee.

2. Enter upon a township park or adjoining beach or swimming area (except to recover a boat) during closing times posted on the premises by order of the Prairieville Township Parks and Recreation Commission.

3. Park vehicles of any kind in any area other than designated parking areas. Where some of the parking spaces on the premises are specially designated for the parking of boat trailers or trailer rigs, the parking of such equipment shall be confined to those specially designated parking spaces.

4. Store or leave a boat, boat trailer, vehicle, duck blind, ice shanty, raft or other property on the premises overnight.

5. Dispose of refuse, trash or garbage anywhere on the premises except in receptacles provided for that purpose and only if the refuse, rubbish, trash, or garbage resulted from the use of the premises.

6. Use the premises for business or commercial purposes or for any special event or activity of any organization or club without prior written permission of the Prairieville Township Parks and Recreation Commission.

7. Lounge, sit or lie upon walks, roads, or paths so as to obstruct the free passage of other persons.

8. Post signs, distribute commercial advertising material, erect a fence or barrier, or construct or occupy improvements upon the premises without the prior written permission of the Prairieville Township Parks and Recreation Commission.

9. Destroy, damage, move, mutilate or deface any vegetation, building, fence or other improvement located on the premises.

10. Operate a self-propelled motor or mechanically driven vehicle anywhere on the premises except on designated roads, trails or parking lots.

11. Ride or lead a horse or other riding animal or pack animal on or allow such animal or any animal-drawn vehicle to use or travel areas other than established roads or trails designated for such use without the prior written permission of the Prairieville Township Parks and Recreation Commission.

12. To possess or use anywhere on the premises a "controlled substance" as defined under Article 7 of the Michigan Public Health Code, being 1978 PA 368, as amended, or to consume alcoholic beverages in any area other than a designated picnic area.

13. Bring a dog or other animal pet onto the premises unless the animal is kept on a leash and kept under control at all times. No such animal shall be allowed in any designated beach or swimming area.

14. Bring or use firecrackers upon the premises. Hunting or trapping on the premises is prohibited.

15. Build open or ground fires.

16. Camp or park recreational units or tents on the premises overnight.

17. No vessel shall be docked, moored, or anchored overnight on submerged littoral or riparian lands owned by Prairieville Township and located within 250 feet of the shoreline of a Prairieville Township park or public access area.

SECTION IV

PENALTY

Any person, firm, or corporation who shall violate any of the provisions of this Ordinance shall upon conviction thereof be punished by a fine of not to exceed One Hundred Dollars (\$100.00) or imprisonment in the County Jail for not more than ninety (90) days or both such fine and imprisonment.

SECTION V

SEVERABILITY

Should any section, clause, paragraph, or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

SECTION VI

REPEAL

All Ordinances or parts of Ordinances in conflict herewith, including Prairieville Township Ordinances No. 7 and No. 38, are hereby repealed.

SECTION VII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after its publication.

JANETTE ARNOLD, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE ARNOLD, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 8th day of January, 1986, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 44, hereinbefore recorded, to become effective February 15, 1986, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

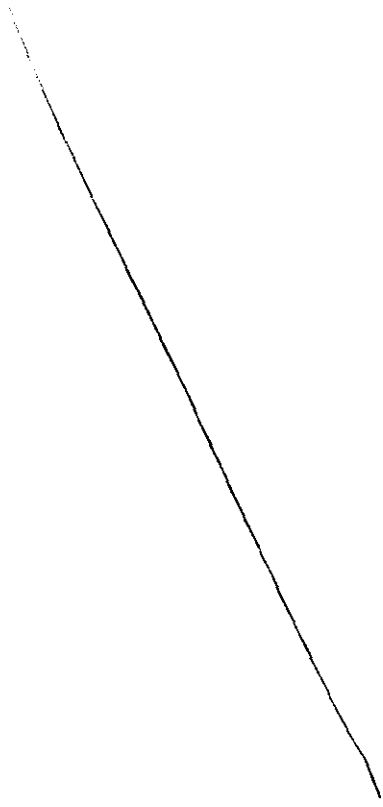
Roy Reck	aye
Janette Arnold	aye
Darlene Vickery	aye
Willis Aukerman	absent
Graydon Doster	aye

I do further certify that a summary of the regulatory effect of Ordinance No. 44 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on January 16, 1986; a copy of Ordinance No. 44 was posted at the Township Hall on the 15th day of December, 1986, and that said Ordinance No. 44 was recorded in the official Ordinance Book on the 13th day of January, 1986.

Dated: 1-15-86

Janette Arnold

 JANETTE ARNOLD, Clerk
 Prairieville Township



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 45
CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

Adopted: 9 July 1986

Effective: 18 July 1986

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 Prairieville, Barry County, Michigan.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

GRANT OF FRANCHISE

The Township of Prairieville, Barry County, Michigan, hereby grants the right, power and authority to the Consumers Power 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, and other public places, and to do a local electric business in the Township of Prairieville, Barry County, Michigan.

SECTION IIFAITHFUL PERFORMANCE

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION IIIUSE OF HIGHWAYS, STREETS, ALLEYS, AND BRIDGES

All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley 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, streets and alleys. All work performed by said Grantee in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Township Supervisor or his or her designee.

SECTION IVLIABILITY

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 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 negligent construction and maintenance or the permission herein granted.

SECTION VRATES

Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy 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 VIERECTION AND CONSTRUCTION OF POLES, WIRES,
CONDUITS, OR OTHER APPARATUS

The said Grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, pipes, conduit or other electric apparatus shall be subject to such reasonable regulations as shall be prescribed by the Township Board from time to time.

SECTION VIIRELOCATION OR MODIFICATION OF GRANTEE'S FACILITIES

The said Grantee will reply within five work days to the requesting party upon receipt of written request to raise 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 wires, poles, and electric apparatus of said Grantee. When such relocation or modification of Grantee's facilities is requested, all costs for the relocation or modification shall be paid by the requesting party.

SECTION VIIINON-EXCLUSIVENESS

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

SECTION IXTERM AND REVOCATION

The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this franchise ordinance but shall be subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION XMICHIGAN PUBLIC SERVICE COMMISSION RULES

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 XIEFFECTIVE DATE

This Ordinance shall take effect upon the day after the date of publication thereof, provided, 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.

JANETTE ARNOLD, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE ARNOLD, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 9th day of July, 1986, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 45, hereinbefore recorded, to become effective July 18, 1986, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Roy Reck	Aye
Janette Arnold	Aye
Darlene Vickery	Aye
Willis Aukerman	Aye
Graydon Doster	Aye

I do further certify that a summary of the regulatory effect of Ordinance No. 45 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on July 17, 1986; a copy of Ordinance No. 45 was posted at the Township Hall on the 14th day of July, 1986, and that said Ordinance No. 45 was recorded in the official Ordinance Book on the 14th day of July, 1986.

Dated: 7-14-86

Janette Arnold

 JANETTE ARNOLD, Clerk
 Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 46
AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: July 9, 1986

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 5.1 thereof pertaining to platted land in Prairieville Heights Plat; the amendment of Section 4.32 pertaining to fences, walls, and screens; the amendment of Section 6.4.B pertaining to Use Regulations in the "C-1" zoning classification; the amendment of Article VII to add a new Section 6.12-4 pertaining to private airfields or aircraft landing strips; and the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,
ORDAINS:

SECTION I

PRAIRIEVILLE HEIGHTS PLAT

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to the recorded plat of Prairieville Heights Plat is hereby amended to read as follows:

(Recorded Plats) Prairieville Heights.

"R-2" Medium Density Residential; Entire Plat except Lot 1

"C-1" Commercial District: Lot 1

SECTION II

FENCES, WALLS, AND SCREENS

Section 4.32 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

CLERK'S CERTIFICATE

I, JANETTE ARNOLD, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 9th day of July, 1986, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 45, hereinbefore recorded, to become effective July 18, 1986, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Roy Reck	Aye
Janette Arnold	Aye
Darlene Vickery	Aye
Willis Aukerman	Aye
Graydon Doster	Aye

I do further certify that a summary of the regulatory effect of Ordinance No. 45 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on July 17, 1986; a copy of Ordinance No. 45 was posted at the Township Hall on the 14th day of July, 1986, and that said Ordinance No. 45 was recorded in the official Ordinance Book on the 14th day of July, 1986.

Dated: 7-14-86

Janette Arnold

 JANETTE ARNOLD, Clerk
 Prairieville Township

Section 4.32 - Fences, Walls and Screens.

No fence, wall, other than necessary retaining wall, or other screening structure located within the side or front yard of a lot in a residential district (other than the front yard of a waterfront lot) shall exceed six (6) feet in height. No such fence, wall or other screening structure located within the front yard of a waterfront lot in a residential district shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a rear yard of a lot in a residential district shall exceed eight (8) feet in height. (See Section 4.24 regarding definition of front and rear yard on waterfront lots).

No electric fences shall be permitted in any residential district or residentially platted area.

SECTION III

"C-1" LAND USE REGULATIONS

Section 6.4.B of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- B. Use Regulations - Land and/or buildings in the "C-1" zoning district may be used for the following purposes:
1. Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of the business.
 2. Gasoline service stations.
 3. Motels, restaurants.
 4. Drive-in restaurants.
 5. Grocery and "General" stores selling primarily convenience goods, including drug stores.
 6. Cleaning and laundry pick-up service.
 7. Beauty and barber shops.
 8. Single Family house, detached or adjoining, if associated for operation of the business.
 9. Feed store and farm supply.
 10. Grain elevators.
 11. Laundromats.
 12. Equipment repair and service shops.
 13. Community and governmental buildings.

14. Institutional uses.
15. Antique shops.
16. Hardware stores.
17. Lumber yards.
18. Taverns.
19. Appliance stores.
20. Clinics.
21. Branch banks.
22. Florist shops.
23. Out-door theatres - The face of an out-door theater screen shall not be seen from any major roads.
24. Accessory uses customarily incidental to the proceeding listed permitted uses including, but not limited to, off-street parking and signs as permitted by this Ordinance and dwellings for human occupancy colocated in the principal structure when such use is necessary to operate a permitted use within this district.
25. Veterinarian clinics as a special land use, provided that an application is submitted for a special land use permit and the standards of Article VII of this Ordinance are complied with.

SECTION IV:

PRIVATE AIRFIELDS OR AIRCRAFT LANDING STRIPS

Article VII of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 6.12-4 to read as follows:

Section 6.12-4 - Private Airfields or Aircraft Landing Strips.

Private airfields or aircraft landing strips shall be allowed as a special land use in any zoning classification provided, however, that no private airfield or aircraft landing strip may be constructed on any property unless the owner thereof has at least 20 acres of contiguous property. An application for a special land use permit under this section shall be accompanied by a site plan drawn to scale showing the location and dimensions of the proposed airfield and the setback from adjoining property lines, wires and poles, adjoining roads and nearby residences. Before granting a special land use permit under this

section, the Planning Commission shall determine (1) that the private airfield or landing strip will not adversely affect the use and enjoyment of adjoining properties or constitute a safety hazard; (2) that there will be adequate setback distances from adjoining property lines of not less than 200 feet from the ends of the private airstrip to any boundary line of the property; and (3) that there will be adequate clearance of any telephone or power lines or other obstructions which may pose a threat to the landing and take-off of aircraft. The airstrip may not be constructed closer than 500 feet to any existing residence other than the property owner's residence or a residence located on the subject property. Under no circumstances shall any commercial use, except agriculture production activities, be made of any such private airfield or landing strips such as by allowing other persons or firms to use the landing strip; the landing strip shall be for the sole use of the owner's or tenant's private aircraft.

Notwithstanding the above, the owners or tenants of the air strip shall have authority to allow short term use of the private airfield or landing strip by airplanes engaged in local agriculture production activities if such short-term use can be conducted in a manner consistent with the standards set forth above. The Planning Commission shall have authority to impose reasonable conditions, including limitations on the hours of operation and total days of annual use, designed to assure that the use meets the above standards.

SECTION V

SEVERABILITY

The provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision of this Ordinance is invalid, such holding shall not affect or impair the validity of any other Section or provision of this Ordinance.

SECTION VI

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE ARNOLD, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 47
 AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: August 13, 1986

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 5.1 thereof pertaining to unplatted land in Land Sections 7 and 8; the amendment of Article VII so as to add a new Section 6.12-3 pertaining to radio and TV transmission, receiving, and relay towers; and the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
 BARRY COUNTY, MICHIGAN,
 ORDAINS:

SECTION I
LAND SECTION 7

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Sections 7 and 8 is hereby amended to read as follows:

(Land) Section Seven (7), T. 1N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential, "C-1" Commercial District, and "P-1" Public Land.
- "R-2" Medium Density Residential: Beginning at Southwest corner of the Plat of South Gate, thence North 135.87 feet to place of beginning; thence West 230.92 feet; thence North 641.07 feet to Lake;

thence East along Lake to South Gate; thence South 583.23 feet to place of beginning.

"C-1" Commercial District: All that part northwest fractional 1/2, Section Seven (7) lying northwesterly of Pine Lake. Also that land commencing at a point 535 feet south of the intersection of Doster Road and Merlau Avenue; thence East 523.99 feet; thence South 425 feet; thence West 391 feet; thence South 554 feet; thence West 233 feet; thence North 973 feet to the point of beginning. Also, that land beginning at a point at the northeast corner of the intersection of Doster Road and Four Mile Road; thence North 2340 feet; thence East 450 feet; thence South 467 feet; thence West 120 feet; thence South 1870 feet; thence West 330 feet to the point of beginning.

"P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.0 feet south of west 1/2 post thereof; thence East 233.0 feet; thence North 554.0 feet; thence East 1320.0 feet; thence South 590.0 feet; thence West 1553.0 feet to west line said section, thence North thereon, 40.0 feet to the place of beginning.

(Land) Section Eight (8), T. 1N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "P-1" Public Land.

"R-2" Medium Density Residential: West fractional 1/2 of the Northwest fractional 1/4. Also Northwest fractional 1/4 of the Southwest fractional 1/4 lying East of Pine Lake. Also that part of Southwest 1/4 Southwest fractional 1/4 lying Northerly of Buckley Road.

Also the westerly 200 feet of the South 1/2 of the Southeast 1/4 of the Northwest 1/4 of Land Section 8 and also the western 200 feet of the Northeast 1/4 of the Southwest 1/4 of Land Section 8 located north of Handy Lane.

"P-1" Public Land: Beginning at a point on the North and South 1/4 line, Section Eight (8), 1898.57 feet South of the North 1/4 post thereof; thence South thereon, 407.11 feet; thence North 74°-12'-11" West, 279.70 feet to the center line of Lindsay Road, thence Northeasterly thereon, 423.85 feet to the place of beginning.

SECTION IIRADIO AND TV TRANSMISSION, RECEIVING, AND RELAY TOWERS

Article VII of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 6.12-3 to read as follows:

Radio and TV Transmission, Receiving, and Relay Towers.

Radio and TV transmission, receiving, and relay towers for lease or use of customer(s) shall be allowed as a special land use in all zoning classifications, except the "R-1" and "R-2" zoning classifications, subject to the following conditions:

1. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than the height of each tower above the ground. Accessory buildings or other accessory structures shall comply with the general setback requirements of the zoning classification in which they are located.
2. The tower(s) shall not interfere with any radio or TV transmission or reception in the surrounding area. The Planning Commission shall have authority to require the applicant to file with the Township Clerk prior to the time of establishment of the tower(s) on the subject property a cash deposit, certified check, irrevocable bank letter of credit or surety bond in such amount as the Planning Commission determines necessary to cover the estimated cost of removal of the tower(s) if it fails to comply with the non-interference standards set forth in this Section. If the tower(s) fails to comply with this non-interference standard and the Planning Commission determines, after due hearing, that the special land use permit should be revoked and the tower(s) removed, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to insure removal of the tower(s) using so much of the security deposit as is necessary for such purpose. This security requirement shall continue in effect for six months and shall cease after that time if no violation of the non-interference standard occurs within the six-month period.

3. When the tower(s) ceases to operate, it shall be removed within three months.
4. A party receiving a special land use permit hereunder shall be required to carry and maintain personal injury and property damage liability insurance for the subject site in the amount of not less than \$500,000.00 for each person or property injured or damaged and not less than one million dollars for injury or damage to more than one person or one person's property arising out of one occurrence. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit. The deductible written into the insurance policy shall not exceed 5% of the per incident limit of the liability of the policy. The coverage obtained pursuant to this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance.

SECTION III

SEVERABILITY

The provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION IV

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE ARNOLD, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 48
AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: 8 October 1986

Effective: Immediately upon publication

An Ordinance to amend the text of the Prairieville Township Zoning Ordinance by the amendment of Section 4.13-2 pertaining to developments requiring site plan review; by the amendment of Section 6.7-1 pertaining to regulations in the "P-2" Semi-Public Land zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,
ORDAINS:

SECTION I

AMENDMENT OF SECTION 4.13-2

Section 4.13-2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4.13-2 Developments Requiring Site Plan Review.

The Building Inspector shall not issue a building permit for the construction of the following buildings, structures, or uses until a detailed site plan has been reviewed by the Township Planning Commission:

- a. Multiple Family Planned Unit Developments.
- b. Office Developments
- c. Commercial Developments
- d. Industrial Developments
- e. Land Uses allowed in the "P-1" or "P-2" zoning classifications.
- f. Special Land Uses Applications
- g. Applications for a permit to construct more than one dwelling on a single parcel.

SECTION IIAMENDMENT OF SECTION 6.7-1

Section 6.7-1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 6.7-1 "P-2" Semi-Public Land.

- A. Purpose - The purpose of this zoning district is to provide for those uses commonly engaged in by non-profit or quasi-public organizations of a religious, charitable, or educational nature.
- B. Use Regulations - Land and/or buildings in the "P-2" zoning district may be used for the following purposes only:
1. Churches, religious retreats, church group homes, church offices, and other similar establishments.
 2. Grange halls.
 3. Scout camps, church camps, and other similar establishments.
 4. Educational institutions.
- C. Area Regulations - No building or structure shall hereafter be erected, altered, or enlarged unless the following yard requirements are provided and maintained in connection with such building erection, alteration, or enlargement:
1. Front Yard - There shall be a minimum front yard of seventy-five (75) feet.
 2. Side Yard - If the side yard abuts property located in any "R" or "A" zoning classification, then the minimum side yard requirement for that side yard shall be fifty (50) feet. Otherwise, there shall be a minimum side yard requirement of ten (10) feet.
 3. Rear Yard - If the rear yard abuts property located in any "R" or "A" zoning classification, then the minimum rear yard requirement shall be fifty (50) feet. Otherwise, there shall be a minimum rear yard requirement of ten (10) feet.
- D. Greenbelt Requirement - A greenbelt, as defined in this Ordinance, shall be required for any rear or side yard abutting property located in any "R" or "A" zoning classification. The Zoning Board of Appeals shall have authority to grant a variance from this requirement where there are practical difficulties or unnecessary hardship in the way of carrying out strict compliance with this requirement or where, in the opinion of the Board, the spirit of the foregoing provision

would still be observed, there would be no adverse effects upon neighboring property, and substantial justice would thereby be accomplished.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication.
All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE ARNOLD, Clerk
Prairieville Township

STATE OF MICHIGAN
COUNTIES OF KALAMAZOO AND BARRY

ROSS TOWNSHIP ORDINANCE NO. 93
Adopted: November 10, 1986

RICHLAND TOWNSHIP ORDINANCE NO. 123
Adopted: November 5, 1986

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 49
Adopted: November 12, 1986

BARRY TOWNSHIP ORDINANCE NO. 22
Adopted: December 2, 1986

Effective Date: December 15, 1986

AMENDMENT TO RATE AND MANDATORY CONNECTION ORDINANCE
OF THE GULL LAKE SEWER SYSTEM

An Ordinance to amend Section IV of the Gull Lake Sewer Rate and Mandatory Connection Ordinance pertaining to connection charges for new connections to the system and the amendment of Section VI pertaining to deadline for connection to the system and to amend parts or portions of the ordinance which are inconsistent herewith and to provide for the effective date.

THE TOWNSHIPS OF
ROSS, RICHLAND, PRAIRIEVILLE AND BARRY
ORDAIN:

SECTION I

Section IV of the Gull Lake Sewer Rate and Mandatory Connection Ordinance originally enacted April 1, 1984 and as amended July 1, 1985 and January 1, 1986, is hereby further amended so that the first four full paragraphs of said Section IV pertaining to "Sewer Use Charges" and "Connection Charge" are hereby revised to read as follows:

"A. Sewer Use Charges. Sewer use charges to each single family residential premise shall be in the flat amount of \$55 for operations and maintenance expense per quarter, effective January 1, 1986. There shall be no sewer use charge for debt service after December 31, 1985. Each user other than a single family

residence shall pay a quarterly charge of \$55 multiplied by a factor representing a ratio of sewage use by such class of users to normal single family residential sewage use as reflected in Appendix A, but not less than \$55.

B. Connection Charge, Direct Connections: For each direct connection made within the time specified in Section VI hereafter to lines of the system there shall be charged a fee equal to the sum of: a) \$2,500 per single family residence equivalent plus; b) \$13.00 per foot of public road frontage or equivalent of any premises serviced by the system; provided, however, that a credit may be taken on said direct connection charge equal to the sum, if any, specially assessed against the property by the Township for the purpose of defraying part of the cost of the system providing the credit has not been previously used against another connection charge. All non-mandatory connections made by contract within the time specified in Section VI shall only be allowed for the above stated cost if a contract is signed with the Township within 60 days of notice of availability of the system.

C. Connection Charge, Indirect Connection: In order to defray the proportional share of the necessary oversizing of treatment facilities, trunks and pumping stations, for each indirect connection to the system at any time hereafter, there shall be charged a fee of \$1,250 per single family residence equivalent. An indirect connection shall be defined as one made to public lines in accordance with all applicable State, County or Local Codes, Ordinances and Regulations, which is added to the system after its original construction and serving more than one property, the cost of which is paid from special assessments or private funds."

SECTION II

Section VI of the Gull Lake Sewer Rate and Mandatory Connection Ordinance originally enacted April 1, 1984 and amended effective July 1, 1985 and January 1, 1986, is hereby amended so that Section VI shall read as follows hereafter:

"It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people of the Townships of Ross, Richland, Prairieville and Barry and that all premises on which structures in which sanitary sewage originates or is situated shall connect to the system at the earliest reasonable date as a matter for the protection of the public health, safety and welfare of the Townships. Therefore, all premises on which structures are situated or become situated and which sanitary sewage originates and which sewer services of the system shall be available within 200 feet shall connect to said system as follows,:

A. structures or premises emitting sewage prior to sewer services becoming available shall connect within 18 months from the date of notice of such availability by the appropriate Township official or its agent.

B. Structures or premises which began emitting sewage after a public sewer line was constructed shall connect prior to emitting sewage.

Said notification and enforcement of this Section shall be in conformity with Act 288 of the Public Acts of Michigan of 1972, as amended."

SECTION III

If any section, paragraph, clause or provision of this

Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not effect any of the other provisions of this Ordinance.

SECTION IV

All Ordinances, Resolutions or Order or parts hereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION V

This Ordinance shall take effect December 15, 1986

Ross Township Clerk

Richland Township Clerk

Jarrett Arnold

Prairieville Township Clerk

Barry Township Clerk

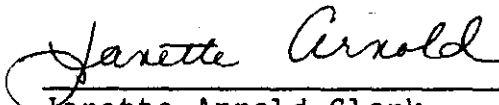
CERTIFICATE

I, Janette Arnold, Clerk of the Township of Prairieville, hereby certify that Ordinance No. 49 was offered by Willis Aukerman, supported by: Darlene A. Vickory, and the voting on said ordinance was as follows:

Ayes: Roy Reck
Janette Arnold
Darlene A. Vickory
Graydon Doster
Willis Aukerman

Nayes: None

I further certify that I did publish the ordinance in the Hastings Banner, a newspaper circulated within the Township of Barry on December 4, 1986.



Janette Arnold Clerk
Prairieville Township



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 50
 AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: June 10, 1987

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 5.1 pertaining to unplatted land in Land Sections 1 and 12; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
 BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

LAND SECTION 1

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 1 is hereby amended to read as follows:

(Land) Section One (1), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-1" Low Density Residential, "R-2" Medium Density Residential, "P-1" Public Land, and "C-1" Commercial District.
- "R-1" Low Density Residential: All that part of Stoney Point Island in Crooked Lake located in Land Section 1.
- "R-2" Medium Density Residential: All that part East fractional 1/2, Section One (1) lying Easterly of Rankin Road, West of Prairieville Township Park and South of Delton Road, excepting that part described as commencing at the Southwest corner of Lot 33 of the recorded plat of Bay View Resort, thence North 0 deg. 26 min, East 116.1 feet; thence South 70 deg 32 min, west 120 feet to the point of beginning of this exception; thence South 70 deg. 32 min. west 331.32 feet; thence South 19 deg. 26 min. East 140.3 feet; thence North 54 deg. 25 min. east 147.92 feet; thence North 68 deg. 11 min. east 71.45 feet; thence north 74 deg. 23 min. east 80.4 feet; thence north 0 deg. 54 min. east 107.5 feet to point of beginning.
- "P-1" Public Land: Beginning at the Southwest corner of Lot 53 of the recorded plat of Bay View Resort; thence North 0 deg 26 min West, 117.16 feet to the center line of Delton Road; thence Southwesterly thereon, 127.03 feet; thence South 0 deg 26 min East, 109.93 feet; thence North 73 deg 33 min 10 sec East, 124.84 feet to the place of beginning. Also all lands lying Southerly of above description and extending to the Northerly Shore of Crooked Lake.

"C-1" Commercial District: Commencing at the southwest corner of Lot 33 of the recorded plat of Bay View Resort, thence North 0 deg. 26 min. east 116.1 feet; thence south 70 deg. 32 min. west 120 feet to the point of beginning; thence south 70 deg. 32 min. west 331.32 feet; thence south 19 deg. 26 min. east 140.3 feet; thence north 54 deg. 25 min. east 147.92 feet; thence north 68 deg. 11 min. east 71.45 feet; thence north 74 deg. 23 min. east 80.4 feet; thence north 0 deg. 54 min. east 107.5 feet to point of beginning.

SECTION II

LAND SECTION 12

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 12 is hereby amended to read as follows:

(Land) Section Twelve (12), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-1" Low Density Residential and "R-2" Medium Density Residential.
- "R-1" Low Density Residential: All that part Northwest fractional 1/4 lying Southerly of Crooked Lake and Westerly of recorded plats of Hughes Park and Hughes Park No. 2. Also Stoney Point Island in Crooked Lake.
- "R-2" Medium Density Residential: The South fractional 1/2 of Section Twelve (12) except commencing at the Southwest corner of said Section; thence South 89 deg 25 min 4 sec east along south line of said section, 550 feet for place of beginning; thence north 0 deg 14 min 30 sec west 200 feet; thence north 89 deg 25 min 4 sec west, 17.0 feet; thence north 0 deg 14 min 30 sec west, 519.66 feet; thence north 89 deg. 45 min 30 sec east, 636.47 feet; thence north 53 deg 4 min 30 sec east 157.94 feet; thence south 36 deg 35 min 30 sec east 249.47 feet; thence south 89 deg 25 min 4 sec east 731.67 feet; thence south 0 deg 34 min 56 sec west 627.0 feet to south line of said Section, thence west thereon 1618.0 feet to beginning.

SECTION III

SEVERABILITY

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION IVEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE EMIG, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 10th day of June, 1987, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 50, 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:

Roy Reck	Aye
Janette Emig	Aye
Darlene Vickery	Aye
Willis Aukerman	Aye
Graydon Doster	Aye

I do further certify that a summary of the regulatory effect of Ordinance No. 50 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on June 18, 1987; a copy of Ordinance No. 50 was posted at the Township Hall on the 16th day of June, 1987, and that said Ordinance No. 50 was recorded in the official Ordinance Book on the 16th day of June, 1987.

Dated: 6-17-87

Janette Emig

 JANETTE EMIG, Clerk
 Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 51
AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: October 14, 1987

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 4.3 pertaining to issuance of temporary use permits; by the rezoning of a parcel of land situated in Land Section 5 from an "A" Agricultural District zoning classification to the "P-1" Public Land zoning classification; by the amendment of the legal description of unplatted land located in Land Section 7; by the amendment of the legal description of a parcel of land situated in Land Section 17 to include said parcel in the "P-2" Semi-Public Land zoning classification; by the rezoning of a parcel of land situated in Land Section 18 from the "A" Agricultural District zoning classification to the "P-2" Semi-Public Land zoning classification; by the rezoning of a parcel of land situated in Land Section 24 from the "P-1" Public Land zoning classification to the "P-2" Semi-Public Land zoning classification; by the rezoning of a parcel of land situated in Land Section 33 from the "A" Agricultural District zoning classification to the "P-1" Public Land zoning classification; by the rezoning of a parcel of land situated in Land Section 36 from the "R-2" Medium Density Residential District zoning classification to the "P-1" Public Land zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IAMENDMENT OF SECTION 4.3

Section 4.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.3. Temporary Use of Structures for Dwelling Purposes:

- A. No garage or other accessory building, mobile home, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit by the Zoning Administrator and satisfying all of the conditions thereof.
- B. No structure shall be used for temporary dwelling purposes that does not comply with public health, safety and welfare regulations.
- C. Temporary buildings for use incidental to construction work shall be permitted provided that all debris shall be removed within fifteen (15) days after the completion or abandonment of the work and said use shall not be in conflict with public health, safety and welfare regulations.
- D. A recreational vehicle or tent may be occupied on a temporary, non-commercial basis within any zone classification established in this Ordinance, subject to the following conditions and limitations:
 - (a) The occupancy upon a parcel of land shall not in any calendar year exceed a total of 30 days or more than four weekends. Occupancy for one weekend day shall be counted as occupancy for the entire weekend for purpose of this provision.
 - (b) The occupancy shall not be permitted on a vacant parcel of land in the "R-1" or "R-2" zoning classification unless a special land use permit has been granted annually in accordance with the standards set forth in Section 6.11.
 - (c) Not more than one recreational vehicle or tent may be occupied on a parcel of land.
 - (d) The recreational vehicle or tent shall be served by sewage and water supply facilities located on the same parcel of land as the recreational vehicle or tent and approved by the Barry County Department of Public Health. A sanitary sewage facility shall be screened from adjoining properties under separate ownership and shall not be located in a front yard.
 - (e) Neither rent nor any other fee shall be charged by the property owner or by the occupant of any permanent residence on the parcel for a temporary occupancy allowed hereunder.
 - (f) A zoning permit shall be obtained from the Township Zoning Administrator when the temporary occupancy of a parcel exceeds a total of five days within the calendar year. To obtain such a zoning permit, the property owner or occupant of any permanent residence on the parcel shall fill out an application form indicating the dates of temporary occupancy. Temporary occupancy shall only be allowed in conformance with the

information set forth on the application form. The application form may be amended from time to time by the applicant to reflect changes in proposed dates of temporary occupancy.

- (g) Any person who shall permit or cause a recreational vehicle or tent to be occupied in violation of the requirements set forth in this subsection shall be in violation of this Ordinance and subject to the penalties set forth herein.
- (h) Parcels of land under the same ownership and adjacent to one another shall be considered as one parcel of land for purposes of Section 4.3(D) and (E) set forth herein. Parcels of land that would be contiguous to one another except for an intervening public or private right-of-way shall be considered "adjacent" for purposes of Section 4.3(D) and (E).

E. Outdoor Storage or Recreational Vehicles and Tents.

- (a) Except as provided below, not more than one recreational vehicle or tent may be stored outdoors on a parcel of land.
- (b) The outdoor storage of a recreational vehicle or tent shall not be permitted on a vacant parcel of land in the "R-1" or "R-2" zoning classifications unless a special land use permit has been granted in accordance with the standards set forth in Section 6.11.

SECTION II

LAND SECTION 5

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 5 is hereby amended to read as follows:

(Land) Section Five (5), T. 1 N., R. 100 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "P-1" Public Land.
- "R-2" Medium Density Residential: All that part Southwest fractional 1/4 lying Easterly of Pine Lake and also that part beginning northwest corner post; thence east 1139.4 feet; south 1 deg 44 min east, 1340 feet; thence south 71 deg west, 650 feet to Pine Lake; thence southwesterly on water's edge to west section line; thence north on west line to place of beginning, all in the west 1/2 of northwest 1/4 section 5.
- "P-1" Public Land: Commencing at the Northwest corner of Section Five (5), thence East along the North line of said Section, 1205.4 feet, thence South 1754.0 feet for the place of beginning; said point also being in the northerly shore of Pine Lake; thence North 431.8 feet; thence East, 1202.0 feet, thence South 208.0 feet; thence South 25 deg 10 min East, 510.0 feet to the Northerly shore of Pine Lake; thence Northwesterly thereon to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said section; 1205.4 feet; thence South, 1754.0 feet for the place of beginning,

said point also being in the Northerly shore of Pine Lake; thence North, 431.8 feet; thence South 75 deg 00 min West, 718.75 feet; thence Southerly to the shore of Pine Lake; thence Northeasterly thereon to beginning. Also beginning at a point on the North line of Section Five (5), 1139.4 feet East of northwest corner post to the place of beginning, thence east 66.0 feet; thence south, 1322.2 feet; thence South 75 deg 00 min West to a point South of beginning; thence North to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said section, 1205.4 feet; thence South, 433.6 feet; thence east, 85.4 feet; thence northwesterly to the place of beginning. Also commencing at the northeast corner of Section Five (5); thence west 1963.5 feet to the center line Lindsey Road; thence south 30 deg 45 min east 101.6 feet of center line of Lindsey Road to place of beginning; thence north 76 deg 15 min east 299.2 feet; thence south 13 deg 45 min east 158.4 feet; thence south 76 min 15 deg west 250.8 feet to center line of Lindsey Road; thence north 30 min 45 deg 165.66 feet to the place of beginning.

SECTION III

LAND SECTION 7

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 7 is hereby amended to read as follows:

- "A" Agricultural District: Entire section except those parts herein described as "R-2" Medium Density Residential, "C-1" Commercial District, and "P-1" Public Land.
- "R-2" Medium Density Residential: Beginning at southwest corner of the Plat of South Gate, thence north 135.87 feet to place of beginning; thence west 230.92 feet; thence north 641.07 feet to lake; thence east along lake to South Gate; thence south 583.23 feet to place of beginning.
- "C-1" Commercial District: All that part northwest fractional 1/2, Section Seven (7) lying northwesterly of Pine Lake. Also that land commencing at a point 535 feet south of the intersection of Doster Road and Merlau Avenue; thence east 523.99 feet; thence south 425 feet; thence west 391 feet; thence south 554 feet; thence west 233 feet; thence north 973 feet to the point of beginning. Also, that land beginning at a point at the northeast corner of the intersection of Doster Road and Four Mile Road; thence north 2340 feet; thence east 450 feet; thence south 467 feet; thence west 120 feet; thence south 1870 feet; thence west 330 feet to the point of beginning.
- "P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.00 feet south of west 1/4 post thereof; thence east, 233.0 feet; thence north, 554.0 feet; thence east, 1320.0 feet; thence south 590.0 feet; thence west, 1553.0 feet to west line said section, thence north thereon, 40.0 feet to the place of beginning.

SECTION IVLAND SECTION 17

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 17 is hereby amended to read as follows:

(Land) Section Seventeen (17), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "P-2" Semi-Public Land.
- "P-2" Semi-Public Land: South 38 acres of East 1/2 of Northwest 1/4. Also South 30 acres of East 1/2 of West 1/2 of Northwest 1/4. Also East 66 feet of North 10 acres of East 1/2 of West 1/2 of Northwest 1/4. Also South 17 acres of West 1/2 of West 1/2 of Northwest 1/4. Also the north fractional 1/2 of the southwest fractional 1/4.

SECTION VLAND SECTION 18

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 18 is hereby amended to read as follows:

(Land) Section Eighteen (18), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "C-1" Commercial District and "P-2" Semi-Public Land.
- "C-1" Commercial District: South 600 feet of west 600 feet of the southwest fractional 1/4.
- "P-2" Semi-Public Land: Southeast fractional 1/4 of the northeast fractional 1/4. Also Island in Warner Lake in southeast 1/4. Also beginning at a point 311 feet south of northwest corner Section 18, thence south 388 feet, thence east 281 feet, thence north 388 feet, thence west 281 feet to place of beginning.

SECTION VILAND SECTION 24

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 24 is hereby amended to read as follows:

(Land) Section Twenty-Four (24), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire section except those parts herein described as "C-1" Commercial District and "P-2" Semi-Public Land.
- "C-1" Commercial District: South 500 feet of the East 264 feet of the Southeast 1/4.

"P-2" Semi-Public Land: Commencing at intersection of center lines of Milo Road and Burrows Road; thence east 504.7 feet on center line Milo Road; thence north 400 feet; thence west 359.7 feet to center line Burrows Road; thence southwest on center line of Burrows Road 458.7 feet to place of beginning. Also north 360 feet of the east 264 feet of the southeast 1/4.

SECTION VII

LAND SECTION 33

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 33 is hereby amended to read as follows:

(Land) Section Thirty-three (33), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "P-1" Public Land.

"P-1" Public Land: South 330 feet of west 330 feet of southeast 1/4 of northeast 1/4.

SECTION VIII

LAND SECTION 36

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 36 is hereby amended to read as follows:

(Land) Section Thirty-six (36), T. 1 N., R. 10 W.

"A" Agricultural District: northwest 1/4 of the northwest 1/4.

"R-1" Low Density Residential: All that part section thirty-six (36) lying north and west of Highway M-43 except the northwest 1/4 of the northwest 1/4.

"R-2" Medium Density Residential: All that part Section thirty-six (36) lying southerly and easterly of Highway M-43 except that part lying west of a creek and extending west along M-43 420 feet with a frontage along Gull Lake of 370 feet.

"P-1" Public Land: All that part lying southerly of Highway M-43 west of a creek and extending west along Highway M-43 420 feet with a frontage along Gull Lake of 370 feet.

SECTION IX
SEVERABILITY

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION X
EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

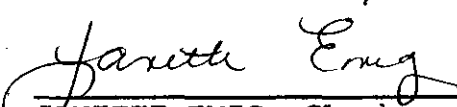
CLERK'S CERTIFICATE

I, JANETTE EMIG, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 14th day of October, 1987, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 51, 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:

Roy Reck	Aye
Janette Emig	Aye
Darlene Vickery	Aye
Willis Aukerman	Absent
Graydon Doster	Aye

I do further certify that a summary of the regulatory effect of Ordinance No. 51 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on October 22, 1987; a copy of Ordinance No. 51 was posted at the Township Hall on the 20th day of October, 1987, and that said Ordinance No. 51 was recorded in the official Ordinance Book on the 20th day of October, 1987.

Dated: 10/27/87



 JANETTE EMIG, Clerk
 Prairieville Township

WATER ORDINANCE

TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 54

Adopted: 13 January 1988

Effective: 27 February 1988

An ordinance to provide for the operations, maintenance and management of that portion of the Gun Plain Township Lake Doster Water System in Prairieville Township; to establish connection procedures, permit fees, and to regulate the use of said system; to prescribe procedures for securing such public water service and the rates and charges for same and to provide penalties for the violation of such Ordinance regulations.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN

ORDAINS:

ARTICLE I

GENERAL

Section 1. Definitions.

The following words, terms and phrases, when used herein shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Agent" or "Operating Agent" shall mean the person, persons, or company so appointed or contracted by the Township as the designated representative of the Township in matters related to the Township system.

"System" or "Township System" shall mean the water main, storage tank, valves, hydrants, service connections and related appurtenances so installed to distribute Public water to premises connected in and around the area of Lake Doster.

"Water and Sewer Committee" or "Sewer and Water Committee" shall mean the Committee so appointed by the Gun Plain Township Board to determine policy and procedure pertaining to water and sewer use.

"Service Connection" shall mean that pipe which delivers water from the distribution main to the meter on the property being served and includes all piping and appurtenances up to the discharge side of the meter but not beyond that point.

"Township" or "Township Board" shall mean the Township Board(s) of Gun Plain Township and/or Prairieville Township, the agent of one or both Townships, or the designated Director for the purposes of management of the Lake Doster Water System.

accruing or resulting from the supply of water or from any apparatus or appurtenance in connection therewith. Whenever possible, a notice of intent to temporarily disconnect service shall be posted or mailed by Gun Plain Township or its agent to the premise(s) affected.

ARTICLE II

METERS, APPURTENANCES, AND REGULATIONS

Section 1. Unauthorized tampering with or injuring of the system and its appurtenances.

No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any meter, seal, stop cock, curb box, service pipe, hydrant, or other apparatus of the system, or prevent any water meter belonging to Gun Plain Township or Prairieville Township from duly registering the quantity of water passing through the same, or in any way hinder or interfere with its proper action or just registration, or attach any line or pipe to any line belonging to Gun Plain Township or Prairieville Township. No person, unless he is a fireman or an authorized agent of the Township, shall willfully open or tamper with a fire hydrant. No person other than the authorized agent shall turn on water at the curb box or elsewhere after that same shall be turned off by the authorization of the Township.

Section 2. Permit, etc., for hydrant use.

No person, except the agent of the Township in the performance of his duties, shall open or use any fire hydrant except in case of emergency, without first securing a written permit from the Township or its agent.

Section 3. Service of more than one premise by the same meter.

Whenever reasonably possible, at the discretion of the Township, each premise shall be serviced independently with a water meter of appropriate size.

Section 4. Cross connections.

No connection shall be installed which will connect the Township water supply to any system of pipes or piping which may also be supplied from any other source. The use of check valves or valves of any kind to separate the Township supply from any other supply will not be permitted. There must be an absolute physical separation of the Township water supply and any other supply. The Township and its agent shall, upon discovery or suspecting conditions whereby the health, safety and welfare of the system users is endangered, immediately take precautionary measures to isolate the suspected premise(s) and to promptly investigate remedial action necessary. Prairieville Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health, being R 325.431 to R 325.440 of the Michigan Administrative Code.

Section 5. By-passing meter prohibited.

It shall be unlawful for any person to open any valve or make any connection which will make possible the use of water which has not passed through a meter properly installed and

Section 10. Return of meters to Township.

No person shall fail to deliver forthwith to Gun Plain Township any water meter after he shall have removed or have caused the removal of same from the premises of a user.

ARTICLE III

RATES, PERMITS, CONNECTION FEES

Section 1. Connections, Fees, Connection permits.

An application for a service connection (Connection Permit Application) shall be made to Gun Plain Township on permit forms prescribed and furnished by Gun Plain Township for premises NOT listed as "contaminated" by the Michigan Department of Public Health. The permit application fee for service from the street, main or easement line to the meter set in or near the premise shall be Twenty (\$20) dollars plus the cost of the meter to be provided by Gun Plain Township. Premises (structures) directly connecting to the original construction of the Lake Doster Water System prior to July 1, 1988 shall be provided a meter, and, if necessary, a pressure reducing valve, at no cost. All other premises shall pay both the application fee and the meter cost. Said meter cost shall be set by Gun Plain Township from time-to-time; however, the cost shall not exceed the actual cost of the current meter replacement cost, plus 10%. Said permit fee and meter charge is payable at the time the permit is accepted and filed with Gun Plain Township.

Section 2. Contractors, payment, inspection.

The applicant applying for water service shall be given a list of the names of licensed Master Plumbers qualified to install the service. Such plumbers shall have current a performance bond on file with Gun Plain Township in the amount of at least \$10,000 dollars. The person applying for the service connection shall bear the responsibility to retain and compensate the contractor or plumber for performing the service connection work from the street, main or easement line to and including the meter. Said installation to the meter shall be inspected and accepted by the Lake Doster Water System Township agent prior to the covering of the trench and the beginning of water service being rendered. Connection of the premise water piping to the discharge side of the meter shall be made only by a licensed Master Plumber whose work shall be inspected by the Prairieville Township plumbing inspector or his authorized agent, subject to Prairieville Township permits, fees and regulations as may then be in effect.

Section 3. Deposit from tenants generally.

The Township shall have the right to require an initial deposit from any owner or tenant who applies for water service, as security for the payment of the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor upon the voluntary termination of service by the depositor and his subsequent application for such refund, provided no delinquency then exists.

Section 10. Adjustments for inaccurate meters or meter failure.

1. If a water meter has been tested at the request of a user there shall be a fee established by Prairieville Township for the testing. If said meter shall be determined to be "fast", the Township shall credit the user with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said user within the three (3) months prior to the test. If a meter so tested is determined to register "slow", the Township may collect from the user a sum equal to the Percent "slow" multiplied by the amount of all the bills incurred by the user for the prior three (3) months.

2. If any meter shall fail to register properly, the Township shall estimate the consumption on the basis of former consumption and bill accordingly.

Section 11. Connection fees.

1. Owners of Premises served by the Gun Plain Township Lake Doster Water System shall pay connection charges for the construction, use and benefit of the water system which shall be computed at the following rates and shall be charged as follows; provided however, that owners of premises listed on the Prairieville Township Lake Doster Water System Special Assessment Roll shall be given a credit against said charges specially assessed.

- a) Trunkage fee: A trunkage fee of \$875 dollars per unit.
- b) Availability fee: An availability fee of \$1,200 dollars per connection.
- c) Service lead charge: A service lead charge of \$325 per lead for each service lead provided to such premises as part of the new construction.

Trunkage and Availability charges shall escalate at a rate of \$50 dollars per year to a maximum of \$1,375 dollars and \$1,700 dollars respectively for Trunkage and Availability.

Said charges shall be payable in cash at the time of issuance of the Connection permit.

2. Any premises which are directly served by the original construction of the Gun Plain Township Lake Doster Water System but were not included on the Prairieville Township Lake Doster Water System Special Assessment Roll, which is hereinafter connected to the system shall pay the actual cost of the necessary installation from the main to the meter, including the actual cost of the connection of the premise plumbing to the discharge side of the meter; and furthermore, shall pay the trunkage fee plus the availability fee specified hereunder in cash at the time of the issuance of the Connection Permit.

3. Any premises which in the future are connected to the system through extensions from the original construction shall pay the actual cost of constructing the extensions (unless private funds are utilized), the actual cost of the necessary installation from the main to the meter, including the actual cost of the connection of the premise plumbing to the discharge side of the meter; and furthermore, shall pay the trunkage fee specified hereunder in cash at the time of the issuance of the Connection Permit.

Section 3. Right of entry to premises where water used.

Prairieville Township and Gun Plain Township, and either Township's agents and employees shall have the right to enter any premises in which or on which Township water is used to inspect, adjust, repair or remove water meters or appurtenances in connection with water meters, at any and all reasonable times.

Section 4. Saving Clause.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

Section 5. Effective Date.

This Ordinance shall take effect thirty (30) days following its date of publication.

JANETTE EMIG, Clerk
PRAIRIEVILLE TOWNSHIP

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 55
AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: February 10, 1988

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1 so as to add a new subsection defining the term "driveway"; by the amendment of Section 4.3 pertaining to temporary use of structures for dwelling purposes; by the amendment of Section 4.6 pertaining to intersection visibility; by the amendment of Section 4.19.C.1 pertaining to home occupation uses; by the amendment of Section 4.32 pertaining to restrictions on fences, walls, and screens; by the repeal of Section 6.0.B.3.c pertaining to temporary residences; by the amendment of Section 6.4.C.3 pertaining to minimum lot area, yard, and minimum floor area regulations in the "C-1" Rural Area Convenience, Commercial District zoning classification; by the repeal of Sections 6.6.B.5.n and 6.6.B.5.o; by the amendment of Section 7.5.C pertaining to standards for the granting of variances by the Zoning Board of Appeals; by amendment of Article IV so as to add a new Section 4.37 pertaining to pre-manufactured units used for commercial or industrial purposes; by the rezoning of a parcel of land situated in Land Section 6 from an "R-2" Single-Family and Two-Family Medium Density Residential District zoning classification to an "R-5" Mobile Home Parks District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

Section 3. Right of entry to premises where water used.

Prairieville Township and Gun Plain Township, and either Township's agents and employees shall have the right to enter any premises in which or on which Township water is used to inspect, adjust, repair or remove water meters or appurtenances in connection with water meters, at any and all reasonable times.

Section 4. Saving Clause.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

Section 5. Effective Date.

This Ordinance shall take effect thirty (30) days following its date of publication.

JANETTE EMIG, Clerk
PRAIRIEVILLE TOWNSHIP

SECTION I

AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "23a" to read as follows:

- 23a. Driveway: That part of the passage located on private property that provides vehicular ingress and/or egress to a public or private road.

SECTION II

AMENDMENT OF SECTION 4.3

Section 4.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.3 - Temporary Use of Structures for Dwelling Purposes:

- A. No garage or other accessory building, mobile home failing to satisfy all of the criteria for "single-family dwelling," basement, partial or temporary structure, whether of a fixed or portable construction, shall be used for dwelling purposes except as set forth herein. The Zoning Administrator shall have authority to issue a temporary residence use permit allowing such a structure to be used for dwelling purposes for a period of not more than one year provided that the applicant demonstrates the ability and intent to erect, reconstruct, and/or complete a permanent dwelling upon the premises and subject to the following additional conditions:
- (1) The applicant must first submit plans for and receive a building permit for the construction or reconstruction of a permanent dwelling upon the premises.
 - (2) The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of the building permit.
 - (3) The temporary residence must be located upon premises connected to a safe and sanitary water supply and adequate sewage facility in compliance with the requirements of the Barry County Health Department.
 - (4) The temporary residence must comply with all pertinent building and fire codes or an appropriate variance must be obtained therefrom. In the case of a mobile home being used as a temporary

residence hereunder, all construction and all plumbing, electrical apparatus, and insulation within and connected to the mobile home shall be of a type and quality conforming in all material respects to the safety requirements contained in 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. With respect to any mobile home that is not certified in accordance with the aforementioned regulations as complying with the above-mentioned construction and safety standards, the use of such mobile home as a temporary residence will only be allowed if the Township Building Inspector inspects the same and determines, in his or her reasonable discretion, that the mobile home complies in all material respects with the safety requirements contained in the aforementioned standards.

- (5) If, at the expiration of the one-year period, the permanent dwelling has not yet been completed in accordance with the requirements of this Ordinance and all other pertinent Township ordinances, the Zoning Administrator may, upon a showing of hardship and good cause beyond the control of the owner, grant extensions to the temporary permit issued hereunder for one or more additional six-month periods.
- (6) The temporary residence shall cease to be used as a dwelling upon completion and occupancy of the permanent dwelling upon the premises. A mobile home used as a temporary residence shall be removed from the premises within thirty (30) days after (1) expiration of the temporary permit issued hereunder, or (2) completion and occupancy of a permanent dwelling upon the premises, whichever comes first.

- B. Temporary buildings for non-residential use incidental to construction work shall be permitted. Said use shall not be in conflict with public health, safety, and welfare regulations. All debris shall be removed within fifteen (15) days after the completion or abandonment of the work.
- C. A recreational vehicle or tent may be occupied on a temporary, non-commercial basis within any zone classification established in

this Ordinance, subject to the following conditions and limitations:

- (a) The occupancy upon a parcel of land shall not in any calendar year exceed a total of 30 days or more than four weekends. Occupancy for one weekend day shall be counted as occupancy for the entire weekend for purposes of this provision.
- (b) The occupancy shall not be permitted on a vacant parcel of land in the "R-1" or "R-2" zoning classification unless a special land use permit has been granted annually in accordance with the standards set forth in Section 6.11.
- (c) Not more than one recreational vehicle or tent may be occupied on a parcel of land.
- (d) The recreational vehicle or tent shall be served by sewage and water supply facilities located on the same parcel of land as the recreational vehicle or tent and approved by the Barry County Department of Public Health. A sanitary sewage facility shall be screened from adjoining properties under separate ownership and shall not be located in a front yard.
- (e) Neither rent nor any other fee shall be charged by the property owner or by the occupant of any permanent residence on the parcel for a temporary occupancy allowed hereunder.
- (f) A zoning permit shall be obtained from the Township Zoning Administrator when the temporary occupancy of a parcel exceeds a total of five days within the calendar year. To obtain such a zoning permit, the property owner or occupant of any permanent residence on the parcel shall fill out an application form indicating the dates of temporary occupancy. Temporary occupancy shall only be allowed in conformance with the information set forth on the application form. The application form may be amended from time to time by the applicant to reflect changes in proposed dates of temporary occupancy.
- (g) Any person who shall permit or cause a recreational vehicle or tent to be occupied in violation of the requirements set forth in this subsection shall be in violation of this Ordinance and subject to the penalties set forth herein.

- (h) Parcels of land under the same ownership and adjacent to one another shall be considered as one parcel of land for purposes of Section 4.3 (C) and (D) set forth herein. Parcels of land that would be contiguous to one another except for an intervening public or private right-of-way shall be considered "adjacent" for purposes of Section 4.3 (C) and (D).

D. Outdoor Storage or Recreational Vehicles and Tents.

- (a) Except as provided below, not more than one recreational vehicle or tent may be stored outdoors on a parcel of land.
- (b) The outdoor storage of a recreational vehicle or tent shall not be permitted on a vacant parcel of land in the "R-1" or "R-2" zoning classifications unless a special land use permit has been granted in accordance with the standards set forth in Section 6.11.

SECTION III

AMENDMENT OF SECTION 4.6

Section 4.6 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

On any corner lot in any district, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct vision between the heights of two (2) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a street line intersecting them at a point which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision area shall be measured from the elevation of the street center lines at the point of intersection. No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct vision from a driveway or other entrance or exit onto a public or private road between the heights of two (2) feet and ten (10) feet, measured above the elevation of the street center line, within ten (10) feet of the public or private road.

SECTION IVAMENDMENT OF SECTION 4.19.C.1

Section 4.19.C.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

1. The home occupation shall be conducted either within the dwelling or in a detached accessory building located on the same premises as the dwelling. The term 'premises' as used in this section shall include adjoining lots and parcels under common ownership and occupancy. This term shall also include lots and parcels under common ownership and occupancy that would be contiguous to one another except for an intervening public or private right-of-way.

SECTION VAMENDMENT OF SECTION 4.32

Section 4.32 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

No fence, wall, other than necessary retaining wall, or other screening structure located within the side or front yard of a lot in a residential district (other than the front yard of a waterfront lot) shall exceed six (6) feet in height. No such fence, wall, or other screening structure located within the front yard of a waterfront lot in a residential district shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a rear yard of a lot in a residential district shall exceed eight (8) feet in height. Fences, walls (other than necessary retaining walls), and other screening structures shall also comply with the requirements set forth in Section 4.6 of this Ordinance. (See Section 4.24 regarding definition of front and rear yard on waterfront lots).

No electric fences shall be permitted in any residential district or residentially platted area.

SECTION VIREPEAL OF SECTION 6.0.B.3.c

Section 6.0.B.3.c of the Prairieville Township Zoning Ordinance is hereby repealed.

SECTION VIIAMENDMENT OF SECTION 6.4.C.3

Section 6.4.C.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. The minimum floor area for single-family detached dwellings shall be 840 square feet. The minimum floor area for a single-family dwelling attached or part of a building used for another lawful purpose in this zoning classification shall be 720 square feet.

SECTION VIII

REPEAL OF SECTION 6.6.B.5.n

Section 6.6.B.5.n of the Prairieville Township Zoning Ordinance is hereby repealed.

SECTION IX

REPEAL OF SECTION 6.6.B.5.o

Section 6.6.B.5.o of the Prairieville Township Zoning Ordinance is hereby repealed.

SECTION X

AMENDMENT OF SECTION 7.5.C

Section 7.5.C of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. Variances - The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and regulations, yard width and depth regulations, and such requirements as off-street parking as specified in this Ordinance when all other basic conditions listed below are satisfied.

Before granting a variance, the Zoning Board of Appeals shall find that the following standards are met:

1. That the variance will not permit the establishment within a zoning district of any use which is not permitted by right within that district.
2. That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with the Zoning Ordinance unnecessarily burdensome.
3. That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area, or, in the

alternative, that a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

4. That the hardship asserted by the property owner by way of justification for a variance is due to unique circumstances of the property.
5. That the hardship asserted by way of justification for the variance is not self-created.
6. That, in granting a variance, the Zoning Board of Appeals is insuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

SECTION XI

AMENDMENT OF ARTICLE IV

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.37 to read as follows:

4.37 Pre-Manufactured Units Used for Commercial or Industrial Purposes.

Any mobile home or other pre-manufactured unit (as defined under Rule 408.31106 of the Michigan Administrative Code) that is used for commercial or industrial purposes on either a temporary or permanent basis shall either (1) be certified as complying with the standards for manufacture and certification of pre-manufactured units set forth beginning at Rule 408.31101 of the Michigan Administrative Code, and from time to time as such standards may be amended, or (2) comply with the construction standards contained in the Prairieville Township Building Code Ordinance.

SECTION XII

REZONING OF PROPERTY IN SECTION 6

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 6 is hereby amended to read as follows:

(Land) Section Six (6), T. 1 N., R 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential and "R-5" Mobile Home Parks.
- "R-2" Medium Density Residential: Entire Section north of Pine Lake and south of Pine Lake Road except those parts described herein as "R-5" Mobile Home Parks.
- "R-5" Mobile Home Parks: Commencing at the Southwest corner of Section 6, T. 1 N., R. 10 W.; thence North on the West Section line 1538 feet; thence North 47°-30' East on the centerline of Pine Lake Road 1452 feet to the place of beginning; thence continuing North 47°-30' East on the centerline 186.18 feet; thence South 47°-03' East 614.34 feet; thence South 41°-02' East 198.20 feet; thence South 16°-29' East 235.18 feet to Pine Lake; thence on traverse line along Pine Lake South 84°-31' West, 200 feet; thence North 40°-24' West 902.04 feet to the place of beginning.

SECTION XIIISEVERABILITY

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION XIVEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 57
 AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: May 11, 1988

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of a parcel of land situated in Land Section 7 from an "A" Agricultural District zoning classification to an "R-1" Single-Family, Low Density, Residential District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
 BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 7

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 7 is hereby amended to read as follows:

(Land) Section Seven (7), T. 1 N., R 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential, "C-1" Commercial District, and "P-1" Public Land.
- "R-1" Single-Family, Low Density, Residential: Commencing at the West $\frac{1}{4}$ post of Section 7, thence North along the Section line 1248.24 feet; thence North 89°-56'-15" East 523.99 feet; thence South 71°-06' East on the South line of Merlau Avenue 330 feet to the Place of Beginning; thence South 71°-06' East 321.08 feet; thence South 00°-00' East 752.17 feet; thence North 89°-35' West 405 feet; thence North 00°-00' West 425.29 feet; thence North 1°-26' West 275.38 feet; thence North 31°-08' East 185.85 feet to the Place of Beginning.

- "R-2" Medium Density Residential: Beginning at southwest corner of the Plat of South Gate, thence north 135.87 feet to place of beginning; thence west 230.92 feet; thence north 641.07 feet to lake; thence east along lake to South Gate; thence south 583.23 feet to place of beginning.
- "C-1" Commercial District: All that part northwest fractional 1/2, Section Seven (7) lying northwesterly of Pine Lake. Also that land commencing at a point 535 feet south of the intersection of Doster Road and Merlau Avenue; thence east 523.99 feet; thence south 425 feet; thence west 391 feet; thence south 554 feet; thence west 233 feet; thence north 973 feet to the point of beginning. Also, that land beginning at a point at the northeast corner of the intersection of Doster Road and Four Mile Road; thence north 2340 feet; thence east 450 feet; thence south 467 feet; thence west 120 feet; thence south 1870 feet; thence west 330 feet to the point of beginning.
- "P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.00 feet south of west $\frac{1}{4}$ post thereof; thence east, 233.0 feet; thence north, 554.0 feet; thence east, 1320.0 feet; thence south, 590.0 feet; thence west, 1553.0 feet to west line said section, thence north thereon, 40.0 feet to the place of beginning.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 58
 AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: June 8, 1988

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of a parcel of land situated in Land Section 7 from an "A" Agricultural District zoning classification to an "R-1" Single-Family, Low Density, Residential District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
 BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 7

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 7 is hereby amended to read as follows:

(Land) Section Seven (7), T. 1 N., R 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-1" Single-Family, Low Density, Residential, "R-2" Medium Density Residential, "C-1" Commercial District, and "P-1" Public Land.
- "R-1" Single-Family, Low Density, Residential: Commencing at the West $\frac{1}{4}$ post of Section 7, thence North along the Section line 1248.24 feet; thence North 89°-56'-15" East 523.99 feet; thence South 71°-06' East on the South line of Merlau Avenue 330 feet to the Place of Beginning; thence South 71°-06' East 321.08 feet; thence South 00°-00' East 752.17 feet; thence North 89°-35' West 405 feet; thence North 00°-00' West 425.29 feet; thence North 1°-26' West 275.38 feet; thence North 31°-08' East 185.85 feet to the Place of Beginning.

"R-2" Medium Density Residential: Beginning at southwest corner of the Plat of South Gate, thence north 135.87 feet to place of beginning; thence west 230.92 feet; thence north 641.07 feet to lake; thence east along lake to South Gate; thence south 583.23 feet to place of beginning.

"C-1" Commercial District: All that part northwest fractional 1/2, Section Seven (7) lying northwesterly of Pine Lake. Also that land commencing at a point 535 feet south of the intersection of Doster Road and Merlau Avenue; thence east 523.99 feet; thence south 425 feet; thence west 391 feet; thence south 554 feet; thence west 233 feet; thence north 973 feet to the point of beginning. Also, that land beginning at a point at the northeast corner of the intersection of Doster Road and Four Mile Road; thence north 2340 feet; thence east 450 feet; thence south 467 feet; thence west 120 feet; thence south 1870 feet; thence west 330 feet to the point of beginning.

"P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.00 feet south of west $\frac{1}{4}$ post thereof; thence east, 233.0 feet; thence north, 554.0 feet; thence east, 1320.0 feet; thence south, 590.0 feet; thence west, 1553.0 feet to west line said section, thence north thereon, 40.0 feet to the place of beginning.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

- "R-2" Medium Density Residential: Beginning at southwest corner of the Plat of South Gate, thence north 135.87 feet to place of beginning; thence west 230.92 feet; thence north 641.07 feet to lake; thence east along lake to South Gate; thence south 583.23 feet to place of beginning.
- "C-1" Commercial District: All that part northwest fractional 1/2, Section Seven (7) lying northwesterly of Pine Lake. Also that land commencing at a point 535 feet south of the intersection of Doster Road and Merlau Avenue; thence east 523.99 feet; thence south 425 feet; thence west 391 feet; thence south 554 feet; thence west 233 feet; thence north 973 feet to the point of beginning. Also, that land beginning at a point at the northeast corner of the intersection of Doster Road and Four Mile Road; thence north 2340 feet; thence east 450 feet; thence south 467 feet; thence west 120 feet; thence south 1870 feet; thence west 330 feet to the point of beginning.
- "P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.00 feet south of west $\frac{1}{4}$ post thereof; thence east, 233.0 feet; thence north, 554.0 feet; thence east, 1320.0 feet; thence south, 590.0 feet; thence west, 1553.0 feet to west line said section, thence north thereon, 40.0 feet to the place of beginning.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 61

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: January 11, 1989

Effective: Immediately upon publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1, subsection 23a thereof pertaining to the definition of driveway; by the amendment of Section 4.33 pertaining to private roads; by the amendment of Section 4.9 by deletion of subsection (B) pertaining to large public and private gatherings, and the reference to Section 4.28 therein as that Section has been repealed; by the amendment of Section 4.9 by the deletion of the letter "A" identifying the paragraph contained in that Section; by the amendment of Section 4.13-2, subsection (f), to exclude home occupation uses from site plan review requirements under special land use applications; by the amendment of Section 4.19 by the addition of a new subsection (D) requiring an applicant for a special land use permit for a home occupation to provide the Planning Commission with a diagram of the subject premises containing specified information; by the amendment of Section 6.2.B.1, subsections h, j, and l thereof, pertaining to all references therein to the Prairieville Township Zoning Board of Appeals, said references to be changed to refer to the Prairieville Township Planning Commission and all references therein to "Board" to be changed to "Commission"; by the amendment of Section 6.6.B.5.f to allow two-family dwellings within the Agricultural District as a special exception use; by the amendment of Section 6.17, subsection (C) thereof pertaining to non-conforming lots of record and the placement of buildings thereon; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IAMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance, subsection 23a thereof, is hereby amended to read as follows:

23a. Driveway: That part of the passage located on private property that provides vehicular ingress or egress to a public or private road and shall have a width of no less than twelve (12) feet.

SECTION IIAMENDMENT OF SECTION 4.33

Section 4.33 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

A private road which serves more than one separately held parcel with more than one dwelling unit, or industrial activity shall have a 66 foot right-of-way. The traveled portion of said right-of-way shall be a minimum of 12 feet in width.

SECTION IIIAMENDMENT OF SECTION 4.9, SUBSECTION (B)

Section 4.9 of the Prairieville Township Zoning Ordinance is hereby amended by deletion of subsection (B) pertaining to large public and private gatherings, and the reference to Section 4.28 therein as that Section has been repealed.

SECTION IVAMENDMENT OF SECTION 4.9

Section 4.9 of the Prairieville Township Zoning Ordinance is hereby amended by the deletion of the letter "A" identifying the paragraph contained in that Section.

SECTION VAMENDMENT OF SECTION 4.13-2

Section 4.13-2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

The Building Inspector shall not issue a building permit for the construction of the following buildings, structures, or uses until a detailed site plan has been reviewed by the Township Planning Commission:

- a. Multiple Family Planned Unit Developments
- b. Office Developments
- c. Commercial Developments
- d. Industrial Developments
- e. Land Uses allowed in the "P-1" or "P-2" zoning classifications
- f. Special Land Use Applications, excluding home occupation uses
- g. Applications for a permit to construct more than one dwelling on a single parcel.

SECTION VI

AMENDMENT OF SECTION 4.19

Section 4.19 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "D" to read as follows:

- D. The applicant for a special land use permit for a home occupation shall provide the Planning Commission at the time of the public hearing on the permit with a diagram of the subject property, drawn to approximate scale, containing the following information:
 1. The North arrow and approximate scale used.
 2. The area of the subject parcel of land.
 3. The location of all existing and proposed structures on the subject property. All structures intended to be used in connection with the home occupation shall be identified as such on the diagram and the distance of each such structure from the front, rear, and side property lines shall be shown.

SECTION VII

AMENDMENT OF SECTION 6.2.B.1

Section 6.2.B.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- B. Use regulations - Land and/or buildings in the "R-4" zoning district may be used for the following purposes only:
 1. High Density multiple family dwelling units provided that all of the following requirements are met:
 - a. Area Requirements: A multiple dwelling may not cover more than 30% of the

ground area of the parcel upon which it is located.

- b. **Setback Requirements:** The minimum building setback shall be as follows, and shall be measured from the street right-of-way line where applicable:
1. **Front Yard** - There shall be a front yard of not less than forty (40) feet, except as regulated in (Section 4.29).
 2. **Side Yard** - The sideyard setback, except when the sideyard abuts a street, shall be at least fifteen (15) feet or 1/2 the height of the building, whichever is greater; when a side abuts a street, the minimum setback must be forty (40) feet.
 3. **Rear Yard** - The rear yard setback shall be at least forty (40) feet or 3/4 of the height of the building, whichever is greater.
 4. **Building Height** - The maximum height for a multiple dwelling shall be two (2) stories.
 5. **Minimum Allowance Distance Between Buildings.** The minimum allowable distance between buildings shall be fifty (50) feet.
- c. **Required Parking** - Each dwelling unit containing 0 to 2 bedrooms must be provided with at least 2½ parking spaces. Each dwelling unit with more than two (2) bedrooms must have an additional one (1) parking space for each additional bedroom.
- d. **See Section 4.17 - Parking and Loading Spaces, E. 1., 2., 3., 4., 5., 6., 7.**
- e. **Street Frontage** - Each multiple dwelling building must abut a dedicated public street.
- f. **Unit Number and Size** - The minimum size for multiple dwellings units shall be as follows:
1. 0 bedrooms - (efficiency apartment) - 400 square feet.
 2. 1 bedroom - 500 square feet.
 3. 2 or more bedrooms - 150 square feet for each additional bedroom above one.
 4. Multiple dwelling buildings shall not contain more than eight (8) units, and when located within one-hundred and thirty-two (132) feet of a single family residentially zoned property shall not contain

more than four (4) units. No more than four (4) units shall be allowed at the first floor level.

- g. Required Recreation Area - Recreation area equivalent to five-hundred (500) square feet per unit shall be provided by the developer. Recreation area is defined for the purposes of the Ordinance as that area specifically set aside for outdoor leisure activities.
- h. Relationship to Adjoining Property - If a structure including swimming pools is proposed to be located within one hundred (100) feet of a single family residentially zoned property, the plot plan must be submitted to the Prairieville Township Planning Commission which Commission shall review the plan to insure that all structures are so constructed and the adjoining area screened and landscaped so that the adjoining single family residential property will not be adversely affected and the adjoining single family residential use will not be discouraged.
- i. Utilities - All telephone and electrical lines must be placed underground.
- j. Vehicular entrances and exits will be constructed with approach lanes if deemed necessary by the Planning Commission so as not to interfere with moving traffic. The Planning Commission shall have the authority to require the dedication of sufficient frontage to provide a 100-foot roadway right-of-way where the Commission finds that it can be reasonably anticipated that the adjoining public right-of-way will be required to accommodate a heavy flow of traffic.
- k. Every apartment development containing forty (40) or more units must also contain a minimum of 800 square feet of indoor recreation area at a single location set aside for the apartment residents. For every eight additional units, an additional 100 square feet of area must be provided. The minimum size of any one recreation area shall be 800 square feet.
- l. Every development must have a minimum of two access streets connecting said development to a public highway; provided, however, that the Planning Commission may waive this requirement upon a finding of the Commission that due to the particular characteristics of the proposed development that a second access street would not improve traffic safety or could interfere with traffic safety.

SECTION VIII

AMENDMENT OF SECTION 6.6

Section 6.6 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection 6.6.B.5.f to read as follows:

Two-Family Dwellings: Two-family dwellings shall be allowed as a special exception use within the Agricultural District subject to the following conditions:

- 1) That all newly built or remodeled two-family dwellings comply fully with BOCA Code requirements.
- 2) That all two-family dwellings in the Agricultural District meet the area requirements as set forth in subsection C of this section (6.6) except that each unit of the two-family dwelling shall have a minimum floor area of 720 square feet.

SECTION IX

AMENDMENT OF SECTION 6.17

Section 6.17 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Lots of record that are nonconforming because of the lack of the required number of acres, minimum number of square feet, or other dimensional criterion shall be allowed to be built on, provided that:

- A. The lot was legally established by recorded deed or land contract or other legal document prior to effective date of this Ordinance.
- B. At least fifty (50) percent of the side and rear yard requirements can be met, but in no case shall a side yard for a dwelling or accessory structure be less than six (6) feet.
- C. The front yard shall be as specified in the zoning district except where an established setback of buildings has been previously determined. In such case the structure to be located on the proposed building site will be no closer to the roadway (See Section 4.24 for lots having water frontage) than the buildings immediately adjacent to the proposed building site. The exact setback shall be determined, in each case, by the Zoning Administrator following a site inspection. If there are no buildings immediately adjacent to the building site on either side, the Zoning Administrator will designate the setback distance which shall conform as closely as possible to the required setback for the zone district as established in this Ordinance.

- D. An adequate potable water supply and proper safe sewage disposal facilities can be provided in accordance with the requirements of the Barry County Health Department.

SECTION X

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE EMIG, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 11th day of January, 1989, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 61, 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:

Roy Reck	Aye
Janette Emig	Aye
Darlene Vickery	Aye
Greg Linker	Aye
Jerry Midkiff	Aye

I do further certify that a summary of the regulatory effect of Ordinance No. 61 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on January 19, 1989; a copy of Ordinance No. 61 was posted at the Township Hall on the 17th day of January, 1989, and that said Ordinance No. 61 was recorded in the official Ordinance Book on the 17th day of January, 1989.

Dated: 1-19-89

Janette Emig
 JANETTE EMIG, Clerk
 Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 65

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: October 11, 1989

Effective: October 26, 1989

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted parcel of land situated in Land Section 31 from a "C-1" Rural Area Convenience District zoning classification to an "A" Agricultural District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IREZONING OF PROPERTY IN SECTION 31

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 31 is hereby amended to read as follows:

(Land) Section Thirty-one (31), T. 1 N., R. 10 W.

- "A" Agricultural District: All that part Section Thirty-one (31) lying Southerly of Highway M-89 and also that part of the Southeast $\frac{1}{4}$ lying Northerly of Highway M-89 and East of Kane Road except that part herein described as "C-1" Rural Area Convenience Commercial District and "I-1" Light Industrial District.
- "R-1" Low Density Residential: All that part of Section Thirty-one (31) lying Northerly of Highway M-89 and West of Kane Road except recorded plats of "B-Z Bee Acres and B-Z Bee Acres No. 2.
- "C-1" Rural Area Convenience District: Commencing at the intersection of M-89 and the north-south $\frac{1}{8}$ line in the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Land Section 31, thence south on said $\frac{1}{8}$ line 584 ft. to point of beginning thence south 126 ft. thence east 330 ft. thence north 126 ft. thence west 330 ft. to point of beginning.
- "I-1" Light Industrial District: Commencing at the South $\frac{1}{4}$ post of Section Thirty-one (31); thence east along the south line of said Section, 1284.33 feet; thence north at right angles to said south line. 40.0 feet for a place of beginning, continuing thence north, 128.30 feet, thence east, 706.72 feet parallel with said south line to the westerly line of State Highway M-89; thence south $43^{\circ}, 10'$ east along the westerly line of said highway, 175.91 feet; thence west, 827.05 feet to place of beginning.

SECTION IISEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION IIIEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 68

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: April 11, 1990

Effective: Immediately

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 6.6.B.5.a. so as to allow publicly or privately owned schools and colleges as uses permitted by special exception within the "A" Agricultural District zoning classification; by the amendment of Section 6.6.B.5.b. so as to allow child care centers as a special use in the "A" Agricultural District zoning classification; by the amendment of Section 3.1 to add a new subsection "18b." defining "Child Care Center"; by the amendment of Section 6.4.B.8 so as to impose certain conditions pertaining to single family dwellings as a permitted use in the "C-1" Rural Area Convenience Commercial District zoning classification; by the amendment of Section 6.4.C.3 pertaining to minimum floor area requirements for single family dwellings in the "C-1" zoning classification; by the amendment of Section 3.1 so as to add a new subsection "8a" defining bed and breakfast operations; by the amendment of Section 3.1.10 pertaining to the definition of "BOARDING HOUSE-ROOMING HOUSE"; by the amendment of Section 6.0.B.3 by allowing bed and breakfast operations as a special use in the "R-1" Single Family, Low Density, Residential District zoning classification, subject to certain conditions; by the amendment of Section 6.5 so as to change the name of the "I-1", Light Industrial District zoning classification to the "I" Industrial District zoning classification and adopting certain regulations pertaining to the same; by the amendment of Section 4.18.a substituting "I" for the reference to "I-1"; by the amendment of Section 5.0.F to reference "I" Industrial District; by the amendment of Section 5.1 pertaining to unplatted land in Section 31 by changing the references therein from the "I-1" Light Industrial District to the "I" Industrial District; by the amendment of the Index of the Prairieville Township Zoning Ordinance so as to change the reference to Section 6.5; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

AMENDMENT OF SECTION 6.6.B.5.a.

Section 6.6.B.5.a. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- a. Publicly or privately owned schools and colleges, subject to the requirement that such uses must have side and rear yards of at least 50 feet.

SECTION II

AMENDMENT OF SECTION 6.6.B.5.b.

Section 6.6.B.5.b. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- b. Child care centers, subject to the following conditions:
 - (1) Each child care center shall be duly licensed or registered by the State of Michigan Department of Social Services (DSS) continuously and for all times it is operating as a child care center. Any child care center whose license or certificate of registration by the State of Michigan is no longer valid and/or which has been revoked or denied or refused by the DSS shall immediately lose its status and authorization to continue operating as a special land use under this Zoning Ordinance.
 - (2) Buildings and lots used for child care centers shall conform to all applicable State, DSS, and local requirements, rules and standards.

SECTION III

AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance pertaining to definitions is hereby amended to add a new subsection "18b." to read as follows:

Child Care Center: A facility, other than a private residence, receiving one or more pre-school or school aged children where group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. This definition does not include (i) 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 three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period; or (ii) a facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.

SECTION IV

AMENDMENT OF SECTION 6.4.B.8

Section 6.4.B.8 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

8. A detached single family dwelling or a dwelling unit attached to a building used principally for another permitted or special land use, subject to the following conditions:

a. The single family dwelling shall be on a lot or parcel principally used for another permitted or special land use allowed in this zoning classification.

b. A detached single family dwelling shall satisfy all of the criteria set forth in Section 3.1.26 of this Ordinance.

c. No more than one such dwelling unit (whether it be a detached single family dwelling or a dwelling unit attached to a building principally used for another purpose) shall be allowed per lot or parcel.

SECTION V

AMENDMENT OF SECTION 6.4.C.3

Section 6.4.C.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. The minimum floor area for a detached single family dwelling shall be 840 sq. feet. The minimum floor area for a dwelling unit attached to a building used principally for another permitted or special land use allowed in this zoning classification shall be 720 sq. feet.

SECTION VI

AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

BED & BREAKFAST OPERATIONS: A use subordinate to the principal use of a dwelling unit as a single family dwelling and a use in which transient guests are provided a sleeping room and board in return for payment. The use shall also meet the following criteria:

1. The operation provides accommodations for transient tenants for no longer than a two week period;
2. The operation is owner occupied; and
3. The operation has 8 or fewer sleeping rooms, including rooms occupied by the owner.

SECTION VII

AMENDMENT OF SECTION 3.1.10

Section 3.1.10 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

BOARDING HOUSE-ROOMING HOUSE: A dwelling having one or more kitchens and used for the purpose of providing meals and/or lodging for pay or compensation of any kind in having four or less sleeping rooms in addition to those used by the immediate family, but excluding bed and breakfast operations.

SECTION VIII

AMENDMENT OF SECTION 6.0.B.3

Section 6.0.B.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. The following uses may be permitted as special land uses provided that an application for a special land use permit is submitted and approved in accordance with the procedures, provisions and standards of Article VII of this Ordinance:
 - a. Home Occupations as defined herein and regulated in Article IV, Section 4.19 of this Ordinance.
 - b. Accessory Buildings used as guest houses or dwellings for caretakers and other domestic employees.
 - c. Bed & Breakfast Operations satisfying all of the following conditions and limitations:
 - i. The operation provides accommodations for transient tenants for no longer than a two week period;
 - ii. The operation is owner occupied;
 - iii. The operation has 8 or fewer sleeping rooms, including rooms occupied by the owner;
 - iv. Rooms utilized for sleeping shall have a minimum size of 120 sq. feet for two (2) occupants with an additional thirty (30) sq. feet for each additional occupant to a maximum of four occupants per room;
 - v. A smoke detector shall be provided for each room in compliance with Section 4b of the State Construction Code enacted under PA 1972, No. 230, located at MCL 125.1504b;
 - vi. Bed and breakfast operations shall have a minimum of two off-street parking spaces plus one additional space per room to be rented;
 - vii. The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the owner and said owner shall live on the premises when the bed and breakfast operation is active;
 - viii. Breakfast shall be the only meal served to transient tenants which are guests of the bed and breakfast operation. Meals shall not be served for pay to non-tenants of the bed and breakfast operation;
 - ix. The bed and breakfast operation shall provide a bathroom with shower, bath and toilet facilities for every two sleeping rooms available for transient tenants and such bath shall be located on the same floor as the sleeping room(s) it is to serve; and

- x. No more than one sign advertising the Bed & Breakfast Operation shall be permitted on the premises. The area of the sign shall not exceed 4 sq. feet. The sign may be illuminated.

SECTION IX

AMENDMENT OF SECTION 6.5

Section 6.5 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.5-"I" INDUSTRIAL DISTRICT

A. PURPOSE: This district is designed to accommodate wholesale, warehouse and industrial business uses.

B. PERMITTED USES: Land and/or buildings in the "I" Industrial District may be used for the following purposes only, as permitted uses:

1. Any use allowed as a permitted use in the "C-1" Rural Area Convenience Commercial District.
2. Wholesale sales of services and merchandise, subject to the limitations set forth in Section 6.5.C below.
3. Truck terminal and warehousing businesses, subject to the limitations set forth in Section 6.5.C below.
4. Industrial manufacturing and servicing operations, subject to the limitations set forth in Section 6.5.C below.
5. Machine shops, subject to the limitations set forth in Section 6.5.C below.
6. Other industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals. Such uses shall be subject to the limitations set forth in Section 6.5.C below.
7. Essential services.
8. Accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and signs permitted by this Ordinance and dwellings for human occupancy co-located in the principle structure when such use is necessary to operate a permitted use within this district. Accessory uses shall be subject to the limitations set forth in Section 6.5.C to the same extent as the principle use conducted on the premises.

C. LIMITATIONS:

1. Outdoor storage in connection with the above permitted uses referencing this Section shall be allowed only in the side and rear yard areas and may not be located within any area required for building setback from side or rear property lines. Such outdoor storage must be visually screened from persons standing at ground level on all abutting property located in other than an "I" zoning district and all abutting public streets.

Outdoor storage may not exceed 30% of the floor area of the principle building upon the premises.

2. All business will be conducted in such a manner that no unreasonable noise, smoke, noxious odor, dust, vibration or any other likenesses shall exist to effect the ecology of the area.
3. See also Greenbelt requirement at Section 4.14 of this Ordinance.

D. SPECIAL LAND USES: The following uses shall be allowed as special land uses in the "I" Industrial District zoning classification provided that an application is submitted for a special land use permit and the standards of Article VII of this Ordinance are complied with:

1. Junk yards/salvage yards, provided that all applicable laws and regulations of the State of Michigan are complied with and said activities are located no less than 300 ft. from any body of water.
2. Storage yards for gasoline, petroleum, or other inflammable substances.
3. Lumber yards.
4. Solid waste disposal areas, subject to the provisions contained in Section 6.6.B.5.p.
5. Uses of the type enumerated as permitted uses in Sections 6.5.B.2 - 6.5.B.7 above, but which fail to comply with all of the limitations contained in Section 6.5.C. The Planning Commission shall have authority to impose reasonable conditions deemed necessary to minimize or prevent any material adverse impact upon the owners or occupants of nearby lands.
6. Any other industrial use.

E. AREA REGULATIONS: No building or structure shall hereafter be erected, altered, or enlarged unless the following yard and lot area requirements are provided and maintained in connection with such building erection, alteration, or enlargement.

1. Minimum Lot Area: 15,000 sq. ft.
2. Minimum Lot Width: 100 ft.
3. Minimum Front Yard: 50 ft.
4. Minimum Rear Yard: 50 ft.
5. Minimum Side Yard: 20 ft. where the side yard abuts property in the "I" zoning classification; 50 ft. in all other cases.
6. Maximum Building Coverage: No more than 25 percent (25%) of the area of a lot or parcel of land may be covered by buildings or other structures.

SECTION X

AMENDMENT OF SECTION 4.18.A

Section 4.18.A of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- A. One (1) business sign is permitted for non-residential uses in any "C-1" or "I" Zoning District or in a "PUD" Zoning District permitting commercial and industrial uses. If the sign is freestanding, no part of the sign shall be closer than five (5) feet to street right-of-way or obstruct visibility at street intersections.

SECTION XI

AMENDMENT OF SECTION 5.0.F

Section 5.0.F of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- F. "I" Industrial District

SECTION XII

AMENDMENT OF SECTION 5.1

Section 5.1 pertaining to unplatted land in Section 31 of the Township is hereby amended to read as follows:

(Land Section Thirty-one (31), T. 1 N., R. 10 W.)

"A" Agricultural District: All that part Section Thirty-one (31) lying Southerly of Highway M-89 and also that part of the Southeast 1/4 lying Northerly of Highway M-89 and East of Kane Road except that part herein described as "C-1" Rural Area Convenience Commercial District and "I" Industrial District.

"R-1" Low Density Residential: All that part of Section Thirty-one (31) lying Northerly of Highway M-89 and West of Kane Road except recorded plats of "B-Z Bee Acres and B-Z Bee Acres No. 2.

"C-1" Rural Area Convenience District: Commencing at the intersection of M-89 and the northsouth 1/8 line in the East 1/2 of the Southwest 1/4 of Land Section 31, thence south on said 1/8 line 584 ft. to point of beginning thence south 126 ft. thence east 330 ft. thence north 126 ft. thence west 330 ft. to point of beginning.

"I" Industrial District: Commencing at the South 1/4 post of Section Thirty-one (31); thence east along the south line of said Section, 1,284.33 feet; thence north at right angles to said south line. 40.0 feet for a place of beginning, continuing thence north, 128.30 feet, thence east, 706.72 feet parallel with said south line to the westerly line of State Highway M-89; thence south 43°, 10' east along the westerly line of said highway, 175.91 feet; thence west, 827.05 feet to place of beginning.

SECTION XIII

AMENDMENT OF INDEX

The Index of the Prairieville Township Zoning Ordinance is hereby amended by changing the reference to Section 6.5 to read as follows:

- 6.5 - "I"-Industrial District

SECTION XIVEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 71

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: August 8, 1990

Effective: Immediately

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 8 from an "A" Agricultural District zoning classification to a "R-1" Low Density Residential District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

REZONING OF PROPERTY IN LAND SECTION 8

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 8 is hereby amended to read as follows:

(Land) Section Eight (8), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "R-1" Low Density Residential, "R-2" Medium Density Residential, and "P-1" Public Land.

"R-1" Low Density Residential: Commencing at southeast corner of Lot 37 Spring Point #1, thence south along west side of Woodward Ave. 600.27 feet, thence west along north side of Lakeway Dr. 1,228.85 feet, thence north along east side of West Dr. 444 feet, thence east along south side of Alling Rd. 777.66 feet, thence north 64° east 356.48 feet, thence east 150.71 feet to point of beginning.

"R-2" Medium Density Residential: West fractional 1/2 of the Northwest fractional 1/4. Also Northwest fractional 1/4 of the Southwest fractional 1/4 lying East of Pine Lake. Also that part of the Southwest 1/4 Southwest fractional 1/4 lying Northerly of Buckley Road.

Also the westerly 200 feet of the south 1/2 of the southeast 1/4 of the northwest 1/4 of Land Section 8 and also the western 200 feet of the northeast 1/4 of the southwest 1/4 of Land Section 8 located north of Handy Lane.

"P-1" Public Land: Beginning at a point on the North and South 1/4 line, Section Eight (8), 1898.57 feet South of the North 1/4 post thereof; thence South thereon, 407.11 feet; thence North 74°12'11" West, 279.70 feet to the center line of Lindsey Road, thence Northeasterly thereon, 423.85 feet to the place of beginning.

SECTION IISEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION IIIEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 73

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: August 14, 1991

Effective: August 29, 1991

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1 to add a new subsection "5.a." defining "Animal Shelter"; by the amendment of Section 3.1.22 pertaining to the definition of "Dog Kennel"; by the amendment of Section 4.25 pertaining to the keeping of animals; by the amendment of Section 6.6.B.5.m so as to allow as a special use in the "A" Agricultural District zoning classification the keeping of more than three dogs over six months of age for either commercial or non-commercial purposes; by the amendment of Section 3.1.15 pertaining to the definition of "Building Line"; by the amendment of Section 3.1.80 pertaining to the definition of "Setback"; by the amendment of Section 3.1.81 pertaining to the definition of "Setback Line (Minimum)"; by the amendment of Section 3.1.96 pertaining to the definition of "Yard"; by the amendment of Section 3.1.97 pertaining to the definition of "Yard - Front"; by the amendment of Section 3.1.98 pertaining to the definition of "Yard - Rear"; by the amendment of Section 6.0.C.2. pertaining to minimum side yard requirements in the "R-1" Single Family Low Density Residential District zoning classification; by the amendment of Section 6.0.C.3. pertaining to minimum rear yard requirements in the "R-1" Single Family Low Density Residential District zoning classification; by the amendment of Section 6.1.C.2. pertaining to minimum side yard requirements in the "R-2" Single Family and Two-Family Medium Density Residential District zoning classification; by the amendment of Section 6.1.C.3 pertaining to minimum rear yard requirements in the "R-2" Single Family and Two-Family Medium Density Residential District zoning classification; by the amendment of Section 6.2.B.1.b.2 pertaining to minimum side yard requirements in the "R-4" Multiple Family High Density Residential District zoning classification; by the amendment of Section 6.2.B.1.b.3 pertaining to minimum rear yard requirements in the "R-4" Multiple Family High Density Residential District zoning

classification; by the amendment of Section 6.5.E.3 pertaining to minimum front yard requirements in the "I" Industrial District zoning classification; by the amendment of Section 6.5.E.4 pertaining to minimum rear yard requirements in the "I" Industrial District zoning classification; by the amendment of Section 6.5.E.5 pertaining to minimum side yard requirements in the "I" Industrial District zoning classification; by the amendment of Section 6.6.C.1 pertaining to minimum front yard requirements in the "A" Agricultural District zoning classification; by the amendment of Section 6.6.C.2 pertaining to minimum side yard requirements in the "A" Agricultural District zoning classification; by the amendment of Section 6.6.C.3 pertaining to minimum rear yard requirements in the "A" Agricultural District zoning classification; by the amendment of Section 6.7-1.C.2 pertaining to minimum side yard requirements in the "P-2" Semi-Public Land District zoning classification; by the amendment of Section 6.7-1.C.3 pertaining to minimum rear yard requirements in the "P-2" Semi-Public Land District zoning classification; by the amendment of Section 8.6.C so as to increase from \$100 to \$500 the maximum fine for a violation of the Zoning Ordinance; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "5.a." to read as follows:

- 5.a. Animal Shelter: A facility that is operated by a person, humane society, society for the prevention of cruelty to animals or any other non-profit organization for the care of homeless animals.

SECTION IIAMENDMENT OF SECTION 3.1.22

Section 3.1.22 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

22. Dog Kennel: A facility or place which keeps dogs for breeding, sale, leasing, training, trading or sporting purposes, for remuneration.

SECTION IIIAMENDMENT OF SECTION 4.25

Section 4.25 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.25 - Keeping of Animals

- A. The keeping of not more than three (3) dogs over six (6) months of age as domestic household pets and/or the keeping of other domestic household pets (e.g., cats, fish, birds and gerbils) is permitted as an accessory use in any zoning classification provided that the specific way they are being taken care of or (in the case of domestic household pets other than dogs) the number of said animals does not endanger the health, safety and/or welfare of said animals and/or any inhabitants within the dwelling or the surrounding neighborhood. In no event may the keeping of such domestic household pets violate any of the four enumerated standards set forth in Subsection B below.
- B. The keeping of any non-household type animal (e.g., hogs, cattle, horses) shall be prohibited in all platted areas within the Township and shall be permitted in unplatted areas in the "A" Agricultural District zoning classification. The keeping of non-household type animals shall also be permitted in unplatted areas in other zoning classifications, but only where conditions of maintenance do not cause one or more of the following:
1. Unpleasant odors sufficiently strong to be readily discernable upon adjacent property for any period in excess of twenty-four (24) hours.
 2. Noise sufficiently loud to penetrate indoors upon the property of others for any continuous period in excess of thirty minutes.
 3. Flies, insects, or rodents to be attracted to the place where said animals are kept and are thereafter permitted to multiply and escape upon adjoining property.
 4. Said animals, alive or dead, or any refuse therefrom are permitted to trespass or be carried upon adjacent property.
- C. In addition to the foregoing, the Prairieville Township Planning Commission shall have the authority to allow as a special land use the raising of non-household animals in areas that

would otherwise be prohibited under the above provisions. In passing upon applications for a special land use permit, the Planning Commission shall be subject to the standards for special land uses set forth in Article VII of this Ordinance. In addition, the Planning Commission shall approve such special land use only in those situations where, in the judgment of the Planning Commission, sufficient land area and isolation from adjoining residences and developments is available and the Commission is satisfied that such animals will be maintained in a proper condition to prevent the same from being a nuisance or annoyance to adjacent property owners or occupants. The Planning Commission shall have the authority to impose such conditions upon the grant of a special land use permit as the Planning Commission determines necessary to insure compliance with the aforementioned standards. These conditions may include, but are not limited to, the number and type of animals permitted, screening, setback requirements, housing, enclosures, health and sanitation protection, and safety measures.

SECTION IV

AMENDMENT OF SECTION 6.6.B.5.m

Section 6.6.B.5.m of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- m. The keeping of more than three (3) dogs over six (6) months of age for either commercial or non-commercial purposes. This provision shall include, but not be limited to, (1) the keeping of more than three (3) dogs over six (6) months of age as domestic household pets, (2) dog kennels (see Section 3.1.22), and (3) animal shelters (see Section 3.1.5.a). This provision shall not encompass any keeping of dogs that is accessory and incidental to the operation of a veterinarian clinic.

SECTION V

AMENDMENT OF SECTION 3.1.15

Section 3.1.15 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 15. Building Line: A line parallel to the front right-of-way line (or, if there is no front right-of-way line, the front lot line) drawn at a distance representing the minimum horizontal difference between the front right-of-way line (or, if there is no front right-of-way line, the front lot line) and the nearest point of the building. Lots having water frontage - See Section 4.24.

SECTION VI

AMENDMENT OF SECTION 3.1.80

Section 3.1.80 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

80. Setback: The minimum horizontal distance between the nearest point of the building and the abutting right-of-way or, if there is no abutting right-of-way, the abutting lot line. The term may apply to side line, rear line, and front line setbacks. Lots having water frontage - See Section 4.24.

SECTION VII

AMENDMENT OF SECTION 3.1.81

Section 3.1.81 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

81. Setback Line (Minimum): A line parallel to an abutting right-of-way (or, if there is no abutting right-of-way, the abutting lot line) drawn at the minimum horizontal distance as stipulated in the particular zoning district. The building line shall be at or behind the setback line (minimum). Lots having water frontage - See Section 4.24.

SECTION VIII

AMENDMENT OF SECTION 3.1.96

Section 3.1.96 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

96. Yard: An open space, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the right-of-way (or, if there is none, the lot line) and the nearest point of the principal building or structure. See also Section 4.20.

SECTION IX

AMENDMENT OF SECTION 3.1.97

Section 3.1.97 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

97. Yard - Front: A yard extending across the front of the lot between the side lot line and measured between the abutting right-of-way (or if there is no abutting right-of-way, the abutting lot line) and the building line. (See also Section 4.24 as to lots having water frontage).

SECTION X

AMENDMENT OF SECTION 3.1.98

Section 3.1.98 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

98. Yard - Rear: A yard extending across the rear of a lot between the side lot line and being the minimum horizontal distance between the rear lot line (or instead the rear right-of-way if there is one) and the rear line of the main building or any other projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and

interior lots, the rear yard shall in all cases be at the opposite end of the front yard. (See also Section 4.24 as to lots having water frontage).

SECTION XI

AMENDMENT OF SECTION 6.0.C.2

Section 6.0.C.2. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

2. Side Yard - There shall be a side yard of not less than ten (10) feet on each side of any dwelling or accessory building, except on the street side of a corner lot where, unless otherwise required under Section 4.29, a twenty-five (25) foot side yard shall be provided and maintained.

SECTION XII

AMENDMENT OF SECTION 6.0.C.3

Section 6.0.C.3. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. Rear Yard - There shall be a rear yard of not less than twenty (20) feet, except as regulated in Section 4.29.

SECTION XIII

AMENDMENT OF SECTION 6.1.C.2

Section 6.1.C.2. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

2. Side Yard - There shall be a side yard of not less than ten (10) feet on each side of the building excepting the street side of the corner lot where, unless otherwise required under Section 4.29, a twenty-five (25) foot side yard shall be required.

SECTION XIV

AMENDMENT OF SECTION 6.1.C.3

Section 6.1.C.3. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. Rear Yard - There shall be a rear yard of not less than twenty (20) feet, except as regulated in Section 4.29.

SECTION XV

AMENDMENT OF SECTION 6.2.B.1.b.2

Section 6.2.B.1.b.2. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

2. Side Yard - The side yard setback, except when the side yard abuts a street, shall be at least fifteen (15) feet or $\frac{1}{2}$ the height of the building, whichever is greater; when a side yard abuts a street, the minimum setbacks shall (except as otherwise required under Section 4.29) be not less than forty (40) feet.

SECTION XVIAMENDMENT OF SECTION 6.2.B.1.b.3

Section 6.2.B.1.b.3. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. Rear Yard - The rear yard setback shall, unless otherwise required under Section 4.29, be at least forty (40) feet or 3/4 of the height of the building, whichever is greater.

SECTION XVIIAMENDMENT OF SECTION 6.5.E.3

Section 6.5.E.3. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. Minimum Front Yard: Fifty feet, except as regulated in Section 4.29.

SECTION XVIIIAMENDMENT OF SECTION 6.5.E.4

Section 6.5.E.4. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4. Minimum Rear Yard: Fifty feet, except as regulated in Section 4.29.

SECTION XIXAMENDMENT OF SECTION 6.5.E.5

Section 6.5.E.5. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

5. Minimum Side Yard: Twenty feet where the side yard abuts property in the "I" zoning classification; fifty feet in all other cases, except as regulated in Section 4.29.

SECTION XXAMENDMENT OF SECTION 6.6.C.1

Section 6.6.C.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

1. Front Yard - There shall be a front yard of not less than fifty (50) feet, except as regulated in Section 4.29.

SECTION XXIAMENDMENT OF SECTION 6.6.C.2

Section 6.6.C.2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

2. Side Yard - There shall be a side yard of not less than twenty (20) feet on each side of the building, except as regulated in Section 4.29.

SECTION XXIIAMENDMENT OF SECTION 6.6.C.3

Section 6.6.C.3. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. Rear Yard - There shall be a rear yard of not less than twenty (20) feet, except as regulated in Section 4.29.

SECTION XXIIIAMENDMENT OF SECTION 6.7-1.C.2

Section 6.7-1.C.2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

2. Side Yard - If the side yard abuts property located in any "R" or "A" zoning classification, then the minimum side yard requirement for that side yard shall be fifty (50) feet. Otherwise, there shall be a minimum side yard requirement of ten (10) feet. These minimum side yard requirements shall be subject to Section 4.29.

SECTION XXIVAMENDMENT OF SECTION 6.7-1.C.3

Section 6.7-1.C.3. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. Rear Yard - If the rear yard abuts property located in any "R" or "A" zoning classification, then the minimum rear yard requirements shall be fifty (50) feet. Otherwise, there shall be a minimum rear yard requirement of ten (10) feet. These rear yard requirements shall be subject to Section 4.29.

SECTION XXVAMENDMENT OF SECTION 8.6.C

Section 8.6.C of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance upon conviction thereof before any Court of the County shall be fined not more than five hundred (\$500) dollars, or imprisoned for not more than ninety (90) days, or by both such fine and imprisonment at the discretion of the Court, with the cost of prosecution for such offense. Everyday that the violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

SECTION XXVIEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

ORDINANCE NO. 75

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

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 PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF PRAIRIEVILLE ORDAINS:

SECTION 1. GRANT, TERM. The Township of Prairieville, Barry County, Michigan, hereby grants to the Consumers Power 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 and other public places, and to do a local gas business in the Township of Prairieville, Barry 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 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. REVOCAATION. 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. 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 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.

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 76

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: January 8, 1992

Effective: Immediately Upon Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 7 from an "A" Agricultural District zoning classification to a "C-1" Rural Area Convenience Commercial District zoning classification; by the rezoning of an unplatted portion of land situated in Land Section 30 from an existing "A" Agricultural District zoning classification to a "R-2" Single Family and Two Family Medium Density Residential District zoning classification; by the amendment of Section 6.0.B.3.b; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IREZONING OF PROPERTY IN LAND SECTION 7

That portion of Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 7 which is located in the "C-1" Commercial District is hereby amended to read as follows:

"C-1" Commercial District: All that part northwest fractional 1/2, Section Seven (7) lying northwesterly of Pine Lake. Also that land commencing at a point 535 feet south of the intersection of Doster Road and Merlau Avenue; thence east 523.99 feet; thence south 425 feet; thence west 391 feet; thence south 554 feet; thence west 233 feet; thence north 973 feet to the point of beginning. Also, that land beginning at a point at the northeast corner of the intersection of Doster Road and Four Mile Road; thence north 2340 feet; thence east 450 feet; thence south 467 feet; thence west 120 feet; thence south 1870 feet; thence west 330 feet to the point of beginning. Also, that land commencing at the west 1/4 post of section 7, town 1 north, range 10 west, thence north 0 degrees 00 minutes 12 seconds west along the west line of section 7, 713.21 feet to the place of beginning of this description, thence continuing north 0 degrees 00 minutes 12 seconds west along the section line 166.00 feet, thence north 89 degrees 56 minutes 15 seconds east 523.99 feet, thence south 0 degrees 00 minutes 12

seconds east parallel with the section line 166.00 feet, thence south 89 degrees 56 minutes 15 seconds west 523.99 feet to the place of beginning of this description.

SECTION II

REZONING OF PROPERTY IN LAND SECTION 30

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 30 is hereby amended to read as follows:

(Land) Section Thirty (30), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except that part herein described as "R-2" Medium Density Residential.

"R-2" Medium Density Residential: That land beginning on the Range line 252.21 feet Northerly from the West Quarter post of Section 30, town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan and running thence Northerly, on said range line 736.85 feet, thence, East at right angles to said range line, to the edge of Doster Road, thence Southwesterly along same to a point East of beginning, thence West to beginning.

SECTION III

AMENDMENT OF SECTION 6.0.B.3.b

Section 6.0.B.3.b of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- b. Accessory buildings used as guesthouses. Guesthouses may not (1) contain kitchen facilities, (2) have more than one bathroom and two other rooms, (3) have a living area exceeding 480 sq. feet, (4) have more than 1 story, and/or (5) be rented or be used for commercial purposes. Guesthouses shall be used only to house guests of the occupants of the principal residence on the parcel. No more than one guesthouse shall be permitted on a parcel of land.

SECTION IV

SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township



PRAIRIEVILLE TOWNSHIP

BARRY COUNTY MICHIGAN

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 78

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: March 9, 1992

Effective: Immediately Upon Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 8.4, Section 6.10 and Section 6.12 and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

AMENDMENT OF SECTION 8.4

Section 8.4 of the Zoning Ordinance of Prairieville Township is hereby amended to read as follows:

Section 8.4 - Amendments

Amendments or supplements to the Zoning Ordinance may be made from time to time in the manner provided by State statute.

If an individual property or several properties are proposed for rezoning, the Township Planning Commission shall give notice of the public hearing before the Planning Commission thereon to the owner of the property(ies) in question, to all persons to whom any real property within three hundred feet of the property(ies) in question is assessed, and to the occupants of all single and two-family dwellings within three hundred feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an Affidavit of Mailing shall be filed with the Planning Commission before the hearing. The notice shall be made at least eight (8) days prior to the public hearing and shall state the time, place, date and purpose of the hearing.

In addition, as provided by Section 9, Act 184 of the Michigan Public Acts of 1943, as amended, notice of a public hearing by the Planning Commission on a rezoning of property or other amendment to the Zoning Ordinance shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to appear not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days prior to the date of such hearing. In addition, not less than twenty (20) days notice of time and place of the hearing shall be given by mail to each electric, gas, pipeline, and telephone public utility company and to each railroad operator within the district or zone affected, that registers its name and mailing address with the Township for the purpose of receiving the notice. An Affidavit of Mailing shall be maintained.

Any amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent

jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency.

Proposals for amendments to the Zoning Ordinance may be initiated by the Township Board on its own motion, by the Township Planning Commission on its own motion, or by petition of one or more persons. A petition by one or more persons for an amendment shall be submitted by application to the Zoning Administrator on a form provided therefore and shall be accompanied by the fee described in Section 8.5 to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner if a public hearing is held.

SECTION II

AMENDMENT OF SECTION 6.10

Section 6.10 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.10 - SPECIAL LAND USE, APPLICATION AND NOTICE.

A. Application for a special land use permit shall be filed with the Township Clerk on a form provided therefore. The applicant shall submit plans and specifications or other data or explanatory materials stating the methods by which the applicant will comply with the conditions specified for the special land use permit. At the time of filing a request for a special land use permit, the applicant shall pay the fee determined by the Township Board by resolution to help defray expenses in connection with the application.

B. The Planning Commission shall receive the application, determine the date for a public hearing and shall cause statutory notice thereof to be given, which notice shall include the following:

1. Notice that a public hearing will be held upon the application for a special land use permit shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred feet of the boundary of the property in question, and to the occupants of all structures within three hundred feet. The notice shall be given not less than five nor more than fifteen days before the date the application will be considered. 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.
2. The notice shall:
 - a) Describe the nature of the special land use request.

- b) Indicate the property which is the subject of the special land use request.
- c) State when and where the public hearing will be held.
- d) Indicate when and where the written comments will be received concerning the request.
- e) Indicate that anyone so wishing will be heard at the hearing.

SECTION III

AMENDMENT OF SECTION 6.12(1)

Section 6.12 (1) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- (1) Be designed to protect natural resources; the health, safety, and general welfare of the community; and the social and economical well-being of those persons who will use the land use or activity under consideration, the residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.

SECTION IV

SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
 Prairieville Township
 10115 South Norris Road
 Delton, Michigan 49046
 (616) 623-2664

PRAIRIEVILLE TOWNSHIP

BARRY COUNTY MICHIGAN

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 79

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: May 13, 1992

Effective: Immediately Upon Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 6.6.B.5 and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IAMENDMENT OF SECTION 6.6.B.5

Section 6.6.B.5 of the Zoning Ordinance of Prairieville Township is hereby amended to read as follows:

- j. Golf courses and accessory uses.

SECTION IISEVERABILITY

If any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION IIIEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
 Prairieville Township
 10115 South Norris Road
 Delton, Michigan 49046
 (616) 623-2664

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 80

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: November 11, 1992

Effective: Immediately Upon Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of unplatted portions of land situated in Land Sections 1, 2, 11, and 12 from an "A" Agricultural District zoning classification to a "R-1" Low Density Residential District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION IREZONING OF PROPERTY IS LAND SECTION 1

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 1 is hereby amended by the revision of that portion thereof pertaining to the "R-1" Low Density Residential District to read as follows:

"R-1" All that part of Stoney Point Island in Crooked Lake located in Land Section 1. Also that land commencing at the Southwest corner of said Section; thence Easterly on South Section line to Lake Shore; thence Northwesterly along Lake until it intersects with the West line of Section 1; thence Southerly on Section line to point of beginning.

SECTION IIREZONING OF PROPERTY IN LAND SECTION 2

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 2 is hereby amended by the revision of that portion thereof pertaining to the "A" Agricultural District as set forth below and by the addition immediately thereafter of a new paragraph pertaining to the "R-1" Single Family Low Density Residential District as also follows:

"A" Agricultural District: Entire Section except those parts herein described as "R-1" Low Density Residential, "R-5" Mobile Home Parks, "C-1" Commercial District and "P-1" Public Land.

"R-1" Low Density Residential: SE 1/4 described as: Commencing at the SE corner of said Section; thence Westerly on Section line 432.10 feet to center of road; thence on center of road Northerly 966 feet, thence

Southeasterly along Lake Shore until it intersects the East line of Section 2; thence Southerly on Section line to point of beginning.

SECTION III

REZONING OF PROPERTY IN LAND SECTION 11

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 11 is hereby amended to read as follows:

(Land) Section Eleven (11), T. 1, N., R. 10 W.

- "A" Agricultural District: Entire Section except those parts herein described as "R-1" Low Density Residential.
- "R-1" Low Density Residential: NE 1/4; beginning at the NE corner of Section 11 described as: commencing Westerly on Section line 429.78 feet to center of road; thence on center of road Southerly 1,737.46 feet more or less; thence Northeasterly along Lake Shore to East line of Section 11; thence Northerly on Section line to point of beginning.

SECTION IV

REZONING OF PROPERTY IN LAND SECTION 12

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 12 is hereby amended by the revision of that portion thereof pertaining to the "R-1" Low Density Residential District to read as follows:

- "R-1" Low Density Residential: All that part Northwest fractional 1/4 lying Southerly of Crooked Lake and Westerly of recorded plats of Hughes Park and Hughes Park No. 1. Also Stoney Point Island in Crooked Lake. Also that land beginning at the NW corner of Section 12 described as: commencing Easterly on Section line 673.85 feet more or less to shore of Lake; thence Southerly along Lake Shore until it intersects the West line of Section 12; thence Northerly on Section line to point of beginning.

SECTION V

SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any Section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VIEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are repealed as of the effective date of this Ordinance.

Janette Emig, Clerk
Prairieville Township



PRAIRIEVILLE TOWNSHIP
BARRY COUNTY MICHIGAN

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 81

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: December 9, 1992

Effective: Immediately Upon Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the repeal of Section 3.1.72 pertaining to the definition of "Planned Community Cluster; by the amendment of Section 3.1.73 pertaining to the definition of "Planned Unit Development"; by the amendment of Section 3.1 by the addition of new Subsections 3.1.82a, 3.1.82.b, and 3.1.82c pertaining to the definitions of, respectively, "Site Condominium" , "Site Condominium Common Elements", and "Site Condominium Unit"; by the amendment of Section 4.2 so as to reference Planned Unit Development; by the amendment of Section 4.13-2 pertaining to site plan review; by the amendment of Section 4.13-3.c(6) so as to refer to Planned Unit Developments; by the amendment of Sections 4.18.A and 4.18.C pertaining to maximum sign size limitations; by the amendment of Section 6.0.B.3 so as to add reference to Planned Unit Development; by the amendment of Section 6.2.B so as to add provisions for Planned Unit Development; by the repeal of Section 6.2.C pertaining to Planned Unit Development; by the amendment of Section 6.6.B.5.n so as to add reference to Planned Unit Developments; by the amendment of Article VI to add a new section setting forth regulations for Planned Unit Developments; by the amendment of Section 8.2 pertaining to zoning compliance permit applications; by the amendment of Sections 6.0.C.4, 6.1.C.4.a and 6.1.C.4.b pertaining to minimum lot area requirements; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IREPEAL OF SECTION 3.1.72

Section 3.1.72 of the Zoning Ordinance of Prairieville Township is hereby repealed.

SECTION IIAMENDMENT OF SECTION 3.1.73

Section 3.1.73 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

73. Planned Unit Development (PUD): A planned unit development or PUD is a land development project comprehensively planned as an entity via an overall site plan which may permit flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of natural features. This definition shall include a tract of land having more than one single-family dwelling and/or two-family dwelling upon it other than a mobile home park, a farm (as regulated in the "A" zoning district), or a plat.

SECTION IIIAMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection 3.1.82a to read as follows:

- 82a. Site Condominium: A condominium project in which one or more buildings are intended to be located upon separate sites which constitute individual condominium units. (See Section 3.1.73 defining "Planned Unit Development").

SECTION IV

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection 3.1.82b to read as follows:

- 82b. Site Condominium Common Elements: That portion of a site condominium project designed and intended for joint ownership and/or use by the owners of individual site condominium units, as described in the master deed for the site condominium project.

SECTION V

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection 3.1.82c to read as follows:

- 82c. Site Condominium Unit: That portion of a site condominium project designed and intended for separate ownership and use, as described in the master deed for the site condominium project.

SECTION VI

Section 4.2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.2 - Lot - Building Relationships

Hereafter, every building erected, razed, altered or moved shall be located on a lot of record as defined herein and, except in the case of an approved multiple-family dwelling development, a Planned Unit Development, a mobile home park, or a farm (as regulated in the "A" zoning district), there shall be no more than one (1) principal residential building and its permitted accessory structures located on each lot in any zoning district permitting residential use.

SECTION VII

Section 4.13-2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.13-2 Developments Requiring Site Plan Review:

The Building Inspector shall not issue a building permit for the construction of the following buildings, structures, or uses until a detailed site plan has been reviewed by the Township Planning Commission:

- a. Office developments
- b. Commercial Developments
- c. Industrial Developments
- d. Land Uses allowed in the "P-1" or "P-2" zoning classifications
- e. Special Land Uses Applications, excluding home occupation uses.

SECTION VIII

Section 4.13-3.c(6) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

(6) It shall show the location, proposed finished floor and grade line elevations and size of proposed main and accessory buildings, their relation to one another and to all existing structures on the site, the height of all buildings and square footage of floor space. Site plans for multiple family residential developments and planned unit developments shall include a density schedule showing the number of dwelling units per acre; including a dwelling schedule showing the type and number of each unit type. In the case of planned unit developments consisting in whole or in part of site condominium units, the site plan shall show the location and dimensions of all site condominium units and site condominium common elements within the planned unit development.

SECTION IX

Section 4.18.A of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

A. One (1) business sign is permitted for non-residential uses in any "C-1" or "I" Zoning District. If the sign is free-standing, no part of the sign shall be closer than five (5) feet to the street right-of-way or obstruct visibility at street intersections.

SECTION X

Section 4.18.C of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

C. One (1) permanent residential development identification sign shall be permitted in a residential development (i.e., a plat, multiple family development, or planned unit development). In the "R-1", "R-2" and "R-4" Zoning Districts, the sign shall not exceed twelve (12) square feet. In all other Zoning Districts, the sign shall not exceed thirty-two (32) square feet.

SECTION XI

Section 6.0.B.3.d of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

d. Planned Unit Developments (See Section 6.12-5).

SECTION XII

Section 6.2.B of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection 2. to read as follows:

2. Planned Unit Developments, as a special land use (See Section 6.12-5).

SECTION XIII

Section 6.2.C of the Prairieville Township Zoning Ordinance is hereby repealed.

SECTION XIV

Section 6.6.B.5.n of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

n. Planned Unit Developments (See Section 6.12-5).

SECTION XV

Article VI of the Prairieville Township Zoning Ordinance is hereby amended by a new Section 6.12-5 to read as follows:

Section 6.12-5 - Planned Unit Developments (PUD).

1. Location - Planned Unit Developments shall be allowed as special land uses in the "R-1", "R-2", "R-4" and "A" zoning districts.
2. Uses Permitted - Subject to the provisions of this Ordinance, all residential uses permitted in the "R-1", "R-2", and "R-4" zoning districts shall be permitted in a PUD, except that multiple family dwellings shall not be allowed in the "R-1", "R-2" or "A" zoning districts and two-family dwellings shall not be allowed in the "R-1" zoning district.

3. Waiver - The yard, setback, lot area, lot width and height requirements of this Ordinance are generally waived for a Planned Unit Development. The Planning Commission, however, may determine that certain setbacks shall be established within all, or a portion of the site, as the Commission deems necessary to satisfy the standards set forth herein and in Section 6.11.
4. Density - The density (dwelling units per acre) in a PUD shall not exceed the maximum density that would be permitted under the minimum lot area requirements of the zoning district in which the PUD is located. The Planning Commission shall have authority to impose a more stringent limitation on density in a PUD if it determines that because of the specific characteristics of the subject site such a limitation is necessary to satisfy the standards set forth herein and in Section 6.11.
5. Application - An application for approval of a Planned Unit Development hereunder shall be filed with the Planning Commission in accordance with Section 6.10 and shall also be accompanied by twelve copies of a site plan prepared in accordance with the provisions of Section 4.13. Copies of the site plan shall also be submitted by the applicant to and letters of review received from the Barry County Road Commission and the Barry County Drain Commissioner prior to application to the Planning Commission. Twelve copies of each letter of review shall be submitted with the application to the Planning Commission. The Planning Commission shall have authority to require that copies of the site plan also be submitted to and letters of review received from any other public agency having jurisdiction over an aspect of the Planned Unit Development project.
6. Hearing and General Standards - The Planning Commission shall fix a time for hearing on the Planned Unit Development and give notice as provided in Section 6.10. At the hearing, any interested person or party may appear and be heard either in person or by his agent or attorney. The Planning Commission shall hear evidence and arguments upon each of the following points, as well as other material matters.
 - (a) Is there anything in the plan which is inconsistent with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare, and/or will adjoining property be adversely affected?
 - (b) Is there adequate open space under the proposed plan?
 - (c) The plan shall not omit any necessary street or street right-of-way.
 - (d) Adequate design of grades, paving, gutters, and drainage to handle storm waters, prevent erosion and formation of dust shall be provided.
 - (e) Safe and convenient arrangements of pedestrian circulation facilities, roadways, driveways, off-street parking, loading area and illumination shall be provided.
 - (f) External boundaries and landscaping shall be harmonious with that of abutting property.

- (g) Adequate and safe recreational and play areas will be provided for children.
- (h) Facilities for the disposal of garbage and refuse shall be provided.

7. Streets - All roads established within a Planned Unit Development shall satisfy the following standards unless the Planning Commission waives compliance with a specific standard upon a finding that, due to the particular characteristics of the proposed development, compliance with the standard would not significantly improve traffic safety or otherwise promote the public health, safety or general welfare:

(a) Every Planned Unit Development shall have a minimum of two (2) access streets connecting the development to a public highway.

(b) The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new Planned Unit Development.

(c) Where adjoining areas are not developed, the arrangement of streets in the proposed Planned Unit Development shall be extended to the boundary line of the tract so as to make provisions for future projection of streets into adjoining areas; provided, however, that minor streets within the Planned Unit Development shall be so laid out that their use by traffic will be discouraged.

(d) Private streets may be permitted by the Planning Commission if the Planning Commission finds that such private streets within the Planned Unit Development will not adversely affect the public health, safety or general welfare.

(e) All new streets shall be named as follows: Streets with predominant North-South direction shall be named "Street"; Streets with predominant East-West directions shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place", etc.

(f) Streets should intersect at 90 degrees or closely thereto and in no case less than 80 degrees.

(g) Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposing existing street, as measured from the centerline of said streets.

(h) The maximum length allowed for residential blocks shall be 1,000 feet.

(i) All primary road rights-of-way within or abutting Planned Unit Developments shall provide a 50 foot half-width. All other rights-of-way within or abutting the Planned Unit Development shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited unless the Planning Commission finds that the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.

8. Drainage - Adequate provisions shall be made for the drainage of all surface waters. Where storm sewers are used, inlet basins must not be spaced further than 300 feet apart except upon approval of the Planning Commission. Where such outlets are not available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage.
9. Sanitary Sewers/Water Main - Connection to sanitary sewers and/or water mains may be required by the Planning Commission when the Planning Commission determines, in its discretion, that said sewers and/or water mains are reasonably available to the Planned Unit Development.
10. Utilities - Where feasible, Planned Unit Developments shall provide for underground installation of utilities (telephone, electric, television and other similar services distributed by wire or cable), both within rights-of-way and extensions to structures. Such conduits or cable shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with applicable standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the site plan.
11. Conformance to Approved Plan - All Planned Unit Development projects approved by the Planning Commission shall thereafter be developed in complete conformity with the approved site plan and any conditions attached to such approval by the Planning Commission.
12. Amendment to PUD Approval - A proposed amendment or modification to a previously approved site plan for a Planned Unit Development may be submitted to the Planning Commission for review and approval in the same manner as the original application for Planned Unit Development approval.

SECTION XVI

Section 8.2 of the Prairieville Township Zoning Ordinance is hereby amended by the deletion of the last two paragraphs and the substitution of the following paragraph in their place:

The above requirement of submission of a plot plan shall be waived for Planned Unit Developments or other developments requiring site plan approval under this Ordinance.

SECTION XVII

Sections 6.0.C.4, 6.1.C.4.a and 6.1.C.4.b of the Prairieville Township Zoning Ordinance are hereby amended by the substitution of the phrase "Without public water and/or sewer available" for the phrase "No public utility service available".

SECTION XVIIISEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION XIXEFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

NORMAJEAN CAMPBELL, Clerk
Prairieville Township
10115 South Norris Road
Delton, Michigan 49046
(616) 623-2664

CLERK'S CERTIFICATE

I, NORMAJEAN CAMPBELL, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 9th day of December, 1992, at 7:30 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 81, 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:

Lloyd Goyings	Aye
Michael Jager	Aye
Normajean Campbell	Aye
Kevin Tobin	Aye

I do further certify that all in accordance with Township Board direction, a summary of the Ordinance as adopted was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township on the 24th day of December, 1992; a copy of Ordinance No. 81 was posted at the Township Hall on the 18th day of December, 1992; and that said Ordinance No. 81 was recorded in this Ordinance Book on the 18th day of December, 1992.

Dated: 12-18-1992

Normajean Campbell
 NORMAJEAN CAMPBELL, Clerk
 Prairieville Township



PRAIRIEVILLE TOWNSHIP

BARRY COUNTY, MICHIGAN

ORDINANCE NO. 85

(DANGEROUS BUILDINGS ORDINANCE)

Adopted: April 13-1994

Effective: Immediately Upon Publication

An Ordinance to promote the health, safety and welfare of the people of the Township of Prairieville, Barry County, Michigan by regulating the maintenance and safety of certain buildings and structures: to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Prairieville Township Dangerous Buildings Ordinance.

SECTION II

DEFINITIONS OF TERMS

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

- A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
 1. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code.

2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act NO. 167 of the Public Acts of 1917, as amended, being section 125.401 et seq. of the Michigan Compiled Laws, or the Township Building Code for a new building or structure, purpose or location.
3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of the new construction by the Housing Law of the State of Michigan, Act NO. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan compiled Laws, or the Township Building Code.
5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
9. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
10. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act NO. 299 of the Public acts of 1980, being Sections 339.2501 et seq. of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subsection does not apply to either of the following:
 - a. A building or structure as to which the owner or agent does both of the following:
 - (1) Notifies the Prairieville Township Police Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 - (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with the Housing Law of the State of Michigan, Act NO. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq of the Michigan Compiled Laws, and the Township Building Code.

- b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Prairieville Township Police Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Prairieville Township Police Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

- B. "Enforcing agency" means this Township, through the Township Building Official and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.

SECTION III

PROHIBITION OF DANGEROUS BUILDINGS

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

SECTION IV

NOTICE OF DANGEROUS BUILDING; HEARING

A: Notice Requirement: Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B: Parties Entitled to Notice: The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the Township.

C: Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at

the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D: Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

SECTION V

DANGEROUS BUILDING HEARING OFFICER; DUTIES; HEARING; ORDER

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section II.A.10. of this ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section V.D. of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the Township Board has established a Dangerous Building Board of Appeals pursuant to Section IX of this ordinance, the Hearing Officer shall file the report of the findings and a copy of the order with the Board of Appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance.

SECTION VI

ENFORCEMENT HEARING BEFORE THE TOWNSHIP BOARD OR DANGEROUS BUILDING BOARD OF APPEALS

The Township Board, or the Dangerous Building Board of Appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in Section V.C. of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforce. The Township Board or the Board of Appeals shall either approve, disapprove or modify the order. If the Township Board or Board of Appeals approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board or the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

SECTION VII

IMPLEMENTATION AND ENFORCEMENT OF REMEDIES

A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, or the Board of Appeals, as applicable, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

C. Notice of Costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Township Assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single family dwelling or a two family dwelling, the township shall have a lien for the costs incurred by the township to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. In the case of a single family dwelling or a two family dwelling, the township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have

priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section VII.E. of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single family dwelling or a two-family dwelling, the Township shall have a lien for the amount of a judgment obtained pursuant to Section VII.E. of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION VIII

PENALTY FOR NONCONFORMANCE WITH ORDER

A person who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under Section VI of this ordinance within the time prescribed by that section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more that \$500.

SECTION IX

DANGEROUS BUILDING BOARD OF APPEALS

A. Establishment and Duties. The Township Board may establish a Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in Section VI of this ordinance. If the Township Board establishes a Board of Appeals, the establishment and operation of the Board of Appeals shall be controlled by the following provisions of this section.

B. Membership. The Board of Appeals shall be appointed by the Township board and shall consist of the following members;

1. A building contractor;
2. A registered architect or engineer;
3. Two members of the general public;

4. An individual registered as a building official, plan reviewer or inspector under the Building Officials and Inspectors Registration Act, Act No. 54 of the Public Acts of 1986, being Section 338.2301 et seq. of the Michigan Compiled Laws. The individual may be an employee of the enforcing agency.

C. Terms. Board of Appeals members shall be appointed for three years, except that of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

D. Officers. The Board of Appeals annually shall select a chairperson, vice chairperson and other officers that the Board of Appeals considers necessary.

E. Quorum and Final Action Votes. A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

F. Compensation and Expenses. The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.

G. Open Meetings Act Applicable. A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Act No 267 of the Public Acts of 1976, as amended, being Section 15.261 et seq. of the Michigan Compiled Laws. Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act.

H. Freedom of Information Act Applicable. A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended, being Section 15.231 et seq. of the Michigan Compiled Laws.

SECTION X

APPEAL OF TOWNSHIP BOARD/BOARD OF APPEALS DECISION

An owner aggrieved by any final decision or order of the Township Board, or the Board of Appeals, as applicable, under Section VI of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

SECTION XIII

EFFECTIVE DATE

This ordinance shall take effect 30 days after publication as required by law.

Normajean Campbell
Prairieville Township Clerk

*motion made by Nottingham, seconded
by Tobin.*

*Roll call: ayes - Nottingham, Tobin and Layton
Absent: Miller and Campbell*

CLERK'S CERTIFICATE

I, NORMAJEAN CAMPBELL, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 13th day of April, 1994, at 7:30 o'clock p.m., at the Prairieville Township Hall, located at 10115 South Norris Road, Delton, Michigan, at which the following members: Lloyd Goyings, Supervisor, Vickey Nottingham, Treasurer, Kevin Tobin, Trustee, were present, the Board enacted and passed Ordinance No. 85, 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:

- Ayes: Nottingham, Goyings, and Tobin
- Nays: None
- Absent: Miller and Campbell

I do further certify that a Summary of Ordinance No. 85, including where the same could be examined or purchased was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on _____ ; and that said Ordinance No. 85 was recorded in the official Ordinance Book on the 15th day of April 1994.

Dated: 4-15-94

Normajean Campbell
NORMAJEAN CAMPBELL, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 86

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: June 8, 1994

Effective: Immediately Upon Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of portions of Section 4.19.C. thereof pertaining to home occupation uses; by the repeal of Section 4.4 thereof pertaining to the moving of buildings; by the repeal of Section 4.5 thereof pertaining to the razing of buildings; by the repeal of Section 4.26 thereof pertaining to the repair and cleanup of damaged or destroyed buildings; by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

AMENDMENT OF SUBSECTION 4.19.C.3

Section 4.19.C.3. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 3. The home occupation must be owned and operated by the person or persons residing in the dwelling on the premises; provided, however, the Planning Commission shall have the authority to permit additional subordinate assistants who do not so reside within such dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three in number.

SECTION II

AMENDMENT OF SUBSECTION 4.19.C.4

Section 4.19.C.4. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 4. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, traffic, parking, or lighting.

SECTION III

ADDITION OF SUBSECTIONS TO SECTION 4.19.C.

3. Section 4.19.C. of the Prairieville Township Zoning Ordinance is hereby amended by the addition of the following subsections:

9. No article or service shall be sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupation.
10. The home occupation shall be subject to annual inspection by the Zoning Administrator of the Township. The home occupation special use permit may be revoked by order of the Planning Commission for noncompliance with the Zoning Ordinance and/or the terms and conditions of the home occupation special use permit. Any such revocation shall be preceded by not less than seven days written notice by first class mail to the occupant of the subject property of the proposed revocation, the possible reasons therefore, and the date, time and place of the hearing at which the Planning Commission will consider such revocation.

SECTION IV

REPEAL OF SECTIONS 4.4, 4.5, AND 4.26

Sections 4.4, 4.5 and 4.26 of the Prairieville Township Zoning Ordinance are hereby repealed.

SECTION V

SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any Section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VI

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are repealed as of the effective date of this Ordinance.

Normajean Campbell, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 89

ADOPTED: MARCH 8, 1995

EFFECTIVE: IMMEDIATELY UPON FOLLOWING PUBLICATION

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 4.13-2 pertaining to developments requiring site plan review; the amendment of Section 4.13-3.b. pertaining to copies of the application for site plan review; the amendment of Section 4.13-3.c. pertaining to site plans; the amendment of Section 4.13-3.d. pertaining to a State/County Environmental Permit Checklist; the amendment of Section 4.13-3 to add subsections "e", "f" and "g" pertaining to applications for site plan review; the amendment of Section 4.13-5 pertaining to site plan review approval and termination thereof; Section 4.13-6 pertaining to conformity to an approved site plan; the amendment of Section 4.13-7 pertaining to amendments to site plans; the amendment of Section 4.13-8.a. pertaining to security deposits; the amendment of Section 6.3.B. pertaining to Use Regulations in the "R-5" Mobile Home Parks Residential District zoning classification; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS

Section I

Amendment of Section 4.13-2

Section 4.13-2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.13-2 - Developments Requiring Site Plan Review

The Building Inspector shall not issue a building permit for the construction of the following buildings, structures, or uses until a detailed site plan has been reviewed by the Township Planning Commission:

- a. Land Uses allowed in the "R-4" Multiple Family, High Density Residential District.

- b. Land Uses allowed in the "C-1" Rural Area Convenience, Commercial District, excluding one single family dwelling on a single parcel.
- c. Land Uses allowed in the "I" Industrial District, excluding one single family dwelling on a single parcel.
- d. Land Uses allowed in the "P-1" Public Land or "P-2" Semi-public Land Districts.
- e. Special Land Uses, excluding home occupation uses.

Section II

Amendment of Section 4.13-3.b.

Section 4.13-3.b. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- b. Twelve copies of the applications for the site plan review, which shall contain the following data:
 - (1) The name and address of the applicant.
 - (2) The legal description of the subject parcel of land.
 - (3) The area of the subject parcel of land stated in acres or, if less than one acre, in square feet.
 - (4) The present zoning classification of the subject parcel of land.
 - (5) A general description of the proposed development.
 - (6) The name, address and telephone number of the preparer of the site plan, if different than applicant.

Section III

Amendment of Section 4.13-3.c.

Section 4.13-3.c. of the Prairieville Township Zoning Ordinance is hereby amended so as to change the reference therein to "Six copies" to read "Twelve copies".

Section IV

Amendment of Section 4.13-3

Section 4.13-3 of the Prairieville Township Zoning Ordinance is hereby further amended as to the following subsections:

- d. Twelve copies of a fully completed State/County Environmental Permit Checklist prepared on a form approved by the Planning Commission. The purpose of the checklist shall be to assist applicants in identifying some possible state and county environmental permit

requirements that may be applicable to the subject development.

- e. When the completed application is filed, the Township Clerk shall transmit it to the Chairman of the Planning Commission. The applicant shall be given written notice of the date, time and place of the Planning Commission meeting at which the site plan review application will be considered. The written notice shall be mailed to the applicant not less than five days prior to such date. The applicant shall be given the opportunity to appear before the Planning Commission at the time, date and place stated in the notice to present the site plan and discuss it with the Planning Commission.
- f. The Planning Commission shall have authority to require that copies of the site plan also be submitted to and letters of review received from any other public agency having jurisdiction over an aspect of the project requiring site plan review, when the Planning Commission determines, in its sole reasonable discretion, that such input would be of material assistance in evaluating whether the site plan meets the standards set forth in Section 4.13-4 of this Ordinance.
- g. The Planning Commission shall have authority to waive some of the data requirements for the site plan cited in Subsection c. above if the Planning Commission determines, in its sole reasonable discretion, that the project is sufficiently minor in size or scope that the other data submitted with the site plan is sufficient to determine compliance with the standards for site plan review set forth in Section 4.13-4 and the other requirements of this Ordinance.

Section V

Amendment of Section 4.13-5

Section 4.13-5 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.13-5 - Approval/Disapproval

After review, the Planning Commission shall either approve or disapprove the site plan. Decisions rejecting, approving or conditionally approving a site plan shall be based upon requirements and standards contained in the Zoning Ordinance. If the plan is disapproved, the Commission shall state the reasons for the disapproval.

- a. The burden of proof to demonstrate satisfaction of the standards and requirements contained in this Ordinance shall rest upon the applicant. Failure by an applicant to provide reasonable access to the site in question to the Planning Commission or authorized agents of the Planning Commission to collect or verify pertinent data may be deemed to constitute sufficient grounds for disapproval of the site plan.
- b. Site plan approval shall expire automatically if a building permit has not been obtained and on-site development has not actually commenced within six months from the date site plan approval was granted or such extended time period as may be granted by

the Planning Commission pursuant to Subsection "d." below.

- c. A project for which site plan approval has been granted shall be completed within one year thereafter. Site plan approval shall automatically terminate upon expiration of the one year period or any extension thereof granted by the Planning Commission pursuant to Subsection "d." below.
- d. The Planning Commission shall have authority to grant, either at the time of site plan approval or thereafter, extensions to the site plan approval expiration periods for project initiation and completion set forth in subsections "b." and "c." above if the Planning Commission determines in its sole reasonable discretion that, based upon the size or special nature of the project or other special circumstances regarding the same, such an extension is reasonably needed and will not have a material adverse impact upon the owners or occupants of surrounding properties or to the public health, safety or general welfare.
- e. Site plan approval is conditional upon the applicant obtaining all other permits required by federal, state or local law for the project.

Section VI

Amendment of Section 4.13-6

Section 4.13-6 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.13-6 - Conformity to Approved Site Plan Required:

The subject parcel shall be developed and thereafter maintained in complete conformity with the approved site plan and any amendments thereto approved pursuant to this Ordinance. Any alterations or modifications to the subject parcel or developments thereon that are inconsistent with the approved site plan or an approved amendment thereto shall be prohibited.

- a. Site plan approval may be revoked by the Planning Commission when either (1) the construction of the project is not in conformance with the approved site plan or (2) the property owner fails to provide the Zoning Administrator or other authorized agent of Prairieville Township reasonable access to the project to verify conformity with the approved site plan. Prior to revoking site plan approval, the Planning Commission shall give the property owner at least ten days' advance written notice (either personally served or mailed by certified mail to the property owner's last known address) of the date, time and place of the meeting at which the Planning Commission will conduct a hearing to consider such revocation, of the tentative reasons for such possible revocation, and of the right of the property owner or his/her representative to appear at the Planning Commission meeting and present testimony or other evidence in opposition to any evidence offered in support of revocation of site plan approval. The revocation action authorized hereunder shall be an additional enforcement option available to Prairieville Township and shall in no way be deemed to limit or

prevent Prairieville Township from taking such other lawful enforcement actions as it deems necessary or advisable.

Section VII

Amendment of Section 4.13-7

Section 4.13-7 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.13-7 - Amendment to Site Plan:

A proposed amendment or modification to a previously approved site plan may be submitted for review in the same manner as the original application for site plan review.

- a. A developer may submit to the Zoning Administrator requests for minor modifications of a previously approved site plan. Such requested modifications may be approved by the Zoning Administrator if the Zoning Administrator determines and certifies to the Planning Commission in writing that the modification does not alter the basic design or specific conditions of the site plan previously approved by the Planning Commission. If the Zoning Administrator determines that the requested modification does not satisfy this criteria or for any reason deems it desirable to have direct Planning Commission review of the requested modification, such modification will not be allowed unless approved by the Planning Commission.

Section VIII

Amendment of Section 4.13-8.a.

Section 4.13-8.a. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- a. To insure compliance with the Zoning Ordinance and conditions imposed at the time of the granting of site plan approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering estimated costs of improvements associated with a project which the site plan approval is sought, be deposited with the Clerk of the Township to insure faithful completion of the improvements. The Planning Commission shall require such a security deposit for projects which either (1) are located on a parcel of five acres or more in size or (2) have an estimated construction cost of \$15,000 or more, unless the Planning Commission expressly finds that, given the nature of the project, the improvements to be established as part of the project, and/or the surrounding properties, requiring a security deposit would not materially advance the purposes of this Section.

Section IXAmendment of Section 6.3.B.

Section 6.3.B. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

B. Use Regulations - Land and/or Buildings in the "R-5" zoning district may be used for the following purposes only:

1. Mobile home parks shall be allowed as a permitted use, subject to the following terms and conditions:
 - a. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976, and any and all amendments thereto, and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions herein.
 - b. All mobile home parks shall have a minimum of ten (10) acres.
 - c. Mobile homes and permanent park buildings and facilities may not be located closer than 40 feet from any public street right-of-way line or rear property line boundary and may not be located closer than 15 feet from any side property line boundary.
 - d. The mobile home shall be developed with sites of 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced up to 20% provided that the minimum individual site is not less than 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least 75% of the land saved shall be dedicated as open space, but in no case shall the open space requirement be less than that required under Rule 125.1946 of the Michigan Administrative Code.
 - e. The minimum floor area for a mobile home in a mobile home park shall be 720 square feet.
 - f. Buildings housing laundry facilities, offices, restroom and/or shower facilities, a pool, or the sale of retail goods for the exclusive use of the residents of the mobile home park may be permitted as an accessory use.
 - g. Sites for recreational vehicle or camping accommodations may be provided within a mobile home park for temporary stays not to exceed fourteen (14) days. These sites shall be provided with at least common restrooms, showers, laundry facilities and water supply. Sites for such use shall be separated from the main mobile home park area and adequate greenbelts as defined herein shall be required to separate such uses.
 - h. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.
 - i. Preliminary plans for all new mobile home parks or expansions to existing mobile home parks must be

submitted to and approved by the Township Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before construction may commence. Application for preliminary plan approval shall be made by 1) filing six copies of the preliminary plan with the Township Clerk, and 2) paying a preliminary plan review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.

The preliminary plan must include, but shall not be limited to, the following:

- i. The name and address of the applicant.
- ii. The legal description of the subject parcel of land.
- iii. The area of the subject parcel of land.
- iv. The present zoning classification of the subject parcel of land.
- v. The number and size of individual mobile home sites and the location of the streets.
- vi. The proposed location and method of sewage treatment and disposal.
- vii. The source and location of the water supply and fire hydrants.
- viii. The location of access to public roads.
- ix. Drainage provisions.
- x. Site features including all structures, outdoor recreational facilities, walkways, parking and street frontage.
- xi. The location, size and design of all signs to be placed upon the site.
- xii. The location and general description of all screening to be retained or established on the site.
- xiii. The preliminary plan shall show the location of the site in relation to the surrounding street system, and shall identify the existing uses and zoning of adjacent properties.
- xiv. The preliminary plan shall be of a scale not greater than one inch equals twenty feet, not less than one inch equals two hundred feet, however, of such size and accuracy that the Planning Commission can readily interpret the plan.
- xv. The preliminary plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.

- j. Property which is subject to preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission.
 - k. The Township Planning Commission shall have the right and authority to require the mobile home park's developer to file with the Township Clerk at the time of Township approval of a preliminary plan for a new mobile home park or for expansion of an existing mobile home park, a performance bond or bank letter of credit in such amounts as may be determined by the Planning Commission to be necessary to insure the development of the site in accordance with the approved preliminary plans thereto, conditioned upon such proper construction and development. Such bonds, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which is a reasonable percentage of the estimated total cost of construction and site development. The bond shall be for the purpose of securing the completion of improvements considered necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and adjacent residents and property owners. The Planning Commission shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required.
2. Home occupations shall be allowed as a special land use.

Section X

Severability

If a provision or part of the within Ordinance is 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 XI

Effective Date

This Ordinance shall take effect immediately upon publication, following adoption of the Ordinance. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Normajean Campbell, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, NORMAJEAN CAMPBELL, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 8th day of March, 1995, at 7:30 o'clock p.m., at the Prairieville Township Hall, located at 10115 South Norris Road, Delton, Michigan, at which the following members were present: Lloyd Goyings, Vickey Nottingham, Teresa L. Miller, Kevin Tobin and Normajean Campbell, the Board enacted and passed Ordinance No. 89, 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:

Ayes: Lloyd Goyings
 Vickey Nottingham
 Teresa L. Miller
 Kevin Tobin
 Normajean Campbell

Nays: N/A

Absent: N/A

I do further certify that a Summary of Ordinance No. 89, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on March 16, 1995; a copy of Ordinance No. 89 was posted at the Township Hall on the 9th day of March, 1995; and that said Ordinance No. 89 was recorded in the official Ordinance Book on the 9th day of March, 1995.

Dated: 3-9-1995

Normajean Campbell
 Normajean Campbell, Clerk
 Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 92

ADOPTED: AUGUST 9, 1995

EFFECTIVE: IMMEDIATELY UPON PUBLICATION

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 6.6.B.5.r. pertaining to campgrounds; the amendment of Section 6.6.B.5. to add a new subsection "s." allowing festivals, concerts, art and craft shows, flea markets, and historical, educational, cultural, entertainment and recreational activities of a rural/agricultural nature as a special land use in the "A" Agricultural District zoning classification; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINSSECTION IAMENDMENT OF SECTION 6.6.B.5.R.

Section 6.6.B.5.r. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- r. Campgrounds, subject to the standards in Article VII of this Ordinance and to the following additional terms and conditions:
1. The campground shall comply with the regulations for campgrounds promulgated by the Michigan Department of Public Health at Rules 325.1551-325.1599 of the Michigan Administrative Code as well as with the supplemental standards and conditions set forth herein.
 2. Each campsite shall abut a roadway of at least 20 feet in width exclusive of any area used for parking. Campsites specifically designated for, and used only for, tent camping need not abut a roadway. All roadways inside the campground shall have an asphalt or compacted gravel surface constructed and maintained so as to provide ready access for emergency vehicles during all times that the campground is open for use. The Planning Commission shall have authority to waive the roadway surfacing requirements where it finds that, because of the temporary or otherwise limited nature of the campground activity and/or the physical characteristics of the campground site, requiring compliance with these requirements would

not materially advance the public safety or welfare.

- 3. Commercial uses designed and intended to serve primarily the convenience or recreational needs of the people residing in the campground shall be permitted. No commercial use in a campground may be located on a site abutting a public street bordering the campground. Off-street parking for all commercial uses in the campground shall be provided in accordance with the standards set forth in Section 4.17 of this Ordinance.
- 4. All campgrounds containing more than 60 campsites shall be located on a state highway or county road, as defined by the Barry County Road Commission, for ingress and egress thereto.
- 5. Screening shall be established between any manmade improvements on the campground and any adjacent premises utilized for residential purposes or, if vacant, zoned for residential purposes.
- 6. Campsites, common use areas, roadways, and permanent buildings in the campground shall be so situated and designed as to minimize any adverse effects therefrom to owners and occupants of adjacent properties. A plot plan showing the location of these features shall be submitted to the Planning Commission as part of the application for a special exception use permit thereunder.
- 7. No persons, other than campground employees, shall be permitted to dwell in the campground for more than 100 days on a continuous basis or for more than a total of 150 days per year. Any campground employees dwelling within the campground for more than 150 days per year shall reside in dwellings fully complying with all standards set forth in this Ordinance, the Township Building Code, and all other applicable Township, County, and State laws for dwellings of the type so established.

SECTION II

AMENDMENT OF SECTION 6.6.B.5.

Section 6.6.B.5. of the Prairieville Township Zoning Ordinance is hereby amended to add a new subsection "s." to read as follows:

- s. Festivals; concerts; art and craft shows; flea markets; and historical, educational, cultural, entertainment and recreational activities of a rural/agricultural nature, subject to the standards in Article VII of this Ordinance and to the following additional terms and conditions:
 - 1. Ingress to and egress from the premises shall be adequate to ensure the orderly flow of traffic onto and off of the premises and to ensure access for ambulance, fire equipment, and other emergency vehicles.
 - 2. Off-street parking shall be established in accordance with the provisions of Section 4.17 of this Ordinance. In the case of proposed outdoor activities for which no specific provision is made under Section 4.17, off-street parking areas

sufficient to accommodate peak periods of use shall be provided.

3. Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties.
4. Adequate public restrooms and other sanitary facilities shall be provided and properly maintained, commensurate with the anticipated peak attendance at the particular activity involved.
5. With respect to a proposed outdoor activity, such security arrangements shall be made, including the hiring of any necessary security personnel, as are necessary and sufficient to provide for the adequate security and protection of the persons attending the outdoor activity and for the preservation of order and protection of property in and around the site of the outdoor activity.
6. Camping incidental or accessory to the principal activity may be allowed by the Planning Commission subject to compliance with the requirements of Section 6.6.B.5.r. of this Ordinance.
7. The activity shall be conducted in compliance with all applicable requirements of state law and Township ordinances, including the Prairieville Township Anti-Noise and Public Nuisance Ordinance.

SECTION III

SEVERABILITY

If a provision or part of the within Ordinance is 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 IV

EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication, following adoption of the Ordinance. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Normajean Campbell, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 94

AMENDMENTS TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: October 9, 1996

Effective: Eight (8) days following publication following adoption

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Article VIII to add a new Section 6.19 to allow the expansion of a lawful nonconforming use or structure; by the amendment of Section 7.5.E.3 pertaining to the expiration of variances; by the rezoning of unplatted portions of land situated in Land Sections 2, 24 and 31; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE,
BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

AMENDMENT OF ARTICLE VIII

Article VIII of the Prairieville Township Zoning Ordinance is hereby amended to add a new Section 6.19 to read as follows:

6.19 EXCEPTION TO NON-CONFORMING USE EXPANSION

Notwithstanding the foregoing, the expansion of a non-conforming use or structure to the maximum extent of 30% of the original non-conforming use or structure may be permitted as a special land use under the procedures, standards, limitations and conditions provided in Article VII of this Ordinance and under the following additional conditions:

- A. Any permitted expansion shall only be for the accommodation of a type of use or activity which is currently being engaged in

within the existing structure, a permitted use within the zoning district or a special land use permit authorized for the site.

- B. No expansion shall reduce or eliminate any other Ordinance requirements of the Township.
- C. Any expansion of a structure or use permitted hereunder shall terminate at the time of termination of the original non-conforming use or structure and shall not be allowed to continue independently of such original use or structure.
- D. Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations or conditions pertaining to the existing non-conforming use or structure which shall remain in full force and effect.
- E. Any application hereunder shall be accompanied by a Site Plan and shall be subject to Site Plan Review by the Township Planning Commission under the procedure, criteria and provisions of Section 4.13 of this Ordinance.

SECTION II

AMENDMENT TO SECTION 7.5.E.3

Section 7.5.E.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 3. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six months after the granting of the variance. EXCEPTION: Variances granted which render vacant lots that would otherwise be unbuildable from a practical standpoint under the terms of this Ordinance buildable (e.g., variances

from lot area, lot width, road frontage, lot depth-to-width ratio or, where necessary from a practical standpoint to render a vacant lot buildable, setback requirements) shall not be subject to this six month limitation.

SECTION III

REZONING OF PROPERTY IN LAND SECTION 2

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 2 is hereby amended to read as follows:

(Land) Section Two (2), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "R-1" Low Density Residential, "C-1" Commercial District and "P-1" Public Land.

"R-1" Low Density Residential: All that part south fractional 1/2 Section Two (2) lying southwesterly of Parker and southeasterly of Norris Road, except commencing at center 1/4 post, south 37 degrees, 30 minutes east, 569.25 feet on center line of Parker Road for point of beginning; south 37 degrees, 30 minutes east, 120 feet; south 750 feet; thence southwesterly 420 feet to north and south 1/4 line of said section; south on north and south 1/4 line 452.5 feet; west on east and west 1/8 line 1,350 feet to center line of Norris Road; northeasterly along center line of Norris Road 1,880 feet; southeasterly 594 feet to the center line of Parker Road to point of beginning.

"C-1" Commercial District: Commencing at the southwest corner of Lot 32 of Supervisor's Plat Village of Prairieville; thence south to the westerly line of Norris Road; thence northeasterly thereon to southeast corner of Lot 33 of said plat, thence west along south line of said plat, thence west along south line of said lot, 76 feet; thence north 84 feet; thence west, 148.2 feet to the place of beginning.

"P-1" Public Land: Beginning at northeast corner of Lot 51 of the recorded plat of Supervisor's Plat of the Village of Prairieville; thence east, 1,002.47 feet; thence south 648.50 feet; thence west, 868.63 feet to the southeast corner of Lot 47 of said plat, thence north along east line of said plat, 395.5 feet to the northeast corner of Lot 48; thence west along north line Lot 48, 127.0 feet; thence north, 239.25 feet to the beginning.

SECTION IV

REZONING OF PROPERTY IN LAND SECTION 24

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 24 is hereby amended to read as follows:

(Land) Section Twenty-Four (24), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except that part herein described as "P-2" Semi-Public Land.

"P-2" Semi-Public Land: Commencing at intersection of center lines of Milo Road and Burrows Road; thence east 504.7 feet on center line Milo Road; thence north 400 feet; thence west 359.7 feet to center line Burrows Road; thence southwest on center line of Burrows Road 458.7 feet to place of beginning. Also north 360 feet of the east 264 feet of the southeast 1/4.

SECTION V

REZONING OF PROPERTY IN LAND SECTION 31

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 31 is hereby amended to read as follows:

(Land) Section Thirty-One (31), T. 1 N., R. 10 W.

- "A" Agricultural District: All that part of Section Thirty-one (31) lying southerly of highway M-89 and also that part of the southeast 1/4 lying northerly of highway M-89 and east of Kane Road except that part herein described as "I-1" Light Industrial District.
- "R-1" Low Density Residential: All that part of Section Thirty-one (31) lying northerly of highway M-89 and west of Kane Road except recorded plats of "B-Z Bee Acres and B-Z Bee Acres No. 2".
- "I" Industrial District: Commencing at the south 1/4 post of Section Thirty-one (31); thence east along the south line of said Section 1284.33 feet; thence north at right angles to said south line. 40.0 feet for a place of beginning, continuing thence north, 128.30 feet, thence east, 706.72 feet parallel with said south line to the westerly line of State Highway M-89; thence south 43 degrees, 10 minutes east along the westerly line of said highway, 175.91 feet; thence west, 827.05 feet to place of beginning.

SECTION VI
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any Court of Law shall hold that any Section or provision is invalid, such holding shall not affect or impair the validity of any other Section or provision of this Ordinance.

SECTION VII
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication, following adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Clerk

Normajean Campbell,
Prairieville Township

STATE OF MICHIGAN
COUNTY OF BARRY
TOWNSHIP OF PRAIRIEVILLE
LAND DIVISION ORDINANCE NO. 95

Adopted: June 11, 1997

Effective:

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Prairieville Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Prairieville Township Zoning Ordinance, Building Code Ordinance or Subdivision Ordinance.

SECTION XIII

EFFECTIVE DATE

This ordinance shall take effect 30 days following its publication after adoption.

Normajean Campbell, Clerk
Prairieville Township
10115 S. Norris Road
Delton, MI 49046
(616) 623-2664

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township, and submit a preliminary parcel map drawn to scale of not less than 200 feet to the inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the assessor or other official designated by the governing body prior to a final application under Section V.

- A. The assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days (unless waived under Section V.C.) after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
- D. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the Prairieville Township Zoning Ordinance, unless a variance from

- A. The assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days (unless waived under Section V.C.) after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
- D. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the Prairieville Township Zoning Ordinance, unless a variance from

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township, and submit a preliminary parcel map drawn to scale of not less than 200 feet to the inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the assessor or other official designated by the governing body prior to a final application under Section V.

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Prairieville Township Zoning Ordinance, Building Code Ordinance or Subdivision Ordinance.

SECTION XIII

EFFECTIVE DATE

This ordinance shall take effect 30 days following its publication after adoption.

Normajean Campbell, Clerk
Prairieville Township
10115 S. Norris Road
Delton, MI 49046
(616) 623-2664

STATE OF MICHIGAN
COUNTY OF BARRY
PRAIRIEVILLE TOWNSHIP
ORDINANCE NO. 96
LAND DIVISION ORDINANCE

Adopted: September 10, 1997

Effective: Immediately Upon Publication

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; and to repeal any ordinance or provision thereof in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Prairieville Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III

DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Prairieville Township Zoning Ordinance, Building Code Ordinance or Subdivision Ordinance.

SECTION XIII

EFFECTIVE DATE

This ordinance shall take effect 30 days following its publication after adoption.

**Normajeane Campbell, Clerk
Prairieville Township
10115 S. Norris Road
Delton, MI 49046
(616) 623-2664**

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act and the requirements of applicable local ordinances.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the Prairieville Township Board.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this Ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that only results in parcels of 20 acres or more if each is not accessible and the parcel either was in existence on March 31, 1997, or resulted from an exempt splitting under the State Land Division Act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description for each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. The fee as may from time to time be established by resolution of the governing body of the township for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. The Township assessor or other designee shall approve or disapprove the land division applied for within 45 days after receipt of the application package conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision, appeal the decision to the governing board of the township or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISION

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) have a minimum width as specified in the Prairieville Township Zoning Ordinance.
- B. All such parcels shall have a minimum area as specified in the Prairieville Township Zoning Ordinance.
- C. The ratio of depth to width of any parcel created by the division, regardless of the size of the parcel, does not exceed a four to one ratio. The depth of a parcel created by a land division shall be measured as provided in the Prairieville Township Zoning Ordinance. The width of a parcel shall be measured as provided in the Prairieville Township Zoning Ordinance. For purposes of approvals granted under this Ordinance only, the depth to width ratio requirements of this subdivision do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.
- D. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.

- E. All parcels created and remaining are accessible as defined by the State Land Division Act.
- F. All parcels created and remaining have adequate easements for public utilities from the parcel to the existing public utility facilities.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding the provisions of Section VII of this Ordinance, a division which creates a parcel that satisfies all of the requirements of Section VII except subsection F thereof shall be approved if the applicant executes and records an affidavit or deed restriction with the County Register of Deeds clearly designating the parcel as "not a development site, as defined under 1967 PA 288, as amended". Any parcel so designated shall not thereafter be used as a development site as defined under 1967 PA 288, as amended.

SECTION IX

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

SECTION X

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XI

REPEAL

All previous Land Division Ordinances affecting unplatted land divisions in conflict with the Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XII

EFFECTIVE DATE

This ordinance shall take effect immediately upon publication following its adoption.

PRAIRIEVILLE TOWNSHIP
Normajean Campbell, Clerk

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 97

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: October 8, 1997

Effective: Eight Days Following Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 12 from an "A" Agricultural District zoning classification to a "R-1" Low Density Residential District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IREZONING OF PROPERTY IN LAND SECTION 12

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 12 is hereby amended by the revision of that portion thereof pertaining to the "R-1" Low Density Residential District to read as follows:

"R-1" Low Density Residential: All that part Northwest fractional 1/4 lying Southerly of Crooked Lake and Westerly of recorded plats of Hughes Park and Hughes Park No. 1. Also Stoney Point Island in Crooked Lake. Also that land beginning at the NW corner of Section 12 described as: commencing Easterly on Section line 673.85 feet more or less to shore of Lake; thence Southerly along Lake Shore until it intersects the West line of Section 12; thence Northerly on Section line to point of

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 97

AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: October 8, 1997

Effective: Eight Days Following Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 12 from an "A" Agricultural District zoning classification to a "R-1" Low Density Residential District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION IREZONING OF PROPERTY IN LAND SECTION 12

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 12 is hereby amended by the revision of that portion thereof pertaining to the "R-1" Low Density Residential District to read as follows:

"R-1" Low Density Residential: All that part Northwest fractional 1/4 lying Southerly of Crooked Lake and Westerly of recorded plats of Hughes Park and Hughes Park No. 1. Also Stoney Point Island in Crooked Lake. Also that land beginning at the NW corner of Section 12 described as: commencing Easterly on Section line 673.85 feet more or less to shore of Lake; thence Southerly along Lake Shore until it intersects the West line of Section 12; thence Northerly on Section line to point of beginning, also commencing at the Southwest corner of said Section; thence South 89 deg 25 min

4 sec east along south line of said section, 550 feet for place of beginning; thence north 0 deg 14 min 30 sec west 200 feet; thence north 89 deg 25 min 4 sec west, 17.0 feet; thence north 0 deg 14 min 30 sec west, 519.66 feet; thence north 89 deg 45 min 30 sec east, 636.47 feet; thence north 53 deg 4 min 30 sec east 157.94 feet; thence south 36 deg 35 min 30 sec east 249.47 feet; thence south 89 deg 25 min 4 sec east 731.67 feet; thence south 0 deg 34 min 56 sec west 627.0 feet to south line of said Section, thence west thereon 1618.0 feet to beginning.

SECTION II

SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect eight days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

Normajean
Campbell, Clerk

Prairieville
Township

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 98

Adopted: May 13, 1998

Effective: Eight (8) days following publication following adoption

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1.49 pertaining to the definition of "Lot/Parcel/Tract"; by the amendment of Section 4.24 pertaining to lake frontage; by the amendment of Section 6.0.C.4 and Section 6.1.C.4 pertaining to minimum lot area and with requirements; by the amendment of Section 6.5 pertaining to yard and building coverage regulations and minimum lot area and width requirements; by the amendment of Section 6.6 pertaining to yard regulations, minimum lot width requirements and minimum dwelling floor area requirements; by the amendment of Sections 4.13-1, 4.13-2, 4.13-3 and 4.13-4 pertaining to site plan review requirements; by the adoption of the Prairieville Township Water Resources Map; by the amendment of Section 3.1 pertaining to definitions of "Access Lot", "Access Lot Beneficiary", "High Water Line", "Waterfront Lot" and "Waterway"; by the amendment of Section 4.35 pertaining to non-public waterfront access lot regulations; by the amendment of Section 4.22 pertaining to yard encroachment; by the amendment of Section 4.38 pertaining to maximum lot depth; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF SECTION 3.1.49

Section 3.1.49 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 49. Lot/Parcel/Tract: A piece of land described in a recorded plat or by metes and bounds, occupied or intended to be occupied, by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto.

SECTION II

AMENDMENT TO SECTION 4.24

Section 4.24 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of the following paragraph at the end of the section:

Lots abutting lakes shall have continuous lake frontage that is not less than the minimum lot width requirement for the zoning district within which the lot is located. Lake frontage shall be measured by a straight line which connects each sideline of the lot at the points where the sidelines intersect the high water line. (See Section 4.35 for waterway frontage requirement for access lots providing waterway access to more than one access lot beneficiary).

SECTION III

AMENDMENT TO SECTION 6.0.C.4

Section 6.0.C.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- 4. Lot Area and Width - The minimum required area and width for lots shall be as follows:

<u>Minimum</u>	<u>Minimum</u>
<u>Lot Width *</u>	<u>Lot Area</u>
No public utility 150 feet service available	One (1) acre

Both public water and 9,350 sq. ft.
85 feet
sewer service available

* See also Sections 4.24 and 4.35 as to waterfront lots.

SECTION IV

AMENDMENT TO SECTION 6.1.C.4

Section 6.1.C.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4. Lot Area and Width - The minimum required area and width for lots shall be as follows:

<u>Minimum</u>	<u>Minimum</u>
<u>Lot Width *</u>	<u>Lot Area</u>
a. Single Family Dwelling	
No public utility 100 feet service available	12,000 sq. ft
Both public water and 75 feet sewer service available	8,000 sq. ft.
b. Two Family Dwellings and Other Principal Uses	
No public utility 125 feet service available	18,700 sq. ft.
Both public water and 100 feet sewer service available	15,000 sq. ft.
* See also Sections 4.24 and 4.35 as to waterfront lots.	

SECTION V

AMENDMENT TO SECTION 6.5

Section 6.5. of the Prairieville Township Zoning Ordinance is hereby amended by the amendment of Subsection "E" and the adoption a new subsection "F" to read as follows:

E. Yard and Building Coverage Regulations:
No building or structure shall hereafter be erected, altered, or enlarged unless the following yard and maximum building coverage requirements are provided and maintained in connection with such

building erection, alteration, or enlargement:

1. Minimum Front Yard: Fifty feet, except as regulated in Section 4.29
2. Minimum Rear Yard: Fifty feet, except as regulated in Section 4.29
3. Minimum Side Yard: Twenty feet where the side yard abuts property in the "I" zoning classification; fifty feet in all other cases, except as regulated in Section 4.29.
4. Maximum Building Coverage: No more than 25 percent (25%) of the area of a lot or parcel of land may be covered by buildings or other structures.

F. Minimum Lot Area and Width: The minimum required area and width for lots shall be as follows:

- a. Minimum Lot Area: 15,000 sq. ft.
- b. Minimum Lot Width: 100 ft. *

* See also Sections 4.24 and 4.35 as to waterfront lots.

SECTION VI

AMENDMENT OF SECTION 6.6

Section 6.6. of the Prairieville Township Zoning Ordinance is hereby amended by the amendment of Subsection "C" and the addition of new Subsections "D" and "E" to read as follows:

C. Yard Regulations: No building or structure shall hereafter be erected, altered, or enlarged unless the following yard requirements are provided and maintained in connection with such building erection, alteration, or enlargement:

1. Front Yard - There shall be a front yard of not less than fifty (50) feet, except as regulated in Section 4.29.

2. Side Yard - There shall be a side yard of not less than twenty (20) feet, except as regulated in Section 4.29.
 3. Rear Yard - There shall be a rear yard of not less than twenty (20) feet, except as regulated in Section 4.29.
- D. Minimum Lot Area and Width: The minimum required area and width for lots shall be as follows:
1. Minimum Lot Area: 2 acres
 2. Minimum Lot Width: 330 ft. *
- * See also Sections 4.24 and 4.35 as to waterfront lots.
- E. Minimum Dwelling Floor Area: The minimum floor area required for any dwelling built in the "A" Agricultural District zone shall be 840 square feet.

SECTION VII

AMENDMENT OF SECTION 4.13-1

Section 4.13-1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.13-1 - Purpose.

The intent of this section is to provide for consultation in a public forum and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land in compliance with Township, County and State regulations, and with minimum adverse effect on existing and future land uses, natural resources and streets and highways in the immediate area and vicinity.

SECTION VIII

AMENDMENT OF SECTION 4.13-3.c

Subsections (4) and (5) of Section 4.13-3.c. of the Prairieville Township Zoning Ordinance are proposed to be amended to read as follows:

- (4) It shall show the topography at not less than four-foot contour intervals and all natural features, including wood lots and other vegetation patterns, streams, rivers, lakes, drains, natural drainage channels, unstable soils and similar features.

- (5) It shall show existing and proposed man-made features on the site and existing man-made features within 500 feet of the site, such as buildings, structures, high tension towers, pipelines, existing utilities, including sewer and water lines, excavations, bridges, culverts, drains and easements.

SECTION IX

AMENDMENT OF SECTION 4.13-2

Section 4.13-2 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of new subsections "f" and "g" to read as follows:

- f. Access lots providing access to more than 2 access lot beneficiaries. This shall not apply to an access lot serving only access lot beneficiaries who are the owners/occupants of land on an island in the body of water along which the access lot is located.
- g. Except as indicated in the following sentence, all land uses on lands designated as wetlands or hydric soils in the Prairieville Township Water Resources Map, which Map is adopted as a part of this Ordinance. The following land uses are excepted:
1. Fishing, trapping or hunting.
 2. Swimming or boating.
 3. Hiking.
 4. Grazing of animals within the limits of the Michigan Right to Farm Act.
 5. Farming, horticulture, silviculture, lumbering and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices in accordance with the Michigan Right to Farm Act.
 6. Construction or maintenance of farm or stock ponds.
 7. Maintenance, operation or improvement, which includes straightening, widening or deepening, of the following which is necessary for the production or harvesting of agricultural products:

- a) An existing agricultural drain.
 - b) That portion of a drain legally established pursuant to the Drain Code of 1956, Act No. 40 of the Public Acts of 1956, as amended, being Sections 280.1 to 280.630 of the MCL, which has been constructed or improved for drainage purposes.
 - c) A drain constructed pursuant to Part 303 of 1994 PA 451, as amended, or former 1979 PA 203.
8. Construction or maintenance of farm roads, forest roads or temporary roads for moving, mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the water resources will be otherwise minimized.
 9. Drainage necessary for the production and harvesting of agricultural products in a wetland currently owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products.
 10. Maintenance or improvement of public streets, highways or roads within the right-of-way and in such a manner as to assure that any adverse effect on the water resources will be otherwise minimized.
 11. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees lawfully in existence on the effective date of inclusion of the site within this Overlay District.

SECTION X

AMENDMENT OF SECTION 4.13-4

Section 4.13-4 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "e" to read as follows:

- e. Minimize erosion, alteration of the ground water table, pollution or other degradation of surface or ground waters and reduction of the natural retention storage capacity of any watercourse or its associated wetlands.

SECTION XIAMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of the following definitions:

1. Access Lot: A type of waterfront lot providing for private or common (semi-private) access to a waterway for one or more access lot beneficiaries. An access lot includes any buffer strips required herein.
- 1a. Access Lot Beneficiary: The owner/occupant of a waterfront lot and any other person with a right of access to a waterway and/or use of a waterway through a waterfront lot, in whole or in part by fee ownership, easement, lease, license, gift, business invitation, or any other written form of conveyance, dedication, permission or access/use rights. Members of the same family as defined under Section 3.1.30 of this Ordinance shall be collectively considered as one access lot beneficiary.

[The definitions of "accessory building or structures" and "accessory use" shall be redesignated as subsection 2. and 2a.]

- 41a. High Water Line: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.
- 95a. Waterfront Lot: Any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which:

- (1) Abuts the shoreline of any waterway; or
- (2) Abuts a promenade, walkway, or other property which itself abuts the shoreline of any waterway and which provides access and/or use rights to the waterway.

95b. Waterway: A natural or man-made lake, river, stream, channel, pond equal or greater than two acres, or other natural or artificial watercourse.

SECTION XII

AMENDMENT OF SECTION 4.35

Section 4.35 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4.35 Non-Public Waterfront Access Lot Regulations.

No waterfront lot in any zoning district shall be used as an access lot unless it complies with all of the following regulations and conditions:

1. An access lot providing waterway access to more than one access lot beneficiary shall have a minimum lot depth of at least 75' and shall have a minimum lot width and minimum waterway frontage of 150' and an additional 20' of lot width and waterway frontage for each additional access lot beneficiary above two in number. Waterway frontage shall be measured by a straight line which connects each sideline of the access lot at the points where the sidelines intersect the high water line. Areas consisting of swamp, bog, marsh, or other type of wetland, as commonly defined, shall not be counted towards the minimum waterway frontage required herein, except to the extent of the minimum required buffer strips. (See Section 4.24 for lake frontage requirement for lots providing waterway access to only one access lot beneficiary).
2. An access lot providing access to more than 2 access lot beneficiaries shall include a buffer strip on each side of the access lot, parallel with each side lot line. Each buffer strip shall have a minimum width for the entire depth of the access lot corresponding with the amount of minimum side yard setback required for a principal building in the zoning district in which the access lot is situated.

3. No building or structure of any kind other than fencing shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic, parking, boat ramps or for storage purposes (including junk, waste or garbage) or other development purpose of any kind, and shall be preserved to provide a natural barrier between the usable portion of an access lot and adjacent lots.
4. An access lot shall be permitted no more than one dock for each 75 feet of waterway frontage. No portion of any dock shall be located within ten (10) feet from the nearest property line as projected into a waterway.
5. A minimum of one off-street parking space shall be required for each access lot beneficiary of the access lot. (See Section 4.17.A.1 for minimum requirements for a lot with a dwelling).
6. Site plan review shall be required for all access lots providing access to more than two (2) access lot beneficiaries.
7. These regulations shall not be deemed to be applicable to (1) a commercial boat marina allowed as a special land use in the "R-2" zoning classification or (2) an access lot serving only access lot beneficiaries who are the owners/occupants of land on an island in the body of water along which the access lot is located.

SECTION XIII

AMENDMENT OF SECTION 4.22

Section 4.22 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.22 - Yard Encroachments

The yard requirements of all zones are subject to the following permitted encroachments:

- A. Terraces, patios and walkways may project into a required yard provided that such construction is unroofed and without walls or other continuous enclosures.

- B. Unenclosed, roofed porches may project no more than eight (8) feet into a required yard, provided that the porch does not exceed one (1) story in height and is at least six (6) feet from all lot lines.
- C. Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements.
- D. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into any required yard a maximum of twenty-four (24) inches.
- E. Unenclosed and unroofed fire escapes, outside stairways and balconies may project not more than five (5) feet into required front and rear yards and three (3) feet into required side yards.

SECTION XIV

AMENDMENT OF ARTICLE IV

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.38 to read as follows:

Section 4.38 - Maximum Lot Depth

No lot may be established with a depth more than four times its width. In the case of a lot connected to a public road by a driveway on a narrow strip of land or easement in accordance with Section 4.34, the measurement of lot depth shall not include the easement or strip of land.

SECTION XV

ADOPTION OF PRAIRIEVILLE TOWNSHIP

WATER RESOURCES MAP

The Prairieville Township Zoning Ordinance is hereby amended by the adoption of the Prairieville Township Water Resources Map, a copy of which is attached to this Ordinance and incorporated by reference herein.

SECTION XVI**SEVERABILITY**

Should any section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.

SECTION XVII**EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Normajean Campbell, Clerk
Prairieville Township

(c:\wpdocs\pr-ville\ordinanc.es\lot&wtr.ord)

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 99
AMENDMENT TO PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Adopted: June 15, 1998

Effective: Eight (8) days Following Publication

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 5 from a "R-2" Medium Density Residential District zoning classification to a "P-2" Semi-Public Land District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN,

ORDAINS:

SECTION I

REZONING OF PROPERTY IN LAND SECTION 5

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 5 is hereby amended to read as follows:

(Land) Section Five (5) T.1 N., R. 10 W

- "A" Agricultural District: Entire Section except those parts herein described as "R-2" Medium Density Residential, "P-1" Public Land and "P-2" Semi-Public Land.
- "R-2" Medium Density Residential: A parcel of land in the NW 1/4 of Section 5, T.1.N., R.10.W, described as beginning at the Northwest corner of Section 5, running thence East 250 feet along the North line of said Section 5; thence S, 1° 50" East to Pine Lake; thence Southwesterly along the Northerly and Westerly edge of Pine Lake to the point of intersection with the Easterly prolongation of the North line of Lot 21 of the Plat of Hallwood as recorded in Liber 3 of Plats, on Page 49, thence South 81° 31' 11" West (recorded) South 80° 14' West, 184 feet along the North line of said plat to the Westerly line of Island Drive as shown therein; thence South. 20° 19' 11" West (recorded S.19° 02' West) 58.29 feet along said North line of Island Drive, to West line of said Section 5; thence North 2° 11' 53" West 2007.63 feet along said West line to the Place of Beginning.

"P-1" Public Land: Commencing at the Northwest corner of Section Five (5), thence East along the North line of said Section, 1205.4 feet; thence South 1754.0 feet for the place of beginning; said point also being in the Northerly shore of Pine Lake; thence North 431.8 feet; thence East 1202.0 feet; thence South 208.0 feet; thence South $25^{\circ} 10'$ East, 510.0 feet to the Northerly shore of Pine Lake; thence Northwesterly thereon to the Place of Beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said section; 1205.4 feet; thence South 1754.0 feet for the place of beginning, said point also being in the Northerly shore of Pine Lake; thence North, 431.8 feet; thence South $75^{\circ} 00'$ West, 718.75 feet; thence Southerly to the shore of Pine Lake; thence Northeasterly thereon to beginning. Also beginning at a point on the North line of Section Five (5), 1139.4 feet East line, 66.0 feet; thence South 1322.2 feet; thence South $75^{\circ} 00'$ West to a point South of beginning; thence North to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said Section, 1205.4 feet; thence South, 433.6 feet; thence East, 85.4 feet; thence Northeasterly to the place of beginning. Also commencing at the Northeast corner of Section five (5); thence West 1963.5 feet to the center line of Lindsey Road; thence South $30^{\circ} 45'$ East 101.6 feet of center line of Lindsey Road to place of beginning; thence North $76^{\circ} 15'$ East 299.2 feet; thence South $13^{\circ} 45'$ East 158.4 feet; thence South $76^{\circ} 15'$ West 250.8 feet to center line of Lindsey Road; thence North $30^{\circ} 45'$ 165.66 feet to the place of beginning.

"P-2" Semi-Public Land: A parcel of land in the Northwest $1/4$ of Section Five (5), T.1.N., R.10.W., described as commencing at the Northwest corner of Section Five (5), thence East 250 feet for place of beginning; thence South $01^{\circ}, 50'$ East to Pine Lake, thence Southeasterly along the Northerly and Easterly edge of Pine Lake to a point 551 feet M/L East of the West line of said Section and end of Traverse line of Pine Lake; thence North, $06^{\circ} 14'$ West, 24 feet; thence North $73^{\circ} 16'$ East 718.17 feet; thence North $1^{\circ} 44'$ West 1322.2 feet; thence West 955.40 feet to place of beginning, except the East 66 feet of subject property as revealed by Deed recorded in Liber 151, Page 229.

SECTION II**SEVERABILITY**

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III**EFFECTIVE DATE AND REPEAL OF CONFLICTING PROVISIONS**

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

Normajean Campbell, Clerk
Prairieville Township



PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 100

Adopted: January 13, 1999

Effective: Eight (8) days following
publication following adoption

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted land situated in Land Section 31 and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN LAND SECTION 31

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 31 is hereby amended to read as follows:

Land Section Thirty-One (31), T. 1 N., R. 10 W.

- "A" Agricultural District: All that part Section Thirty-One (31) lying Southerly of Highway M-89 and also that part of the Southeast 1/4 lying Northerly of Highway M-89 and East of Kane Road except that part herein described as "C-1" Rural Area Convenience Commercial District and "I-1" Light Industrial District.
- "R-1" Low Density Residential: All that part of Section Thirty-One (31) lying Northerly of Highway M-89 and West of Kane Road except recorded plats of B-Z Bee Acres and B-Z Bee Acres No. 2 and those parts herein described as "P-2" Semi-Public Land.
- "P-2" Semi-Public Land District: Land in the West 1/2 of the Southeast 1/4 of the Northeast 1/4. Section 31, Township 1 North, Range 10 West; described as the South 695 feet of the West 520 feet.
- "C-1" Rural Area Convenience District: Commencing at the intersection of M-89 and the North South 1/8 line in the East 1/2 of the Southwest 1/4 of Land Section Thirty-One (31), thence South on said 1/8 line 584 feet to point of beginning thence South 126 feet, thence east 330 feet, thence North 126 feet, thence West 330 feet to point of beginning.

- "I" Industrial District: Commencing at the South 1/4 post of Section Thirty-One (31); thence East along the South line of said Section, 1284.33 feet, thence North at right angles to said South line 40.0 feet for a place of beginning, continuing thence North, 128.30 feet; thence East, 706.72 feet parallel with said South line to the Westerly line of State Highway M-89; thence South 43 degrees, 10 minutes East along the Westerly line of said highway, 175.91 feet; thence West, 827.05 feet to the place of beginning.

SECTION II

SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any Section or provision is invalid, such holding should not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Normajean Campbell, Clerk
Prairieville Township

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PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 105

Adopted: December 8, 1999

Effective: Eight (8) days following
Publication
following adoption

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted land situated in Land Section 31 and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN LAND SECTION 31

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 31 is hereby amended to read as follows:

Land Section Thirty-One (31), T. 1 N., R. 10 W.

- "A" Agricultural District: All that part Section Thirty-One (31) lying Southerly of Highway M-89 and also that part of the Southeast 1/4 lying Northerly of Highway M-89 and East of Kane Road except that part herein described as "C-1" Rural Area Convenience Commercial District and "I-1" Light Industrial District.
- "R-1" Low Density Residential: All that part of Section Thirty-One (31) lying Northerly of Highway M-89 and West of Kane Road except recorded plats of B-Z Bee Acres and B-Z Bee Acres No. 2 and those parts herein described as "P-2" Semi-Public Land.
- "P-2" Semi-Public Land District: That part of the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 1 North, Range 10 West described as commencing at the East 1/4 post of said Section 31; thence North 89°22'24" West on the East and West 1/4 line, 827.57 feet to the

place of beginning of this description; thence continuing on said East and West 1/4 line North 89°22'24" West, 520.00 feet; thence North 0°21'44" East on the West line of the Southeast 1/4 of the Northeast 1/4, 237.11 feet; thence South 88°36'46" East 202.22 feet; thence North 0°21'44" East, 430.89 feet; thence South 88°36'46" East, 325.78 feet; thence South 1°02'56", West 661.00 feet to the place of beginning. Subject to highway right of way over the Southerly 33 feet thereof for Cressey Road. Also subject to an easement for ingress, egress and public utilities over the east 66 feet of the west 136 feet thereof.

"C-1" Rural Area Convenience District: Commencing at the intersection of M-89 and the North South 1/8 line in the East 1/2 of the Southwest 1/4 of Land Section Thirty-One (31), thence South on said 1/8 line 584 feet to point of beginning thence South 126 feet, thence east 330 feet, thence North 126 feet, thence West 330 feet to point of beginning.

"I" Industrial District: Commencing at the South 1/4 post of Section Thirty-One (31); thence East along the South line of said Section, 1284.33 feet, thence North at right angles to said South line 40.0 feet for a place of beginning, continuing thence North, 128.30 feet; thence East, 706.72 feet parallel with said South line to the Westerly line of State Highway M-89; thence South 43 degrees, 10 minutes East along the Westerly line of said highway, 175.91 feet; thence West, 827.05 feet to the place of beginning.

SECTION II

SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any Section or provision is invalid, such holding should not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 108**

Adopted: May 26, 2000

**Effective: Eight (8)
Days Following
Publication After
Adoption**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 22 from the "C-1" Commercial District zoning classification to the "A" Agricultural District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE**BARRY COUNTY, MICHIGAN****ORDAINS:****SECTION I****REZONING OF PROPERTY IN LAND SECTION 22**

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 22 is hereby amended to read as follows:

Land Section Twenty-Two (22), T. 1 N., R. 10 W.

"A" Agricultural: Entire Section except that part herein described as "P-1" Public Land.

"P-1" Public Land: All that part of the South 400 feet of the North 800 feet Northeast fractional 1/4 of the Northwest fractional 1/4 lying Easterly of Norris Road and West of Lower Crooked Lake.

SECTION II
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 III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 109

Adopted: August 9, 2000

Effective:

Eight (8) Days
Following
Publication
After
Adoption

An Ordinance to amend the Prairieville Township Zoning Ordinance to add a new Section 4.18-1 pertaining to billboards; by the amendment of Section 4.20 pertaining to accessory buildings; by the amendment of Subsection "A" of Section 4.22 pertaining to yard encroachments; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

ADOPTION OF SECTION 4.18-1

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.18-1 to read as follows:

Section 4.18-1 Billboards.

1. Purpose: The purpose of this Section is to regulate the placement and arrangement of billboards within the Township. These regulations are intended to:
 - A. Protect the public health, safety, and general welfare;
 - B. Maintain traffic safety and prevent traffic hazards;
 - C. Preserve the view of natural landscapes;
 - D. Minimize visual pollution;

E. Protect the rural community character.

2. Scope: Billboards shall be allowed as a Permitted Use within the "C-1" and "I" Zoning Districts and as a Special Land Use within the "A", "P-1", and "P-2" Zoning Districts, subject to the provisions of this Section.

3. Billboard Provisions: No billboard of any kind or nature shall be erected, constructed, located or established except in compliance with the following:

A. Spacing.

1. No more than two (2) billboards may be located per linear mile of a single street or highway regardless of which side of the street or highway the billboards are located.
2. Billboards shall be located a minimum of 1,000 feet apart, as measured along the street or highway, regardless of which side of the street or highway the billboards are located and including billboards on intersecting streets.
3. No billboard shall be located within 500 feet of a Residential Zoning District or an existing residential, school or church building.
4. These spacing requirements shall not be limited to the boundaries of the Township where the subject roadway extends beyond the Township boundaries.
5. No billboard shall be located on or over building roofs.
6. No billboard shall be located on any street or highway designated as a *Scenic Street* by the Barry County Road Commission or the State of Michigan.

B. Setbacks.

1. Billboards may not be located less than 10 feet from the sideline of the property nor closer than one-half of the required building setback distance from the abutting street or highway.

C. Size/Height.

1. The total surface area of any billboard facing one direction shall not exceed 32 square feet.
2. Double-faced or back-to-back structures shall be considered as two billboards pursuant to the spacing requirement in Section 4.18-1.3.A.1. and exempt from the spacing requirement in Section 4.18-1.3.A.2.
3. Billboards shall not exceed 8 feet in height, as measured from the grade of the abutting street or highway.

D. Lighting.

1. Billboards may be illuminated; however, such illumination shall be concentrated upon the surface of the billboard and the billboard shall be so located and arranged so as to avoid glare or reflection onto any portion of any adjacent street or highway, or the path of oncoming vehicles, or onto any adjacent premises.
2. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

E. Maintenance.

1. All billboards and all appurtenances thereto shall be kept in good repair and in a proper state of

preservation with all display surfaces neatly painted and posted at all times.

F. Billboard Permits.

1. No billboard shall be erected within any Zoning District within the Township until a permit has been obtained from the Township.
2. A fee as may be determined by resolution of the Township Board shall accompany any application for a permit.
3. Permits may be issued for periods up to three years in length, and may be renewed for additional periods up to three years if there is full compliance with all applicable conditions and restrictions, upon payment of 1/2 of the original permit fee.

SECTION II
AMENDMENT OF SECTION 4.20

Section 4.20 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Subsection "G" to read as follows:

- G. No accessory building shall be used as a dwelling except as provided for in Sections 4.3 and 6.0.B.3.b

SECTION III
AMENDMENT OF SECTION 4.22

Subsection "A" of Section 4.22 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- A. Terraces, patios, decks, and walkways may project into a required yard provided that such construction is unroofed and without walls or other continuous enclosures.

SECTION IV
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holdings shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION V
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

Normajean Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 110

Adopted: November 8, 2000

**Effective: Eight (8) Days
Following Publication
After Adoption**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1 to add a definition of "Communication Tower"; by the amendment of Section 6.12-3 pertaining to communication towers; by the amendment of Section 4.20 pertaining to accessory buildings; by the amendment of Section 4.22 pertaining to yard encroachments; by the amendment of Section 4.18 to add a new subsection "M" pertaining to on-premises signs in the "A", "R-1" and "R-2" Zoning Districts; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I
AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "19a" to read as follows:

19a Communication Tower: A radio, telephone, cellular telephone, or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals, excluding those customarily accessory to residential dwellings, such as television antennas, ham radio antennas, satellite dish antennas, etc.

SECTION II

AMENDMENT OF SECTION 6.12-3

Section 6.12-3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 6.12-3 COMMUNICATION TOWERS:

Purpose. The purpose of this Section is to accommodate the need for communication while protecting the public health, safety and welfare.

Scope. Communication towers and telecommunication equipment shall be allowed as a Special Land Use in all zoning classifications, with the exception of the "R-1", "R-2", "R-4", and "R-5" zoning classifications, subject to the provisions of this Section and Sections 4.13 and 6.8 through 6.12-1.

Communication Tower Provisions. A communication tower shall be erected, constructed, located or established in compliance with the following:

A. Co-location.

1. In order to discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. New tower applications shall not be favorably considered unless the applicant substantially demonstrates that no existing or approved towers can accommodate the planned telecommunications equipment.
2. The application shall include documentation regarding the availability of any existing or approved communication towers within the transmission area that may meet the needs of the applicant. The documentation shall be provided by a qualified and licensed engineer and shall evaluate the following factors:

- a. Structural capacity of the existing or approved tower and ability of existing or approved tower to be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
 - b. Geographic service area requirements.
 - c. Mechanical or electrical incompatibilities.
 - d. Other limitations that preclude the location of the proposed telecommunications equipment upon an existing or approved tower or building.
3. Any proposed tower shall be designed and constructed to accommodate future co-location by a minimum of 2 additional users. A letter of intent committing the tower owner and his or 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 shall be provided.
4. The placement of telecommunications equipment on roofs, walls, existing towers, and other structures may be approved by the reviewing body, provided the equipment meets the provisions of this Section, after submittal of a site plan and a report prepared by a qualified and licensed engineer indicating the existing structure or tower's suitability to accept the equipment.
- B. Tower Spacing. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in a single area. This spacing requirement shall not be limited to the boundaries of the Township where the subject roadway extends beyond the Township boundaries.

C. Setbacks.

1. A tower shall be set back a minimum of 500 feet from any dwelling, 500 feet from any road right-of-way, and 300 feet from the shoreline of any lake, pond, or stream.
2. A tower shall be set back from all property lines a distance at least equal to its height. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground 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 and tower.
3. A tower shall not be located between a principal structure and a public street, with the following exceptions:
 - a. Towers may be placed within a side yard abutting an internal industrial street within the Industrial District.
 - b. Towers may be placed within a side yard abutting a local street on sites adjacent to public streets on all sides.
 - c. A tower's setback may be reduced or its location to a public street varied by the reviewing body to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device, or other similar structure. Any variation shall be approved through a finding by the reviewing body that the deviation meets the purpose of this Section.

4. A tower shall be located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.
- D. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless the FAA or other federal or state authority for a particular tower requires such lighting.
- E. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- F. Accessory Buildings.
1. All buildings and structures accessory to a tower shall be located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
 2. Accessory structures shall not exceed 720 square feet of gross building area.
- G. Site Access/Parking
1. All driveways serving as ingress and egress to the site shall comply with Fire Department accessibility standards.
 2. A minimum of one (1) on-site parking space shall be provided.
- H. Fencing/Screening.
1. Security fencing of at least 6 ft in height (unless required otherwise) shall be required to prevent access to the tower, accessory building/structure, and guyed wires.
 2. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
 3. Ground mounted equipment and accessory buildings and structures

may be required to be screened from view by suitable vegetation. Landscaping at the site shall be consistent with the character of the area.

- I. Abandonment of Unused Towers (or Portions of Towers). All abandoned or unused towers or portions of towers and associated facilities shall be removed within three (3) months of being abandoned. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within three (3) months of cessation of operations at the site, the tower and associated facilities may be removed by Prairieville Township and the costs of removal assessed against the property.

- J. Additional Application Requirements. In addition to the site plan review information required by Section 4.13-3, application for towers shall include the following information:
 1. Tower plans and a report from a qualified and licensed engineer which:
 - a. describes the tower height and design, including a cross section and elevation;
 - b. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;
 - c. describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
 - d. includes an engineer's stamp and registration number;
 - e. indicates that the proposed tower complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration; and

- f. includes information necessary to allow determination of compliance with Building Code, Electrical Code and other applicable Township Ordinances.

SECTION III
AMENDMENT OF SECTION 4.20

Section 4.20 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "G" to read as follows:

- G. No accessory building shall be used as a dwelling except as provided for in Sections 4.3 and 6.0 B.3.b.

SECTION IV
AMENDMENT OF SECTION 4.22

Subsection "A" of Section 4.22 of the Prairieville Township Zoning Ordinance is hereby to read as follows:

- A. Terraces, patios, decks, and walkways may project into a required yard provided that such construction is unroofed and without walls or other continuous enclosures.

SECTION V
AMENDMENT OF SECTION 4.18

Section 4.18 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "M" to read as follows:

- M. One (1) permanent sign advertising permitted uses rendered or offered upon or from the premises where the same is situated (except for home occupation signs which shall be governed by Section 4.19.C.8.) shall be permitted on unplatted land located within the "A", "R-1", and "R-2" Zoning Districts, subject to the following limitations:
 - 1. In an "A" Zoning District, sign area shall not exceed thirty-two (32) square feet.

2. In the "R-1" and "R-2" Zoning Districts, sign area shall not exceed twelve (12) square feet.

SECTION VI
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VII
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

Normajean Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 111****Adopted: June 13,2001****Effective: Eight (8) Days Following
Publication After Adoption**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted land situated in Land Section 7 from the "A" Agricultural District zoning classification to the "R-1" Single-Family, Low Density, Residential District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE**BARRY COUNTY, MICHIGAN****ORDAINS:****SECTION I****REZONING OF PROPERTY IN LAND SECTION 7**

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in the "R-1" Single-Family, Low Density, Residential zoning classification in Land Section 7 is hereby amended to read as follows:

"R-1" Single-Family, Low Density, Residential: Commencing at the West 1/4 post of Section 7, Town 1 North, Range 10 West, thence North 0 degrees, 00 minutes, 12 seconds West along the West line of Section 7, 879.21 feet to the place of beginning of this description, thence continuing North 0 degrees, 00 minutes, 12 seconds, West along the Section line 369 feet, thence North 89 degrees, 56 minutes, 15 seconds East 523.99 feet; thence South 0 degrees, 00 minutes, 12 seconds East parallel with the Section line 369 feet, thence South 89 degrees, 56 minutes 15 seconds West 523.99 feet to the place of beginning. Also that land commencing at the West 1/4 post of Section 7, thence North along the Section line 1248.24 feet; thence

North 89 degrees 56 minutes 15 seconds East 523.99 feet; thence South 71 degrees 06 minutes East on the South line of Merlau Avenue 330 feet to the place of beginning; thence South 71 degrees 06 minutes East 321.08 feet; thence South 0 degrees 00 minutes East 752.17 feet thence North 89 degrees 35 minutes West 405 feet; thence North 0 degrees 00 minutes West 425.29 feet; thence North 1 degrees 26 minutes West 275.38 feet; thence North 31 degrees 08 minutes East 185.85 feet to the place of beginning.

SECTION II
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 III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 113****Adopted: June 12, 2002****Effective: Eight (8) Days Following
Publication After Adoption**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 3.1 to add a definition of "deck"; by the amendment of Section 4.3 pertaining to temporary use of structures for dwelling purposes; by the amendment of Section 4.18 to add a new subsection "N" pertaining to signs in the "P-1" and "P-2" zoning districts; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE**BARRY COUNTY, MICHIGAN****ORDAINS:****SECTION I**
AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "19b" to read as follows:

- 19b. Deck: A patio or platform without a roof that is anchored to the ground or attached and/or extending in a permanent fashion from the exterior wall or walls of an existing dwelling or structure.

SECTION II
AMENDMENT OF SECTION 4.3.C(b)

Section 4.3.C(b) of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- (b) The occupancy shall not be permitted on a vacant parcel of land in the "R-1" or "R-2" zoning districts unless a special land use permit has been granted in accordance with the standards set forth in Section 6.11. The special land use permit shall be valid for a period of one (1) year but shall be automatically renewed annually thereafter unless the Zoning Administrator determines that there has either (1) been a failure to comply with the Zoning Ordinance and/or the terms of the special land use permit, or (2) there has been a material change in conditions that may cause the special land use to no longer satisfy the standards in Section 6.11.B for special land use approval. In the event of either such determination, the special land use permit shall not be renewed unless and until the Planning Commission determines, after due notice and hearing in accordance with Sections 6.10 and 6.11, that the special land use permit should be renewed.

SECTION III
AMENDMENT OF SECTION 4.18

Section 4.18 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of new subsection "N" to read as follows:

N. In the "P-1" Public Land and "P-2" Semi-Public Land Zoning Districts, sign area shall not exceed 32 (thirty two) square feet.

SECTION IV
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION V
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 115****Adopted: April 9, 2003****Effective: Eight (8) Days Following
Publication After Adoption**

An Ordinance to make various amendments to the Prairieville Township Zoning Ordinance and to repeal all ordinances or parts of Township ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE**BARRY COUNTY, MICHIGAN****ORDAINS:**

SECTION I
REDESIGNATION AND AMENDMENT OF ARTICLE X

Article X of the Prairieville Township Zoning Ordinance entitled "ADMINISTRATION AND ENFORCEMENT" is hereby redesignated as Article XI and Sections 8.0 through 8.9 therein redesignated as, respectively, Sections 9.0 through 9.9. Further, the reference in Section 8.4 (now Section 9.4) to "Section 8.5" is amended to "Section 9.5".

SECTION II
ADOPTION OF NEW ARTICLE X

The Prairieville Township Zoning Ordinance is hereby amended by the adoption of a new Article X to read as follows:

ARTICLE X**OPEN SPACE PRESERVATION DEVELOPMENTS****Section 8.0 Purpose**

The purpose of this Section is to offer an alternative to traditional subdivisions through the use of open space preservation development opportunities, as authorized by Section 16h of the Township Zoning Act (Public Act 184 of 1943, as amended) for the purpose of:

- Assuring permanent preservation of substantial open space and other natural resources;
- Allowing innovation and greater flexibility in the design of residential developments;
- Facilitating construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;

- Providing for site development that maintains a low visual impact, particularly along roadways and abutting properties;
- Encouraging a less sprawling form of development, thus preserving open space, natural features, and wildlife habitat areas consistent with the Township's rural character;
- Ensuring compatibility of design and use between neighboring properties.

These regulations are intended to result in a development substantially consistent with Zoning Ordinance requirements, generally, yet allowing for specific modifications from the general requirements. These regulations are not intended as a device for ignoring the Township's zoning requirements nor the planning concepts upon which the Zoning Ordinance has been based.

Section 8.1 Scope

An open space preservation development is defined as a residential development where the protection of substantial open space is the primary site development consideration, and the clustering or grouping of dwelling units and/or sites upon a small portion of the property is a fundamental feature.

An open space preservation development shall be permitted within the "R-1", "R-2", and "A" zoning districts, subject to the following requirements and standards.

Section 8.2 Open Space Requirements

- A. A minimum of 60 percent of the gross contiguous land area of the open space preservation development shall be designated as 'open space'.
- B. All significant/sensitive environmental resources (steep slopes, wetlands, woodlands, prime agricultural soils, scenic features, etc.) should be considered for inclusion within the designated "open space".
- C. The following land areas within the boundaries of the open space preservation development shall not be included as designated 'open space':
 1. land devoted to a residential lot or unit, accessory use, vehicle access, parking, and/or approved land improvement (other than those land improvements specifically referenced in the definition of "undeveloped state" in subsection D below.)
 2. public street right-of-way, or right-of-way deeded to the Township
 3. private street easements
- D. Designated 'open space' shall remain perpetually in an undeveloped state. "Undeveloped state" shall be defined as a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may

include a recreational trail, picnic area, children's play area, greenway, or linear park.

- E. Designated 'open space' shall, except for open space used for agriculture, consist of contiguous land area and be easily accessible to all residents of the open space preservation development through open space segments between clusters, visual and pedestrian linkages and proximity to such open spaces. Open space design should consider adjacent properties for the purpose of linking open spaces and creating connected open space and wildlife corridors.
- F. Division (by platting, site condominiumizing or otherwise) of the designated 'open space' is prohibited.
- G. Designated 'open space' shall be under common ownership or control, such that there is a single person or entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
- H. Designated 'open space' shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - recorded deed restrictions
 - covenants that run perpetually with the land
 - conservation easements
 - land trusts

Such conveyance shall assure that the 'open space' will be protected from all forms of development, except as shown on the approved site plan, and shall never be changed to another use. Such conveyance shall also:

1. Indicate the proposed allowable use(s) of the designated 'open space';
 2. Require that the designated 'open space' be maintained by parties who have an ownership interest in the 'open space'; and
 3. Provide standards for scheduled maintenance of the 'open space';
- I. Failure of the party(ies) having an ownership interest in the designated open space to maintain the open space in accordance with the standards set forth in the terms of conveyance described in subsection "H" above shall constitute a violation of this ordinance and subject the violator(s) to all sanctions, including injunctive relief, provided for under Section 9.6.C of this ordinance.

Section 8.3 General Development Requirements

- A. An open space preservation development shall be limited to single- and two-family residential dwelling units, provided that the total number of dwelling units does not exceed the density for the open space preservation development permitted by subsection B below.
- B. The total number of dwelling units allowable within an open space preservation development shall not exceed the density allowed by the applicable requirements of the underlying residential zoning district.

The number of residential lots allowable within an open space preservation development shall be determined in the following manner:

- A parallel design for the project consistent with the State and Township requirements and design criteria for a tentative preliminary plat shall be presented to the Planning Commission for review;
 - The design shall be reviewed to determine the number of lots that could be feasibly constructed following the adopted plat requirements; and
 - The number of lots determined by the Planning Commission in this review shall be the maximum number of residential sites allowable for the open space preservation development.
- C. Minimum lot area and width requirements shall not apply within an open space preservation development. All other zoning ordinance dimensional requirements for the underlying zoning district shall apply, unless specifically modified by the Planning Commission.

The Planning Commission is authorized to approve specific modifications from the dimensional requirements set forth in the Zoning Ordinance. Any dimensional modification shall be approved through a finding by the Planning Commission that the modification meets the purpose of the open space preservation development set forth in Section 8.0. Such a dimensional modification is not subject to variance approval or further relief by the Zoning Board of Appeals.

- D. Residential sites shall be designed to accommodate adequate sewage disposal facilities where public sewer is not required.
- E. Residential sites shall be confined to cluster areas established within the open space preservation development.
- F. Cluster area design standards:
 1. A range of approximately 5 to 10 sites per cluster area, arranged in a small, cohesive neighborhood, shall be considered a desirable design feature, as opposed to a linear arrangement.
 2. Cluster areas should provide access to accommodate vehicles, utilities, and commonly owned facilities, as well as a linkage to the project open space system.

3. Cluster areas should be visually and physically separated from one another and off-site roadways by open space buffers.
 4. Cluster areas should be integrated into the site without causing significant impacts on neighboring properties.
 5. Cluster areas should be designed to be compatible with the surrounding community character.
 6. The use of single-loaded streets (houses on only one side) - especially alongside 'open space', around community common areas, and to create foreground meadows along the public road that serves the development—should be incorporated into cluster area designs to avoid a traditional suburban subdivision appearance.
- G. Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
- H. The proposed open space preservation development shall be under common ownership or control while being constructed, such that there is a single person or entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

Section 8.4 Design Standards

- A. Interior Street System: The open space preservation development shall be serviced by an interior street system; dwelling units shall not front on or gain direct access from an off-site road network. Interior streets may be public and/or private subject to Township approval.

Public streets shall be constructed to the standards of and dedicated to the Barry County Road Commission.

Where adjoining areas are not subdivided, the arrangement of streets within the proposed open space preservation development shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.

When an interior street will serve as a connecting link between different land ownerships or different public roads, either currently or within the future, it shall be constructed as a public road in the Barry County road system or, if approved by the Township, it may be a private road located upon a 66-foot public right-of-way/easement granted to the Township for public ingress and egress.

If approved as a private road, the Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.

Where space permits, cul-de-sacs should be designed with a central island where vegetation shall be preserved/established.

Street systems should be designed so that their curvature or alignment produces 'terminal vistas' of open space elements, such as

water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or through the use of single-loaded streets.

Street systems shall be designed to accommodate required emergency vehicle access and circulation.

- B. Access: Access to the open space preservation development shall be designed consistent with the rural, natural character of the area.
- C. Utilities: Public water and/or sanitary sewer services shall be required where reasonably available.

Where such services are not reasonably available, private sewer facilities may be permitted subject to the review and regulation of the Michigan Department of Environmental Quality and/or the Barry County Health Department and the approval of the Township.

All utility lines and installations capable of being placed underground, including telephone, electric and cable television, shall be placed underground.

- D. Stormwater Management: Stormwater management systems and drainage facilities shall be designed so as to:
 1. protect the natural environment, including wetlands, water bodies, watercourses, flood plains, groundwater and soils;
 2. retain the natural retention and storage capacity of any wetland, water body, or watercourse, and not increase flooding or the possibility of polluting surface water or groundwater, on-site or off-site; and
 3. incorporate and/or use natural drainage systems existing on the site.
- E. Street Lighting: Street lighting shall be designed and arranged so as to avoid light spillover onto adjacent premises and so that any light source is shielded or directed so that the light intensity or brightness will not be reasonably objectionable to surrounding areas.
- F. Natural Features: The development shall be designed to promote the preservation of natural features.

Section 8.5 Review Criteria

In considering an application for approval of an open space preservation development, the Planning Commission shall make its determination on the basis of the Site Plan Review Criteria set forth in Section 4.13-4 and the following standards and criteria:

- A. The overall design and land uses proposed in connection with an open space preservation development shall be consistent with the intent of the open space preservation development concept and the specific open space/general development/design standards set forth herein.
- B. The proposed open space preservation development shall be serviced by the necessary public and/or private facilities to assure the public health, safety, and welfare of project residents and users.

- C. The proposed open space preservation development shall be designed to minimize the impact of traffic generated by the development on the surrounding land use and road network.
- D. The proposed open space preservation development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
- E. The proposed open space preservation development shall be designed and constructed so as to preserve the integrity of existing on-site and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
- F. The designated 'open space' shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- G. The proposed open space preservation development shall comply with all applicable federal, state and local regulations.

Section 8.6 Application Guidelines

- A. Conceptual Development Plan Review.
 - 1. The applicant shall present the following information on the proposed open space preservation development for a conceptual review by the Planning Commission:
 - a. Sketch plan of the proposed layout;
 - b. An accurate legal description of the development site;
 - c. The names and addresses of all current owners of the development site;
 - d. The total acreage of the project site;
 - e. The number of acres to be developed by use;
 - f. The number of acres ineligible for density computation or open space;
 - g. The number of acres to be preserved as open space;
 - h. A parallel plan for determining the maximum allowable density as required by Section 8.3.B. This plan shall meet the requirements for a plat based upon PA 288 of 1967, as amended, and the Township Subdivision Control Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district;
 - i. The number and type of proposed dwelling units;
 - j. The concept of the pedestrian and vehicular circulation system; and
 - k. The location and dimension of known natural features.

2. Conceptual Development Plan approval shall not constitute an approval of a detailed final development/site plan but shall be deemed a tentative approval of the development concept and layout as a guide to the preparation of the final development/site plan. A request for modification of the conceptual development plan shall be submitted to the Planning Commission for review in the same manner as the original conceptual development plan.

B. Development/Site Plan Review.

1. Following conceptual development plan review, an open space preservation development shall undergo a final development/site plan review by the Planning Commission. The final development/site plan review shall conform to the approved conceptual development plan and incorporate any revisions required by the Planning Commission at the conceptual development plan review. If a final development/site plan is not submitted for review within 6 months of conceptual development plan approval, the Planning Commission may require a resubmission of the conceptual development plan for further review and possible revision. Development/site plan review shall be subject to all appropriate sections of the Zoning Ordinance.
2. The following information shall be provided as part of the development/site plan:
 - a. Boundaries of the open space preservation development;
 - b. A general location map showing the existing zoning designations, uses, and ownerships of the open space preservation development and all land within one quarter mile of the boundaries of the open space preservation development;
 - c. The topography of the site and its relationship to adjoining land;
 - d. A general description of existing soil conditions per the Barry County Soil Survey Map;
 - e. Locations and dimensions of wetland areas and other significant natural features such as: woodland areas, slopes in excess of 8%, lakes, ponds, streams and water drainage areas;
 - f. The location of existing roads adjacent to the open space preservation development with an indication of how they will connect with the proposed circulation system for the proposed development;
 - g. The pedestrian and vehicular circulation system proposed within the open space preservation development;
 - h. Delineation of proposed residential cluster areas indicating for each such area its size and number of buildings, dwelling unit density, building envelopes, and orientation of units;

- l. The interior open space system and park/recreation areas;
- j. Proposed landscaping, including greenbelts, berms, and/or screening;
- k. The overall stormwater drainage system;
- l. The proposed sewage treatment method and water systems;
- m. A colored rendering of the development plan for presentation purposes;
- n. The overall plan shall represent the development concept using maps and illustrations for each use; specify square footage or acreage allocated to each use which is not residential; approximate locations of each principal structure in the development; setbacks, and typical layouts and architectural building elevations for each use. The plan shall summarize in a table form, the underlying zoning district requirements and specify, in table form, requested modifications from those requirements;
- o. A parallel plan for determining the maximum allowable density as required by Section 8.3.B. This plan shall meet the requirements for a plat based upon PA 288 of the 1967, as amended, and the Township Subdivision Control Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district.
- p. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Analysis must include:
 - i. existing vegetation;
 - ii. topography;
 - iii. water bodies;
 - iv. streets, rights-of-way, easements; and
 - v. existing structures.
- q. An analysis of vehicular traffic impact of the proposed open space preservation development on existing road network.
- r. A specific time schedule for the intended development and construction details, including proposed phasing or timing of all improvements.
- s. The name, address and telephone number of:
 - i. All persons with an ownership interest in the land on which the open space preservation

- development will be located together with a description of the nature of each entity's interest;
- ii. All engineers, attorneys, architects or registered land surveyors associated with the open space preservation development;
 - iii. The developer or proprietor of the open space preservation development; and
 - iv. Any person(s) authorized to represent the owner in the review process.
- t. An accurate legal description of the open space preservation development, including appropriate tax identification numbers;
 - u. A statement as to how common open space and park/recreation areas are to be owned and maintained.
 - v. A narrative describing how the open space preservation development is consistent with the Township's Land Use Plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties.
 - w. Written reviews/approvals from all applicable regulatory agencies, including but not limited to:
 - I. Barry County Drain Commission;
 - ii. Barry County Road Commission;
 - iii. Barry-Eaton Public Health Department;
 - iv. Fire Department having jurisdiction, including the Pine Lake Fire Department;
 - x. Environmental Permits Checklist.
 - y. Easements, deed restrictions, and other documents pertaining to the open space system and park/recreation areas.
 - z. If condominium ownership is proposed, all documentation required by any condominium regulations of the Township; and
 - aa. Engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.
- C. Public Hearings and Noticing: The Planning Commission shall hold a public hearing on an application for Conceptual Development Plan Review and Development/Site Plan Review for an open space preservation development. Notice of a public hearing for an open

space preservation development shall be accomplished in accordance with Section 6.10.

- D. **Effect of Approval:** After a Development/Site Plan has been approved and construction of any part thereof commenced, no other type of development is permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- E. **Conformity to Approved Plan:** Property which is the subject of approval for an open space preservation development must be developed in strict compliance with the approved Development/Site Plan and any amendments thereto which have received Planning Commission approval. If construction and development does not conform with same, the approvals thereof shall be forthwith revoked pursuant to Section 4.13-6. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.
- F. **Amendment to Approved Plan:** A proposed amendment or modification to a previously approved Development/Site Plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
- G. **Project Phasing:** When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the open space preservation development and the residents of the surrounding area.

Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void.

- H. **Security Deposit:** The Planning Commission may require that a security deposit, in accordance with Section 4.13-8, be deposited with the Township to insure completion of the site in accordance with the approved plans.
- I. **Recording of Action:** No building permit shall be issued for an open space preservation development and no construction activity commenced within the open space preservation development until an affidavit containing the full legal description of the open space preservation development, specifying the date of final Planning Commission approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation Development/Site Plan, is recorded with the Register of Deeds for Barry County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the Township and have been recorded with the Register of Deeds for Barry County.

SECTION III
AMENDMENT OF SECTION 9.6.C

Section 9.6.C of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum</u> Fine	<u>Maximum</u> Fine
1st Conviction of an Offense within 5-year period*	\$ 75.00	\$ 500.00
2nd Conviction of an Offense within 5-year period*	\$ 150.00	\$ 500.00
3rd Conviction of an Offense within 5-year period*	\$ 325.00	\$ 500.00
4th or more Conviction of an Offense within 5-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 Prairieville 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. Every day that the violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

SECTION IV
AMENDMENT OF SECTION 4.19.C.1

Section 4.19.C.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

1. The home occupation shall be conducted entirely within the dwelling.

SECTION V
AMENDMENT OF SECTIONS 4.19.C.2 AND 4.19.C.3

Section 4.19.C.2. and 4.19.C.3 of the Prairieville Township Zoning Ordinance are hereby amended to read as follows:

2. No home occupation conducted within the dwelling shall occupy an area greater than 25% of the total floor area of the dwelling exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters. In no event, however, may a home occupation occupy an area greater than 300 square feet.
3. The home occupation must be owned and conducted by a person or persons residing in the dwelling on the premises.

SECTION VI
REPEAL OF SECTION 4.19.C.7

Section 4.19.C.7 of the Prairieville Township Zoning Ordinance is hereby repealed.

SECTION VII
AMENDMENT OF SECTION 4.19.D.3

Section 4.19.D.3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

3. The location of all existing and proposed structures on the subject property. The dwelling intended to be used in connection with the home occupation shall be identified as such in the diagram and the distance of the dwelling from the front, rear and side property lines shall be shown.

SECTION VIII
AMENDMENT OF SECTION 4.24

Section 4.24 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.24 - LOTS HAVING WATER FRONTAGE:

In all cases where a lot has water frontage, the front lot line shall be the boundary line of the lot immediately adjacent to the water's edge. The front yard shall be the yard extending across the front of the lot between the side lot lines and measured between the high water line and the building line.

In those cases where a lot has water frontage on two opposite sides, that side with the greater distance between the principal building on the lot and the water's edge shall be deemed the front yard and the other side be deemed the rear yard for purposes of this Zoning Ordinance.

Lots abutting lakes shall have continuous lake frontage that is not less than the minimum lot width requirement for the zoning district within which the lot is located. Lake frontage shall be measured by a straight line which connects each sideline of the lot at the points where the sidelines intersect the high water line. (See Section 4.35 for waterway frontage requirement for access lots providing waterway access to more than one access lot beneficiary)

SECTION IX
AMENDMENT OF SECTION 4.20

Section 4.20 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.20 Residential Accessory Buildings

- A. All references to accessory buildings in this section shall apply only to residential accessory buildings, including private garages; carports; and boat houses.
- B. No accessory building may be used as a dwelling except as provided for in Section 6.0.B.3.b.
- C. Accessory buildings permitted without special land use permit:

- 1. The total combined floor space of the accessory building(s) on either a platted lot or site condominium unit of one acre or less in size shall not exceed the limits set forth in the following schedule:

<i>Lot Size</i>	<i>Permitted Total Floor Space</i>
Zero - 10,000 sq. ft.	840 sq. ft.
10,001 - 20,000 sq. ft.	1,176 sq. ft.
20,001 sq. ft - one acre	1,320 sq. ft.

- 2. The total combined floor space of the accessory building(s) on either (1) a platted lot or site condominium unit of more than one acre in size or (2) an unplatted lot shall not exceed the limits set forth in the following schedule:

<i>Lot or Parcel Size</i>	<i>Permitted Total Floor Space</i>
One acre or less	1,320 sq. ft.
1.01 acres - 2.99 acres	2,000 sq. ft.
3.00 acres - 4.99 acres	3,000 sq. ft.
5.00 acres - 9.99 acres	4,000 sq. ft.
10.00 acres or more	5,000 sq. ft.

- 3. An accessory building which is structurally attached to the residence shall, unless expressly provided otherwise, be subject to all requirements of this section.
- 4. When an accessory building is not structurally attached to the residence, it shall be located in the side or rear yard. A corner lot shall be considered for purposes of this section as having two (2) front yards.
- 5. Accessory buildings shall not:
 - (a) Exceed a height of twenty-five (25) feet (eighteen (18) feet for accessory buildings on platted lots or site condominium units of one acre or less) measured from the building grade to the highest point of the building;
 - (b) Be located nearer to a side lot line than the permitted distance for the principal building on the same lot. EXCEPTION: If the accessory building is (1) detached from the principal building and (2) located entirely in the rear yard, it may be located not nearer than six (6) feet to a side lot line.

- (c) If attached to the principal building, be located nearer to the rear lot line than the permitted distance for the principal building on the same lot
 - (d) If detached from the principal building, be located nearer than six (6) feet from the rear lot line. EXCEPTION: If the detached accessory building is (1) a private garage and (2) entered at a right angle to the road upon which it has direct access, it shall be located not nearer than six (6) feet to the rear lot line.
6. A boat house is permitted only if a special land use permit is granted pursuant to subsection "D.2" below.

D. Accessory buildings permitted with special land use permit:

1. Any accessory building failing to meet the size, height, maximum rear yard coverage, or location requirements set forth above, may be allowed as a special land use, subject to the conditions in subsections "4, 5, 6 and 7" below.
2. A boat house may be allowed as a special land use, only for the benefit of the occupants of the subject property, subject to the four conditions below as well as the requirements of "5, 6 and 7" that follow:
 - (a) Be located adjacent to a navigable body of water, with no minimum setback.
 - (b) Be used to store one or more boats and boating accessories.
 - (c) Be established in compliance with all applicable state and local laws.
 - (d) Complies with all size, height and location requirements set forth in Section 4.20.C, except (in the case of accessory buildings on either (1) a platted lot or site condominium unit of more than one acre in size or (2) unplatted parcels) as otherwise expressly approved by the Planning Commission.
3. An accessory building may be allowed as a special land use in the "A", "R-1" and "R-2" zoning classification(s) on an otherwise vacant lot or on a lot having only another accessory building(s) used primarily for residential purposes upon it, subject to the two conditions below, as well as the requirements in "5, 6 and 7" that follow:
 - (a) The building may be utilized only for purposes accessory to residential uses allowed in the zone in which it is located.
 - (b) The building shall comply with all size, height and location requirements set forth in the site development requirements for the district in which it is located, except as otherwise expressly approved by the Planning Commission.
4. An accessory building shall not be located closer than six (6) feet to any property line or site condominium unit boundary line.
5. Proposed accessory building(s) shall not have a material adverse impact upon the owners and occupants of adjoining lots. The Planning Commission shall have authority to impose reasonable conditions, including reduction in size, to assure compliance with this standard.

6. All applications requiring a special land use permit hereunder shall be accompanied by twelve (12) copies of a site plan of the subject property, drawn to a selected scale, containing the following information:

(a) a NORTH arrow and notation of the selected scale used.

(b) All property lines shall be shown with their dimensions.

(c) Location and dimensions of all existing and proposed structures (including the height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent property within fifty (50) feet of the subject property.

(d) Location of any septic tank and/or dry well on the subject property.

Planning Commission approval of the above required site plan under the standards in Section 4.13-4 shall satisfy the site plan submission and approval requirements of Section 4.13 of this Ordinance.

7. An application for a special land use permit hereunder shall include a statement setting forth the purpose(s) for which the proposed accessory building(s) will be used. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.

E. Accessory buildings may be established to serve a residence that is a lawful nonconforming use providing that such accessory building(s) are established in accordance with both the provisions of Section 4.20 and Section 6.19 of this Ordinance, including obtaining any special land use permits mandated thereunder.

SECTION X **AMENDMENT OF SECTION 3.1.2**

Section 3.1.2 of the Prairieville Township Zoning Ordinance is proposed to be amended to read as follows:

2. **ACCESSORY BUILDING:** A subordinate building or a portion of a building, the use of which is incidental to that of the main building it serves and which, unless expressly permitted otherwise in this Ordinance, is located on the same lot as the main building.

SECTION XI **AMENDMENT OF SECTION 4.3**

Section 4.3 of the Prairieville Township Zoning Ordinance is proposed to be amended to read as follows:

4.3. **TEMPORARY BUILDINGS FOR NON-RESIDENTIAL USE:**

Temporary buildings for non-residential use incidental to construction work shall be permitted. Said use shall not be in conflict with public health, safety, and welfare regulations. The temporary building(s) and all debris shall be removed within fifteen (15) days after completion or abandonment of the work.

SECTION XII **AMENDMENT OF SECTION 4.4**

Section 4.4 of the Prairieville Township Zoning Ordinance is proposed to be amended to read as follows:

4.4. TEMPORARY OCCUPANCY OF RECREATIONAL VEHICLES AND TENTS:

A recreational vehicle or tent may be occupied on a temporary non-commercial basis within any zone classification established in this Ordinance, subject to the following conditions and limitations:

- A. The occupancy upon a parcel of land shall not in any calendar year exceed a total of thirty (30) days or more than four (4) weekends. Occupancy for one weekend day shall be counted as occupancy for the entire weekend for purposes of this provision.
- B. The occupancy shall not be permitted on a parcel of land in the "R-1" or "R-2" zoning districts having no occupied dwelling unit upon it unless a special land use permit has been granted in accordance with the standards set forth in Section 6.11. The special land use permit shall be valid for a period of one (1) year but shall be automatically renewed annually thereafter unless the Zoning Administrator determines that there has either (1) been a failure to comply with the Zoning Ordinance and/or the terms of the special land use permit, or (2) there has been a material change in conditions that may cause the special land use to no longer satisfy the standards in Section 6.11.B for special land use approval. In the event of either such determination, the special land use permit shall not be renewed unless and until the Planning Commission determines, after due notice and hearing in accordance with Sections 6.10 and 6.11, that the special land use permit should be renewed.
- C. Not more than one recreational vehicle or tent may be occupied on a parcel of land.
- D. The recreational vehicle or tent shall be served by sewage and water supply facilities located on the same parcel of land as the recreational vehicle or tent and approved by the Barry County Department of Public Health. The sanitary sewage facility shall be screened from adjoining properties under separate ownership and shall not be located in a front yard.
- E. Neither rent nor any other fee shall be charged by the property owner or by the occupant of any permanent residence on the parcel for a temporary occupancy allowed hereunder.
- F. A zoning permit shall be obtained from the Zoning Administrator when the temporary occupancy of a parcel exceeds a total of five (5) days within the calendar year. To obtain such a zoning permit, the owner of the parcel or occupant of any permanent residence on the parcel shall fill out an application form indicating the dates of temporary occupancy. Temporary occupancy shall only be allowed in conformance with the information set forth on the application form. The application may be amended from time to time by the applicant to reflect changes in proposed dates of temporary occupancy.
- G. Any person who shall permit or cause a recreational vehicle or tent to be occupied in violation of the requirements in Section 4.4 shall be in violation of this Ordinance and subject to the sanctions set forth herein.
- H. For purposes of this section, the word "day" shall refer to a calendar day (e.g., January 1).

SECTION XIII
AMENDMENT OF SECTION 4.5

Section 4.5 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.5 OUTDOOR STORAGE OF RECREATIONAL VEHICLES AND TENTS:

- A. Except as provided below, not more than one recreational vehicle or tent may be stored outdoors on a parcel of land.
- B. The outdoor storage of a recreational vehicle or tent shall not be permitted on a parcel of land in the "R-1" or "R-2" zoning classifications having no occupied dwelling upon it unless a special land use permit has been granted in accordance with the standards set forth in Section 6.11.

SECTION XIV
AMENDMENT OF SECTION 6.0.B.2

Section 6.0.B.2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

2. Accessory buildings and accessory uses, excluding accessory buildings used as guest houses. (See Section 4.20).

SECTION XV
AMENDMENT OF SECTION 6.6.B

Subsections "2" and "3" of Section 6.6.B of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

2. Single family dwellings.
3. Accessory buildings and uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and signs as permitted by this Ordinance. (See Section 4.20 pertaining to residential accessory buildings).

SECTION XVI
AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the amendment or addition of the following subsections to read as follows:

- 23a **Driveway:** A passage providing a single lot automotive access to a public or private road. A driveway shall have a width of no less than twelve (12) feet.
- 73a **Private Road:** A non-public passage providing two or more lots automotive access to a public road or another private road.
- 49a **Lot Area:** The total area within a lot.
- 50 **Lot-Corner:** A lot which abuts two (2) roads and occupies the interior angle of the intersection of the two (2) road right-of-way lines

which makes an angle of less than one hundred forty five (145) degrees.

- 53 **Lot-Through:** An interior lot abutting more than one (1) road.
- 59a **Lot/Parcel - Vacant:** A lot or parcel not having any building upon it.
- 76a **Road Frontage:** The largest distance of uninterrupted frontage that one side of a lot has upon a public or a private road.
- 10a **Boat House:** A residential accessory building that is (1) located entirely or partially upon a body of water or in close proximity thereto; and (2) used primarily for the housing or storage of one or more boats and other items of personal property used for boating, fishing and/or swimming purposes.

SECTION XVII
AMENDMENT OF SECTION 4.22

Section 4.22 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.22 - YARD ENCROACHMENTS:

The yard requirements of all zones are subject to following permitted encroachments (see also Section 4.32 entitled "FENCES, WALLS AND SCREENS"):

- A. Structures having a height of 18" or less above ground level may project into a required yard.
- B. Stairways leading to an abutting waterfront area (including any stairway landings not exceeding 200 square feet in area) may project into the required front yard.

SECTION XVIII
AMENDMENT OF SECTION 6.2.B

Section 6.2.B of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection "3" to read as follows:

- 3. Accessory buildings and uses customarily incidental to the preceding permitted uses.

SECTION XIX
AMENDMENT OF SECTION 6.3.B.1.f

Section 6.3.B.1.f of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- f. Accessory buildings and uses customarily incidental to a mobile home park (including, but not limited to, buildings housing laundry facilities, offices, restrooms or shower facilities, a pool, and the sale of retail goods for the exclusive use of the residents of the mobile home park) shall be permitted.

SECTION XX
AMENDMENT OF SECTION 6.6.B.4.i

Section 6.6.B.4.i of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

i. Rural Home Occupations: Occupations engaged in upon a residential premises by the resident or residents of the same and which do not materially impair the rural character of the general area and which also comply with the following conditions and limitations:

1. The home occupation conducted upon the premises is clearly incidental and subordinate to the principal use of the premises for residential purposes.
2. The home occupation shall be conducted within the dwelling, attached garage or in a detached accessory building located on the same premises as the dwelling. The term 'premises' as used in this section shall include adjoining parcels under common ownership and occupancy. This term shall also include parcels under common ownership and occupancy that would be contiguous to one another except for an intervening public or private right-of-way.
3. No occupation conducted upon the premises shall occupy an area greater than 25% of the combined floor area of the dwelling and any open porch, attached garage and detached accessory building(s).
4. The home occupation must be owned and operated by a person or persons residing on the premises. However, the Planning Commission shall have the authority to permit additional assistants who do not so reside within such dwelling where the same would not materially impair the rural character of the general area or cause traffic congestion or parking problems.
5. No home occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, traffic, parking, or lighting.
6. There shall be no alteration in the rural character of the premises in connection with such home occupation.
7. All articles or material used in connection with the home occupation shall be stored in an enclosed building.
8. For the purposes of identification, one non-illuminated sign not exceeding twelve (12) square feet in area shall be permitted. Such sign shall identify only the name and profession, vocation or trade of the person or persons operating the occupation and contact information. No other such signs shall be used in connection with such home occupation.
9. No article or service shall be sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupation.
10. The home occupation shall be subject to annual inspection by the Zoning Administrator of the Township. The home occupation special use permit may be revoked by the Planning Commission

for noncompliance with the Zoning Ordinance and/or the terms and conditions of the special use permit. Any such revocation shall be preceded by not less than seven days written notice by first class mail to the occupant of the subject property of the proposed revocation, the reasons therefore, and the date, time, and place of the hearing at which the Planning Commission will consider such revocation.

11. The home occupation shall be permitted only after the issuance of a special use permit as provided in this Ordinance. A home occupation shall not be allowed if the Planning Commission determines that the home occupation would alter or change the rural/residential character of the area.
12. A sketch plan containing the following information shall accompany any application for a special use permit for a home occupation:
 - a. North arrow and accurate scale.
 - b. Area of subject parcel.
 - c. Location of all existing and proposed structures on the subject site.
 - d. Identification of all structures intended to be used in connection with the home occupation.
 - e. Setbacks of all structures from property lines.
 - f. Access, parking, loading, and proposed on-site circulation.
 - g. Location and separation distances of structures on adjacent properties.

SECTION XXI
AMENDMENT OF SECTION 4.34

Section 4.34 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.34 - Divisions of Land

No divisions of land will be permitted that do not comply with the applicable area, width, depth, and frontage requirements set forth in this Ordinance. All parcels shall be provided the requisite frontage and individual access on a dedicated public road or a private road constructed to the standards of this Ordinance or the Barry County Road Commission, pursuant to the limitations set forth in Section 4.33.

SECTION XXII
AMENDMENT OF SECTION 4.38

Section 4.38 of the Prairieville Township Zoning Ordinance is proposed to be amended to read as follows:

Section 4.38 - Maximum Lot Depth

No lot may be established with a depth more than four times its width.

SECTION XXIII
AMENDMENT OF SECTION 6.0.C.4

Section 6.0.C.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4. Lot Area, Width and Road Frontage: The minimum required area, width and road frontage for lots shall be as follows:

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width and Road Frontage*</u>
No public utility service available	One (1) acre	150 feet
Both public water and sewer available	9,350 sq. ft.	85 ft.

* See also Sections 4.24 and 4.35 as to waterfront lots.

SECTION XXIV
AMENDMENT OF SECTION 6.1.C.4

Section 6.1.C.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

4. Lot Area, Width and Road Frontage: The minimum required area, width and road frontage for lots shall be as follows:

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width and Road Frontage*</u>
a. Single Family Dwelling		
No public utility service available	12,000 sq. ft	100 feet
Both public water & sewer service available*	8,000 sq. ft.	75 ft.
b. Two Family Dwellings and Other Principal Uses		
No public utility service available	18,700 sq. ft	125 feet
Both public water & sewer service available*	15,000 sq. ft.	100 ft.

* See also Sections 4.24 and 4.35 to waterfront lots.

SECTION XXV
AMENDMENT OF SECTION 6.5.F

Section 6.5.F of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

F. **Minimum Lot Area, Width and Road Frontage:** The minimum required area, width and road frontage for lots shall be as follows:

1. Minimum Lot Area: 15,000 square feet.
2. Minimum Lot Width and Road Frontage: 100 feet*.

*See also Sections 4.24 and 4.35 as to what are front lots.

SECTION XXVI
AMENDMENT OF SECTION 6.6.C.4

Section 6.6.C.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

D. **Minimum Lot Area, Width and Road Frontage:** The minimum required area, width and road frontage for lots shall be as follows:

1. Minimum Lot Area: 2 acres.
2. Minimum Lot Width and Road Frontage: 330 feet*.

*See also Sections 4.24 and 4.35 as to what are front lots.

SECTION XXVII
AMENDMENT OF SECTION 4.18.M

Section 4.18.M of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

M. One (1) permanent sign advertising permitted uses rendered or offered upon or from the premises where the same is situated (except for home occupation signs which shall be governed by Section 4.19.C.8. and rural home occupation signs which shall be governed by Section 6.6.B.4.i) shall be permitted on unplatted land located within the "A", "R-1", and "R-2" Zoning Districts, subject to the following limitations:

1. In an "A" Zoning District, sign area shall not exceed thirty-two (32) square feet.
2. In the "R-1" and "R-2" Zoning Districts, sign area shall not exceed twelve (12) square feet.

SECTION XXVIII
REPEAL OF SECTION 3.1.36

Section 3.1.36 of the Prairieville Township Zoning Ordinance defining "Frontage" is hereby repealed.

SECTION XXIX
AMENDMENT OF SECTION 3.0.J

Section 3.0.J of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- J. The terms "adjoining lots and parcels" and "contiguous lots and parcels" are, unless expressly stated otherwise, intended to include lots and parcels separated by highways, roads, streets or natural water course.

SECTION XXX
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION XXXI
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 116

ADOPTED: JULY 9, 2003

**EFFECTIVE: THIRTY (30) DAYS FOLLOWING
PUBLICATION AFTER
ADOPTION**

**AMENDMENT TO PRAIRIEVILLE TOWNSHIP
PARKS AND RECREATION ORDINANCE**

An Ordinance amending the Prairieville Township Parks and Recreation Ordinance by the amendment of Section III. B to add a prohibition against swimming within any designated Prairieville Township boat-launching areas; and to repeal all Ordinances or parts of Township Ordinances in conflict herewith.

**THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
AMENDMENT TO SECTION III. B**

Section III. B of the Prairieville Township Parks and Recreation Ordinance (Ordinance No. 44, as amended) is hereby amended so as to add a new subsection "18" to read as follows:

18. Swim within any designated boat-launching area.

**SECTION II
REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE**

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. This Ordinance shall take effect thirty (30) days following publication after adoption.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 117****ADOPTED: MARCH 10, 2004****EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted land situated in Land Section 24 from the "P-2" Semi-Public Land District zoning classification to the "A" Agricultural District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE**BARRY COUNTY, MICHIGAN****ORDAINS:****SECTION I**
REZONING OF PROPERTY IN LAND SECTION 24

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 24 is hereby amended to read as follows:

(Land) Section Twenty-Four (24), T. 1 N., R. 10 W.

"A" Agricultural District: Entire Section except those parts herein described as "P-2" Semi-Public Land.

"P-2" Semi-Public Land: Commencing at intersection of center lines of Milo Road and Burrows Road; thence East 504.7 feet on center line of Milo Road; thence north 400 feet; thence west 359.7 feet to center line Burrows Road; thence southwest on center line of Burrows Road 458.7 feet to place of beginning.

SECTION II
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 III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 120****ADOPTED: AUGUST 10, 2005****EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 31 from the "R-1" Single Family, Low Density Residential District zoning classification to the "A" Agricultural District zoning classification; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE**BARRY COUNTY, MICHIGAN****ORDAINS:****SECTION I****REZONING OF PROPERTY IN LAND SECTION 31**

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 31 is hereby amended to read as follows:

(Land) Section Thirty-One (31), T. 1 N., R. 10 W.

- "A" Agricultural District: All that part of Section Thirty-One (31) lying Southerly of Highway M-89 and also that part of the Southeast 1/4 lying Northerly of Highway M-89 and East of Kane Road. Also the East 1/2 of the Northwest 1/4 except a strip of land 371 feet in width across the East 1/2 of the Northwest fractional 1/4 of said Section 31, being more particularly described as follows: to find the place of beginning of this description commence at the Northwest corner of said section; run thence South 00° 00' 10" West along the West line of said section 493.03 feet; thence South 80° 10' 10" East, 1386.16 feet to a point on the West 1/8 line of said section and the place of beginning of this description; thence continuing South 80° 10' 10" East, 1312.96 feet to a point on the North and South 1/4 line of said section, said point being 915.99 feet distant southerly of the North 1/4 post of said section as measured along the said North and South 1/4 line of said section; thence South 00° 00' 20" West along the said North and South 1/4 of said section 376.52 feet; thence North 80° 10' 10" West, 1315.87 feet to a point on the West 1/8 line of said section; thence North 00° 26' 30" East along said West 1/8 line of said section 376.04 feet to the place of beginning. Also excepting that part herein described as "C-1" Rural Area Convenience Commercial District and "I-1" Light Industrial District
- "R-1" Low Density Residential: All that part of Section Thirty-One (31) lying Northerly of Highway M-89 and West of Kane Road except the recorded plats of B-Z Bee Acres and B-Z Bee Acres No. 2 and also excepting the East 1/2 of the Northwest 1/4 except a strip of land 371 feet in width across the East 1/2 of the Northwest fractional 1/4 of said Section 31, being more particularly described as follows: to find the place of beginning of this description commence at the Northwest corner of said section; run thence South 00° 00' 10" West along the West line of said section 493.03 feet; thence South 80° 10' 10" East, 1386.16 feet to a point on the West 1/8 line of said section and the place of beginning of this description; thence

continuing South 80° 10' 10" East, 1312.96 feet to a point on the North and South 1/4 line of said section, said point being 915.99 feet distant southerly of the North 1/4 post of said section as measured along the said North and South 1/4 line of said section; thence South 00° 00' 20" West along the said North and South 1/4 of said section 376.52 feet; thence North 80° 10' 10" West, 1315.87 feet to a point on the West 1/8 line of said section; thence North 00° 26' 30" East along said West 1/8 line of said section 376.04 feet to the place of beginning

- "I" Industrial District: Commencing at the South 1/4 post of Section Thirty-One (31); thence East along the South line of said Section, 1284.33 feet; thence North at right angles to said South line. 40.0 feet for a place of beginning, continuing thence North, 128.30 feet; thence East, 706.72 feet parallel with said South line to the Westerly line of State Highway M-89; thence South 43 degrees, 10 min East along the Westerly line of said highway, 175.91 feet; thence West, 827.05 feet to place of beginning

SECTION II **SEVERABILITY**

Several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III **EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed as of the effective of this Ordinance.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 121

ADOPTED: SEPTEMBER 14, 2005

EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 7 from the "C-1" Rural Area Convenience Commercial District zoning classification to the "R-4" Multiple Family, High Density Residential District zoning classification; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I
REZONING OF PROPERTY IN LAND SECTION 7

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 7 is hereby amended to read as follows:

(Land) Section Seven (7), T. 1 N., R. 10 W.

- "A" Agricultural District: Entire section except those parts herein described as "R-1" Single-Family, Low Density, Residential, "R-2" Medium Density Residential, "R-4" Multiple Family, High Density Residential, "C-1" Commercial District, and "P-1" Public Land.
- "R-1" Single-Family, Low Density, Residential: Commencing at the West 1/4 post of Section 7, thence North along the Section line 1248.24 feet; thence North 89 degrees 56 min 15 sec east 523.99 feet; thence south 71 degrees 06 min east on the south line of Merlau Avenue 330 feet to the place of beginning; thence South 71 degrees 06 min east 321.08 feet; thence south 0 degrees 0 min east 752.17 feet thence north 89 degrees 35 min. west 405 feet; thence north 0 degrees 0 min. west 425.29 feet; thence north 1 degrees 26 min west 275.38 feet; thence north 31 degrees 08 min. east 185.85 feet to the place of beginning.
- "R-2" Medium Density Residential: Beginning at southwest corner of the Plat of Southgate, thence north 135.87 feet to place of beginning; thence west 230.92 feet; thence north 641.07 feet to lake; thence east along lake to South Gate; thence south 583.23 feet to place of beginning
- "R-4" Multiple Family, High Density Residential: Commencing at the west 1/4 post of section 7, town 1 north, range 10 west, thence north 0 degrees 00 minutes 12 seconds west along the west line of section 7, 713.21 feet to the place of beginning of this description, thence continuing north 0 degrees 00 minutes 12 seconds west along the section line 166.00 feet, thence north 89 degrees 56 minutes 15 seconds east 523.99 feet; thence south 0 degrees 00 minutes 12 seconds east parallel with the section line 166.00 feet, thence south 89 degrees 56 minutes 15 seconds west 523.99 feet to the place of beginning of this description.
- "C-1" Commercial District: All that part northwest fractional 1/2, Section Seven (7) lying northwesterly of Pine Lake. Also that land commencing at a point 535 feet south of the intersection of Doster Road and Merlau Avenue; thence east 523.99 feet; thence south 425 feet; thence west 391 feet; thence south 554 feet; thence west 233 feet; thence north 973 feet to the point of

beginning. Also, that land beginning at a point at the northeast corner of the intersection of Doster Road and Four Mile Road; thence north 2340 feet; thence east 450 feet; thence south 467 feet; thence west 120; thence south 1870 feet; thence west 330 feet to the point of beginning

"P-1" Public Land: Beginning at a point on west line Section Seven (7), 260.00 feet south of west 1/4 post thereof; thence east, 233.0 feet; thence north, 554.0 feet; thence east, 1320.0 feet; thence south, 590.0 feet; thence west, 1553.0 feet to west line said section, thence north thereon, 40.0 feet to the place of beginning.

SECTION II
SEVERABILITY

Several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed as of the effective of this Ordinance.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 123****ADOPTED: OCTOBER 12, 2005****EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of an unplatted portion of land situated in Land Section 7 from the "A" Agricultural District zoning classification to the "R-2" Single Family and Two Family Medium Density Residential District zoning classification; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN****ORDAINS:****SECTION I**
REZONING OF PROPERTY IN LAND SECTION 7

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 7 is hereby amended so as to change the reference therein to land in the "R-2" Medium Density Residential District zoning classification to read as follows:

"R-2" Medium Density Residential: Beginning at southwest corner of the Plat of Southgate, thence north 135.87 feet to place of beginning; thence west 230.92 feet; thence north 641.07 feet to lake; thence east along lake to South Gate; thence south 583.23 feet to place of beginning. Also Hemlock Island, Pine Lake Patent #1135305

SECTION II
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed as of the effective of this Ordinance.

Normajean Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 124

ADOPTED: FEBRUARY 8, 2006

**EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted land situated in Land Section 19 from the "A" Agricultural District zoning classification to the "R-1" Single Family, Low Density Residential District zoning classification; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN**

ORDAINS:

SECTION I. REZONING OF PROPERTY IN LAND SECTION 19

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 19 is hereby amended to read as follows

(Land) Section Nineteen (19), T. 1 N., R. 10 W.

"A" Agricultural District: Entire section except those parts herein described as "R-1".

"R-1" Low Density Residential - SEC 19, T1N R10W, BEG ON THE SECTION LI 2227.61 FT, WITH BEARINGS REFERENCED TO THE MICHIGAN PLANE COORDINATE SYSTEM-ZONE S, N 88D 33M 58S W FROM THE S 1/4 POST OF SD SEC; TH N 00D 49M 14S E, 330 FT; TH N 88D 33M 58S W, 506.15 FT TO THE E'LY EDGE OF DOSTER RD; TH ALG SD RD AROUND A CURVE TO THE LEFT WITH A RADIUS OF 611.75 FT TO THE FAR END OF A CHORD WHICH BEARS S 44D 22M 27S E, 343.04 FT; TH S 60D 42M 41S E, 95 FT; TH AROUND A CURVE TO THE RIGHT WITH A RADIUS OF 749.20 FT TO THE FAR END OF A CHORD WHICH BEARS S 57D 17M 15S E, 89.49 FT TO SD S LI OF SD SEC; TH S 88D 33M 58S E ON SAME 103.24 FT TO POB. 2.62 AC.S M/L

**SECTION II
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 III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Normajeane Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP**ORDINANCE NO. 125****ADOPTED: JULY 12, 2006****EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend various sections of the Prairieville Township Zoning Ordinance as set forth herein; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE**BARRY COUNTY, MICHIGAN****ORDAINS:****SECTION I**
AMENDMENT OF SECTION 3.1.18b

Section 3.1.18b of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

18b **Child Care Facility:** A facility for the care of children under 18 years of age, as licensed and/or registered and regulated by the State under Act No. 116 of the Public Acts of 1973 and the associated standards and rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- (a) "Child care center" or "day care center" means a facility, other than a private residence, receiving one or more pre-school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It 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 care center" or "day care center" does not include (i) 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; or (ii) 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.

- (b) "Family day care home" means a private home which is the bona fide private residence of the operator of the family day care home and in which one or more, but less than seven, 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

- (c) "Group day care home" means a private home which is the bona fide private residence of the operator of the group day care home and in which more than six 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

SECTION II
AMENDMENT OF SECTION 6.0.B

Section 6.0.B of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- B. USE REGULATIONS** - Land and/or building in the "R-1" zoning district may be used for the following purposes only:
1. One single family dwelling on each lot.
 2. Family day care homes licensed or registered under Act No. 116 of the Public Acts of 1973. (See Section 4.39).
 3. Accessory buildings and accessory uses, excluding accessory buildings used as guest houses. (See Section 4.20).
 4. The following uses may be permitted as special land uses provided that an application for a special land use permit is submitted and approved in accordance with the procedures, provisions and standards of Article VII of this Ordinance:
 - a. Home occupations as defined herein and regulated in Article IV, Section 4.19 of this Ordinance.
 - b. Accessory Buildings used as guest houses. Guest houses may not (1) contain kitchen facilities, (2) have more than one bathroom and two other rooms, (3) have a living area exceeding 480 sq. feet, (4) have more than 1 story, and/or (5) be rented or be used for commercial purposes. Guest houses shall be used only to house guests of the occupants of the principal residence on the parcel. No more than one guest house shall be permitted on a parcel of land.
 - c. Bed & Breakfast Operations satisfying all of the following conditions and limitations:
 - i. The operation provides accommodations for transient tenants for no longer than a two week period;
 - ii. The operation is owner occupied;
 - iii. The operation has 8 or fewer sleeping rooms, including rooms occupied by the owner;

5. Group day care homes licensed or registered under Act No. 116 of the Public Acts of 1973, as a special land use. (See Section 4.39).
6. Child care centers or day care centers which, except for the required outdoor area, are completely contained within the building(s) utilized for the uses specified within this Section 6.2.B, as a special land use. (See Section 4.39).

SECTION IV
AMENDMENT OF SECTION 6.3.B

Section 6.3.B of the Prairieville Township Zoning Ordinance is hereby amended so as to have subsections 2-4 thereof read as follows:

2. Family day care homes licensed or registered under Act No. 116 of the Public Acts of 1973. (See Section 4.39).
3. Home occupations shall be allowed as a special land use.
4. Group day care homes licensed or registered under Act No. 116 of the Public Acts of 1973, as a special land use. (See Section 4.39).

SECTION V
AMENDMENT OF SECTION 6.4.B

Section 6.4.B of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subsection 26 to read as follows:

26. Child care centers or day care centers which, except for the required outdoor area, are completely contained within the building(s) utilized for the uses specified within this Section 6.4.B, as a special land use. (See Section 4.39).

SECTION VI
AMENDMENT OF SECTION 6.6.B

Section 6.6.B of the Prairieville Township Zoning Ordinance is hereby amended as follows:

- A. Subsection 3 thereof is hereby amended to read as follows:
 3. Family day care homes licensed or registered under Act No. 116 of the Public Acts of 1973. (See Section 4.39).
- B. Subsection 3 thereof pertaining to accessory buildings and uses is hereby redesignated as subsection 4.
- C. Subsection 4 thereof pertaining to special uses is hereby redesignated as subsection 5.
- D. The existing subsection 4 (herein redesignated as subsection 5) pertaining to special uses is further amended by redesignating existing subsections c through s, to d through t, and by the adoption of new subsections b and c to read as follows:
 - b. Group day care homes licensed or registered under Act No. 116 of the Public Acts of 1973. (See Section 4.39).

being Section 400.701 to 400.737 of the Michigan Compiled Laws, or

- (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the public health code, Act No. 698 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws, or
 - (iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
3. The property containing a group day care home shall be maintained in a manner which is consistent with the visible characteristics of the neighborhood.
 4. The operation of a group day care home shall not exceed sixteen (16) hours of operation during a 24-hour period.
 5. One (1) non-illuminated name plate, not more than two (2) square feet in area may be attached to the building which shall contain only the name of the group day care home and/or the name of its owner.
 6. A group day care home operator shall provide one off-street parking space for each employee. These parking spaces shall be in addition to the off-street parking facilities serving the residents of the home. These off-street parking spaces shall be located on the zoning lot in such a manner as to provide unblocked automobile access from the street to the off-street parking facilities that are provided on the zoning lot pursuant to Section 6.01.4, and shall also comply with the requirements of Article 6.00.
 7. The subsequent establishment of any of the facilities listed in subsection (e) (2) (i) to (iv) of this section , within 1,500 feet of the licensed or registered group day care home will not affect any subsequent special land use permit renewal, pertaining to the group day care home.
 8. The distances specified in subsections (2) and (7) above shall be measured along a road, street, or place maintained by this state or a political subdivision of this state and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.
 9. An applicant for a group day care home shall submit to the Planning Commission a to-scale rendering which shows the dimensions of the zoning lot, setbacks of all structures on the lot, the proposed location of the fencing, the proposed parking arrangement, and any other features relevant to the application for special land use approval.

SECTION VIII
AMENDMENT OF SECTION 4.17.A

Section 4.17.A of the Prairieville Township Zoning Ordinance is hereby amended by the addition of new subsections 28 and 29 to read as follows:

change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 9.4 of this Ordinance, may recommend approval, approval with recommended changes or denial of the

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Barry County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and

SECTION XII
AMENDMENT OF SECTION 6.10.B

Section 6.10.B of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- B. The Planning Commission shall receive the application, determine the date for the public hearing and shall cause notice to be given in accordance with statutory requirements.

SECTION XIII
AMENDMENT OF SECTION 6.12-5

Subsection "6" of Section 6.12-5 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

6. **Hearing and General Standards** - The Planning Commission shall fix a time for hearing on the Planned Unit Development and give notice thereof in accordance with applicable statutory requirements. At the hearing, any interested person or party may appear and be heard either in person or by his or her agent or attorney. The Planning Commission shall hear evidence and arguments upon each of the following points, as well as other material matters.
- (a) Is there anything in the plan which is inconsistent with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare, and/or will adjoining property be adversely affected?
 - (b) Is there adequate open space under the proposed plan?
 - (c) The plan shall not omit any necessary street or street right-of-way.
 - (d) Adequate design of grades, paving, gutters, and drainage to handle storm waters, prevent erosion and formation of dust shall be provided.
 - (e) Safe and convenient arrangements of pedestrian circulation facilities, roadways, driveways, off-street parking, loading area and illumination shall be provided.
 - (f) External boundaries and landscaping shall be harmonious with that of abutting property.
 - (g) Adequate and safe recreational and play areas will be provided for children.
 - (h) Facilities for the disposal of garbage and refuse shall be provided.

SECTION XIV
AMENDMENT OF SECTION 7.1

Section 7.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

1. That the variance will not permit the establishment within a zoning district of any use which is not permitted by right within the district.
 2. That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with the Zoning Ordinance unnecessarily burdensome.
 3. That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area, or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 4. That the hardship asserted by the property owner by way of justification for a variance is due to unique circumstances of the property.
 5. That the hardship asserted by way of justification for the variance is not self-created.
 6. That, in granting a variance, the Zoning Board of Appeals is insuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
- D. **Other Rules** - In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
1. In granting a variance, the Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure, substantially, the objectives of the regulations or provisions to which the variance applies. The breach of any such conditions shall automatically invalidate the permit granted.
 2. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one(1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.
 3. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six months after granting of the variance. **EXCEPTION:** Variances granted which render vacant lots that would otherwise be unbuildable from a practical standpoint under the terms of this Ordinance buildable (e.g., variances from lot area, lot width, road frontage, lot depth-to-width ratio or, where necessary from a practical standpoint to render a vacant lot buildable, setback requirements) shall not be subject to this six month limitation.

SECTION XVI
AMENDMENT OF SECTION 7.5

Section 7.5 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 7.5 - HEARING AND NOTICE.

Before deciding any of the matters referenced in Section 7.4, the Zoning Board of Appeals shall hold a public hearing on the same, which shall be noticed in accordance with statutory requirements.

**SECTION XVII
AMENDMENT OF SECTION 8.0**

Section 8.0 of the Prairieville Township Zoning Ordinance is hereby amended by changing the reference to "Section 16h of the Township Zoning Act (Public Act 184 of 1943, as amended)" to "Section 506 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as it may from time to time be amended)".

**SECTION XVIII
AMENDMENT OF SECTION 9.0**

Section 9.0 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 9.0 - ADMINISTRATION:

The provisions of this Ordinance shall be administered by the Prairieville Township Board in accordance with the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as it may from time to time be amended).

The Township Board shall appoint a Zoning Administrator to act as its officer and except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance including the receiving and processing of applications for zoning permits, certificates of occupancy, special use permits, appeals for variances, or other matters the Zoning Board of Appeals or Township Planning Commission is required to decide; and the Administrator shall be responsible for the inspection of premises, the issuing of zoning permits, and for instituting proceedings for the enforcement of the provisions of this Zoning Ordinance.

**SECTION XIX
SEVERABILITY**

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION XX
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

SECTION 7.1 - CREATION, MEMBERSHIP, TERMS OF OFFICE.

The Township Board shall appoint a Zoning Board of Appeals to consist of five (5) regular members. The first regular member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members, and alternate members, shall be selected from among the electors of the Township residing outside of any incorporated cities or villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One (1) regular member may be a member of the Township Board, but he/she shall not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

The Township Board may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION XV
AMENDMENT OF SECTION 7.4

Section 7.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 7.4 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS.

The Prairieville Township Zoning Board of Appeals shall have the following specified duties and powers:

- A. **Review** - Shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by the Zoning Administrator.
- B. **Interpretation** - Shall have the power to:
 - 1. Hear and decide appeals for interpretation of the provisions of this Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision on such subject made by the Zoning Administrator.
- C. **Variances** - The Zoning Board of Appeals shall have the power to grant nonuse variances relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in this Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.

Before granting a variance, the Zoning Board of Appeals shall find that the following standards are met:

making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Barry County a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Zoning Act (MCL 125.271 et seq.)

L. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

SECTION XI
AMENDMENT OF SECTION 1.1

Section 1.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 1.1 - AUTHORITY

The Prairieville Township Planning Commission was created in April, 1972, by the Prairieville Township Board under 1959 PA 168, as amended, for the purpose of planning and preparing a master plan; and all other powers, duties and responsibilities provided by the 1943 PA 184 for zoning boards were transferred by resolution to the Prairieville Township Planning Commission pursuant to Section 11 of said Township Planning Act. Effective July 1, 2006, the authority for this Ordinance is set forth in 2006 PA 110, as it may from time to time hereafter be amended.

rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 9.4 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of Barry County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Barry County.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

- | | | |
|-----|---|--|
| 28. | Child care center or day care center | One (1) for each employee or care giver in addition to one (1) client parking space for each three (3) children. |
| 29. | Group day care home | See Section 4.39.e.6. |

SECTION IX
AMENDMENT TO SECTION 9.4

Section 9.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 9.4 - AMENDMENTS.

Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by State statute.

Proposals for amendments to the Zoning Ordinance may be initiated by the Township Board on its own motion, by the Township Planning Commission on its own motion, or by petition of one or more persons. A petition by one or more persons for an amendment shall be submitted by application to the Zoning Administrator on a form provided therefore and shall be accompanied by the fee prescribed in Section 9.5 to cover administrative and publication costs.

In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

SECTION X
ADOPTION OF NEW SECTION 9.4A

The Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 9.4A to read as follows:

SECTION 9.4A. CONDITIONAL REZONING.

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a

- c. Child care centers or day care centers which, except for the required outdoor area, are completely contained within the building(s) utilized for the uses specified within this Section 6.6.B. (See Section 4.39).

SECTION VII
AMENDMENT OF ARTICLE IV

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.39 to read as follows:

4.39 Child Care Facilities:

- a. Each child care facility shall be duly licensed or registered by the State of Michigan Department of Social Services (DSS) continuously and for all times it is operating as a child care facility.

Any child care facility whose license or certificate of registration by the State of Michigan is no longer valid and/or which has been revoked or denied or refused by the DSS shall immediately lose its status and authorization to continue operating as a permitted or special land use.

- b. Buildings and lots used for child care facilities shall conform to all state, DSS, and local requirements, rules, and standards.
- c. Each child care facility shall provide, equip, and maintain on the premises the minimum square feet of indoor floor space and outdoor play area as required by the DSS. An applicant for a group day care home or child care center or day care center shall submit to the Planning Commission sufficient information and documentation regarding the maximum number of children allowed and the amount of indoor floor space and outdoor play area required by the DSS for the proposed child care facility prior to obtaining special exception use or site plan approval to operate within the Township.
- d. The zoning lot occupied by any child care facility shall have a fence which shall be not less than four (4) feet but not more than six (6) feet in height and which shall completely enclose the outdoor area where the minor children play or congregate, except that interior fences within a mobile home park shall not exceed thirty-six (36) inches in height. In addition, the requirements of Section 4.32 of the Zoning Ordinance shall apply to child care facilities. However, the provisions of this subsection 4.39.d shall not apply to family day care homes.
- e. A group day care home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a special land use permit if the group day care home meets the following standards:
 - 1. A group day care home shall comply with all the requirements set forth in subsections "a", "b", and "c" and "d" above.
 - 2. A group day care home shall be located not closer than 1,500 feet to any of the following:
 - (i) Another licensed group day care home, or
 - (ii) Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979,

- iv. Rooms utilized for sleeping shall have a minimum size of 120 sq. feet for two (2) occupants with an additional thirty (30) sq. feet for each additional occupant to a maximum of four occupants per room;
 - v. A smoke detector shall be provided for each room in compliance with Section 4b of the State Construction Code enacted under PA 1972, No. 230, located at MCL 125.1504b;
 - vi. Bed and breakfast operations shall have a minimum of two off-street parking spaces plus one additional space per room to be rented;
 - vii. The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the owners and said owner shall live on the premises when the bed and breakfast operation are active;
 - viii. Breakfast shall be the only meal served to transient tenants which are guests of the bed and breakfast operation. Meals shall not be served for pay to non-tenants of the bed and breakfast operation;
 - ix. The bed and breakfast operation shall provide a bathroom with shower, bath and toilet facilities for every two sleeping rooms available for transient tenants and such bath shall be located on the same floor as the sleeping room(s) it is to serve; and
 - x. No more than one sign advertising the Bed & Breakfast Operation shall be permitted on the premises. The area of the sign shall not exceed 4 sq. feet. The sign may be illuminated.
- d. Planned Unit Developments (See Section 6.12-5).
 - e. Group day care homes licensed or registered under Act No. 116 of the Public Acts of 1973. (See Section 4.39).
 - f. Child care centers or day care centers which, except for the required outdoor area, are completely contained within the building(s) utilized for the uses specified within this Section 6.0.B. (See Section 4.39).

SECTION III
AMENDMENT OF SECTION 6.2.B

Section 6.2.B of the Prairieville Township Zoning Ordinance is hereby amended by the amendment and addition of subsections 2 through 6 to read as follows:

- 2. Family day care homes licensed or registered under Act No. 116 of the Public Acts of 1973. (See Section 4.39).
- 3. Accessory buildings and uses customarily incidental to the preceding permitted uses.
- 4. Planned Unit Developments as a special land use. (See Section 6.12-5).

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 126

ADOPTED: MAY 9, 2007

**EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted lands situated in Land Section 7 from the A Agricultural District zoning classification to the R-1 Single Family, Low Density Residential District zoning classification; by the amendment of Section 6.6.B.5 so as to add a new subsection "u" to add "custom woodworking" as a special use in the "A" Agricultural District; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I
REZONING OF PROPERTY IN LAND SECTION 7

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 7 is hereby amended so as to that portion thereof describing lands in the "R-1" Single Family, Low Density Residential District zoning classification to read as follows:

"R-1" Single Family, Low Density, Residential: Commencing at the West 1/4 post of Section 7, thence North along the Section line 1248.24 feet; thence North 89 degrees 56 min 15 sec east 523.99 feet; thence south 71 degrees 06 min east on the south line of Merlau Avenue 330 feet to the place of beginning; thence South 71 degrees 06 min east 321.08 feet; thence south 0 degrees 0 min east 752.17 feet thence north 89 degrees 35 min. west 405 feet; thence north 0 degrees 0 min. west 425.29 feet; thence north 1 degrees 26 min west 275.38 feet; thence north 31 degrees 08 min. east 185.85 feet to the place of beginning

Commencing at the West 1/4 Post of Section 7, Town 1 North, Range 10 West, thence North 00 00' 12" West along the West line of Section 7, 1248.24 feet; thence North 89 56' 15" East along the South line of Merlau Avenue 523.99 feet; thence South 71 06' 34" East 1011.5 feet; thence South 40 22' 05" East 1098.40 feet; thence South 72 57' 05" East 593.95 feet; thence North 84 38' 52" East 244.33 feet, thence North 60 16' 45" East 397.66 feet to the place of beginning of this description, the North 60 16' 45" East 433.23 feet, thence South 31 21' 28" East 127.3 feet to the West line of Lake Shore Drive, thence South 3 49' 22" West along the West line of Lake Shore Drive 262.09 feet, thence South 21 29' 26" East 91.37 feet; thence South 55 50' 47" West 344.04 feet; thence North 34 09' 13" West 415.71 feet to the place of beginning

Com at the W 1/4 cor of sd sec; Th 00D 00M 12W, 1248.24 ft; th N89D 56M 15S E alg the S li of Merlau Ave, 523.99 Ft; th S 71D 06M 34S E, 1011.55 ft. th S 40D 22M 05S E, 1098.40 ft; th S 72D 57M 05S E, 261.35 ft to the place of beg; th S 73D 01M 37S E, 156.82 ft; th S 00D 00M 32S W, 293.74

ft; th N 89D 16M 11S W, 150.01 ft' th N 00D 00M 32S E, 337.61 ft to the POB

Commencing at the West 1/4 corner of Section 7, Town 1 North, Range 10 West; thence North 00 Degrees 00' 12" West along the West section line of Section 7, 1248.24 feet; thence North 89 Degrees 56' 15" East along the South line of Merlau Avenue 523.99 feet; thence South 71 Degrees 06' 34" East 1011.55 feet; thence South 40 Degrees 22' 05" East 1098.40 feet; thence South 72 Degrees 57' 05" East 261.35 feet; thence South 73 Degrees 01' 37" East 156.82 to the place of beginning; thence continuing South 73 Degrees 01' 37" East 176.17 feet; thence South 00 Degrees 00' 32" West 244.46 feet; thence North 89 Degrees 16' 11" West 168.52 feet; thence North 00 Degrees 00' 32" East 293.74 feet to the place of beginning

Commencing at the West 1/4 corner of Section 7, Town 1 North, Range 10 West; thence North 00 Degrees 00' 12" West along the West section line of Section 7, 1248.24 feet; thence North 89 Degrees 56' 15" East along the South line of Merlau Avenue 523.99 feet; thence South 71 Degrees 06' 34" East 1011.55 feet; thence South 40 Degrees 22' 05" East 1098.40 feet; thence South 72 Degrees 57' 05" East 261.35 feet; thence South 73 Degrees 01' 37" East 332.99 feet to the place of beginning; thence North 84 Degrees 42' 13" East 244.22 feet; thence North 00 Degrees 23' 33" East 63.89 Feet; thence South 00 Degrees 41' 14" West 307.75 feet; thence North 89 Degrees 15' 42" West 283.98 feet; thence North 00 Degrees 33' 12" East 5.31 feet; thence North 89 Degrees 16' 11" West 11.25 feet; thence North 00 Degrees 00' 32" East 244.46 feet to the place of beginning

Commencing at the West post of Section 7, Town 1 North, Range 10 West, thence North 0 Degrees 00' 12" West along the West line of Section 7, 1248.24 feet; thence North 89 Degrees 56' 15" East along the South line of Merlau Avenue 523.99 feet; thence South 71 Degrees 06' 34" East 1011.55 feet; thence South 40 Degrees 22' 05" East 1098.40 feet; thence South 72 Degrees 57' 05" East 593.93 feet; thence North 84 Degrees 38' 52" East 244.33 feet; thence North 60 Degrees 16' 45" East 64.11 feet to the place of beginning of this description; thence North 60 Degrees 16' 45" E 333.55 feet; thence South 34 Degrees 09' 13" East 415.71 feet to the North Line of Lake Shore Drive; thence South 55 Degrees 50' 47" West 236.93 feet; thence North 89 Degrees 17' 50" West 330.80 feet; thence North 0 Degrees 42' 10" East 307.61 feet to the place of beginning.

SECTION II **CONDITIONS TO REZONING**

Attached to this Ordinance and incorporated by reference herein as a part of this Ordinance and as an amendment to the Prairieville Township Zoning Ordinance is a Statement of Conditions setting forth, as authorized under MCL 125.286i, conditions attached to the rezoning of one of the properties described in Section I of this Ordinance, which property is specifically described in the Statement of Conditions. The Statement of Conditions and each of the individual terms set forth therein shall be fully enforceable and binding in the same manner as any other provision of the Prairieville Township Zoning Ordinance.

SECTION III **AMENDMENT OF SECTION 6.6.B.5**

Section 6.6.B.5 of the Prairieville Township Zoning Ordinance is hereby amended so as to add a new subsection "u" to read as follows:

- u. Custom woodworking, subject to the following conditions:
1. Any lot or parcel of land upon which a building/structure is to be erected shall be of such size that the combined area of all such buildings/structures will not occupy more than 25% of the lot or parcel area.
 2. Every building or structure shall be located at least 75 feet from a public right-of-way. The first 50 feet from the right-of-way line shall be maintained as open space unencumbered by buildings, structures, sidewalks, or parking areas except for ingress and egress.
 3. Where side or rear yards abut property located in an "R" or "A" zoning classification, the minimum side or rear yard requirement shall be 50 feet, except as otherwise expressly approved by the Planning Commission.
 4. All articles or material offered for sale or used in connection with the woodworking operation shall be stored in an enclosed building. Outdoor display and/or storage is prohibited.
 5. On site retail sale of merchandise is prohibited.
 6. Off-street parking shall be provided in accordance with the standards set forth in Section 4.17 of this Ordinance.
 7. Buildings, structures, and parking/loading areas shall be situated and designed so as to minimize any adverse effects therefrom to adjacent properties.
 8. A greenbelt, as defined in this Ordinance, shall be required for any rear or side yard abutting property located in an "R" or "A" zoning classification.
 9. There shall be no alteration in the rural character of the premises nor shall the woodworking operation constitute in any way a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, traffic, parking, or lighting.

SECTION IV **SEVERABILITY**

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION V **EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO.129

ADOPTED: JULY 11, 2007

**EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted land situated in Land Section 5 from the "A" Agricultural District zoning classification to the "R-1" Single Family, Low Density Residential District zoning classification; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
REZONING OF PROPERTY IN LAND SECTION 5**

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 5 is hereby amended to read as follows:

(LAND) Section Five (5), T. 1 N., R 10 W

- "A" Agricultural District: Entire Section except those parts herein described as "R-1" Single Family, Low Density Residential, "R-2" Medium Density Residential, "P-1" Public Land and "P-2" Semi-Public Land.
- "R-1" Single Family, Low Density Residential: The N 1/2 Fractional of Sd Sec. Lying N of Pine Lake and Pine Lake Drain, Exc Com at the NW Cor of Sd Sec for Place of Beg, Th E 1205 Ft, Th S 1322.22 Ft, Th S 87D 50M E, 1202 Ft, Th S 208 Ft, Th S 25d 10M E, 510 Ft to Pine Lake, the E Alo Lake to Sec Li, Th N to POB, Except Upson's Resort, and That Part of the S 1/2 of the NE Fr 1/4 That Lies S of Ditch Between Shelp Lake and Pine Lake; Also the N 20 Ac. S off N End of W Fr 1/2 of SE 1/4; Also the E 1/2 of the SE 1/4, Exc That Portion E of Lindsey Rd & S Houvener Rd and Part of the N 1/2 of the NE 1/4 of Section 5, T01N, R10W, Described as Beginning at the N 1/4 Cor Section 5, T01N, R10W, Thence South along the N-S1/4 Line to the SW Cor of the N 1/2, NE 14 Said Section 5, Thence East along the South Line of Said N 1/2 700.00', Thence N 83° 00' E 450.00' Thence N 66° 00' E, 700.00' to the Shoreline of Shelp Lake, Thence Northerly along Said Shoreline to the North Line of Said Section 5, Thence West along Said Section Back to the POB.
- "R-2" Medium Density Residential: A parcel of land in the NW 1/4 of Section 5, T. 1N., R10.W, described as beginning at the Northwest corner of Section 5, running thence East 250 feet along the North line of said Section 5; thence S 1° 50' East to Pine Lake; thence Southwesterly along the Northerly and Westerly edge of Pine Lake to the point of intersection with the Easterly prolongation of the North line of Lot 21 of the Plat of Halfwood as recorded in Liber 3 of Plats, on Page 49, thence South 81° 31' 11" West (recorded) South 80° 14' West, 184 feet along the North line of said plat to the Westerly line of Island Drive as shown therein; thence South 20° 19' 11" West (recorded S. 19° 02' West) 58.29 feet along said North line of Island Drive, to

West line of said Section 5; thence North $2^{\circ} 11' 53''$ West 2007.63 feet along said West line to the Place of Beginning.

"P-1" Public Land: Commencing at the Northwest corner of Section Five (5), thence East along the North line of said Section, 1205.4 feet, thence South 1754.0 feet for the place of beginning; said point also being in the northerly shore of Pine Lake; thence North 431.8 feet; thence East, 1202.0 feet, thence South 208.0 feet; thence South 25 degrees 10 min East, 510.0 feet to the Northerly shore of Pine Lake; thence Northwesterly thereon to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said section; 1205.4 feet; thence South, 1754.0 feet for the place of beginning, said point also being in the Northerly shore of Pine Lake; thence North, 431.8 feet; thence South 75 degrees 00 min West, 718.75 feet; thence Southerly to the shore of Pine Lake; thence Northeasterly thereon to beginning. Also beginning at a point on the North line of Section Five (5), 1139.4 feet East line, 66.0 feet; thence south, 1322.2 feet; thence South 75 degrees 00 min West to a point South of beginning; thence North to the place of beginning. Also commencing at the Northwest corner of Section Five (5); thence East along the North line of said section, 1205.4 feet; thence South, 433.6 feet; thence east, 85.4 feet; thence north-easterly to the place of beginning. Also commencing at the northeast corner of Section five (5); thence west 1963.5 feet to the center line Lindsey Road; thence south 30 degrees 45 min east 101.6 feet of center line of Lindsey Road to place of beginning; thence north 76 degrees 15 min east 299.2 feet; thence south 13 degrees 45 min east 158.4 feet; thence south 76 min 15 degrees west 250.8 feet to center line of Lindsey Road; thence north 30 min 45 degrees 165.66 fee to the place of beginning.

"P-2" Semi-Public Land: A parcel of land in the Northwest 1/4 of Section Five (5), T.1.N., R.10.W., described as commencing at the Northwest corner of Section Five (5), thence East 250 feet for place of beginning; thence South 01 degrees, 50 minutes East to Pine Lake, thence Southeasterly along the Northerly and Easterly edge of Pine Lake to a point 551 fee M/L East of the West line of said Section and end of Traverse line of Pine Lake; thence North 06 degrees 14 minutes West 1322.2 feet; thence North 73 degrees 16 minutes East 718.17 feet; thence North 1 degree 44 minutes West 1322.2 feet; thence West 955.40 feet to place of beginning, except the East 66 feet of subject property as revealed by Deed recorded in Liber 151, Page 229.

SECTION II CONDITIONS TO REZONING

Attached to this Ordinance and incorporated by reference herein as a part of this Ordinance and as an amendment to the Prairieville Township Zoning Ordinance is a Statement of Conditions setting forth, as authorized under MCL 125.3405, conditions attached to the rezoning of one of the properties described in Section I of this Ordinance, which property is specifically described in the Statement of Conditions and is hereinafter referred to as the "Subject Land". The Statement of Conditions and each of the individual terms set forth therein shall be fully enforceable and binding in the same manner as any other provision of the Prairieville Township Zoning Ordinance.

SECTION III TIME PERIOD FOR ESTABLISHING DEVELOPMENT

Pursuant to Section 9.4A.G of the Praireville Township Zoning Ordinance, development of the Subject Land as an Open Space Preservation Development pursuant to building and other required permits must be commenced upon the subject land within

___ months after this Ordinance takes affect and shall thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board of Prairieville Township if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board find that there has not been a change in circumstances that would render the then-current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

SECTION IV
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION V
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 131

ADOPTED: NOVEMBER 14, 2007

**EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance to clarify and restate the zoning classifications of unplatted land in Land Section 5 of Prairieville Township and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
LAND SECTION 5**

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 5 is hereby clarified and restated to read as follows:

(LAND) Section Five (5), T. 1 N., R 10 W

- "A" Agricultural District: Entire Section except those parts herein described as "R-1" Single Family, Low Density Residential, "R-2" Medium Density Residential, "P-1" Public Land and "P-2" Semi-Public Land.
- "R-1" Single Family, Low Density Residential District: All that part of the Fractional North 1/2 of Section 5, Town 01 North, Range 10 West, Prairieville Township, Barry County, Michigan lying North of Pine Lake, North of Pine Lake Drain and West of Shelp Lake, EXCEPT Commencing at the Northwest corner of said Section for the PLACE OF BEGINNING; Thence East 1205 feet, thence South 1322.22 feet, thence South 87° 50' East 1202 feet, thence South 208 feet, thence South 25° 10' East 510 feet to Pine Lake, thence West along Pine Lake to the Section line, thence North to the place of beginning, ALSO EXCEPT The Plat of Upson's Resort, The Replat of Lot No. 19, Plat of Upson's Resort, the Plat of Shady Heights, and the Plat of Hallwood, ALSO EXCEPT Beginning at the North 1/4 corner of said Section 5, Town 01 North, Range 10 West, thence South along the North and South 1/4 line to the Southwest corner

of the North 1/2 of the Northeast 1/4 said Section 5, thence East along the South line of said North 1/2 700.00 feet, thence North 83°00' East 450.00 feet, thence North 66° 00' East 700.00 feet to the shoreline of Shelp Lake, thence Northerly along said shoreline to the West right of way line of Lakeshore Drive, thence Northerly along said West right of way line of Lakeshore Drive to the North line of said Section 5, thence West along said North line of Section 5 back to the place of beginning; ALSO EXCEPT all that part of said Fractional North 1/2S lying Northerly and Easterly of Hughes Road (also known as Shelp Lake Road) as platted in the Plat of Shady Heights, Barry County Records ALSO EXCEPT all that portion of said Fractional North 1/2 lying South of Houvener Road and East of Lindsey Road, ALSO EXCEPT BEGINNING East 1205 feet from the Northwest corner of said Section 5, thence continuing East to the North 1/4 corner of said Section 5, thence South along the North and South 1/4 line to the North 1/8 line; thence West along said North 1/8 line, to a point South 1322.22 feet from the point of beginning, thence North 1322.22 feet back to the point of beginning. Subject to a right of way for Lindsey Road and Houvener Road.

AND

Section 5, Town 01 North, Range 10 West, That part of the South 1/2 of the Northeast Fractional 1/4 that lies South of Pine Lake, Pine Lake Drain, and West of Shelp Lake; ALSO the North 20 Acres of the West 1/2 of the Southeast Fractional 1/4; ALSO the East 1/2 of the Southeast Fractional 1/4, EXCEPT that portion East of Lindsey Road and South of Houvener Road AND, ALSO EXCEPT that portion of said East 1/2 of the Southeast Fractional 1/4 lying South of the Southerly line of the North 20 Acres of the West 1/2 of the Southeast Fractional 1/4, Extended Easterly to Lindsey Road. EXCEPT that part dedicated as public right of way.

"R-2" Medium Density Residential District: A parcel of land in the Northwest Fractional 1/4 of Section 5, Town 01 North, Range 10 West, described as BEGINNING at the Northwest corner of said Section 5, thence North 90°00' East 250 feet along the North line of said Section 5; thence South 01°50' East to Pine Lake; thence Southwesterly along the Northerly and Westerly edge of Pine Lake to a point of intersection with the Easterly prolongation of the North line of Lot 21 of the Plat of Hallwood as recorded in Liber 3 of Plats, on Page 49, thence South 81°31'11" West (formerly recorded South 80°14' West) 184 feet along the North line of said plat to the Westerly line of Island Drive as shown therein; thence South 20°19'11" West (formerly recorded S 19°02' West) 64.93 feet along said North line of Island Drive to West line of said Section 5; thence North 2°11'53" West 2015.10 feet along said West line to the Place of Beginning. EXCEPT that part dedicated as public right of way.

"P-1" Public Land District: All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 1205.40 feet, along the northerly line of said Northwest Fractional 1/4; thence South 01°44'00" East 1328.99 feet, to the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence South 87°50'00" East 1183.01 feet; thence South 00°00'00" East 208.00 feet; thence South 25°10'00" East 510.00 feet, more or less, to the northerly shore of Pine Lake; thence Westerly along said shore to a line bearing South 01°44'00" East from the place of beginning; thence North 01°44'00" West to the place of beginning.

ALSO

All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 1205.40 feet, along the northerly line of said Northwest Fractional 1/4; thence South 01°44'00" East 1322.50 feet, to the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence South 73°16'00" West 718.17 feet; thence South 06°14'00" East 24.00 feet, more or less, to the northerly shore of Pine Lake; thence Easterly along said shore to a line bearing South 01°44'00" East from the place of beginning; thence North 01°44'00" West to the place of beginning.

ALSO

All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 1139.40 feet, along the northerly line of said Northwest Fractional 1/4 to the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence continuing North 90°00'00" East 66.00 feet, along said northerly line; thence South 01°44'00" East 888.62 feet; thence South 11°00'00" East 312.55 feet; thence Southeasterly 223.95 feet along a 167.00 foot radius curve to the left having a central angle of 76°50'06" and a chord which bears South 47°15'00" East 207.54 feet; thence North 87°50'00" W 156.29 feet; thence Northwesterly 141.29 feet, along a 233.00 foot non tangent curve to the right having a central angle of 76°50'06" and a chord which bears North 26°12'17" West 139.14 feet; thence North 11°00'00" West 315.50 feet; thence North 01°44'00" West 895.86 feet, to the place of beginning.

ALSO

All that part of the Northeast Fractional 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northeast corner of said Section 5; thence North 90°00'00" West 1963.5 feet along the northerly line of said Northeast

Fractional 1/4 to the center line Lindsey Road; thence South 30°45' East 101.6 feet along said center line of Lindsey Road to the PLACE OF BEGINNING OF THIS DESCRIPTION; Thence North 76°15' East 299.2 feet; thence South 13°45' East 158.4 feet; thence South 76°15' West 250.8 feet to the center line of Lindsey Road; thence North 30°45' West, along said center line to the place of beginning.

"P-2" Semi-Public Land District: All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 250.00 feet, along the northerly line of said Northwest Fractional 1/4 to the PLACE OF BEGINNING OF THIS DESCRIPTION; thence continuing North 90°00'00" East 889.40 feet; thence South 01°44'00" East 895.86 feet; thence South 11°00'00" East 315.50 feet; thence Southeasterly 141.29 feet, along a 233.00 foot curve to the left having a central angle of 76°50'06" and a chord which bears South 26°12'17" East 139.14 feet; thence North 87°50'09" West 42.57 feet; thence North 01°44'00" West 6.49 feet; thence South 73°16'00" West 718.17 feet; thence South 06°14'00" East 24.00 feet, more or less, to the northerly shore of Pine Lake; thence Westerly along said shore to a line bearing South 01°50' East from the place of beginning; thence North 01°50' West to the place of beginning, EXCEPT that part dedicated as public right of way.

SECTION II **CONDITIONS TO REZONING**

Attached to this Ordinance and incorporated by reference herein as a part of this Ordinance and as an amendment to the Prairieville Township Zoning Ordinance is a Statement of Conditions setting forth, as authorized under MCL 125.3405, conditions attached to the rezoning of one of the properties described in Section I of this Ordinance, which property is specifically described in the Statement of Conditions and is hereinafter referred to as the "Subject Land". The Statement of Conditions and each of the individual terms set forth therein shall be fully enforceable and binding in the same manner as any other provision of the Prairieville Township Zoning Ordinance.

SECTION III **TIME PERIOD FOR ESTABLISHING DEVELOPMENT**

Pursuant to Section 9.4A.G of the Prairieville Township Zoning Ordinance, development of the Subject Land as an Open Space Preservation Development pursuant to building and other required permits must be commenced upon the subject land within 60 months after this Ordinance takes effect and shall thereafter proceed diligently to completion. This time limitation may upon written request be extended by

the Township Board of Prairieville Township if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board find that there has not been a change in circumstances that would render the then-current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

SECTION IV
SEVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION V
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith, including Prairieville Township Ordinance No. 129, are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

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

SCOTT D. BASEL

November 19, 2007

Via e-mail: abnormal@mei.net
and First-Class Mail

Normajean Nichols, Clerk
Prairieville Township
10120 S. Norris Road
Delton, MI 49046

RE: Notice of Adoption of Ordinance No. 131

Dear Norma:

Enclosed please find Ordinance No. 131 which was adopted by the Township Board at its meeting on November 14, 2007. Also enclosed is a Clerk's Certificate for the Ordinance to be filled out by you and filed with the Ordinance in the Township's Ordinance Book.

Please note that a signed Statement of Conditions should be attached to the Ordinance and recorded with it in the Ordinance Book. In addition, another signed Statement of Conditions should be recorded with the Barry County Register of Deeds. Additionally, under the provisions of the Zoning Ordinance, the Zoning Map should be amended to reflect the new zoning classification of the property being rezoned. The Zoning Map should contain a designation that the land was rezoned with a Statement of Conditions. The Zoning Ordinance requires that you as Township Clerk maintain a listing of lands that are rezoned with a Statement of Conditions.

Also enclosed is a copy of the Notice of Adoption of Ordinance. We have forwarded the Notice to the Hastings Banner for publication on November 29, 2007. Please file in the Ordinance Book the Affidavit of Publication that you will be receiving from the Hastings Banner.

If you have any questions regarding any of these matters, please feel free to contact me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE.
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm
Enclosure(s)

CLERK'S CERTIFICATE

I, Normajean Nichols, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on November 14, 2007, at 7:00 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: Jim Stoneburner, Normajean Nichols, Vickey Nottingham, Sharon Ritchie, and William Miller, the Board enacted and passed Ordinance No. 131, hereinbefore recorded, to become effective eight (8) days following publication after adoption, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: Jim Stoneburner
 Normajean Nichols
 William Miller
 Vickey Nottingham
 Sharon Ritchie

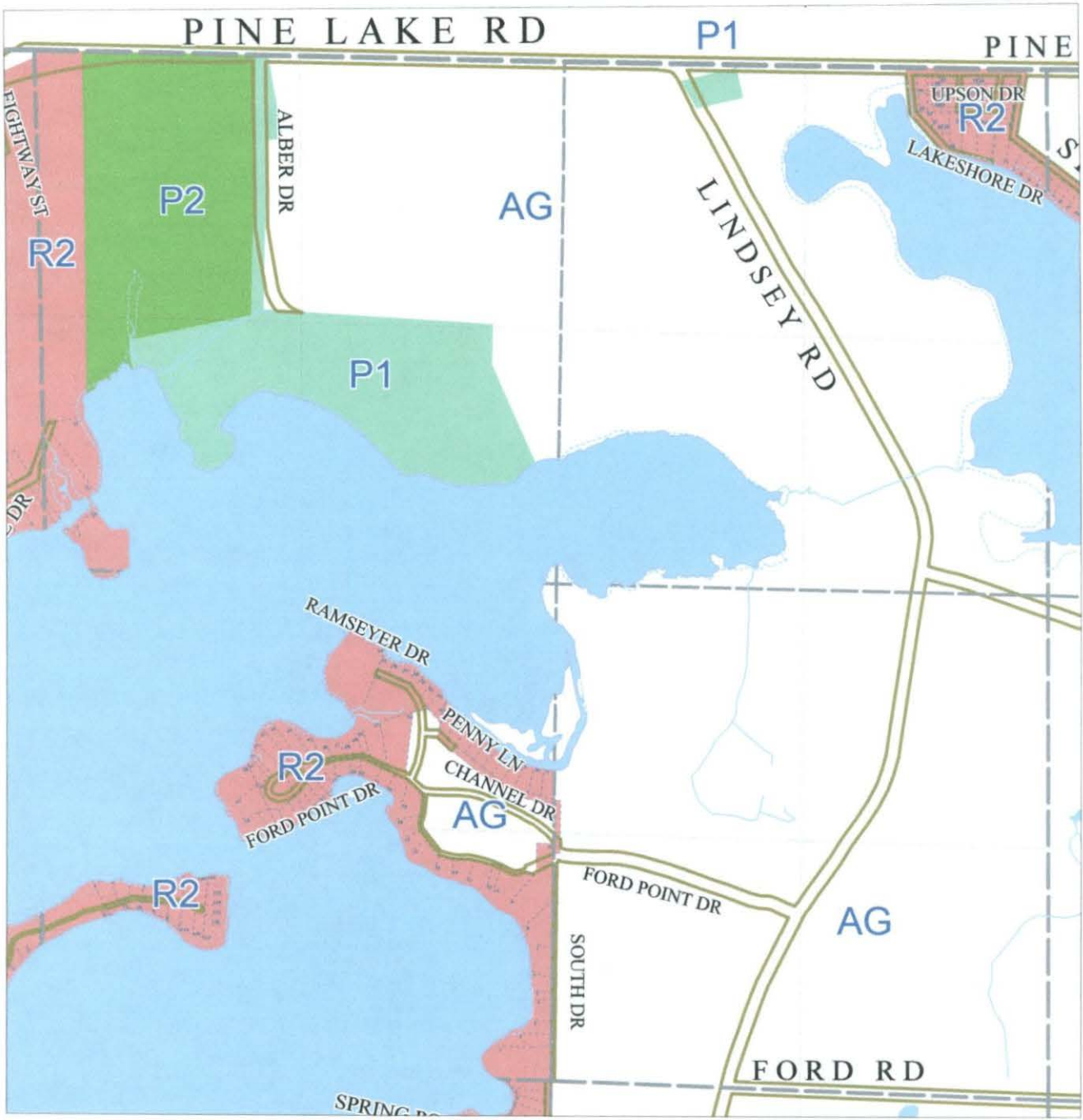
Nays: None

Absent: None

I do further certify that a summary of Ordinance No. 131, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on November 29, 2007; a copy of Ordinance No. 131 was posted at the Township Hall on _____, 2007; and that said Ordinance No. 131 was recorded in the official Ordinance Book on _____, 2007.

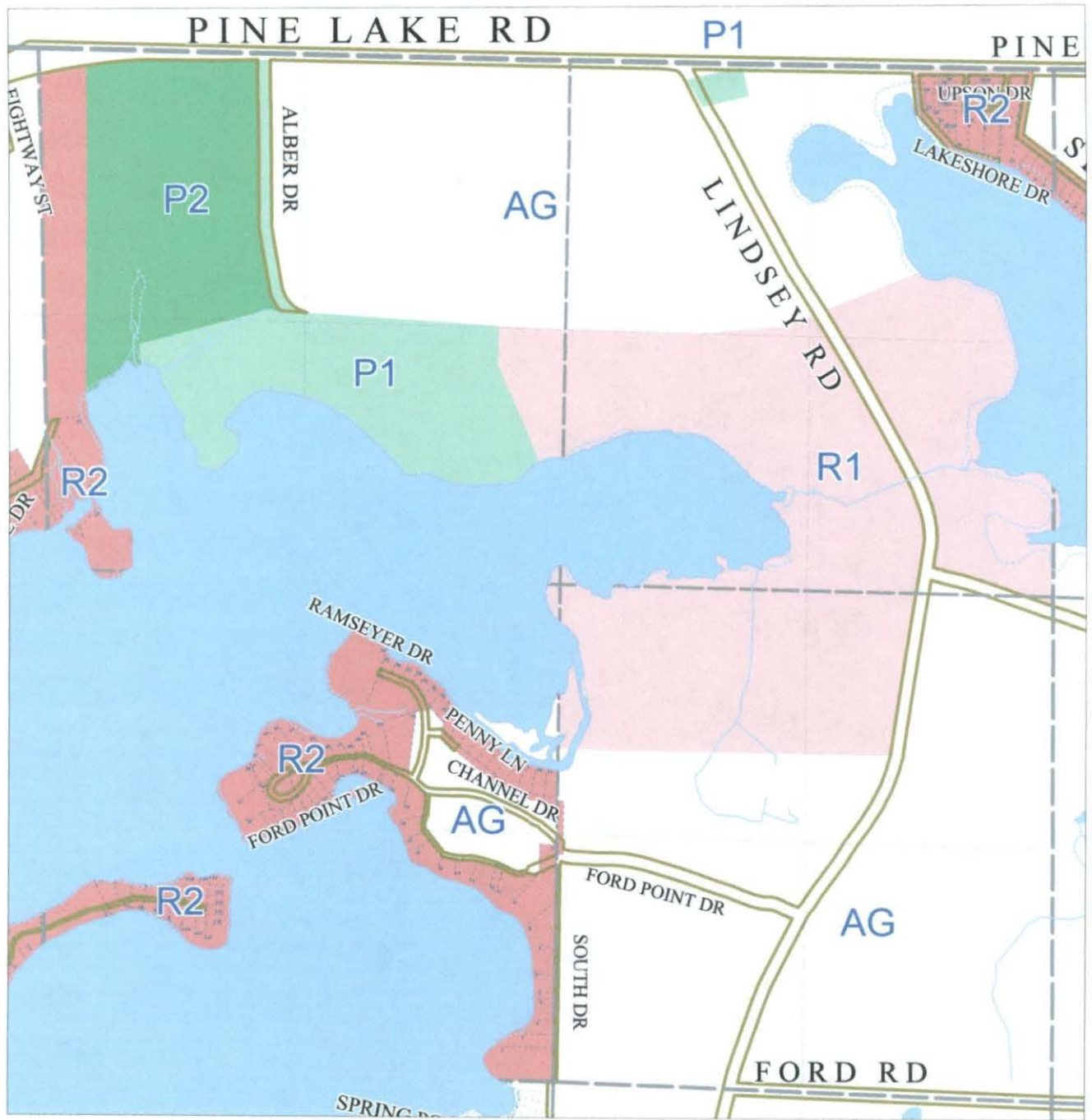
Dated: _____

 Normajean Nichols, Clerk
 Prairieville Township



BEFORE

5 NOV 2007



AFTER

5 NOV 2007

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 132

ADOPTED: FEBRUARY 13, 2008

**EFFECTIVE: Eight (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain unplatted land situated in Land Section 5 of Prairieville Township from the "A" Agricultural District zoning classification to the "R-2" Medium Density Residential District zoning classification; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN**

ORDAINS:

SECTION I
REZONING OF LAND IN LAND SECTION 5

Section 5.1 of the Prairieville Township Zoning Ordinance pertaining to unplatted land in Land Section 5 is hereby amended to read as follows:

(LAND) Section Five (5), T. 1 N., R 10 W

"A" Agricultural District: Entire Section except those parts herein described as "R-1" Single Family, Low Density Residential, "R-2" Medium Density Residential, "P-1" Public Land and "P-2" Semi-Public Land.

"R-1" Single Family, Low Density Residential District: All that part of the Fractional North 1/2 of Section 5, Town 01 North, Range 10 West, Prairieville Township, Barry County, Michigan lying North of Pine Lake, North of Pine Lake Drain and West of Shelp Lake, EXCEPT Commencing at the Northwest corner of said Section for the PLACE OF BEGINNING; Thence East 1205 feet, thence South 1322.22 feet, thence South 87° 50' East 1202 feet, thence South 208 feet, thence South 25° 10' East 510 feet to Pine Lake, thence West along Pine Lake to the Section line, thence North to the place of beginning, ALSO EXCEPT The Plat of Upson's Resort, The Replat of Lot No. 19, Plat of Upson's Resort, the Plat of Shady Heights, and the Plat of Hallwood, ALSO EXCEPT Beginning at the North 1/4 corner of said Section 5, Town 01 North, Range 10 West, thence South along the North and South 1/4 line to the Southwest corner of the North 1/2 of the Northeast 1/4 said Section 5, thence East along the South line of said North 1/2 700.00

feet, thence North 83°00' East 450.00 feet, thence North 66° 00' East 700.00 feet to the shoreline of Shelp Lake, thence Northerly along said shoreline to the West right of way line of Lakeshore Drive, thence Northerly along said West right of way line of Lakeshore Drive to the North line of said Section 5, thence West along said North line of Section 5 back to the place of beginning; ALSO EXCEPT all that part of said Fractional North 1/2S lying Northerly and Easterly of Hughes Road (also known as Shelp Lake Road) as platted in the Plat of Shady Heights, Barry County Records ALSO EXCEPT all that portion of said Fractional North 1/2 lying South of Houvener Road and East of Lindsey Road, ALSO EXCEPT BEGINNING East 1205 feet from the Northwest corner of said Section 5, thence continuing East to the North 1/4 corner of said Section 5, thence South along the North and South 1/4 line to the North 1/8 line; thence West along said North 1/8 line, to a point South 1322.22 feet from the point of beginning, thence North 1322.22 feet back to the point of beginning. Subject to a right of way for Lindsey Road and Houvener Road.

AND

Section 5, Town 01 North, Range 10 West, That part of the South 1/2 of the Northeast Fractional 1/4 that lies South of Pine Lake, Pine Lake Drain, and West of Shelp Lake; ALSO the North 20 Acres of the West 1/2 of the Southeast Fractional 1/4; ALSO the East 1/2 of the Southeast Fractional 1/4, EXCEPT that portion East of Lindsey Road and South of Houvener Road AND, ALSO EXCEPT that portion of said East 1/2 of the Southeast Fractional 1/4 lying South of the Southerly line of the North 20 Acres of the West 1/2 of the Southeast Fractional 1/4, Extended Easterly to Lindsey Road. EXCEPT that part dedicated as public right of way.

"R-2" Medium Density Residential District: A parcel of land in the Northwest Fractional 1/4 of Section 5, Town 01 North, Range 10 West, described as BEGINNING at the Northwest corner of said Section 5, thence North 90°00' East 250 feet along the North line of said Section 5; thence South 01°50' East to Pine Lake; thence Southwesterly along the Northerly and Westerly edge of Pine Lake to a point of intersection with the Easterly prolongation of the North line of Lot 21 of the Plat of Hallwood as recorded in Liber 3 of Plats, on Page 49, thence South 81°31'11" West (formerly recorded South 80°14' West) 184 feet along the North line of said plat to the Westerly line of Island Drive as shown therein; thence South 20°19'11" West (formerly recorded S 19°02' West) 64.93 feet along said North line of Island Drive to West line of said Section 5; thence North 2°11'53" West 2015.10 feet along said West line to the Place of Beginning. EXCEPT that part dedicated as public right of way.

AND

All that part of the Southwest 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the South 1/4 corner of said Section 5; thence North 01°15'00" East 1258.50 feet, along the north and south 1/4 line of said

Section 5 to the northeasterly corner of Lot 10 of Supervisor's Plat of Ford's Point, Prairieville Township, Barry County, Michigan, as recorded in Liber 2 of Plats on Page 72, Barry County Records, for the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence North 89°30'00" West 91.00 feet, along the northerly line of said Lot 10, to the northwesterly corner thereof; thence South 01°15'00" West 130.00 feet, along the westerly line of said Lot 10 and the southerly extension thereof, to the northerly line of Lot 9 of said plat; thence South 62°15'00" West 65.00 feet, along said northerly line to the northerly line of Lot 11 of said plat; thence North 75°15'00" West 206.00 feet, along the northerly line of said Lot 11 and Lot 12 of said plat, to the northwesterly corner of said Lot 12; thence North 83°30'00" West 289.00 feet, along the northerly line of Lots 13, 14, and 15 of said plat, to the northwesterly corner of said Lot 15; thence North 52°30'00" West 33.00 feet, along the northeasterly line of Lot 16 of said plat; thence North 31°15'00" West 132.00 feet, continuing along the northeasterly line of Lot 16 and the northeasterly line of Lot 17 of said plat to the northerly corner of said Lot 17; thence North 13°32'56" East 137.79 feet; thence South 71°37'30" East 425.54 feet; thence North 18°10'31" East 6.12 feet; thence South 71°49'29" East 39.93 feet; thence South 18°10'31" West 6.09 feet; thence South 71°50'10" East 49.49 feet; thence South 89°30'00" East 211.91 feet, to the north and south 1/4 line of said Section 5; thence South 01°15'00" West 28.77 feet, along said north and south 1/4 line to the place of beginning.

AND

All that part of the Southwest 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the South 1/4 corner of said Section 5; thence North 01°15'00" East 1258.50 feet, along the north and south 1/4 line of said Section 5 to the northeasterly corner of Lot 10 of Supervisor's Plat of Ford's Point, Prairieville Township, Barry County, Michigan, as recorded in Liber 2 of Plats on Page 72, Barry County Records, thence North 89°30'00" West 91.00 feet, along the northerly line of said Lot 10, to the northwesterly corner thereof; thence South 01°15'00" West 130.00 feet, along the westerly line of said Lot 10 and the southerly extension thereof, to the northerly line of Lot 9 of said plat; thence South 62°15'00" West 65.00 feet, along said northerly line to the northerly line of Lot 11 of said plat; thence North 75°15'00" West 206.00 feet, along the northerly line of said Lot 11 and Lot 12 of said plat, to the northwesterly corner of said Lot 12; thence North 83°30'00" West 289.00 feet, along the northerly line of Lots 13, 14, and 15 of said plat, to the northwesterly corner of said Lot 15; thence North 52°30'00" West 33.00 feet, along the northeasterly line of Lot 16 of said plat; thence North 31°15'00" West 132.00 feet, continuing along the northeasterly line of Lot 16 and the northeasterly line of Lot 17 of said plat to the northerly corner of said Lot 17; thence North 06°00'00" West 78.70 feet, along the easterly line of Lot 18 of said plat, to the northeasterly corner thereof; thence North 05°00'00" East 121.00 feet, along the easterly line of Lot 19 of said plat to the northeasterly corner thereof; thence North 47°30'00" West 100.00 feet, along the

northeasterly line of said Lot 19 to the northwesterly corner thereof; thence North 64°30'00" West 75.00 feet, along the northerly line of Lot 20 of said plat to the northwesterly corner thereof; thence North 04°30'00" East 337.50 feet, along the easterly line of Lot 67 and Lot 52 of said plat, to the northeasterly corner of said Lot 52, for the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence North 75°30'00" East 20.00 feet, along the southerly line of Lot 53 of said plat to the southwesterly line of Lot 61 of said plat; thence South 36°30'00" East 40.00 feet, along the southwesterly line of said Lot 61 to the southerly corner thereof; thence South 45°30'00" East 159.02 feet, along the southwesterly line of Lots 62, 63, 64, and 65 of said plat, to a line bearing South 89°29'38" West (formerly described as Due West) from the Southeasterly corner of Lot 1 of Ford's Channel Plat, Prairieville Township, Barry County, Michigan, as recorded in Liber 4 of Plats on Page 55, Barry County Records; thence South 89°29'38" West 96.16 feet; thence South 10°31'17" East 16.23 feet; thence South 01°37'18" West 81.43 feet; thence South 05°11'27" West 49.09 feet; thence South 06°41'18" West 13.54 feet; thence South 40°46'57" West 19.26 feet; thence North 81°34'33" West 67.12 feet, to the easterly line of said Lot 52; thence North 04°30'00" East 304.84 feet, along said easterly line to the place of beginning.

"P-1" Public Land District: All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 1205.40 feet, along the northerly line of said Northwest Fractional 1/4; thence South 01°44'00" East 1328.99 feet, to the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence South 87°50'00" East 1183.01 feet; thence South 00°00'00" East 208.00 feet; thence South 25°10'00" East 510.00 feet, more or less, to the northerly shore of Pine Lake; thence Westerly along said shore to a line bearing South 01°44'00" East from the place of beginning; thence North 01°44'00" West to the place of beginning.

ALSO

All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 1205.40 feet, along the northerly line of said Northwest Fractional 1/4; thence South 01°44'00" East 1322.50 feet, to the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence South 73°16'00" West 718.17 feet; thence South 06°14'00" East 24.00 feet, more or less, to the northerly shore of Pine Lake; thence Easterly along said shore to a line bearing South 01°44'00" East from the place of beginning; thence North 01°44'00" West to the place of beginning.

ALSO

All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as:

Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 1139.40 feet, along the northerly line of said Northwest Fractional 1/4 to the PLACE OF BEGINNING OF THIS DESCRIPTION; Thence continuing North 90°00'00" East 66.00 feet, along said northerly line; thence South 01°44'00" East 888.62 feet; thence South 11°00'00" East 312.55 feet; thence Southeasterly 223.95 feet along a 167.00 foot radius curve to the left having a central angle of 76°50'06" and a chord which bears South 47°15'00" East 207.54 feet; thence North 87°50'00" W 156.29 feet; thence Northwesterly 141.29 feet, along a 233.00 foot non tangent curve to the right having a central angle of 76°50'06" and a chord which bears North 26°12'17" West 139.14 feet; thence North 11°00'00" West 315.50 feet; thence North 01°44'00" West 895.86 feet, to the place of beginning.

ALSO

All that part of the Northeast Fractional 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northeast corner of said Section 5; thence North 90°00'00" West 1963.5 feet along the northerly line of said Northeast Fractional 1/4 to the center line Lindsey Road; thence South 30°45' East 101.6 feet along said center line of Lindsey Road to the PLACE OF BEGINNING OF THIS DESCRIPTION; Thence North 76°15' East 299.2 feet; thence South 13°45' East 158.4 feet; thence South 76°15' West 250.8 feet to the center line of Lindsey Road; thence North 30°45' West, along said center line to the place of beginning.

"P-2" Semi-Public Land District: All that part of the Northwest Fraction 1/4 of Section 5, Town 1 North, Range 10 West, Prairieville Township, Barry County, Michigan described as: Commencing at the Northwest corner of said Section 5; thence North 90°00'00" East 250.00 feet, along the northerly line of said Northwest Fractional 1/4 to the PLACE OF BEGINNING OF THIS DESCRIPTION; thence continuing North 90°00'00" East 889.40 feet; thence South 01°44'00" East 895.86 feet; thence South 11°00'00" East 315.50 feet; thence Southeasterly 141.29 feet, along a 233.00 foot curve to the left having a central angle of 76°50'06" and a chord which bears South 26°12'17" East 139.14 feet; thence North 87°50'09" West 42.57 feet; thence North 01°44'00" West 6.49 feet; thence South 73°16'00" West 718.17 feet; thence South 06°14'00" East 24.00 feet, more or less, to the northerly shore of Pine Lake; thence Westerly along said shore to a line bearing South 01°50' East from the place of beginning; thence North 01°50' West to the place of beginning, EXCEPT that part dedicated as public right of way.

SECTION II SERVERABILITY

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect

or impair the validity of any other section or provision of this Ordinance.

SECTION III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, Normajeane Nichols, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on February 13, 2008, at 7:00 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: Jim Stoneburner, Normajeane Nichols, Vickey Nottingham, Sharon Ritchie, and William Miller, the Board enacted and passed Ordinance No. 132, hereinbefore recorded, to become effective eight (8) days following publication after adoption, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

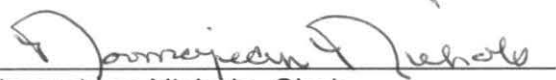
Ayes: Jim Stoneburner
 Normajeane Nichols
 William Miller
 Vickey Nottingham
 Sharon Ritchie

Nays: None

Absent: None

I do further certify that a summary of Ordinance No. 132, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on February 21, 2008; a copy of Ordinance No. 132 was posted at the Township Hall on Feb 20, 2008; and that said Ordinance No. 132 was recorded in the official Ordinance Book on Feb 20, 2008.

Dated: 2-20-08


 Normajeane Nichols, Clerk
 Prairieville Township

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007-4621

HARRY F. SMITH
1906-1972

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

James W. Porter
Of Counsel

SCOTT D. BASEL

February 18, 2008

Via e-mail: abnormal@mei.net
and First-Class Mail

Normajean Nichols, Clerk
Prairieville Township
10120 S. Norris Road
Delton, MI 49046

RE: Notice of Adoption of Ordinance No. 132

Dear Norma:

Enclosed please find Ordinance No. 132 which was adopted by the Township Board at its meeting on February 13, 2008.

Also enclosed is a Clerk's Certificate for Ordinance No. 132 and a copy of the Notice of Adoption of Ordinance for the above referenced Ordinance. We have forwarded the Notice of Adoption of Ordinance to the Hastings Banner for publication on February 21, 2008. Within one week from February 21, 2008, the enclosed Clerk's Certificate should be filled out and signed by you and then recorded in the Township Ordinance book along with the Ordinance and the Affidavit of Publication of Notice of Adoption of Ordinance you will be receiving from the Hastings Banner.

If you have any questions regarding any of these matters, please feel free to contact me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE.
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/ser
Enclosure(s)

CLERK'S CERTIFICATE

I, Normajean Nichols, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on February 13, 2008, at 7:00 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: Jim Stoneburner, Normajean Nichols, Vickey Nottingham, Sharon Ritchie, and William Miller, the Board enacted and passed Ordinance No. 132, hereinbefore recorded, to become effective eight (8) days following publication after adoption, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: Jim Stoneburner
 Normajean Nichols
 William Miller
 Vickey Nottingham
 Sharon Ritchie

Nays: None

Absent: None

I do further certify that a summary of Ordinance No. 132, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on February 21, 2008; a copy of Ordinance No. 132 was posted at the Township Hall on _____, 2008; and that said Ordinance No. 132 was recorded in the official Ordinance Book on _____, 2008.

Dated: _____

 Normajean Nichols, Clerk
 Prairieville Township

PRAIRIEVILLE TOWNSHIP

ORDINANCE NO. 134

ADOPTED: JULY 9, 2008

EFFECTIVE: Eight (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION

An Ordinance to amend various sections of the Prairieville Township Zoning Ordinance as set forth herein; and by the repeal of all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I
AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the adoption of a new subsection 29.a to read as follows:

- 29a. **Election Campaign Sign:** A sign related to a candidate for political office or an issue to be determined at a governmental election.

SECTION II
AMENDMENT OF SECTION 4.18

Subsection "K" of Section 4.18 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- K. Election campaign signs shall be permitted in all zoning districts. They shall be removed within fifteen (15) days after the election to which they pertain.

SECTION III
AMENDMENT OF SECTION 4.4

Section 4.4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

**SECTION 4.4 – TEMPORARY PLACEMENT OF RECREATIONAL
VEHICLES AND TENTS:**

A recreational vehicle or tent may be allowed on a temporary non-commercial basis as a special land use in the "A", "R-1" and "R-2" zoning classifications on an otherwise vacant lot or on a lot having only an accessory building(s) used primarily for residential purposes upon it, subject to the following requirements:

- A. The placement of a recreational vehicle or tent for occupancy upon a parcel shall not exceed a total of sixty (60) days or more than ten (10) weekends in any calendar year. Placement for one weekend day shall be counted as placement for the entire weekend for purposes of this provision.
- B. For purposes of this section, the word "day" shall refer to a calendar day (e.g. January 1).
- C. Not more than one recreational vehicle or tent may be placed for occupancy upon a parcel.
- D. The recreational vehicle or tent shall be served by sewage and water supply facilities located on the same parcel as the recreational vehicle or tent and approved by the Barry County Health Department. The sanitary sewage facility shall be screened from adjoining properties under separate ownership and shall not be located in the front yard.
- E. Neither rent nor any other fee shall be charged by the property owner for a temporary placement allowed hereunder.
- F. The special land use permit shall be valid for a period of one (1) year but shall be automatically renewed annually thereafter unless the Zoning Administrator determines that there has either (1) been a failure to comply with the Zoning Ordinance and/or the terms of the special land use permit, or (2) there has been a material change in conditions that may cause the special land use to no longer satisfy the standards set forth in Section 6.11 B. for special land use approval. In the event of either such determination, the special land use permit shall not be renewed unless and until the Planning Commission determines, after due notice and hearing in accordance with Sections 6.10 and 6.11, that the special land use permit should be renewed.
- G. Any person who shall permit or cause a recreational vehicle or tent to be placed in violation of the requirements in Section 4.4 shall be in violation of this Ordinance and subject to the sanctions set forth herein.

SECTION IV
AMENDMENT OF SECTION 6.17

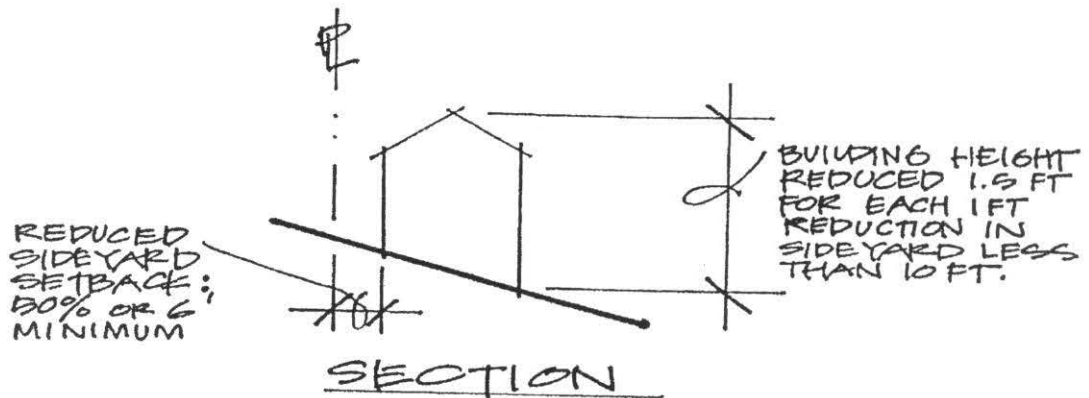
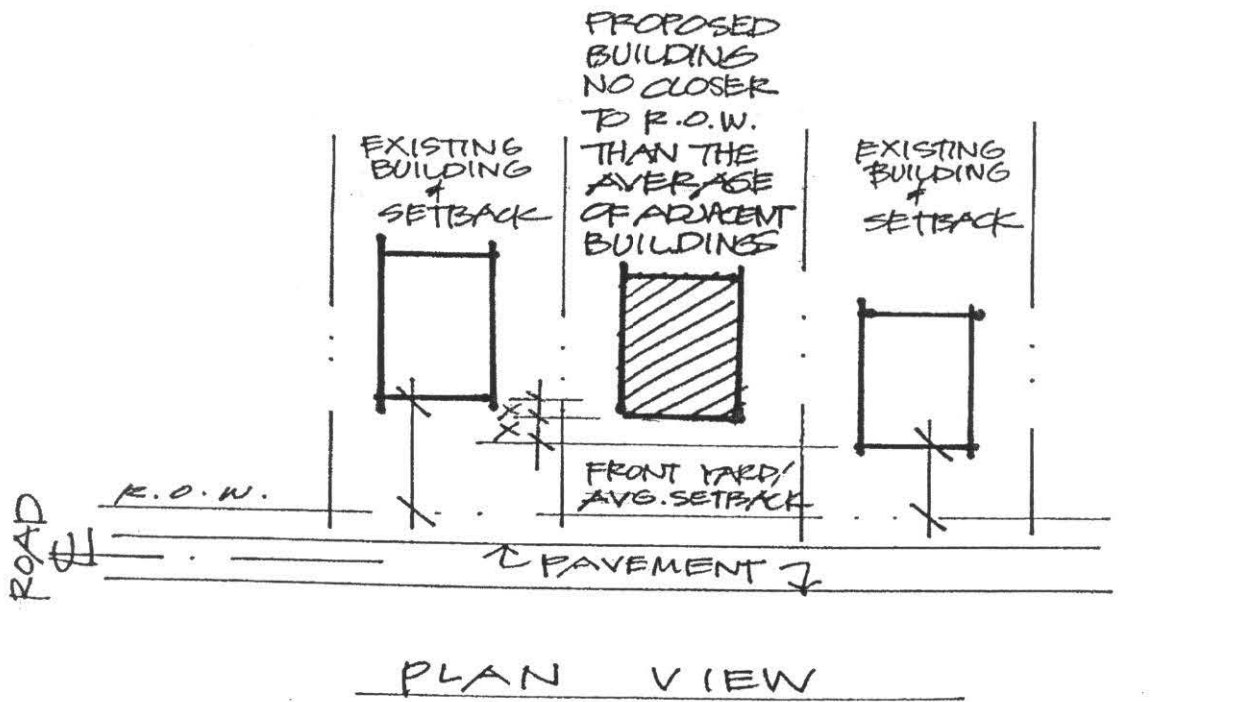
Section 6.17 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.17 – NONCONFORMING LOTS OF RECORD:

Lots of record that are nonconforming because of the lack of the required number of acres, minimum number of square feet, or other dimensional criterion shall be allowed to be built upon, provided that:

- A. The lot was legally established by recorded deed or land contract or other legal document prior to the effective date of this Ordinance.

- B. The front yard requirement shall be as specified in the zoning district in which the lot is situated, except where an established setback of buildings has been previously determined. In such case, the proposed building to be located on the lot will be no closer to the abutting right-of-way than the average setback of existing, legally constructed buildings immediately adjacent to the lot at the time of application for a building permit. The exact setback shall be determined, in each case, by the Zoning Administrator following a site inspection.
- C. Except as set forth below for the street side of a corner lot, at least 50 percent of the side yard requirements can be met, but in no case shall a side yard for a principal or accessory building be less than six (6) feet. The minimum required setback for the street side of a corner lot shall, unless otherwise required under Section 4.29, be as follows:
- (1) Where an established setback of buildings along the street side of a corner lot has been previously determined, the proposed building to be located on the lot shall be no closer to the abutting right-of-way than the existing, legally constructed buildings immediately adjacent to the lot at the time of application for a building permit.
 - (2) Where there is no such established setback, the minimum required setback shall be 25 feet.
- D. For nonconforming lots of record that have no water frontage, at least 50 percent of the rear yard requirements can be met.
- E. Nonconforming lots of record that have water frontage shall be subject to the provisions of Section 4.24. – Waterfront Lots, B. – D., except that the required rear yard setback for principal and accessory buildings shall be a minimum of 25 feet from the abutting road right-of-way.
- F. On nonconforming lots of record that have water frontage, the maximum permitted building height shall be reduced by 1.5 feet for each foot by which the average side yard setback is less than 10 feet.
- G. An adequate potable water supply and proper safe sewage disposal facilities can be provided in accordance with the requirements of the Barry County Health Department.



NON-CONFORMING LOTS of RECORD SECTION 6.17

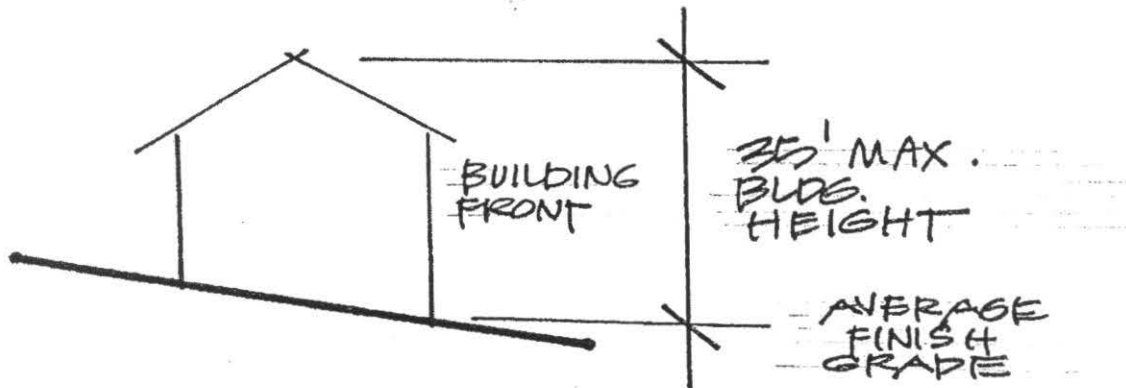
SECTION V
ADOPTION OF A NEW SECTION 4.40

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.40 to read as follows:

SECTION 4.40 – BUILDING HEIGHT:

No building shall be erected, reconstructed, or structurally altered to exceed 35 feet in height, except the height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, communication towers/antennas (except as otherwise specifically regulated in this Ordinance), domes not used for human

occupancy, chimneys, ventilators, skylights, water tanks, barns, silos, wind generators, bulkheads, and necessary roof-mounted mechanical appurtenances.



BUILDING HEIGHT
SECTION 4.40

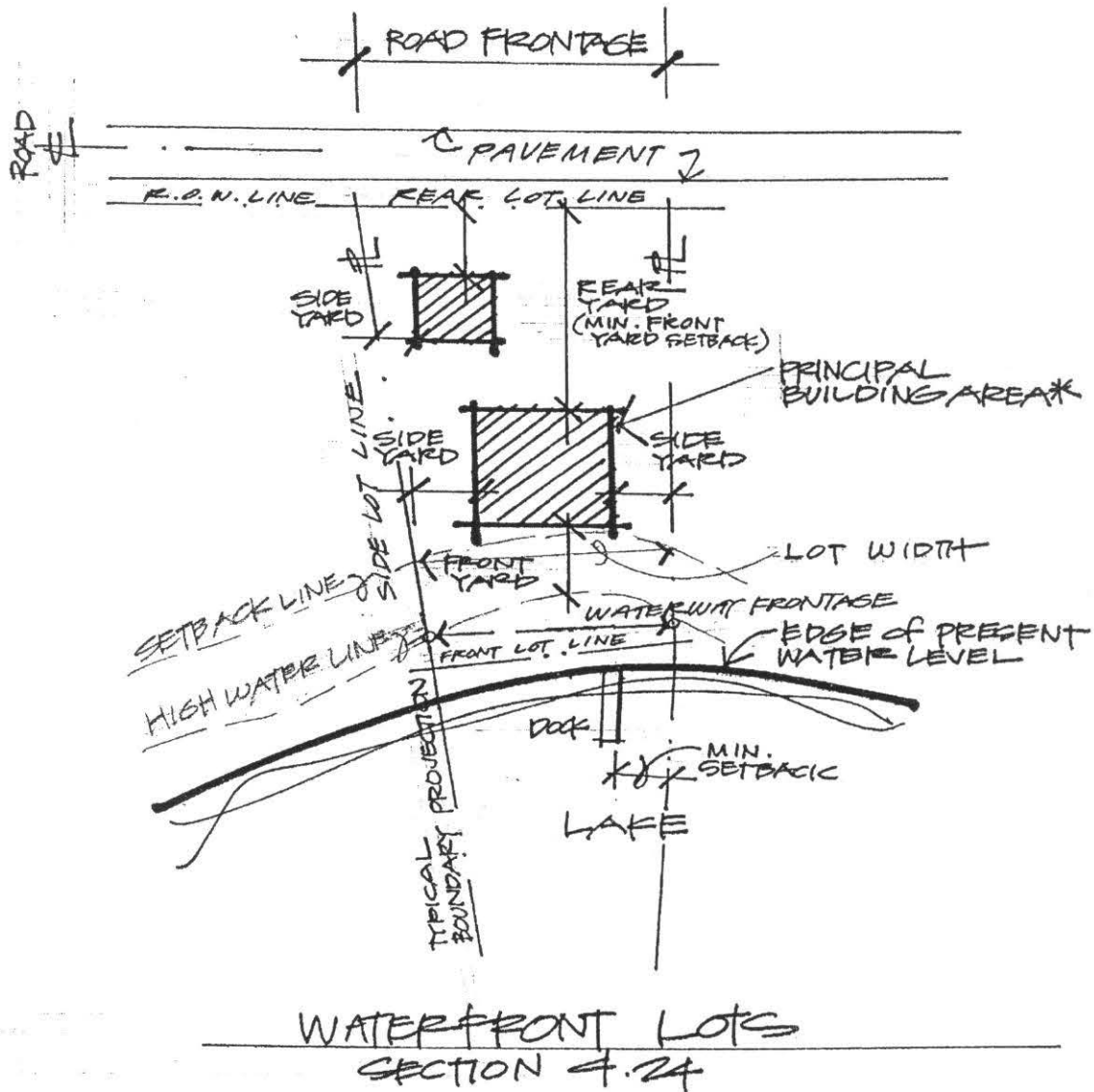
SECTION VI
AMENDMENT OF SECTION 4.24

Section 4.24 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.24 – WATERFRONT LOTS:

- A. Waterfront lots shall have continuous waterway frontage that is not less than the minimum lot width and road frontage requirement for the zoning district in which the lot is situated. Waterway frontage shall be measured by a straight line which connects the boundaries of the lot that extend from the waterway frontage at the points where they intersect the high water line.
- B. The front lot line of a waterfront lot shall be that portion of the lot abutting the waterway. The rear lot line of a waterfront lot shall be that portion of the lot immediately adjacent to the street right-of-way. On corner lots, the rear lot line shall be the boundary line of the lot immediately adjacent to the street right-of-way on that side of the lot which has the narrowest frontage.

- C. Notwithstanding the generally applicable setback requirements specified elsewhere in this Ordinance, all dwellings or other principal buildings and accessory buildings, including any alteration of existing such buildings, on any waterfront lot shall at a minimum be set back from the high water line of the waterway the greater of:
- (1) 35 feet; or
 - (2) the average setback of existing, legally constructed dwellings or other principal buildings immediately adjacent to the lot at the time of application for a building permit.
- D. These setback requirements are intended to facilitate reasonable consistency of horizontal sight lines with respect to the development of waterfront lots, based on the average setback of existing adjacent development, but subject in each instance to a minimum setback of 35 feet from the high water line.
- E. The required minimum rear yard setback for principal buildings located on waterfront lots shall be the same as the minimum front yard setback requirement for the zoning district in which the lot is situated.
- F. The required minimum rear yard setback for accessory buildings located on waterfront lots shall be a minimum of 25 feet from the abutting road right-of-way.
- G. No portion of any dock shall be located within the minimum setback area required for the zoning district in which the lot is situated, as measured from the boundaries of the lot as projected into the waterway.
- H. See Section 4.35 for additional requirements applicable to access lots providing waterway access for one (1) or more access lot beneficiaries.



SECTION VII
AMENDMENT OF SECTIONS 3.1.58 AND 3.1.59

Sections 3.1.58 and 3.1.59 of the Prairieville Township Zoning Ordinance are hereby amended to read as follows:

- 58. **Lot-Width:** The distance between the side lot lines measured at right angles to the lot depth at the required front yard setback line.

- 59. **Lot-Depth:** The average distance between the front and rear lot lines measured in the mean direction of the side lot lines.

SECTION VIII
AMENDMENT OF SECTION 4.35

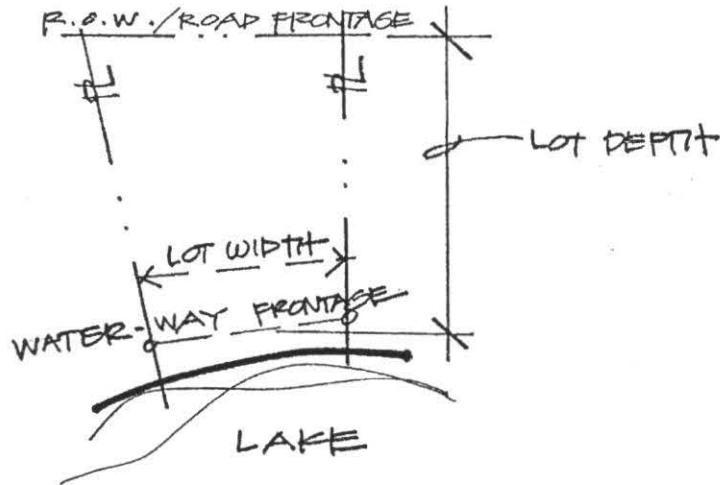
Section 4.35 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.35 – NON-PUBLIC WATERFRONT ACCESS LOT REGULATIONS:

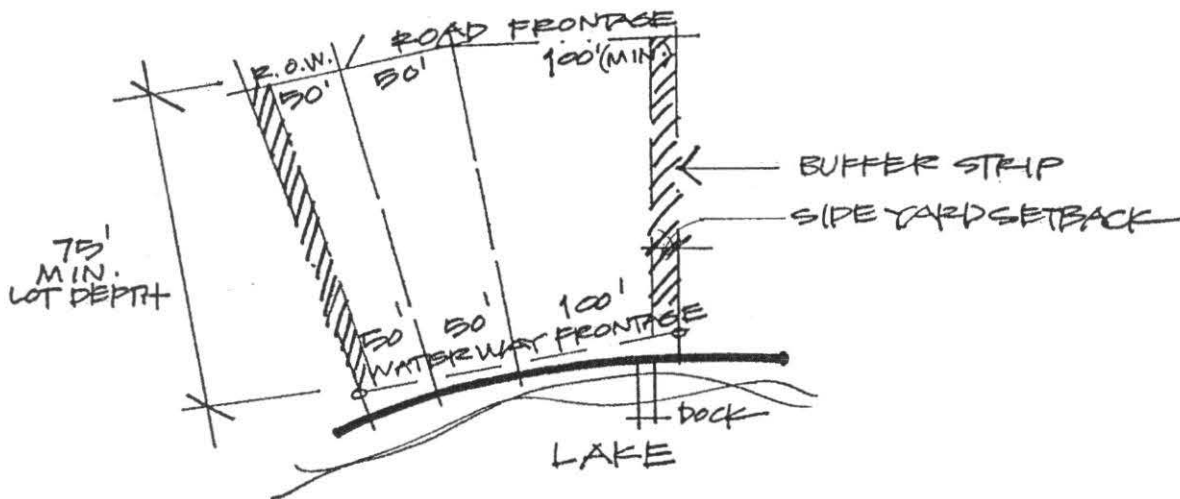
No waterfront lot in any zoning district shall be used as an access lot unless it complies with all of the following requirements:

1. An access lot shall have a minimum waterway frontage, a minimum lot width, a minimum road frontage, and a minimum lot area corresponding to the minimum waterway frontage, lot width, road frontage, and lot area requirements for a lot in the zoning district in which the access lot is situated.
2. An access lot providing waterway access to more than one access lot beneficiary shall have a minimum lot depth of at least 75 feet and at least an additional 50 feet of waterway frontage, lot width, and road frontage for each additional access lot beneficiary.
3. Waterway frontage shall be measured by a straight line which connects the boundaries of the access lot that extend from the waterway frontage at the points where they intersect the high water line. Areas consisting of swamp, bog, marsh, or other type of wetland, as commonly defined, shall not be counted towards the minimum waterway frontage required herein, but may be used to meet minimum buffer strip requirements.
4. An access lot providing access to two (2) or more access lot beneficiaries shall include a buffer strip on each side of the access lot, parallel with each boundary that extends from the waterway frontage. Each buffer strip shall have a minimum width for the entire depth of the access lot corresponding with the amount of minimum side yard setback required for a principal building in the zoning district in which the access lot is situated.
5. No building or structure of any kind other than fencing shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic, parking, boat ramps or for storage purposes (including junk, waste or garbage) or other development purpose of any kind, and shall be preserved to provide a natural barrier between the usable portion of an access lot and adjacent lots.
6. No portion of any dock shall be located within the minimum setback area required for the zoning district in which the access lot is situated, as measured from the boundaries of the lot as projected into a waterway.
7. Adequate off-street parking for each access lot beneficiary shall be provided on each access lot.

8. Site plan review shall be required for all access lots providing access to more than one (1) access lot beneficiary.
9. An access lot created as part of a plat or condominium development shall be dedicated at the time of recording of the plat/condominium for use solely by the owners/occupants of lots contained within the plat/condominium, or a specified lesser number thereof, consistent with all applicable laws and ordinances.



ACCESS LOT FOR ONE (1) BENEFICIARY



ACCESS LOT FOR THREE (3) BENEFICIARIES IN THE R-2 ZONING DISTRICT

NON-PUBLIC WATERFRONT ACCESS LOT REGULATIONS SECTION 4.35

SECTION IX
ADDITION OF A NEW SECTION 4.41

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.41 to read as follows:

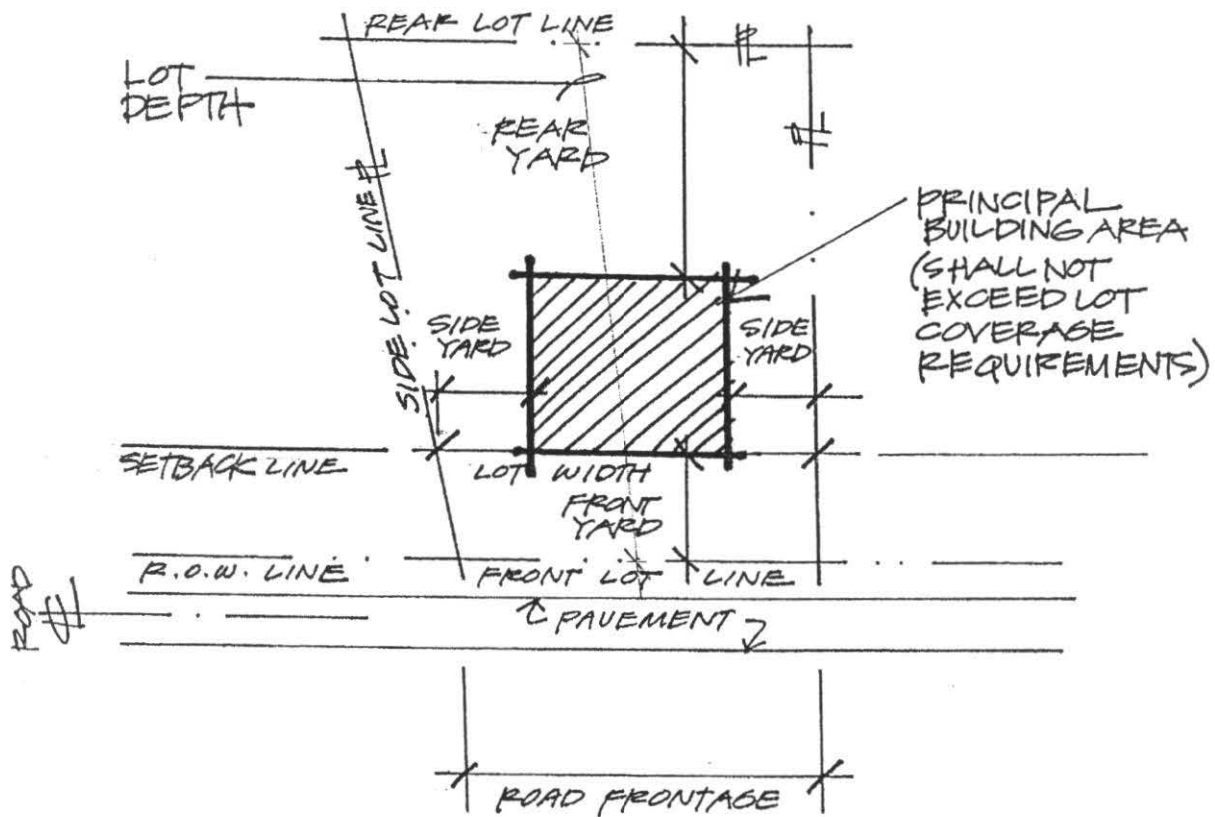
Section 4.41 - Schedule of Lot, Yard, and Area Requirements

	"A"	"R-1"	"R-2"	"R-4"	"R-5"	"C-1"	"I"	"P-1"	"P-2"
Min. Lot Area (sq ft)	2A			---	*k	---	15,000	---	---
Single Family Dwelling									
: public water/sewer – only one or none available		1A	12,000						
: both public water/sewer avail.		9,350	8,000						
Two Family Dwellings/Other									
: public water/sewer – only one or none available			18,700						
: both public water/sewer available			15,000						
Min Lot Width, Road Frontage (ft) *a	330			*d	*k	---	100	---	---
Single Family Dwelling									
: public water/sewer – only one or none available		150	100						
: both public water/sewer available		85	75						
Two Family Dwellings/Other									
: public water/sewer – only one or none available			125						
: both public water/sewer available			100						
Max. Lot Coverage (%)	30	30	30	30	*k	30	30	---	30
Min. Floor Area/Dwelling (sq ft)				*d	*k		---	---	---
Single Family Dwelling	840	840	840			840			
Two Family Dwellings (per unit)	720		720			*f			
Max. Building Height (ft) *j	35	35	35	35	*k	35	35	---	35
Min. Front Yard Setback (ft) *b	50	35	35	40	*k	*g	50	---	75
Min. Side Yard Setback (ft) *b	20	10	10		*k		50	---	10
		*c	*c	*d	*k	*g	*h		*i
Min. Rear Yard Setback (ft) *b	20	20	20	*d	*k	*g	50	---	*i

*a See also Sections 4.24 and 4.35 for waterfront lots.

*b See Section 4.29 – Supplementary Setback Requirements

- *c A 25 ft side yard shall be provided and maintained on the street side of a corner lot, unless otherwise required under Section 4.29.
- *d See Section 6.2 B. – Multiple Family Dwelling Units
- *e A 40 ft setback from any public street right-of-way line shall be required.
- *f The minimum floor area for a dwelling unit attached to a principal use/special land use permitted in this district shall be 720 sq ft.
- *g See Section 6.4 C. – “C-1” Area Regulations
- *h A 20 ft setback shall be required where the side yard abuts property in the “I” District.
- *i A 50 ft setback shall be required where the side/rear yard abuts property in any “R” or “A” district.
- *j See Section 4.40 – Building Height
- *k See Section 6.3.B.



TYPICAL YARD CHARACTERISTICS

SECTION X
AMENDMENT OF SECTION 3.1.51

Section 3.1.51 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

51. **LOT COVERAGE**: The amount of a lot, stated in terms of percentage, that is covered by buildings.

SECTION XI
AMENDMENT OF SECTION 6.0.C

Section 6.0.C of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. **AREA REGULATIONS** – See Section 4.41- Schedule of Lot, Yard and Area Requirements.

SECTION XII
AMENDMENT OF SECTION 6.1.C

Section 6.1.C of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. **AREA REGULATIONS** – See Section 4.41 – Schedule of Lot, Yard and Area Requirements.

SECTION XIII
AMENDMENT OF SECTION 6.2.B.1.a

Section 6.2.B.1.a. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- a. Maximum Lot Coverage: 30%.

SECTION XIV
AMENDMENT OF SECTION 6.4.C

Section 6.4.C. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. **AREA REGULATIONS** – No building nor the enlargement of any building shall be hereafter erected unless the following yards, lot areas and building coverage are provided and maintained in connection with such building or enlargement:
1. Maximum Lot Coverage: 30%.
 2. Yards for All Buildings – Every building shall be at least 75 feet from a public right-of-way. Every building shall be at least 50 feet from any “R”, or “A” zoned district. A side yard shall not be required adjacent to a “C” or “I” zone, but if a building is not constructed to the lot line, there shall be a side yard of not less than ten (10) feet.

3. The minimum floor area for a detached single family dwelling shall be 840 square feet. The minimum floor area for a dwelling unit attached to a building used principally for another permitted or special land use allowed in this zoning classification shall be 720 square feet.

SECTION XV
AMENDMENT OF SECTION 6.5.E

Section 6.5.E of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- E. **AREA REGULATIONS**: See Section 4.41 – Schedule of Lot, Yard and Area Requirements.

SECTION XVI
REPEAL OF SECTION 6.5.F

Section 6.5.F of the Prairieville Township Zoning Ordinance is hereby repealed.

SECTION XVII
AMENDMENT OF SECTION 6.6.C

Section 6.6.C of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. **AREA REGULATIONS**: See Section 4.41 – Schedule of Lot, Yard and Area Requirements.

SECTION XVIII
REPEAL OF SUBSECTIONS “D” AND “E” OF SECTION 6.6

Subsections “D” and “E” of Section 6.6 of the Prairieville Township Zoning Ordinance are hereby repealed.

SECTION XIX
AMENDMENT OF SECTION 6.7-1.C

Section 6.7-1.C. of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

- C. **AREA REGULATIONS**: - See Section 4.41 – Schedule of Lot, Yard and Area Requirements.

SECTION XX
SEVERABILITY

This Ordinance and the various parts, sections, subsection, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION XXI
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Normajean Nichols, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, Normajean Nichols, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on July 9, 2008, at 7:00 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: Jim Stoneburner, Normajean Nichols, Vickey Nottingham, Sharon Ritchie, and William Miller, the Board enacted and passed Ordinance No. 134, hereinbefore recorded, to become effective eight (8) days following publication after adoption, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

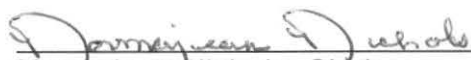
Ayes: Jim Stoneburner
 Normajean Nichols
 William Miller
 Vickey Nottingham
 Sharon Ritchie

Nays: None

Absent: None

I do further certify that a summary of Ordinance No. 134, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on July 17, 2008; a copy of Ordinance No. 134 was posted at the Township Hall on July 14, 2008; and that said Ordinance No. 134 was recorded in the official Ordinance Book on July 24, 2008.

Dated: Aug 11, 2008



Normajean Nichols, Clerk
Prairieville Township

Prairieville Township
Ordinance No. 135

Adopted: January 14 2009
Effective: Immediately following publication after adoption

Ordinance to Confirm the Establishment of a
Planning Commission with Zoning Authority

Preamble

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Prairieville 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 PRAIRIEVILLE, BARRY COUNTY, MICHIGAN 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, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinances.

The purpose of this ordinance is to provide that the Prairieville Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Prairieville Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.; to establish the appointments, terms and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

Section 2: Establishment

The township board hereby confirms and ratifies the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Prairieville Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Prairieville Township Planning Commission shall have 7 members. Members of the Prairieville Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, 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 MCL 125.3801, et seq.

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, including the ex officio member.

The planning commission members, other than an ex officio member, shall serve for terms of 3 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 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.

An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the township board.

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 potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, the planning commission shall define conflict of interest in its bylaws.

Section 6: Compensation

The 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. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 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 4 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 2 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, MCL 15.261, et seq.

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, MCL 15.231, et seq.

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, MCL 125.3801, et seq., 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, MCL 125.321 et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

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, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2206, MCL 125.3101, et seq.; or other applicable zoning statutes to the Prairieville Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.,

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

Section 12: Capital Improvements Program

To further the desirable future development of the Township under the master plan, the Township Board after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period. The prepared capital improvements program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The planning commission is hereby exempted from preparing a capital improvements plan.

Section 13: 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, MCL 560.101, et seq. 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 14: Severability

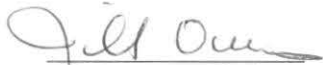
The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 15: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Prairieville Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

Section 16: Effective Date

This ordinance shall take effect immediately following publication after adoption.



Jill Owens, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, Jill Owens, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on January 14, 2009, at 7:00 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: Jim Stoneburner, Jill Owens and Sharon Ritchie, and the Board enacted and passed Ordinance No. 135, hereinbefore recorded, to become effective immediately following publication after adoption, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: Jim Stoneburner
 Jill Owens
 Sharon Ritchie

Nays: None

Absent: Vickey Nottingham
 Mike Herzog

I do further certify that a summary of Ordinance No. 135, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on February 5, 2009; a copy of Ordinance No. 135 was posted at the Township Hall on February 5, 2009; and that said Ordinance No. 135 was recorded in the official Ordinance Book on February 5, 2009.

Dated: 2-5-09



Jill Owens, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 143

ADOPTED: APRIL 11, 2012

EFFECTIVE: MAY 1, 2012

An Ordinance to make various amendments to the Prairieville Township Zoning Ordinance and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT TO TABLE OF CONTENTS**

The Table of Contents of the Prairieville Township Zoning Ordinance is hereby amended as follows:

- A. The reference to Section 6.0 is amended to read “6.0 R-1 Low Density Residential District”.
- B. The reference to Section 6.1 is amended to read “6.1 R-2 Low Density Residential District”.
- C. The reference to Section 6.2 is amended to read “6.2 R-4 Medium Density Residential District”.
- D. The reference to Section 6.3 is amended to read “6.3 R-5 Mobile Home Parks Residential District”.
- E. The addition of the following new section reference: “6.6-1 AP Agricultural Preservation District”.

SECTION II
AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance entitled “DEFINITIONS” is hereby amended as follows:

- A. Subpart 3 is amended to read as follows:
3. **Agricultural**: See “Agricultural Production”.

- B. A new subpart 3a is added to read as follows:
3a. **Agricultural 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, aquacultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables, and including in each instance the right to sell at wholesale or retail from the premises any goods or products produced thereon; but not including any such land use specifically designated in this ordinance.

- C. Subpart 18b is amended by changing the references therein from “Family day care home” and “Group day care home” to, respectively, “Family child care home” and “Group child care home”.

- D. Subpart 34 is amended to read as follows:
34 **Farm**: See “Agricultural Production”.

- E. A new subpart 36a is added to read as follows:
36a. **Foster care (small group) facility**: a residential facility licensed by the State under Act No. 218 of the Public Acts of 1979, as amended, or under Act No. 116 of the Public Acts of 1973, as amended, which provides resident services, supervision and care for 6 or fewer persons 24 hours a day.

SECTION III
AMENDMENT OF SECTION 4.2

Section 4.2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.2 – LOT-BUILDING RELATIONSHIPS

Hereafter, every building erected, razed, altered or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple-family dwelling development, a PUD, a mobile home park, or a farm (as regulated in the “AP” and “A”

zoning districts), there shall be no more than one (1) principal residential building and its permitted accessory structures located on each lot in any zoning district permitting residential use.

SECTION IV
AMENDMENT OF SECTION 4.13-2

Section 4.13-2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.13-2 – DEVELOPMENTS REQUIRING SITE PLAN REVIEW

Except as hereinafter set forth, the Building Inspector shall not issue a building permit for the construction or remodeling of any building, structure or use and shall not issue an occupancy permit where a change in use of premises is involved until a site plan, submitted in accordance with this Ordinance, has been reviewed and approved by the Planning Commission.

The following buildings, structures, or uses shall be exempt from the site plan review procedure:

- A. Single- or two-family dwellings under separate ownership and each on a separate lot.
- B. Family child care homes.
- C. Foster care (small group) facilities.
- D. Home occupations.
- E. Agricultural production (farms).
- F. Greenhouses/nurseries, not involving retail use.
- G. Accessory buildings/uses.
- H. Mobile home parks.
- I. Open space preservation developments. (See Section 8.6)
- J. Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all zoning Ordinance requirements, involve no new or additional means of access thereto from adjoining roads, do not involve a change in use of the premises and do not involve increasing the height of existing buildings nor an increase in the area thereof by more than one-fourth.

K. The following land uses on land designated as wetlands or hydric soils on the Prairieville Township Water Resources Map, which map is adopted as a part of this Ordinance:

1. Fishing, trapping or hunting.
2. Swimming or boating.
3. Hiking.
4. Grazing of animals within the limits of the Michigan Right to Farm Act.
5. Farming, horticulture, silviculture, lumbering and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices in accordance with the Michigan Right to Farm Act.
6. Construction or maintenance of farm or stock ponds.
7. Maintenance, operation or improvement, which includes straightening, widening or deepening of the following, which is necessary for the production or harvesting of agricultural products.
 - a. An existing agricultural drain.
 - b. That portion of a drain legally established pursuant to the Drain Code of 1956, Act No. 40 of the Public Acts of 1956, as amended, being Sections 280.1 to 280.630 of the MCL, which has been constructed or improved for drainage purposes.
 - c. A drain constructed pursuant to part 303 of 1994 PA 451, as amended, or former 1979 PA 203.
8. Construction or maintenance of farm roads, forest roads or temporary roads for moving, mining, or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the water resources will be otherwise minimized.
9. Drainage necessary for the production and harvesting of agricultural products in a wetland currently owned by a person

who is engage in commercial farming and the land is to be used for the production and harvesting of agricultural products.

10. Maintenance or improvement of public streets, highways or roads within the right-of-way and in such a manner as to assure that any adverse effect on the water resources will be otherwise minimized.
11. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees lawfully in existence on the effective date of inclusion of the site within this overlay district.

SECTION V
AMENDMENT OF SECTION 4.13-3

Section 4.13-3 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.13-3 - APPLICATION

Requests for Site Plan Review shall be made by filing with the Township Clerk the following:

- a. A review fee. A schedule of fees for site plan review shall be determined by resolution of the Township Board based upon the cost of processing the review and shall be made available to the public at the Township Office.
- b. Ten (10) copies of the completed application form for Site Plan Review which shall contain, at a minimum, the following:
 - 1) The name and address of applicant.
 - 2) The legal description of the subject parcel of land.
 - 3) The area of the subject parcel of land stated in acres or, if less than one (1) acre, in square feet.
 - 4) The present zoning classification of the subject parcel of land.
 - 5) A general description of the proposed development.
 - 6) A completed Environmental Permits Checklist.
 - 7) A completed Hazardous Substance Reporting Form for Site Plan Review.
- c. Ten (10) copies of the site plan which shall contain, at a minimum, the following:

- 1) A scale drawing no greater than one (1) inch equals 20 feet and no less than one (1) inch equals 200 feet, and of such size and accuracy as to be readily interpreted.
- 2) An appropriate descriptive legend, north arrow, scale, date of preparation, and name, address, and telephone number of the preparer of the site plan.
- 3) Vicinity map showing the location of the site in relation to the surrounding street system, identifying existing uses and zoning of adjacent properties.
- 4) Identification of the subject property by property lines and location, including dimension angles and size, correlated with the legal description.
- 5) Topography of the site at not less than four (4) foot contour intervals and its relationship to adjoining land.
- 6) All natural features, including wood lots, vegetation patterns, streams, rivers, lakes, drains, wetlands, natural drainage channels, flood plains, soils, and similar features.
- 7) All existing and proposed man-made features on the site and existing man-made features within 500 feet of the site, such as buildings, structures, towers, utilities, including sewer and water lines, stormwater drains and drainage facilities, excavations, and easements/rights-of-way.
- 8) The location, setback, finished floor and grade line elevations, size, height, floor area, and relation to existing structures on the site of all proposed principal and accessory buildings.
In the case of site condominium developments, the site plan shall show the location and dimensions of all site condominium units and site condominium common elements.
- 9) Dwelling unit density, where applicable, including the type and number of each dwelling unit type.
- 10) Existing and proposed streets, driveways, driving lanes, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site.
- 11) The location, size, and number of off-street parking spaces; service lanes, service parking, and loading and unloading areas.
- 12) Refuse disposal facilities.
- 13) Existing and proposed location, use and size of open spaces, including any proposed alterations to the topography and other natural features.
- 14) Proposed landscaping, fencing, and screening, including on-site signage and outdoor lighting.
- 15) The Planning Commission shall have the authority to waive some of the data requirements for the site plan if the Planning Commission determines in its sole reasonable discretion that the project is sufficiently minor in size or scope that the other data submitted with the site plan is sufficient to determine compliance with the site plan review standards and other requirements of this Ordinance.

d. Deleted.

- e. Upon receipt of the application and site plans, the Township Clerk shall transmit seven (7) copies to the Planning Commission, one (1) copy to the Township Planning/Zoning Department, one (1) copy to the Township Engineer, and one (1) copy to the Township Fire Department.
- f. The Planning Commission shall have the authority to require that copies of the site plan also be submitted to and letters of review received from any other public agency having jurisdiction over an aspect of the project requiring site plan review or where such input would be of material assistance in evaluating whether the site plan meets the standards of this Ordinance.
- g. The applicant shall be given written notice of the date, time and place of the Planning Commission meeting at which the site plan review application will be considered not less than five (5) days prior to such meeting. The applicant shall be given the opportunity to appear before the Planning Commission on the noticed meeting date to present and discuss the site plan with the Planning Commission.

SECTION VI
AMENDMENT OF SECTION 4.13-4

Section 4.13-4 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.13-4 – STANDARDS FOR SITE PLAN REVIEW

In reviewing the application and site plan, the Planning Commission shall determine whether or not the proposal is consistent with all of the regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall endeavor to ensure the following:

- a. A proper relationship between the existing streets and highways within the vicinity and proposed service drives, driveways, and parking areas so as to ensure the safety and convenience of pedestrian and vehicular traffic.
- b. The buildings and structures proposed to be located on the subject site are so situated and designed as to minimize adverse effects therefrom upon occupants of adjacent properties and the neighborhood.
- c. As many natural features of the landscape are retained as possible where they furnish a buffer between the subject site and the adjacent properties used for dissimilar purposes and/or where they assist in preserving the general appearance of the neighborhood and/or help control erosion or the discharge of storm waters.

- d. Any adverse effects of the proposed development upon occupants of adjacent properties or the surrounding neighborhood are minimized by appropriate screening, fencing, and/or landscaping.
- e. The proposed plan will not result in any additional run off of surface waters onto adjoining properties and will minimize erosion, alteration of the groundwater table, degradation of surface or groundwater, and the reduction of the natural storage capacity of any watercourse or its associated wetlands.
- f. The proposed plan is consistent with the intent and purpose of zoning to promote public health, safety, and general welfare; to ensure that use of the land is situated in appropriate locations and relationships; to avoid the overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.

SECTION VII
AMENDMENT OF SECTION 4.17

Subsection A of Section 4.17 of the Prairieville Township Zoning Ordinance is hereby amended by the amendment of subpart 29 to read as follows:

29. **Group child care homes:** See Section 4.39.E.6.

SECTION VIII
AMENDMENT OF SECTION 4.18

Subsection M of Section 4.18 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

M. One (1) permanent sign advertising permitted uses rendered or offered upon or from the premises where the same is situated (except for home occupation signs which shall be governed by Section 4.19 C.8. and rural home occupations signs which shall be governed by Section 6.6 B.5.j.) shall be permitted on unplatted land located in the "AP", "A", "R-1", and "R-2" Zoning Districts, subject to the following limitations:

1. In the "AP" and "A" Zoning Districts, sign area shall not exceed 32 square feet.
2. In the "R-1" and "R-2" Zoning Districts, sign area shall not exceed 12 square feet.

SECTION IX
AMENDMENT OF SECTION 4.19

Section 4.19 of the Prairieville Township Zoning Ordinance is hereby amended as follows:

A. Subsection A is amended to read as follows:

A. Home occupations shall be permitted only after the issuance of a zoning compliance permit by the Zoning Administrator as provided in this Ordinance.

B. Subpart 10 of Subsection C is amended to read as follows:

10. The home occupation shall be subject to annual inspection by the Zoning Administrator of the Township. The zoning compliance permit for the home occupation may be revoked by order of the Planning Commission for noncompliance with this Ordinance and/or the terms and conditions of the zoning compliance permit. Any such revocation shall be preceded by not less than seven (7) days written notice by first class mail to the occupant of the subject property of the proposed revocation, the possible reasons therefore, and the date, time and place of the hearing at which the Planning Commission will consider such revocation.

C. Subsection D is amended to read as follows:

D. The applicant for a zoning compliance permit for a home occupation shall provide the Zoning Administrator, at the time of submission for the permit, the information as required by Section 9.2.

SECTION X
AMENDMENT OF SECTION 4.20

Section 4.20 of the Prairieville Township Zoning Ordinance is hereby amended as follows:

A. Subsection B is amended to read as follows:

B. No accessory building may be used as a dwelling except as provided for in Sections 6.0.C.1 and 6.1.C.1.

B. Subpart 3 of Subsection C is amended to read as follows:

3. Unless expressly provided otherwise, an accessory building shall be subject to the front setback requirement for the district in which it is located.

C. Sub-item d. of Subpart 5 of Subsection C is amended to read as follows:

d. If detached from the principal building, be located nearer than six (6) feet from the rear lot line.

D. Subpart 3 of Subsection D is amended to read as follows:

3. An accessory building may be allowed as a special land use in the “AP”, “A”, “R-1” and “R-2” zoning classification(s) on an otherwise vacant lot or on a lot having only another accessory building(s) used primarily for residential purposes upon it, subject to the two (2) conditions below, as well as the requirements in “5, 6, and 7” that follow:

- a. The building may be utilized only for purposes accessory to residential uses allowed in the zone in which it is located.
- b. The building shall comply with all size, height and location requirements set forth in this section, except as otherwise expressly approved by the Planning Commission.

SECTION XI
AMENDMENT OF SECTION 4.25

Subsection B of Section 4.25 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

B. The keeping of any non-household type animals (e.g. hogs, cattle, and horses) shall be prohibited in all platted areas within the Township and shall be permitted in unplatted areas in the “AP” and “A” zoning classifications. The keeping of non-household type animals shall also be permitted in unplatted areas in other zoning classifications, but only where conditions of maintenance do not cause one or more of the following:

1. Unpleasant odors sufficiently strong to be readily discernable upon adjacent property for any period in excess of 24 hours.
2. Noise sufficiently loud to penetrate indoors upon the property of others for any continuous period in excess of 30 minutes.
3. Flies, insects, or rodents to be attracted to the place where said animals are kept and are thereafter permitted to multiply and escape upon adjoining property.

4. Said animals, alive or dead, or any refuse therefrom are permitted to trespass or be carried upon adjacent property.

SECTION XII
AMENDMENT OF SECTION 4.33

Section 4.33 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.33 – PRIVATE ROAD STANDARDS

A private road shall be located upon a 66-foot right-of-way/easement. The Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.

A private road shall be maintained by parties who have an ownership interest in the private road. Maintenance responsibilities shall be specified in a deed restriction.

Private roads shall be constructed to Barry County Road Commission standards, except a private road shall have a driving surface with a minimum width of 20 feet, exclusive of parking area.

SECTION XIII
AMENDMENT OF SECTION 4.34

Section 4.34 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.34 – DIVISIONS OF LAND

No divisions of land will be permitted that do not comply with the applicable area, width, depth, and frontage requirements set forth in this Ordinance. All parcels shall be provided the requisite frontage and individual access on a dedicated public road, except where otherwise permitted by this Ordinance.

SECTION XIV
AMENDMENT OF SECTION 4.39

Section 4.39 of the Prairieville Township Zoning Ordinance is hereby amended as follows:

A. Subsection C is amended to read as follows:

C. Each child care facility shall provide, equip, and maintain on the premises the minimum square feet of indoor floor space and outdoor play area a required by the DSS. An applicant for a group child care home or child care center or day

care center shall submit to the Planning Commission sufficient information and documentation regarding the maximum number of children allowed and the amount of indoor floor space and outdoor play area required by the DSS for the proposed child care facility prior to obtaining a special land use or site plan approval to operate within the Township.

B. Subsection D is amended to read as follows:

D. The zoning lot occupied by any child care facility shall have a fence which shall be not less than four (4) feet but not more than six (6) feet in height and which shall completely enclose the outdoor area where the minor children play or congregate, except that interior fences within a mobile home park shall not exceed 36 inches in height. However, the provisions of this subsection 4.39 D. shall not apply to family child care homes.

C. Subsection E is amended to read as follows:

E. A group child care home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a special land use permit if the group child care home meets the following standards:

1. A group child care home shall comply with all the requirements set forth in subsections "A", "B", "C" and "D" above.

2. A group child care home shall be located not closer than 1500 feet to any of the following:

a. Another licensed group child care home, or

b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Section 400.701 to 400.737 of the Michigan Compiled Laws, or

c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, Act No. 698 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws, or

d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

3. The property containing a group child care home shall be maintained in a manner which is consistent with the visible characteristics of the neighborhood.

4. The operation of a group child care home shall not exceed 16 hours of operation during a 24-hour period.

5. One (1) non-illuminated name plate, not more than two (2) square feet in area may be attached to the building which shall contain only the name of the group child care home and/or the name of its owner.

6. A group child care home operator shall provide one (1) off-street parking space for each employee. These parking spaces shall be in addition to the off-street parking facilities serving the residents of the home. These off-street parking spaces shall be located on the zoning lot in such a manner as to provide unblocked automobile access from the street to the off-street parking facilities that are provided on the zoning lot pursuant to Section 4.17, and shall also comply with the requirements of Article 6.

7. The subsequent establishment of any of the facilities listed in Subsection E.2. a. to d. of this Section, within 1500 feet of the licensed or registered group child care home will not affect any subsequent special land use permit renewal pertaining to the group child care home.

8. The distances specified in subsections 2. and 7. above shall be measured along a road, street, or place maintained by this state or a political subdivision of this state and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

9. An applicant for a group child care home shall submit to the Planning Commission a to-scale rendering which shows the dimensions of the zoning lot, setbacks of all structures on the lot, the proposed location of the fencing, the proposed parking arrangement, and any other features relevant to the applicant for special land use approval.

SECTION XV
AMENDMENT OF SECTION 4.41

The "SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS" in Section 4.41 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

Section 4.41 – SCHEDULE OF LOT, YARD, AND AREA REQUIREMENTS

	"A"	"R-1"	"R-2"	"R-4"	"R-5"	"AP"	"C-1"	"1"	"P-1"	"P-2"
Min. Lot Area (sq ft) Single Family Dwelling	2A			---	*k	2A	---	15,000	---	---
public water/sewer – only one or none available		1A	12,000	12,000						
both public water/sewer avail. Two Family Dwellings/Other		9,350	8,000	8,000 15,000						
public water/sewer – only one or none available			18,700	18,700						
both public water/sewer avail.			15,000							
Multiple Family				*d						
Lot Width, Road Frontage (ft) a*	330				*k	330	---	100	---	--
Single Family Dwelling										
public water/sewer – only one or none available		150	100	100						
both public water/sewer avail.		85	75	75						
Two Family Dwellings/Other										
public water/sewer – only one or none available			125	125						
both public water/sewer avail.			100	100						
Multiple Family				*d						
Max. Lot Coverage (%)	30	30	30	30	*k	30	30	30	---	30

	"A"	"R-1"	"R-2"	"R-4"	"R-5"	"AP"	"C-1"	"I"	"P-1"	"P-2"
Min. Floor Area/Dwelling (sq ft)								---	---	---
Single Family Dwelling	840	840	840	840/*d	*k	840	840			
Two Family Dwellings (per unit)	720									
Max. Building Height (ft) *j	35	35	35	35	*k	35	35	35	---	35
Min. Front Yard Setback (ft) *b	50	35	35	40/*d	*k	50	*g	50	---	75
Min. Side Yard Setback (ft) *b	20	10*c	10*c	10/*d	*k	20	*g	50*h	---	10*i
Min. Rear Yard Setback (ft) *b	20	20	20	20/*d	*k	20	*g	50	---	*i

- *a See also Sections 4.24 and 4.35 for waterfront lots.
- *b See Section 4.29 – Supplementary Setback Requirements
- *c A 25 ft side yard shall be provided and maintained on the street side of a corner lot, unless otherwise required under Section 4.29.
- *d See Section 6.2 B. – Multiple Family Dwelling Units
- *e A 40 ft setback from any public street right-of-way line shall be required.
- *f The minimum floor area for a dwelling unit attached to a principal use/Special Land Use permitted in this district shall be 720 sq ft.
- *g See Section 6.4 C. – “C-1” Area Regulations
- *h A 20 ft setback shall be required where the side yard abuts property in the “I” District.
- *i A 50-ft setback shall be required where the side/rear yard abuts property in any “R” or “A” district.
- *j See Section 4.40 – Building Height
- *k See Section 6.3.B.

SECTION XVI
AMENDMENT OF SECTION 5.0

Section 5.0 of the Prairieville Township Zoning Ordinance is hereby amended by the amendment of existing subsections A, B, C, D, H and I, and the addition of a new subsection J to read as follows:

- A. “R-1” Low Density Residential District
- B. “R-2” Low Density Residential District
- C. “R-4” Medium Density Residential District

- D. “R-5” Mobile Home Parks Residential District
- H. “AP” Agricultural Preservation District
- I. “P-1” Public Land
- J. “P-2” Semi-Public Land

SECTION XVII
AMENDMENT OF SECTION 5.1

Section 5.1 of the Prairieville Township Zoning Ordinance is hereby amended so as to change the zoning district references therein as follows:

- A. From “ ‘R-1’ Single Family Low Density Residential District” to “ ‘R-1’ Low Density Residential District”.
- B. From “ ‘R-2’ Single Family and Two Family Medium Density Residential District” to “ ‘R-2’ Low Density Residential District”.
- C. From “ ‘R-4’ Multiple Family High Density Residential District” to “ ‘R-4’ Medium Density Residential District”.
- D. From “ ‘R-5’ Mobile Home Parks” to “ ‘R-5’ Mobile Home Parks Residential District”.

SECTION XVIII
AMENDMENT OF SECTION 8.1

Section 8.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 8.1 – SCOPE

An open space preservation development shall be permitted within the “R-1”, “R-2”, “A”, and “AP” zoning districts, subject to the following requirements and standards.

SECTION XIX
AMENDMENT OF SECTION 6.0

Section 6.0 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.0 - “R-1” LOW DENSITY RESIDENTIAL DISTRICT

A. PURPOSE

This district provides opportunities for low density residential development with a greater range of residential uses separate from lakefront areas. To that end, this district will be directed to lands located around developed or developing areas where appropriate land use relationships and natural resource protection can be achieved. This district is intended to further the goals and objectives of the Prairieville Township Master Plan for low density residential land use.

B. PERMITTED USES

1. Single family dwellings.
2. Two (2)-family dwellings.
3. Home occupations. (See Section 4.19)
4. Family child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
5. Foster care (small group) facilities.
6. Open space preservation developments. (See Article X)
7. Accessory uses or buildings. (See Section 4.20)

C. SPECIAL LAND USES

1. Any special land use allowed within the “R-2” Low Density Residential District.
2. Cluster land developments. (See Section 6.6 C.1.)

D. AREA REGULATIONS

See Section 4.41 – Schedule of Lot, Yard and Area Requirements.

SECTION XX
AMENDMENT OF SECTION 6.1

Section 6.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.1 – “R-2” LOW DENSITY RESIDENTIAL DISTRICT

A. PURPOSE

This district recognizes existing single family residential land use generally developed as a ring around several of the Township's lakes. Much of the land area within this district consists of small, platted, waterfront lots with access to utilities and natural resource protection recommendations through the Waterfront Preservation Overlay District. This district is intended to further the goals and objectives of the Prairieville Township Master Plan on low density residential land use.

B. PERMITTED USES

1. Single family dwellings.
2. Home occupations. (See Section 4.19)
3. Family child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
4. Foster care (small group) facilities.
5. Open space preservation developments. (See Article X)
6. Accessory uses or buildings. (See Section 4.20)

C. SPECIAL LAND USES

1. Guest houses, subject to the following conditions and limitations:
 - a. A guest house may not:
 - 1) contain kitchen facilities;
 - 2) have more than one (1) bathroom and two (2) other rooms, all of which shall be contiguous;
 - 3) have a living area exceeding 480 square feet;
 - 4) be rented or used for commercial purposes.
 - b. A guest house shall be used only to house guests of the occupants of the principal residence on the parcel.
 - c. No more than one (1) guest house shall be permitted on a parcel.
 - d. A guest house may be located within an accessory building.
2. Bed and breakfast operations, subject to the following conditions and limitations:

- a. The operation provides accommodations for transient tenants for no longer than a two (2) week period;
 - b. The operation shall be located within a dwelling that constitutes the principal residence of the operator;
 - c. The operation has eight (8) or fewer sleeping rooms, including operator-occupied sleeping rooms;
 - d. Rooms used for sleeping shall have a minimum area of 120 square feet for two (2) occupants, with an additional 30 square feet for each additional occupant, to a maximum of four (4) occupants per room;
 - e. The operation shall be provided a minimum of two (2) off-street parking spaces plus one (1) additional parking space per sleeping room to be rented.
 - f. Breakfast shall be the only meal served to transient tenants of the operation. Meals shall not be served for pay to non-tenants of the operation; and
 - g. The operation shall provide a bathroom with shower, bath and toilet facilities for every two (2) sleeping rooms available for transient tenants and such bathroom shall be located on the same floor as the sleeping room(s) it is to serve.
3. Planned unit developments. (See Section 6.12-5)
 4. Group child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
 5. Child care centers or day care centers which, except for the required outdoor area, are completely contained within the building(s) utilized for the uses specified herein. (See Section 4.39)
 6. Boat marinas.
 7. Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction. (See Section 6.12-2)
 8. Private airfields or aircraft landing strips. (See Section 6.12-4)
 9. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.

D. AREA REGULATIONS

See Section 4.41 – Schedule of Lot, Yard and Area Requirements

SECTION XXI
AMENDMENT OF SECTION 6.2

Section 6.2 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.2 - “R-4” MEDIUM DENSITY RESIDENTIAL DISTRICT

A. PURPOSE

This district provides opportunities for a wider variety of residential density and housing arrangements. This district will be permitted the most intensive residential development, including multiple-family dwellings, as well as other residential related development, and should be composed of land area located in close proximity to existing or planned service centers and where adequate roads and utilities will be provided. This district is intended to further the goals and objectives of the Prairieville Township Master Plan for medium density residential land use.

B. PERMITTED USES

1. Single family dwellings.
2. Two family dwellings.
3. Home occupations. (See Section 4.19)
4. Family child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
5. Foster care (small group) facilities.
6. Multiple family dwellings, subject to the following conditions and limitations:
 - a. A minimum of two (2) access streets connecting said development to a public street shall be provided. The Planning Commission may waive this requirement upon a finding by the Commission that due to the particular characteristics of the proposed development a second access street would not improve traffic safety.
 - b. Adequate frontage shall be provided to accommodate any ingress/egress design requirements. Further, the Planning

Commission shall have the authority to require the dedication of sufficient frontage to provide a 100 foot right-of-way where it finds that it can be reasonably anticipated that the abutting right-of-way will be required to accommodate heavy traffic flow.

- c. The minimum building setbacks shall apply, and shall be measured from the street right-of-way line where applicable:
 - 1) Front yard – 40 feet, except as regulated by Section 4.29.
 - 2) Side yard – 15 feet or two (2) times the height of the building, whichever is greater, except where the side yard abuts a street. Where the side yard abuts a street, the minimum side yard setback shall be 40 feet, except as regulated by Section 4.29.
 - 3) Rear yard – 40 feet or $\frac{3}{4}$ the height of the building, whichever is greater, except as regulated by Section 4.29.
- d. The minimum allowable distance between buildings shall be 50 feet.
- e. The minimum unit size shall be as follows:
 - 1) No bedrooms (efficiency unit) – 400 square feet
 - 2) One (1) bedroom – 500 square feet
 - 3) Two (2) or more bedrooms – 500 square feet plus 150 square feet for each additional bedroom above one (1).
- f. Buildings shall not contain more than eight (8) dwelling units and shall not contain more than four (4) units if located within 132 feet of a single family residential zoned property. No more than four (4) units shall be allowed at the first floor level.
- g. Multiple family developments shall not exceed 8 dwelling units per acre.
- h. Each dwelling unit containing up to two (2) bedrooms shall be provided at least two (2) parking spaces. Each dwelling unit containing more than two (2) bedrooms shall be provided an additional parking space for each additional bedroom. All off-street parking shall comply with Section 4.17.

- i. An outdoor recreation area equivalent to 500 square feet per unit shall be provided. Recreation area is defined for the purposes of this Ordinance as that area specifically set aside for outdoor leisure activities.
- j. A multiple family development containing 40 or more dwelling units shall provide a minimum of 800 square feet of indoor recreation area at a single location. An additional 100 square feet of indoor recreation area shall be provided for every eight (8) additional units. Any one (1) indoor recreation area shall be a minimum of 800 square feet.
- k. All telephone and electrical lines shall be placed underground.

7. Accessory uses or buildings. (See Section 4.20)

C. SPECIAL LAND USES

- 1. Planned unit developments. (See Section 6.12-5)
- 2. Cluster land developments. (See Section 6.6 C.1.)
- 3. Group child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
- 4. Child care centers or day care centers which, except for the required outdoor area, are completely contained within the building(s) utilized for the uses specified herein. (See Section 4.39)
- 5. Churches.
- 6. Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction. (See Section 6.12-2)
- 7. Private airfields or aircraft landing strips. (See Section 6.12-4)
- 8. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.

D. AREA REGULATIONS

See Section 4.41 – Schedule of Lot, Yard and Area Requirements.

SECTION XXII
AMENDMENT OF SECTION 6.3

Section 6.3 of the Prairieville Township Zoning Ordinance is hereby amended as follows:

- A. Subparts 2, 3, 4 and 5 of Subsection B are amended to read as follows:
2. Home occupations. (See Section 4.19)
 3. Family child care homes (within a single family dwelling in a mobile home park) licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
 4. Foster care (small group) facilities (within a single family dwelling in a mobile home park).
 5. Accessory uses or buildings. (See Section 4.20)
- B. Subsection C is amended to read as follows:

C. SPECIAL LAND USES

1. Group child care homes (within a single family dwelling in a mobile home park) licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
2. Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction. (See Section 6.12-2)
3. Private airfields or aircraft landing strips. (See Section 6.12-4)

SECTION XXIII
AMENDMENT OF SECTION 6.6

Section 6.6 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.6 - "A" AGRICULTURAL DISTRICT

A. PURPOSE

This district is composed of land in rural areas of the Township where land use consists primarily of single-family residential dwellings, farms, and other compatible rural activities. It is the purpose of this district to preserve the rural character of these designated areas, while encouraging the preservation of active agriculture, sensitive

environmental features, and large open spaces within the Township. It is recognized that much of the land area within this district will eventually be converted from farm and vacant fields to residential use but is intended to allow low density, rural residential development while encouraging the preservation of large tracts of land for agriculture or conservation. This district is intended to further the goals and objectives of the Prairieville Township Master Plan on rural preservation.

B. PERMITTED USES

1. Single family dwellings.
2. Two (2)-family dwellings.
3. Agricultural production.
4. Greenhouses and nurseries, not including retail sales.
5. Farm markets and roadside stands, where at least 50 percent of the products marketed and offered for sale are produced on and by the affiliated farm, subject to the following conditions and limitations:
 - a. Compliance with the Michigan Department of Agriculture's 'Generally Accepted Agricultural Management Practices' for farm markets developed pursuant to the Michigan Right to Farm Act, Michigan Public Act 93 of 1981.
 - b. The operation is located in compliance with the setback requirements specified in Section 4.41.
 - c. Adequate off-street parking shall be provided.
 - d. The operation shall be provided safe and adequate ingress/egress to the off- street parking area serving the farm market.
 - e. Lighting shall be subject to compliance with Section 4.17E.6.
 - f. Signage shall be subject to all applicable sign standards set forth in Section 4.18.
 - g. Other activities conducted in conjunction with a farm market, including but not limited to corn mazes, hay rides, petting farms, and farm tours, are subject to compliance with applicable Ordinance standards.
6. Home occupations. (See Section 4.19)

7. Family child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
8. Foster care (small group) facilities.
9. Open space preservation developments. (See Article X)
10. Accessory uses or buildings. (See Section 4.20)

C. SPECIAL LAND USES

1. Cluster land developments.

For each parent parcel, as defined by the Michigan Land Division Act, the number of lots permitted by Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, may be created, provided where a land owner chooses to develop lots under this provision, all of the following requirements shall be met:

- a. The lots shall be subject to the lot, yard and area requirements set forth in Section 4.41, with the exception of lot area, lot width, and lot frontage requirements.
- b. The lots shall be contiguous.
- c. An area equal to or greater than the lots being created shall be set aside as permanent open space. These open spaces may be easements located on each of the lots or a single easement.
- d. The open space shall be used for agricultural, conservation or recreational use only.
- e. The open space shall be set aside through an irrevocable conveyance such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements. The conveyance shall assure that the open space will be protected from all forms of development except as permitted under this provision.
- f. Further division of the open space for use other than agricultural, conservation, or recreational, except for easements for utilities and driveways, shall be strictly prohibited.
- g. The open space shall be maintained by parties who have an ownership interest in the open space. Maintenance responsibilities shall be specified in a deed restriction.

- h. A survey and legal description of the open space, as well as deed restrictions establishing the maintenance responsibilities of the open space, shall be provided with the land division application.
- i. Public water and sanitary sewer services shall be required where reasonably available. Where such services are not reasonably available, lots shall meet Barry County Health Department requirements for private well and sanitation systems.
- j. Any new utility lines to serve the lots shall be installed underground.
- k. All lots shall have access limited to a shared residential driveway or a private road. A shared residential driveway may serve a maximum of two (2) lots. A private road may serve a maximum of four (4) lots.
- l. A private road shall be located upon a 66-foot right-of-way/easement. The Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.

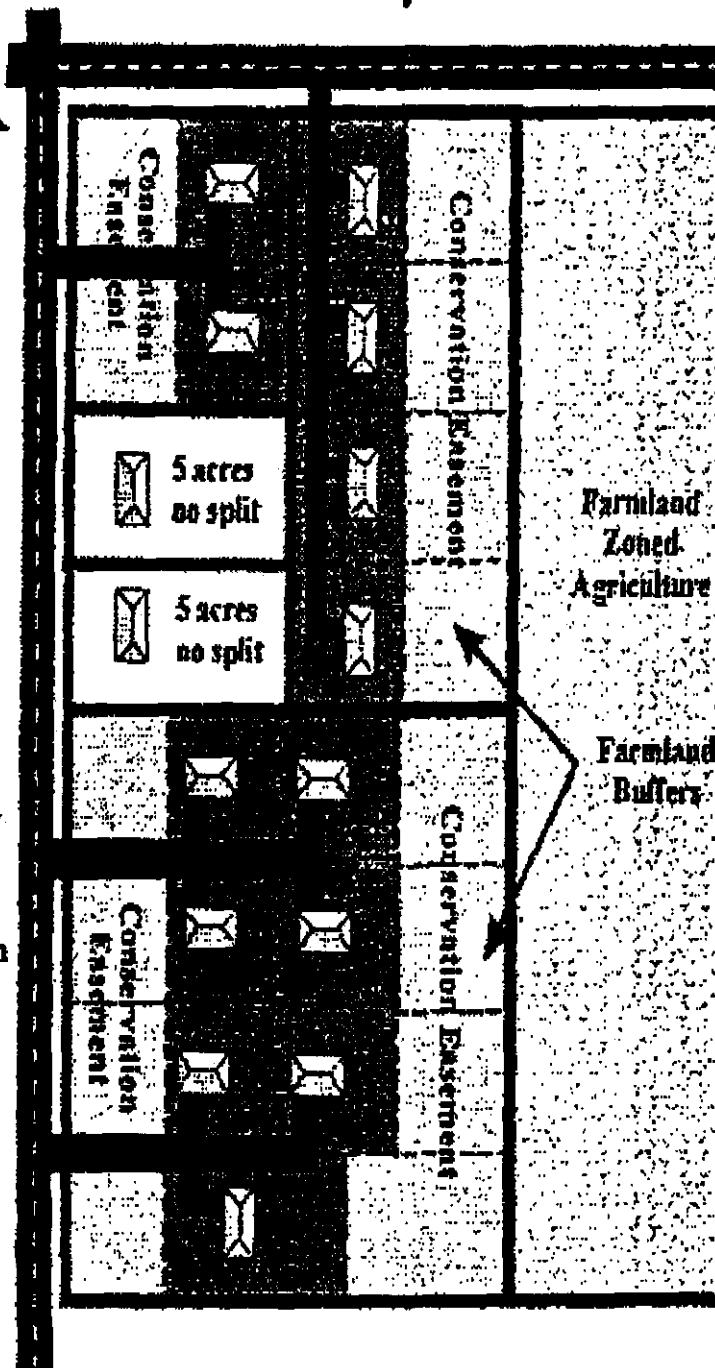
A private road shall be maintained by parties who have an ownership interest in the private road. Maintenance responsibilities shall be specified in a deed restriction.

Private roads shall be constructed to Barry County Road Commission standards, except a private road shall have a driving surface with a minimum width of 20 feet, exclusive of parking area.

20 acre parent parcel:
 3 splits to create 4, 5 acre lots with
 2-½ acre conservation easement
 over each lot for a total of 10 acres
 placed in conservation easement

10 acre parent parcel:
 1 split to create 2, 5 acre lots with
 2-½ acre conservation easement
 over each lot for a total of 5 acres
 placed in conservation easement

40 acre parent parcel:
 7 splits to create 7, 5 acre lots* with
 2-½ acre conservation easement
 over each lot for a total of 20 acres
 placed in conservation easement
 *as per the Land Division Act



LSL Planning, Inc.

2. Planned unit developments. (See Section 6.12-5)
3. Churches.
4. Cemeteries
5. Parochial and private schools, subject to a minimum side yard and rear yard setback requirement of 50 feet.
6. Child care center or day care centers which, except for the required outdoor area, are completely contained within the building(s) utilized for the uses specified herein. (See Section 4.39)
7. Group child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
8. Greenhouses and nurseries, including retail sales.
9. Hunt clubs and gun clubs.
10. Golf courses.
11. Horse boarding or riding stables.
12. The keeping of more than three (3) dogs over six (6) months in age for either commercial or noncommercial purposes. This provision shall include, but not be limited to: (1) the keeping of more than three (3) dogs over six (6) months of age as domestic household pets; (2) dog kennels (See Section 3.1 22.); and (3) animal shelters (See Section 3.1. 5.a.).
13. Rural home occupations: Occupations engaged in upon a residential premise by the resident or residents of the same and which do not materially impair the rural character of the general area and which also comply with the following conditions and limitations:
 1. The home occupation conducted upon the premises is clearly incidental and subordinate to the principal use of the premises for residential purposes.
 2. The home occupation shall be conducted within the dwelling, attached garage or in a detached accessory building located on the same premises as the dwelling. The term "premises" as used in this section shall include adjoining parcels under common ownership and occupancy. This term shall also include parcels under common ownership and

occupancy that would be contiguous to one another except for an intervening public or private right-of-way.

3. No occupation conducted upon the premises shall occupy an area greater than 25% of the combined floor area of the dwelling and any open porch, attached garage and detached accessory building(s).

4. The home occupation must be owned and operated by a person or persons residing on the premises. However, the Planning Commission shall have the authority to permit additional assistants who do not so reside within such dwelling where the same would not materially impair the rural character of the general area or cause traffic congestion or parking problems.

5. No home occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, traffic, parking, or lighting.

6. There shall be no alteration in the rural character of the premises in connection with such home occupation.

7. All articles or material used in connection with the home occupation shall be stored in an enclosed building.

8. For the purposes of identification, one (1) non-illuminated sign not exceeding 12 square feet in area shall be permitted. Such sign shall identify only the name and profession, vocation or trade of the person or persons operating the occupation and contact information. No other such signs shall be used in connection with such home occupation.

9. No article or service shall be sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupation.

10. The home occupation shall be subject to annual inspection by the Zoning Administrator of the Township. The home occupation special land use permit may be revoked by the Planning Commission for noncompliance with this Ordinance and/or the terms and conditions of the special land use permit. Any such revocation shall be preceded by not less than seven (7) days written notice by first class mail to the occupant of the subject property of the proposed revocation, the reasons therefore, and the

date, time, and place of the hearing at which the Planning Commission will consider such revocation.

11. The home occupation shall be permitted only after the issuance of a special land use permit as provided in this Ordinance. A home occupation shall not be allowed if the Planning Commission determines that the home occupation would alter or change the rural/residential character of the area.

12. A sketch plan containing the following information shall accompany any application for a special land use permit for a home occupation:

- a. North arrow and accurate scale.
- b. Area of subject parcel.
- c. Location of all existing and proposed structures on the subject site.
- d. Identification of all structures intended to be used in connection with the home occupation.
- e. Setbacks of all structures from property lines.
- f. Access, parking, loading, and proposed on-site circulation.
- g. Location and separation distances of structures on adjacent properties.

14. Custom woodworking, subject to the following conditions:

1. Any lot or parcel of land upon which a building/structure is to be erected shall be of such size that the combined area of all such buildings/structures will not occupy more than 25% of the lot or parcel area.
2. Every building or structure shall be located at least 75 feet from a public right-of-way. The first 50 feet from the right-of-way line shall be maintained as open space unencumbered by buildings, structures, sidewalks, or parking areas except for ingress and egress.
3. Where side or rear yards abut property located in an "R" or "A" zoning classification, the minimum side or rear yard

requirement shall be 50 feet, except as otherwise expressly approved by the Planning Commission.

4. All articles or material offered for sale or used in connection with the woodworking operation shall be stored in an enclosed building. Outdoor display and/or storage are prohibited.
 5. On site retail sale of merchandise is prohibited.
 6. Off-street parking shall be provided in accordance with the standards set forth in Section 4.17 of this Ordinance.
 7. Buildings, structures, and parking/loading areas shall be situated and designed so as to minimize any adverse effects therefrom to adjacent properties.
 8. A greenbelt, as defined in this Ordinance, shall be required for any rear or side yard abutting property located in an "R" or "A" zoning classification.
 9. There shall be no alteration in the rural character of the premises nor shall the woodworking operation constitute in any way a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, traffic, parking, or lighting.
15. Campgrounds, subject to the following conditions and limitations:
1. The campground shall comply with the regulations for campgrounds promulgated by the Michigan Department of Public Health at Rules 325.1551 & 325.1599 of the Michigan Administrative Code as well as with the supplemental standards and conditions set forth herein.
 2. Each campsite shall abut a roadway of at least 20 feet in width exclusive of any area used for parking. Campsites specifically designated for and used only for tent camping need not abut a roadway. All roadways inside the campground shall have an asphalt or compacted gravel surface constructed and maintained so as to provide ready access for emergency vehicles during all times that the campground is open for use. The Planning Commission shall have authority to waive the roadway surfacing requirements where it finds that, because of the temporary

or otherwise limited nature of the campground activity and/or the physical characteristics of the campground site, requiring compliance with these requirements would not materially advance the public safety or welfare.

3. Commercial uses designed and intended to serve primarily the convenience or recreational needs of the people residing in the campground shall be permitted. No commercial use in a campground may be located on a site abutting a public street bordering the campground. Off-street parking for all commercial uses in the campground shall be provided in accordance with the standards set forth in Section 4.17 of this Ordinance.
4. All campgrounds containing more than 60 campsites shall be located on a state highway or county road, as defined by the Barry County Road Commission, for ingress and egress thereto.
5. Screening shall be established between any manmade improvements on the campground and any adjacent premises utilized for residential purposes or, if vacant, zoned for residential purposes.
6. Campsites, common use areas, roadways, and permanent buildings in the campground shall be so situated and designed as to minimize any adverse effects therefrom to owners and occupants of adjacent properties. A plot plan showing the location of these features shall be submitted to the Planning Commission as part of the application for a special land use permit thereunder.
7. No persons, other than campground employees, shall be permitted to dwell in the campground for more than 100 days on a continuous basis or for more than a total of 150 days per year. Any campground employees dwelling within the campground for more than 150 days per year shall reside in dwellings fully complying with all standards set forth in this Ordinance, the Township Building Code, and all other applicable Township, County, and State laws for dwellings of the type so established.

16. Festivals; concerts; arts and crafts shows; flea markets; and historical, educational, cultural, entertainment and recreational activities of a rural nature, subject to the following conditions and limitations:
 1. Ingress to and egress from the premises shall be adequate to ensure the orderly flow of traffic onto and off of the premises and to ensure access for ambulance, fire equipment, and other emergency vehicles.
 2. Off-street parking shall be established in accordance with the provisions of Section 4.17 of this Ordinance. In the case of proposed is made under Section 4.17, off-street parking areas sufficient to accommodate peak periods of use shall be provided.
 3. Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties.
 4. Adequate public restrooms and other sanitary facilities shall be provided and properly maintained; commensurate with the anticipated peak attendance at the particular activity involved.
 5. With respect to a proposed outdoor activity, such security arrangements shall be made, including the hiring of any necessary security personnel, as are necessary and sufficient to provide for the adequate security and protection of the persons attending the outdoor activity and for the preservation of order and protection or property in and around the site of the outdoor activity.
 6. Camping incidental or accessory to the principal activity may be allowed by the Planning Commission subject to compliance with the requirements of Section 6.6.B.5.r. of the Ordinance.
17. Processing of agricultural products, including fruit packing plants and slaughter houses, provided at least 75% of said agricultural products are grown or raised on the farm.
18. Solid waste disposal areas.
 1. Prior to approval of the Planning Commission of a special land use for a solid waste disposal area as defined under the Solid Waste Management Act, 641 PA 1978, as amended, said Planning Commission shall determine that the

following limitations and conditions are or shall be strictly complied with in addition to any other requirements contained in this Ordinance, or in any other Township Ordinance controlling such operations. The following conditions and limitations shall apply specifically to each solid waste disposal area, unless county or state laws or regulations on any particular requirement are more restrictive, and then such more restrictive regulations shall apply.

2. Location.

a. All such operations shall be located on a state highway or county primary road, as defined by the Barry County Road Commission, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve to Michigan State Highway specifications, a road to accommodate the truck travel necessitated by the operations as a condition of such operations, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the solid waste disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicant's property which are within 100 feet of any resident.

b. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No solid waste disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no such disposal areas shall be permitted closer than 300 feet to any domicile. No such disposal area shall be permitted closer than 100 feet to adjacent public right-of-ways, property lines or lakes and streams. Such disposal areas shall at no time be permitted where adjoining lateral support for the maintenance of adjoining land is not maintained.

- c. Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 500 feet of a residence, it shall be obscured by a suitable barrier, not less than eight (8) feet high, with 75% screening. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, or to the stockpiling or loading and transportation equipment.
3. Any sanitary landfill located within the boundaries of the Township, whether publicly or privately owned, shall be open to Township residents, property owners, and businesses during established business hours, at a rate competitive with other sanitary landfills in southwestern Michigan.
4. The solid waste disposal area shall be fenced with an eight (8)-foot high chain link fence. Such fence shall be located inside of any berms or screening along the exterior boundaries. The entrance to the disposal area shall have a gate which shall be closed and locked at all times that the disposal area is not open.
5. Nuisance Abatement.
 - a. Air pollution and vibration, and their effect upon adjacent properties shall be minimized. Interior and adjoining roads used in the solid waste disposal operations shall have their surfaces treated to minimize any air pollution condition.
 - b. Any security lighting deemed necessary by the owner/operator shall be of the sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjoining residential property.
 - c. All litter shall be collected from the solid waste disposal area by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.

- d. Every sanitary landfill facility which accepts refuse shall have adequate water supply and facilities equipped with an adapter to fit fire hoses for quick delivery of water to any part of the property for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire continuously for at least ten (10) hours. The source of water supply and the facilities to provide the delivery of the water shall be indicated on the plans submitted for approval by the Planning Commission.
- e. Rodent traps shall be placed every 100 yards around the perimeter of the sanitary landfill, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
6. A legible copy of all ground water monitoring reports or data filed on behalf of the owner/operator with the Barry County Health Department or the Michigan Department of Natural Resources shall also be filed by the owner/operator with the Township Clerk within three days from the date of the original filing. This duty shall continue until the termination and complete reclamation of the solid waste disposal area.
7. All solid waste disposal area operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting dumping at other times shall be placed in a conspicuous location at the entrance.
8. Keys for admittance to the solid waste disposal area shall be filed with the Township Clerk.
9. Solid waste disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compacting and covering of materials.
10. Liability Insurance.

All sanitary landfill applicants shall be required to carry, in addition to any and all insurance or bonds required by the state law, personal injury and property damage insurance in the amount of not less than 4,000,000.00 dollars for each person injured or property damaged or for any injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or property damage occurring upon the site of the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing upon the site. A copy of the insurance policy shall be filed with the Township Clerk prior to issuance of a special land use permit hereunder and shall be maintained in effect for a period of not less than 25 years following final closure of the landfill site. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provision that the insurer shall notify the Township Clerk in writing at least 30 days before lapse or cancellation of the insurance for any reason.

11. Prior to the commencement of the construction of any sanitary landfill within the Township, the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, water course and private, residential, agricultural and commercial water well a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a half mile radius of the exterior boundaries of the property acquired for the sanitary landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water samples was taken, and the name and address of the principal uses of the water well; if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory,

and then filed with the Township Clerk for the purpose of future reference should there at some later date be suspected ground water contamination.

12. Closure of Disposal Area.

Reclamation or rehabilitation of a solid waste disposal area shall be accomplished as soon as practicable following completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the facility's operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after the termination of the waste disposal facility. Inactivity for 12 consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources, Resource Recovery Division, Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.402 et seq. of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

13. Submission of Operational and Closure Plans.

No such land use permit for a solid waste disposal area may be granted hereunder until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions within this Ordinance, or the matter in which compliance will be secured by the applicants. Such plans shall include, among other things, the following:

a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of the abutting improvements on adjoining properties. The

contour map shall also show the location of any structures to be established upon the site.

b. The number of acres and the location of same, proposed to be operated upon within the following 12-month period after commencement of operations.

c. A written statement indicating the type of solid waste disposal area proposed to be constructed, the nature of the equipment to be used in the operation of the solid waste disposal area, and the types of materials which will be accepted for deposit and/or processing in the solid waste disposal area.

d. A map disclosing the location of all lakes, streams, creeks, watercourses and public, private, residential, agricultural and commercial water wells within 1,000 feet of the solid waste disposal area.

e. A contour map of the tract of land disclosing the final grades and elevations to be established following the completion of the solid waste disposal area, including the proposed uses than being contemplated for the land, and such other matters as may evidence the bonafide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed solid waste disposal area.

14. Trust Fund for the Mitigation of Landfill Problems. A trust fund shall be established at a convenient bank, within the county, chosen by the Planning Commission. The owner/operator shall agree to pay ten (10) cents per cubic yard of waste disposed of, into the trust fund, for the life of the special exception use permit. Expenditures from the trust fund shall be approved by a committee consisting of one citizen appointed by the Township Board, the Township Supervisor, and one (1) representative of the owner/operator. Funds from the trust fund may be used for, but are limited to, off-site litter control, ground water and surface water monitoring, and payments to adjacent property owners and others, at the discretion of the committee, for damages proven to have been caused as a

result of the solid waste disposal area or its operations. The trust fund shall exist and earn interest for 20 years following the closure, and at that time the funds remaining shall be paid to the owner/operator or its successors or assigns.

15. A decision by the Planning Commission on an application for a special land use permit hereunder shall be based upon the criteria set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
 - a. The most advantageous use of the land resources and property.
 - b. The character of the area in question and its particular suitability, if any, for the particular use.
 - c. Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
 - d. The protection and preservation of the general health, safety and welfare of persons within the Township.
 - e. The scarcity or value of solid waste disposal areas as compared with the effect upon areas near the proposed solid waste disposal operation.
16. The Planning Commission may provide for a periodic review of the solid waste disposal area to ascertain compliance with the conditions and limitations imposed under the same.
19. Land gas recovery processing facilities.
 1. Land gas recovery processing facilities shall be recognized as a special land use and controlled by the guidelines thereof. Control of such activities shall be the responsibility of the Planning Commission but shall only be permitted as a special land use in the "A" Agricultural zoning classification. Before a special land use permit shall be granted for this activity, the Township Commission shall be satisfied that the following conditions and limitations are, or shall be, strictly complied with, in addition to any

other requirements contained in this Ordinance or in any other Township Ordinance controlling such operations.

2. Location.

a. All such operations shall be located on a site that has been previously used as a sanitary landfill.

b. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property.

c. The processing plant and its accessory structures (exclusive of gas well vents and connecting pipelines) shall not be located closer than 100 feet from the exterior property lines and adjoining public rights-of-way and shall where practicable be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing setback requirement shall apply to the stockpiling or loading of materials and the location of transportation or other equipment used in the gas recovery and processing operation on the site.

d. In addition to the above-mentioned setback requirement, no processing plant, accessory processing structures, or storage of material or equipment used in the gas recovery and processing operation may be located within 1,000 feet of any existing residence.

3. Nuisance Abatement.

a. Noise and vibration shall be minimized in their effect upon adjacent property by the use of modern equipment designed to accomplish such minimization and by 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. The landfill gas recovery processing facility shall at all times comply with the noise level limitations set forth in the Township Anti-Noise and Public Nuisance Ordinance for the zoning district in which it is located.

b. Air pollution of the form of dirt, dust and odor shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining owners. Interior and adjoining roads used in the operation shall have their surface treated to minimize any such nuisance.

c. Hours. The operation shall be permitted 24 hours of each day seven (7) days per week.

d. Fencing. The processing plant, loading area, storage area and other related appurtenances shall be fully enclosed by a fence having a minimum height of eight (8) feet, posted with no trespassing signs, and maintained so as to prevent unauthorized entry by children and others.

e. Cessation. Upon cessation of operations by abandonment or otherwise, the applicants shall, within a reasonable period of time not to exceed 12 months thereafter, remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a continuing function under the operational 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. The Planning Commission shall have the authority in accordance with the provisions of Section 4.13-8 of this Ordinance to impose a security deposit requirement to guarantee ultimate performance of the improvements mandated by this provision.

f. Waste disposal. All solid and liquid waste generated by the gas collection and processing operation (including, but not limited to, construction debris and spent charcoal from the hydrocarbon removal system in the amine processing train) shall be removed from the site on a daily basis and disposed of in a lawful manner.

g. Explosion-proof apparatus. All motors in the gas collection and process equipment used on the site shall be

explosion-proof apparatus as defined under the Township Electrical Code.

4. Submission of Operational Plan

a. No proposed landfill gas recovery processing facility shall be granted a special land use permit until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

1. A map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, 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 after commencement of operations.
3. The type of processing proposed to be conducted and the nature of the equipment to be used.
4. The location of the principal processing plant, any accessory processing structures, and the distance of the same from the boundaries of the site.

b. This provision shall not relieve an applicant of the obligation to comply fully with all site plan review and approval requirements set forth at Section 4.13 of this Ordinance. If the applicant so desires, it may, by providing all necessary documentation and fees, apply for site plan approval at the same time that it applies for a special land use permit.

5. Hearing and Decision.

After receiving an application for a special land use permit for a landfill gas recovery processing facility accompanied by the required plans and specifications, the Planning

Commission shall hold a public hearing upon such application in the same manner as set forth in Section 6.10 and 6.11 of this Ordinance pertaining to special land uses. Following such hearing, the Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the general criteria set forth in Section 6.11 of this Ordinance as well as a consideration of the following:

- a. The most advantageous use of the land, resources and property.
- b. The character of the area in question and its peculiar suitability, if any, for particular uses.
- c. Conservation of property values, as well as natural resources and the general and appropriate trend in character of development in the subject area.
- d. The protection and preservation of the general health, safety and welfare of the Township.
- e. The scarcity or value of the resources sought to be processed as compared with the effect upon the adjacent community of the proposed operations.
- f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
- g. The extent and character of any existing permitted uses or non-conforming uses on the site.

6. Liability Insurance.

All parties receiving a special land use permit hereunder shall be required to carry, in addition to any and all insurance or bonds required by state law, personal injury and property damage insurance in the amount of not less than 4,000,000 dollars for each person injured or property damaged or for any injury or damage for more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or

property damage occurring upon the site of the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing on the site. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit hereunder. Such insurance shall be maintained in effect throughout the period of operation of the gas collection and processing plant on the site and until all gas collection and processing plant structures, foundations, buildings, stockpiles, and equipment have been removed from the site in accordance with the provisions of this Ordinance. The deductible written into the insurance policy shall not exceed five (5%) of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least 30 days before lapse or cancellation of the insurance for any reason. The Planning Commission shall have authority to grant a partial waiver reducing the dollar amount of the insurance coverage required hereunder if the Planning Commission determines, in its sole reasonable discretion, that based upon the specific nature of the facility, the property upon which it is located and/or the nature of the surrounding area, insurance coverage in such lesser dollar amount would adequately protect the Township and the general public.

20. Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction. (See Section 6.12-2)
21. Communication towers. (See Section 6.12-3)
22. Private airfields or aircraft landing strips. (See Section 6.12-4)
23. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.

D. AREA REGULATIONS

See Section 4.41 – Schedule of Lot, Yard and Area Requirements.

SECTION XXIV
AMENDMENT OF SECTION 6.6-1

Section 6.6.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.6-1 – “AP” AGRICULTURAL PRESERVATION DISTRICT

A. PURPOSE

This district is intended to apply to large tracts of land used for farming or conservation. It is intended primarily for agricultural and associated agricultural and other specialized rural uses requiring large tracts of land, with limited non-farm residential development. This district is designed to help lessen many of the problems often associated with scattered residential uses in farming areas and provide buffers to protect farmland from encroachment. This district is intended to further the goals and objectives of the Prairieville Township Master Plan on agricultural preservation.

B. PERMITTED USES

1. Agricultural production.
2. Single family dwellings.
3. Greenhouses and nurseries, not including retail sales.
4. Farm markets and roadside stands, where at least 50 percent of the products marketed and offered for sale are produced on and by the affiliated farm, subject to the following conditions and limitations:
 - a. Compliance with the Michigan Department of Agriculture’s ‘Generally Accepted Agricultural Management Practices’ for farm markets developed pursuant to the Michigan Right to Farm Act, Michigan Public Act 93 of 1981.
 - b. The operation is located in compliance with the setback requirements specified in Section 4.41.
 - c. Adequate off-street parking shall be provided.
 - d. The operation shall be provided safe and adequate ingress/egress to the off- street parking area serving the farm market.
 - e. Lighting shall be subject to compliance with Section 4.17E.6.

- f. Signage shall be subject to all applicable sign standards set forth in Section 4.18.
 - g. Other activities conducted in conjunction with a farm market, including but not limited to corn mazes, hay rides, petting farms, and farm tours, are subject to compliance with applicable Ordinance standards.
- 5. Home occupations. (See Section 4.19)
 - 6. Family child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
 - 7. Foster care (small group) facilities.
 - 8. Open space preservation developments. (See Article X)
 - 9. Accessory uses or buildings. (See Section 4.20)

C. SPECIAL LAND USES

- 1. Housing for transient labor, provided that such housing shall not be occupied for more than 180 days of any calendar year; such use shall comply with all applicable regulations of the State of Michigan and Barry County District Health Office.
- 2. Group child care homes licensed or registered under Michigan Public Act 116 of 1973. (See Section 4.39)
- 3. Greenhouses and nurseries, including retail sales.
- 4. Hunt clubs and gun clubs.
- 5. Horse boarding or riding stables.
- 6. The keeping of more than three (3) dogs over six (6) months in age for either commercial or noncommercial purposes. This provision shall include, but not be limited to: (1) the keeping of more than three (3) dogs over six (6) months of age as domestic household pets; (2) dog kennels (see Section 3.1 22.); and (3) animal shelters (see Section 3.1. 5.a.).
- 7. Processing of agricultural products, including fruit packing plants and slaughter houses, provided at least 75% of said agricultural products are grown or raised on the farm.

8. Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction. (See Section 6.12-2)
9. Communication towers. (See Section 6.12-3)
10. Private airfields or aircraft landing strips. (See Section 6.12-4)
11. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.

D. AREA REGULATIONS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 4.41. A lot to be used for nonagricultural purposes shall be subject to the following conditions and limitations:

1. Comply with the following density standards:

Sliding Scale Density Table

<u>Area of Existing Lot as of May 1, 2012</u>	<u>Additional Lots to be Used for Nonagricultural Purposes</u>
Less than 20 acres	1
At least 20 acres but less than 40 acres	2
At least 40 acres but less than 80 acres	4
At least 80 acres but less than 160 acres	5
At least 160 acres but less than 320 acres	6
320 acres or more	7

2. Additional lots to be used for nonagricultural purposes shall be at least one (1) acre and no greater than two (2) acres in area and have a minimum of 200 feet of road frontage on a public or private road.
3. Where more than one (1) additional lot to be used for nonagricultural purposes is permitted, each additional lot shall be contiguous to other additional lots to be used for nonagricultural purposes.
4. Where there are existing lots with areas less than ten (10) acres adjacent to the existing lot of record, the additional lots to be used for nonagricultural purposes shall be adjacent to such existing lots.

5. The additional lots to be used for nonagricultural purposes permitted by this Section D. shall be subject to review and approval by the Township Zoning Administrator for compliance with this Ordinance.
6. Compliance with subsections 3. and/or 4. may be waived where the arrangement of additional lots to be used for nonagricultural purposes will result in the clustering or grouping of residential development, subject to the review and approval of the Township Planning Commission.

SECTION XXV
AMENDMENT OF SECTION 4.6

Section 4.6 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.6 – INTERSECTION VISIBILITY

On any corner lot in any district, no fence, wall or other structure, including plantings and signs, shall obstruct vision between the heights of two (2) feet and 10 feet within the triangular area formed by the intersecting street right-of-way lines and a street line intersecting them at points which are on said right-of-way lines and 30 feet distant from their point of intersection. Such heights of clear vision area shall be measured from the elevation of the street centerlines at the point of intersection.

No fence, wall or other structure, including plantings and signs, shall obstruct vision between the heights of two (2) feet and 10 feet from a driveway or other entrance or exit onto a public or private road. Such heights of clear vision area shall be measured from the elevation of the street centerline within 10 feet of the public or private road.

SECTION XXVI
AMENDMENT OF SECTION 4.32

Section 4.32 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.32 – FENCES, WALLS AND SCREENS

- A. Except as otherwise set forth in this section, the maximum height of a fence, wall (other than a necessary retaining wall), or other screening structure located within any residential district shall be six (6) feet.
- B. The maximum height of a fence, wall (other than a necessary retaining wall), or other screening structure located within the required front setback area of a lot

within the R-1 or R-2 Districts, an open space development, or a planned unit development, shall be four (4) feet. (See Section 4.24)

- C. Any fence, wall (other than a necessary retaining wall) or other screening structure located within any residential district and proposed to exceed six (6) feet in height may be allowed as a special land use in accordance with the procedures and standards set forth in Article VII of this Ordinance. No such fence, wall, or screening structure shall exceed eight (8) feet in height.
- D. Fences, walls (other than a necessary retaining wall), or other screening structures located within any zoning district shall be subject to compliance with Section 4.6 of this Ordinance.

SECTION XXVII
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holdings shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION XXVIII
REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION XXIX
EFFECTIVE DATE

This Ordinance shall take effect May 1, 2012.

Jill A. Owens, Clerk
Prairieville Township

CLERK'S CERTIFICATE

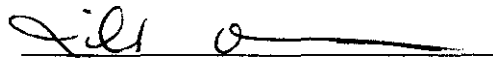
I, Jill Owens, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on April 11, 2012, at 7:00 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: Jim Stoneburner, Jill Owens, Rod Goebel, and Kasandra McGuire, the Board enacted and passed Ordinance No. 143, hereinbefore recorded, to become effective May 1, 2012, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: Jim Stoneburner
 Jill Owens
 Rod Goebel
 Kasandra McGuire

Nays: None

I do further certify that a summary of Ordinance No. 143, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on April 19, 2012; a copy of Ordinance No. 143 was posted at the Township Hall on 4-12, 2012; and that said Ordinance No. 143 was recorded in the official Ordinance Book on April 12, 2012.

Dated: 4-24-12


Jill Owens, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 144

ADOPTED: OCTOBER 10, 2012

**EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend Sections 6.6.B.3 and 6.6-1.B.1 of the Prairieville Township Zoning Ordinance pertaining to allowing as a special land use more than one dwelling unit on a farm in the "A" Agricultural District or the "AP" Agricultural Preservation District; and to repeal all ordinances or parts of ordinances in conflict herewith.

PRAIRIEVILLE TOWNSHIP

**BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT TO SECTIONS 6.6.B.3 AND 6.6-1.B.1**

Sections 6.6.B.3 and 6.6-1.B.1 of the Prairieville Township Zoning Ordinance are each hereby amended to read as follows:

"Agricultural production, together with farm dwellings and buildings and other installations associated with such agricultural production. More than one (1) dwelling unit may be permitted as living quarters on a farm for a member or members of the owner's immediate family or for unrelated families having permanent employment on the farm, for which the provisions of Section 4.2 are waived, provided that an application is submitted for a special land use permit and approved."

**SECTION II
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 III
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight (8) days following publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 145

ADOPTED: MARCH 13, 2013

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to make various amendments to the Prairieville Township Zoning Ordinance and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT OF SECTION 6.6.C.19**

Subsection f of Section 6.6.C.19 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

f. Liability Insurance

Except as otherwise provided herein, all parties receiving a special land use permit hereunder shall be required to carry, in addition to any and all insurance or bonds required by state law, personal injury and property damage insurance in the amount of not less than 4,000,000 dollars for each person injured or property damaged or for any injury or damage for more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or property damage occurring upon the site of the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing on the site.

The Planning Commission shall have the authority to increase this minimum liability insurance requirement at the time of granting the special land use permit if the Planning Commission determines, in its sole reasonable discretion, that, because of unusual characteristics concerning the nature or location of the proposed operation, additional minimum liability insurance is necessary to

adequately protect persons and property on or near the site of the operation. Similarly, the Planning Commission shall have authority to grant a partial waiver reducing the dollar amount of the insurance coverage required hereunder if the Planning Commission determines, in its sole reasonable discretion, that based upon the specific nature of the proposed operation, the property upon which it is located and/or the nature of the surrounding area, insurance coverage in such lesser dollar amount would adequately protect persons and property on or near the site of the operation.

A copy of the insurance policy shall be filed with the Township Clerk prior to commencing a special land use approved hereunder. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least 30 days before lapse or cancellation of the insurance for any reason.

SECTION II
AMENDMENT OF SECTION 6.6.C.18.i

Subsection 10 of Section 6.6.C.18.j of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

10. Liability Insurance

Except as otherwise provided herein, all parties receiving a special land use permit hereunder shall be required to carry, in addition to any and all insurance or bonds required by state law, personal injury and property damage insurance in the amount of not less than 4,000,000.00 dollars for each person injured or property damaged or for any injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or property damage occurring upon the site of the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing upon the site.

The Planning Commission shall have the authority to increase this minimum liability insurance requirement at the time of granting the special land use permit if the Planning Commission determines, in its sole reasonable discretion, that, because of unusual characteristics concerning the nature or location of the proposed operation, additional minimum liability insurance is necessary to adequately protect persons and property on or near the site of the operation. Similarly, the Planning Commission shall have authority to grant a partial waiver reducing the dollar amount of the insurance coverage required hereunder if the

Planning Commission determines, in its sole reasonable discretion, that based upon the specific nature of the proposed operation, the property upon which it is located and/or the nature of the surrounding area, insurance coverage in such lesser dollar amount would adequately protect persons and property on or near the site of the operation

A copy of the insurance policy shall be filed with the Township Clerk prior to commencing a special land use approved hereunder. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provision that the insurer shall notify the Township Clerk in writing at least 30 days before lapse or cancellation of the insurance for any reason.

SECTION III
AMENDMENT OF SECTION 6.12-2.G.1

Subsection 1 of Section 6.12-2.G.1 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

1. **Liability Insurance**

Except as otherwise provided herein, all parties receiving a special land use permit hereunder shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than 1,000,000 dollars for each person or property injured or damaged and not less than 4,000,000 dollars for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon other properties as a result of conditions or activities existing upon the site.

The Planning Commission shall have the authority to increase this minimum liability insurance requirement at the time of granting the special land use permit if the Planning Commission determines, in its sole reasonable discretion, that, because of unusual characteristics concerning the nature or location of the proposed operation, additional minimum liability insurance is necessary to adequately protect persons and property on or near the site of the operation. Similarly, the Planning Commission shall have authority to grant a partial waiver reducing the dollar amount of the insurance coverage required hereunder if the Planning Commission determines, in its sole reasonable discretion, that based upon the specific nature of the proposed operation, the property upon which it is located and/or the nature of the surrounding area, insurance coverage in such

lesser dollar amount would adequately protect persons and property on or near the site of the operation

A copy of the insurance policy shall be filed with the Township Clerk prior to commencing a special land use approved hereunder. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least 30 days before lapse or cancellation of the insurance for any reason.

SECTION IV
AMENDMENT OF SECTION 3.1

Section 3.1 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of the following definitions to read as follows:

35a. **Fixture.** The assembly that houses the lamp and can include all or some of the following parts: housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and/or refractor or lens.

36a. **Footcandle.** The illuminance cast on a surface by a one (1) candela source one (1) foot away. One (1) footcandle is the equivalent of 10.76 lux.

71a. **Outdoor Lighting.** The nighttime illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

SECTION V
AMENDMENT OF ARTICLE 4

Article 4 of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.42 to read as follows:

SECTION 4.42 – OUTDOOR LIGHTING STANDARDS

A. PURPOSE

The purpose of this Section is to provide standards for outdoor lighting so as to:

- Protect the public health, safety and general welfare;
- Enable fair and consistent enforcement of these standards;
- Control light spillover and glare;
- Minimize the detrimental effect of outdoor lighting on astronomical observations by the general public;
- Encourage outdoor lighting systems that conserve energy and costs;

- Preserve the rural character of Prairieville Township, and
- Provide for nighttime safety, utility and security.

B. GENERAL PROVISIONS

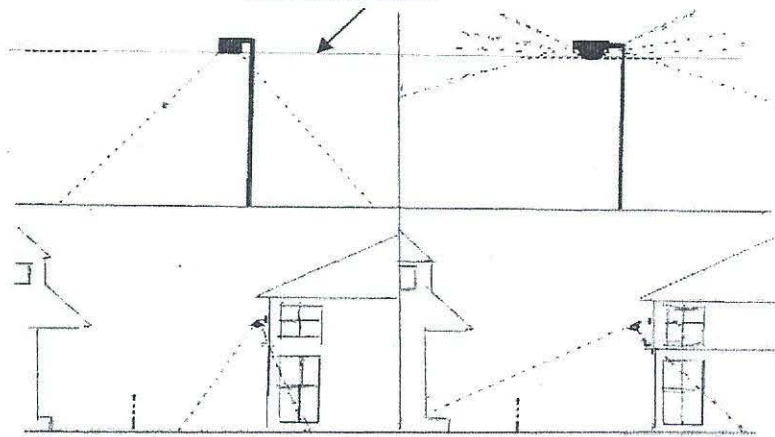
1. **Standards.** All outdoor lighting upon any premises, regardless of zoning classification, shall be subject to the following conditions and limitations:
 - a. Site and area lighting shall be designed so that light levels do not exceed 1 footcandle at any point along the perimeter of the property.
 - b. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the point light source. Light may not be emitted by the installed fixture at angles above the horizontal plane. Residential light fixtures on residential or agricultural properties (excluding flood lights or security lights), are exempt from the cut-off requirement when mounted at a height of eight (8) feet or less.
 - c. No light fixture shall be mounted higher than 20 feet above the average finished lot grade, except for outdoor recreational lighting approved as part of the site plan review approval process.
 - d. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature, may allow the use of non-full cut-off light fixtures, subject to a finding by the Zoning Administrator that the proposed lighting meets the intent of this section.
 - e. Light fixtures used solely to illuminate a building façade may be building or ground mounted and shall be appropriately shielded so that no light is emitted beyond the building façade. Building mounted lighting, in this instance, shall be full cut-off and mounted to direct light down; fixtures that direct light upward are not permitted.
 - f. Landscape light fixtures, including ground lighting for signs, flag poles and statues, shall be equipped with shields or shutters to eliminate glare.
 - g. Outdoor recreational lighting shall use standard color metal halide sources and standard sports lighting fixtures equipped with baffling, glare guards or lenses to meet the requirements of this section.
 - h. There shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes. Beacon and/or search lights shall not be permitted except for public safety purposes. Temporary seasonal/holiday lighting is not prohibited by this subsection.

- i. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
2. **Lighting Plan.** A site lighting plan for uses requiring site plan review shall be submitted and shall provide the following information:
 - a. Proposed location on premises of all outdoor light fixtures.
 - b. Description of illumination devices (e.g., fixture type, mounting height, lamps, supports, shields, and other devices).
 - c. Photometric data of illumination cast on horizontal surfaces (ie. footcandle levels).
 - d. Illumination level data for all building, vertical architectural and landscaping lighting.
3. **Reduced Lighting.** For uses requiring site plan review, outdoor lighting shall be reduced during non-operational hours, allowing only lighting necessary for security purposes. The lighting plan shall note where this distinction occurs.

Acceptable

Unacceptable

Horizontal Plane



SECTION VI
AMENDMENT OF SECTION 6.4.B

Section 6.4.B of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new subpart 27 to read as follows:

27. Fully enclosed mini storage buildings and warehouses for separate enclosed storage rented or leased primarily to residential and office customers, as a special land use, subject to the following conditions and limitations:
- a. The distance between buildings shall not be less than 40 feet.
 - b. Outdoor storage shall require approval by the Planning Commission based upon the general standards for special land use and site plan approval set forth in this Ordinance. The Planning Commission may condition its approval of any such outdoor storage upon it being fenced and/or screened from the view of adjoining roadways and residentially zoned or residentially developed property.

SECTION VII
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holdings shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VIII
REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION IX
EFFECTIVE DATE

This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of Ordinance No. 145, which was adopted by the Prairieville Township Board at a regular meeting held on March 13, 2013.

SECTION I. AMENDMENT OF SECTION 6.6.C.19. This section amends Subsection f of Section 6.6.C.19 of the Prairieville Township Zoning Ordinance pertaining to liability insurance requirements for land gas recovery processing facilities (a/k/a landfill gas recovery processing facilities).

SECTION II. AMENDMENT OF SECTION 6.6.C.18.j. This section amends Subsection 10 of Section 6.6.C.18.j of the Prairieville Township Zoning Ordinance pertaining to liability insurance requirements for sanitary landfills.

SECTION III. AMENDMENT OF SECTION 6.12-2.G.1. This section amends Subsection 1 of Section 6.12-2.G.1 of the Prairieville Township Zoning Ordinance pertaining to liability insurance requirements for earth removal, quarrying, gravel processing, mining and related commercial mineral extraction businesses.

SECTION IV. AMENDMENT OF SECTION 3.1. This section amends Section 3.1 of the Prairieville Township Zoning Ordinance entitled "DEFINITIONS" so as to add definitions of "Fixture", "Footcandle" and "Outdoor Lighting".

SECTION V. AMENDMENT OF ARTICLE 4. This section amends Article 4 of the Prairieville Township Zoning Ordinance so as to add a new Section 4.42 regulating outdoor lighting.

SECTION VI. AMENDMENT OF SECTION 6.4.B. This section amends Section 6.4.B of the Prairieville Township Zoning Ordinance by the addition of a new subpart 27 allowing fully enclosed mini storage and warehouses for separate enclosed storage rented or leased primarily to residential and office customers as a special land use in the "C-1" zoning classification, subject to certain conditions set forth therein, including conditions pertaining to outdoor storage.

SECTION VII. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION VIII. REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect eight (8) days following publication after adoption.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance has been posted in the Office of the Prairieville Township Clerk at the address set forth below and that a copy of the Ordinance may be purchased or inspected at the office of the Prairieville Township Clerk during regular business hours of regular working days following the date of this publication.

PRAIRIEVILLE TOWNSHIP

Ted DeVries, Clerk
10115 S. Norris Road
Delton, Michigan 49046
(269) 623-2664

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 148

ADOPTED: OCTOBER 9, 2013

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the amendment of Section 4.10 pertaining to the filling or grading of land; by the amendment of Section 3.1 so as to add a definition of “Wind Energy System”; by the addition of a new Section 4.42 regulating wind energy systems; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT OF SECTION 4.10**

Section 4.10 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 4.10 – GRADES AND RUNOFF

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises except as may be permitted by the Zoning Administrator upon a determination that such runoff will not have a material adverse impact upon the abutting premises. When property is developed adjacent to existing properties previously developed, existing grades shall have priority. Leaching ponds, retention or detention basins, or other similar storm water management methods may be required to adequately retain storm water on site.

**SECTION II
AMENDMENT OF SECTION 3.1**

Section 3.1 of the Prairieville Township Zoning Ordinance entitled “DEFINITIONS” is hereby amended by the addition of a new subsection “97c” to read as follows:

97c. **Wind Energy System**: an electrical generating facility comprised of a wind turbine, rotor, support structure and related electrical equipment that operate by converting the kinetic energy of wind into electrical energy. A wind energy system is intended to serve the electrical needs of the principal use and is not designed nor intended to principally provide electricity to the electric utility grid.

SECTION III
AMENDMENT OF ARTICLE IV

Article IV of the Prairieville Township Zoning Ordinance is hereby amended by the addition of a new Section 4.42 to read as follows:

SECTION 4.42 – WIND ENERGY SYSTEM

- A. Wind energy systems shall be allowed as an accessory use in all zoning classifications.
- B. A wind energy system can be erected as:
 - a) One (1) freestanding wind energy system of 60 feet in height or less; or,
 - b) Up to two (2) roof-mounted wind energy systems of 10 feet in height or less.
- C. A freestanding wind energy system shall be located only in a side or rear yard area.
- D. A freestanding wind energy system shall be setback from all property lines a distance of no less than 1 ½ times the vertical height of the wind energy system.
- E. The installation of a wind energy system shall meet all applicable State construction codes and electrical codes and local permit requirements.
- F. Two (2) or more freestanding wind energy systems or three (3) or more roof mounted wind energy systems on one (1) parcel may be allowed as a special land use in all zoning classifications, subject to subsection H. below and Sections 6.8 through 6.12-1.
- G. A freestanding wind energy system exceeding 60 feet in height may be allowed as a special land use in all zoning classifications, subject to subsection H. below and Section 6.8 through 6.12-1.
- H. Planning Commission review of a special land use permit request for a wind energy system shall consider the proposed characteristics and uses of the wind energy system in relation to each other and to existing land uses and to future land uses designated in the Master Plan to ensure harmonious relationships and

minimize conflicts between adjacent uses. The Planning Commission may impose such conditions to the special land use permit as it deems necessary to avoid or mitigate adverse impacts on surrounding properties.

SECTION IV
REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION V
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VI
EFFECTIVE DATE

This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, Ted DeVries, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on October 9, 2013, at 7:00 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: Jim Stoneburner, Ted DeVries, Rod Goebel and Kasandra McGuire, the Board enacted and passed Ordinance No. 148, hereinbefore recorded, to become effective eight days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:


Ayes: Jim Stoneburner
 Ted DeVries
 Rod Goebel
 Kasandra McGuire

Nays: None

Absent: Jim Grundy

I do further certify that a summary of Ordinance No. 148, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on October 17, 2013; a copy of Ordinance No. 148 was posted at the Township Hall on OCTOBER 21, 2013; and that said Ordinance No. 148 was recorded in the official Ordinance Book on OCTOBER 21, 2013.

Dated: OCTOBER 21, 2013



Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 150

ADOPTED: 4/8/2015

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance regarding the continuation of nonconforming uses, buildings, structures; regarding the expansion, extension and reconstruction of nonconforming buildings/structures; regarding the maintenance and repair of nonconforming buildings and structures; regarding the procedure for expanding, extending or enlarging a non-conforming building or structure; by deleting certain provisions regarding exceptions to nonconforming uses and/or nonconforming buildings or structures; regarding allowing private airfields in the Agricultural zoning district and deleting private airfields as a permitted uses in certain residential zoning districts; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT OF SECTION 6.13**

Section 6.13 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.13 – INTENT

Within the districts established by this Ordinance or any subsequent amendments, there exist uses, buildings/structures, and lots which were lawful before this Ordinance was effective but which would be prohibited, regulated, or restricted under the terms of this Ordinance or amendments thereto.

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building/structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been continuously and diligently conducted.

**SECTION II
AMENDMENT OF SECTION 6.14**

Section 6.14 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.14 – CONTINUATION OF NONCONFORMING USES, BUILDINGS/STRUCTURES, AND LOTS.

Except where provided otherwise, a use, building/structure or lot which is existing and lawful on the effective date of this Ordinance may be continued even though such use, building/structure or lot does not conform to the standards of this Ordinance. A change in the ownership, tenancy, or occupancy of such nonconforming use, building/structure or lot shall not affect such continuation rights.

SECTION III
AMENDMENT OF SECTION 6.15

Section 6.15 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.15 - NONCONFORMING USES

- A. The occupied area, density, and/or manner of operation of a nonconforming use shall not be altered by expansion, extension, or enlargement. Any such alteration shall be determined to result in an increase in nonconformity.
- B. If a nonconforming use is damaged or destroyed to the extent of 50% or more of its replacement cost, such use shall not be continued or reestablished unless a special land use permit is granted pursuant to the criteria set forth in Section 6.11. Any such replacement shall not result in an increase in any nonconformity.
- C. If a nonconforming use is damaged or destroyed to the extent of less than 50% of its replacement cost, such use may be continued or reestablished at the occupied area, density and/or manner of operation existing prior to the damage or destruction and shall not result in an increase in any nonconformity.
- D. A nonconforming use may only be changed to a conforming use and shall not be reestablished after it has been changed.
- E. A nonconforming use shall not be reestablished after being discontinued, vacated, not conducted or abandoned for a period of 12 consecutive months or more.

SECTION IV
AMENDMENT OF SECTION 6.16

Section 6.16 of the Prairieville Township Zoning Ordinance is hereby amended to read as follows:

SECTION 6.16 –NONCONFORMING BUILDINGS/STRUCTURES

A. Nothing in this Ordinance shall prevent ordinary maintenance and repairs of a nonconforming building/structure which do not expand, extend or enlarge the nonconforming building/structure.

B. A nonconforming building/structure shall not be altered by expansion, extension, or enlargement unless a special land use permit is granted pursuant to the criteria set forth in Section 6.11. Any such alteration shall not result in an increase in any nonconformity.

C. If a nonconforming building/structure is damaged or destroyed to the extent of 50% or more of its replacement cost, such building/structure shall not be repaired or rebuilt except in compliance with the provisions of this Ordinance, unless a special land use permit is granted pursuant to the criteria set forth in Section 6.11. Any such replacement shall not result in an increase in any nonconformity.

D. If a nonconforming building/structure is damaged or destroyed to the extent of less than 50% of its replacement cost, such building/structure may be repaired or rebuilt to the same size and location that it had immediately prior to the damage or destruction but may not result in an increase in any nonconformity.

SECTION V
DELETION OF SECTION 6.19

Section 6.19 of the Prairieville Township Zoning Ordinance is hereby deleted and this section is reserved for future use.

SECTION VI
AMENDMENT OF SECTION 6.6, SUBSECTION B

Section 6.6, “A” Agricultural District, of the Prairieville Township Zoning Ordinance is hereby amended to add a new sub-section of permitted uses, subsection B(11) to read as follows:

11. Private airfields or aircraft landing strips, subject to compliance with all applicable federal, state and local regulations and codes.

SECTION VII
AMENDMENT OF SECTION 6.1, SUBSECTION C(8)

Section 6.1, “R-2” Low Density Residential District, of the Prairieville Township Zoning Ordinance is hereby amended by deleting subsection C(8), private airfields and landing strips, as a special land use and reserving this section for future use.

SECTION VIII
AMENDMENT OF SECTION 6.2, SUBSECTION C(7)

Section 6.2, “R-4” Medium Density Residential District, of the Prairieville Township Zoning Ordinance is hereby amended by deleting subsection C(7), private airfields and landing strips, as a special land use and reserving this section for future use.

SECTION IX
AMENDMENT OF SECTION 6.3, SUBSECTION C(3)

Section 6.3, “R-5” Mobile Home Parks Residential District, of the Prairieville Township Zoning Ordinance is hereby amended by deleting subsection C(3), private airfields and landing strips, as a special land use and reserving this section for future use.

SECTION X
DELETION OF SECTION 6.12-4 –PRIVATE AIRFIELDS OR
AIRCRAFT LANDING STRIPS

Section 6.12-4 of the Prairieville Township Zoning Ordinance, Private Airfields or Aircraft Landing Strips, is hereby deleted and this section is reserved for future use.

SECTION XI
REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION XII
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION XIII
EFFECTIVE DATE

This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 153

ADOPTED: October 14, 2015

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain property located in Land Section 24 from a "P-2 Semi-Public Land" zoning classification to a "A, Agricultural District" zoning classification; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

SECTION I
REZONING OF PROPERTY IN LAND SECTION

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 3.6 acre parcel of land in Land Section 24, as described herein, from the "P-2 Semi Public Land District" zoning classification to the "A, Agricultural District" zoning classification:

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 10 WEST, PRAIRIEVILLE TOWNSHIP, BARRY COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 POST OF SECTION 24, T 1 N, R 10 W; THENCE NORTH 89° 08' 20" EAST ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION 1518.12 FEET TO ITS INTERSECTION WITH THE CENTER LINE OF BURROUGHS ROAD FOR THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE NORTH 15° 21' 41" EAST ALONG THE CENTER LINE OF BURROUGHS ROAD 317.26 FEET; THENCE NORTH 16° 55' 41" EAST ALONG SAID CENTER LINE 53.96 FEET; THENCE NORTH 89° 08' 20" EAST PARALLEL WITH SAID EAST AND WEST 1/4 LINE 355.58 FEET; THENCE SOUTH 82° 05' 16" EAST, 43.38 FEET; THENCE SOUTH 01° 29 '42" WEST, 349.43 FEET TO SAID EAST AND WEST 1/4 LINE; THENCE SOUTH 89° 08' 20" WEST ALONG SAID EAST AND WEST 1/4 LINE 489.34 FEET TO THE POINT OF BEGINNING.

SECTION II
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
REPEAL OF CONFLICT ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 157

ADOPTED: 1/11/2017

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by revising provisions regarding outdoor storage of recreational vehicles, and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT TO ARTICLE IV, SECTION 4.5
OUTDOOR STORAGE OF RECREATIONAL VEHICLES AND TENTS**

Article IV, Section 4.5 of the Prairieville Township Zoning Ordinance is hereby revised to read as follows:

SECTION 4.5 – OUTDOOR STORAGE OF RECREATIONAL VEHICLES

- A. Except as provided below, not more than one (1) recreational vehicle may be placed for storage outdoors on a lot in any zoning classification.
 - 1. The outdoor storage of a recreational vehicle shall not be allowed on a lot in the R-1 or R-2 zoning classifications having no occupied dwelling upon it unless a special land use permit has been granted in accordance with the standards set forth in Section 6.11.
 - 2. The outdoor storage of recreational vehicles may be allowed in conjunction with a Fully Enclosed Mini Storage Building facility pursuant to Section 6.4 B. 27.
- B. A recreational vehicle placed for storage outdoors on a waterfront lot shall not be located within the front yard.
- C. A recreational vehicle placed for storage outdoors on any lot shall be subject to a 2 foot side yard setback requirement.
- D. A recreational vehicle shall not be placed outdoors on a lot for temporary or permanent occupancy, except in compliance with Section 4.4.

SECTION II
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 161

ADOPTED: MAY 10, 2017

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain properties located in Land Section 36 from a "R-1 Low Density Residential District" zoning classification to a "C-1 Rural Area Convenience Commercial District" zoning classification; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
REZONING OF PROPERTIES IN LAND SECTION**

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning approximately 0.76 acres, comprised of 3 parcels of land, in Land Section 36, as described herein, from the "R-1 Low Density Residential District" zoning classification to the "C-1 Rural Area Convenience Commercial District" zoning classification:

Parcel 1:

Legal Description:

T1N-R10W, PART OF E 1/2 SEC 36, COM AT APT IN CEN HWY M-43 WHICH IS S 81.18 FT & S 88D-30M W 1158.3 FT FROM E 1/4 POST SEC 36, TH S 88D-30MW 46.61 FT ALG CEN LN M-43, TH N 2D-40M W 89 FT, TH S 88D-30M W 5.58 FT, TH N 2D-40M W 78.7 FT, TH N 88D-30M E 60.01 FT, TH S 167.8 FT TO POB

Otherwise known as: 15458 S. M-43 Hwy, Hickory Corners, MI 49060-9712
Parcel No. 12-036-080-10

Parcel 2:

Legal Description:

SEC 36, T1N, R10W, A PAR OF LAND IN TH FRACTURAL E 1/2 OF SD SEC, COM AT THE E 1/4 POST OF SD SEC; TH S 81.18 FT ALG THE E SEC LI TO AN ANGLE IN STATE HWY M-43; TH S 88D 30M W, 1057.30 FT ALG THE CENTER OF SD HWY FOR THE PLACE OF BEG; TH S 88D 30M W, 101 FT ALG SD CENTERLI OF HWY M-43; TH N 139 FT; TH N 88D 30M E, 87 FT; TH S 58.50 FT; TH N 88D 30M E, 14 FT; TH S 80.5 FT TO THE POB, ALSO AN EASMENT FOR INGRESS AND ERGRESS OVER A PAR OF LAND DESC AS BEG AT A PT WHICH LIES N 33 FT FROM THE POINT OF BEG OF THE ABOVE DESC PAR; TH N 25 FT; TH SE'LY TO A PT ON THE NORTH RIGHT-OF-AWAY LI OF HWY M-43; TH S 88D 30M W, 30 FT TO THE POB.

Otherwise known as: 15450 S. M-43 Hwy, Hickory Corners, MI 49060-9712
Parcel No. 12-036-077-00

Parcel 3:

Legal Description:

SEC 36, T1N, R10W, A PAR OF LAND IN THE FRACTIONAL E 1/2 OF SD SEC DESC AS COM AT THE E ¼ POST OF SD SEC; TH S 81.18 FT ALG THE E SEC LI TO AN ANGLE IN STATE HWY M-43; TH S 88D 30M W, 1057.3 FT ALG THE CENTER OF SD HWY FOR THE PLACE OF BEG; TH N 80.50 FT; TH S 88D 30M W, 14 FT; TH N 58.50 FT; TH S 88D 30M W, 87 FT; TH N 59 FT; TH N 88D 30M E, 99 FT; TH S 98 FT; TH N 88D 30M E, 50 FT; TH S 100 FT; TH W'LY TO THE POB, ALSO RESTRICTIVE EASEMENT AREA DESC AS A PAR OF LAND IN THE FRACTIONAL E 1/2 OF SD SEC COM AT THE E 1/4 POST OF SD SEC; TH S 81.18 FT ALG THE E LI TO AN ANGLE IN THE STATE HWY M-43; TH S 88D 30M W, 1009.30 FT ALG THE CENTER OF SD HWY; TH N 33 FT FOR THE PLACE OF BEG OF THE EASEMENT HEREINAFTER; TH S 88D 30M W ALG THE N LI OF HWY M-43 149 FT; TH N 53 FT; TH N 88D 30M E PARALLEL WITH THE N LI OF THE HWY M-43 149 FT; TH S 53 FT TO POB.

Otherwise known as: 15446 S. M-43 Hwy, Hickory Corners, MI 49060-9712
Parcel No. 12-036-077-10

SECTION II
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
REPEAL OF CONFLICT ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 163

ADOPTED: OCTOBER 11, 2017

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by revising the light industrial zoning district, to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT TO ARTICLE VI, SECTION 6.5 OF THE
PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE**

Article VI, Section 6.5 Industrial of the Prairieville Township Zoning Ordinance is hereby revised in its entirety and shall now read as follows:

SECTION 6.5 – I-1 LIGHT INDUSTRIAL DISTRICT

A. PURPOSE

This district provides opportunity for small-scale, low impact industrial development along limited portions of M-89 and M-43 where adequate roads and public water and sewer are available. This district is intended to further the goals and objectives of the Prairieville Township Master Plan for light industrial development.

B. PERMITTED USES

1. Assembly of finished or semi-finished products from previously prepared materials.
2. Packaging of previously prepared materials.
3. Printing, lithographic, blueprinting and similar uses.
4. Processing or compounding of commodities such as drugs, cosmetics, pottery, plastics and food products.

5. Wholesaling, storage and/or warehousing of commodities, such as hardware, packaged or fresh foods, clothing or drugs - - which are wholly contained within a fully enclosed building(s): except live fowl or animals, commercial explosives, or above or below ground bulk storage of flammable liquids, or gases, unless and only to the extent that such storage of liquids or gases is directly connect to energy or heating on the premises.
6. Public utility buildings and structures necessary for the service of the community, except utility activities such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.
7. Accessory uses or buildings.

C. SPECIAL LAND USES

1. Any industrial use which meets the purpose of this district where all work is carried on within an enclosed building and which does not emanate noise, vibration, odor, smoke, liquid waste, or light to such an extent as to be objectionable to surrounding properties.
2. Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction. (See Section 6.12-2)
3. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
4. Communication towers. (See Section 6.12-3)

D. LIMITATIONS

1. Outdoor storage in connection with the uses set forth in Sections 6.5 B. and 6.5 C. shall be allowed subject to the following:
 - a. Outdoor storage shall be allowed only in the side and rear yard areas and may not be located within any required side or rear building setback.
 - b. Outdoor storage areas shall be visually screened from persons standing at ground level on all abutting property located in other than an I-1 zoning district and all abutting streets. Required screening shall comply with Section 4.32.
 - c. The total area of outdoor storage shall not exceed 30% of the floor area of the principal building(s) upon the premises.
2. A greenbelt, as required by Section 4.14, shall be provided where required.

3. All uses set forth in Section 6.5 B. and 6.5 C. must be conducted in such a manner which does not emanate noise, vibration, odor, smoke, dust, liquid waste, or light to such an extent as to be objectionable to surrounding properties.

E. AREA REGULATIONS

See Section 4.41 – Schedule of Lot Yard and Area Requirements.

SECTION II
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 164

ADOPTED: OCTOBER 11, 2017

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by revising the light industrial zoning district, to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT TO ARTICLE IV, SECTION 4.22(B) OF THE
PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE**

Article IV, Section 4.22, subsection (B) Yard Encroachments of the Prairieville Township Zoning Ordinance is hereby revised to read as follows:

SECTION 4.22 – YARD ENCROACHMENTS

- B. Stairways leading to an abutting waterfront area (including any stairway landings not exceeding 50 square feet in area) may project into the required front yard.

All other parts of Section 4.22 Yard Encroachments, remain unchanged.

**SECTION II
SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

**SECTION III
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE**

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 165

ADOPTED: 5/9/2018

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning to allow veterinary clinics by special land use in certain zoning districts, to provide for severability, to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

SECTION I
AMENDMENT TO ARTICLE VI, SECTION 6.6 OF THE
PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Article VI, Section 6.6 "A" Agricultural Zoning District, Subsection C Special Land Uses of the Prairieville Township Zoning Ordinance is hereby revised by adding a new paragraph (25) which shall read as follows:

25. Veterinary Clinics, subject to the following conditions:
- a. All activities shall be conducted within an enclosed building, unless approved by the Planning Commission.
 - b. Off street parking facilities to satisfy average parking needs shall be provided.
 - c. Retail activity may be carried on that promotes the health and well-being of animals associated with the veterinary clinic.
 - d. The Planning Commission may impose additional conditions as may be necessary to insure that any noise, odors, traffic or other incidental activities have a minimum impact on adjoining residential land use.

SECTION II
AMENDMENT TO ARTICLE VI, SECTION 6.6-1 OF THE
PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Article VI, Section 6.6-1 “AP” Agricultural Preservation Zoning District, Subsection C Special Land Uses of the Prairieville Township Zoning Ordinance is hereby revised by adding a new paragraph (12) which shall read as follows:

12. Veterinary Clinics, subject to the following conditions:
 - a. All activities shall be conducted within an enclosed building, unless approved by the Planning Commission.
 - b. Off street parking facilities to satisfy average parking needs shall be provided.
 - c. Retail activity may be carried on that promotes the health and well-being of animals associated with the veterinary clinic.
 - d. The Planning Commission may impose additional conditions as may be necessary to insure that any noise, odors, traffic or other incidental activities have a minimum impact on adjoining residential land use.

SECTION III
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION IV
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Ted DeVries, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 1688

ADOPTED: JUNE 12, 2019

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain property located in Land Section 6 from the "A Agricultural District" zoning classification to a "R-1 Low Density Residential District" zoning classification; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

SECTION I
REZONING OF PROPERTY IN LAND SECTION 6

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 2.3 acre parcel of land in Land Section 6, located at 12520 Pine Lake Road and as described herein, from the "A, Agricultural District" zoning classification to the "R-1, Low Density Residential District" zoning classification:

SEC 6, T1N,R10W, COM AT THE NW COR SEC 6, TH S ALG W LI OF SD SEC 1267.71 FT. TH S 88D 31M 40S E, 1763.07FT; TH S 27D 21M 07S E, 19.65FT; TH S89D 39M 44S E, 295.52FT TO THE POB; TH N 86D 55M 39S E,473.57FT TO THE CENTER LI OF GRAHAM RD; TH S 05D 19M 19S E ALG CENTER LI 170.63 FT TO THE CENTER LI OF PINE LAKE RD; TH S 51D 41M 41S W ALG SD CENTER LI 291.04 FT; TH N 38D 42M 12S W 416.34FT TO POB. (10T)

SECTION II
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
REPEAL /EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Rod Goebel, Clerk
Prairieville Township

PUBLISHED JUNE 20, 2019

EFFECTIVE: JUNE 28, 2019

Prairieville Township

Planning Commission

ORD. # 169B

RECOMMENDATION

The Prairieville Township Planning Commission ***recommends Township Board approval*** of the proposed amendments to the Zoning Ordinance related to *solar energy facilities* submitted for public hearing before the Commission at its meeting June 13, 2019.

Specifically, the following text amendments are recommended for approval:

Amendment of Section 3.1 – Definitions, to add definitions regarding solar farms and solar panels.

Addition of Section 4.44 – Solar Panels, which section will include provisions for attached and free standing solar panels, as well as the applicable review process.

Addition of Section 6.12-5 – Solar Farms, which section provides a purpose and scope for the installation of solar farms, as well as provisions for solar farms that include siting, underground transmission lines, maximum height, glare, battery storage systems, and the permitting and removal process.

(Recommended amendments/additions to Sections 3.1, 4.44 and 6-12.5 are attached)

The recommendation for approval was preceded by four months of Planning Commission research and discussion and a public hearing noticed and held consistent with State law.

Adopted	7-10-2019
Published	7-25-2019
Effective	8-2-2019

Prairieville Township

Planning Commission

Text Amendment: *Section 3.1 – Definitions*

- 83d. Solar Farm: Solar panel energy systems placed on property with the intent to provide utility-scale energy to the grid.
- 83e. Solar Panel: A solar panel, a photovoltaic panel, solar hot air or hot water panel collector device or other type of energy system which relies on solar radiation as the source for the generation of electricity or the transfer of stored heat. A solar panel is an accessory use in all zoning districts subject to Section 4.44.

Text Amendment: *Section 4.44 – Solar Panels*

Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures, subject to the following requirements:

- A. Attached to a building. Where attached to a building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks.

1. Roof mounted solar panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.



- a. Flush-mounted solar panels installed on a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
- b. Flush-mounted solar panels installed on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.
- c. Roof-mounted solar panels shall be only of such weight as can safely be supported by the roof. Proof thereof shall be submitted to the Township

Prairieville Township

Planning Commission

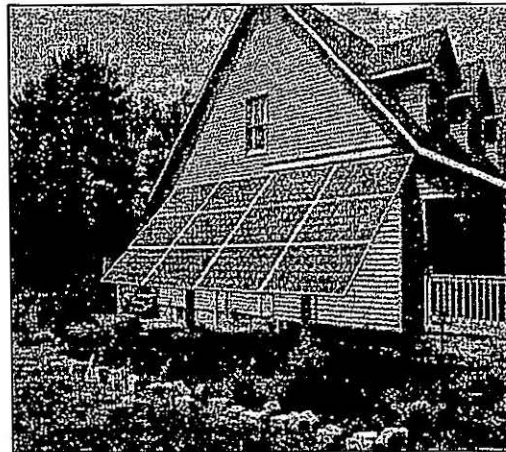
Building Official prior to installation and shall be subject to the Building Official's approval.

2. Wall-mounted solar panels shall not exceed the height of the wall to which they are attached.
3. Building-mounted solar panels shall be permanently and safely attached to the building or structure. Proof thereof shall be submitted to the Township Building Official prior to installation and shall be subject to the Building Official's approval.



B. Freestanding. Solar panels may be freestanding.

1. Freestanding solar panels shall be subject to the height, setback and location requirements applicable to accessory buildings established by Section 4.20.
2. The surface area covered by freestanding solar panels shall be included in the lot coverage calculations for the lot.
3. Freestanding solar panels failing to meet the height, setback, location or lot coverage requirements set forth herein may be allowed as a special land use as provided for in Section 4.20 D.
4. Freestanding solar panels shall be permanently and safely attached to the ground. Proof thereof shall be submitted to the Township Building Official prior to installation and shall be subject to the Building Official's approval.

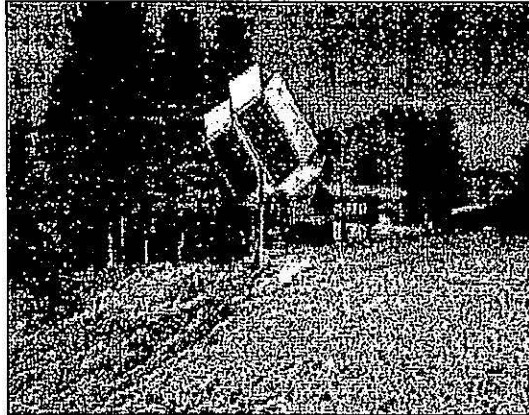


5. All related power transmission lines shall be placed underground.

Prairieville Township

Planning Commission

6. After the installation of solar panels, accessory structures or vegetation shall not be established on an abutting property in a location that will block the solar panels' access to solar energy during 10:00 a.m. and 3:00 p.m.
- C. The exterior surfaces of solar panels shall be generally neutral in color and substantially non-reflective of light.
 - D. Solar panels shall conform to applicable industry standards and shall be installed, maintained and used only in accordance with the manufacturer's directions. The Building Official may inspect the completed installation to verify compliance.
 - E. Solar panels shall comply with all applicable Township construction-related codes and permitting requirements.
 - F. An Administrative Review is required of all solar panels permitted as an accessory use.



Text Amendment: *Section 6.12-6 – Solar Farms*

A. PURPOSE

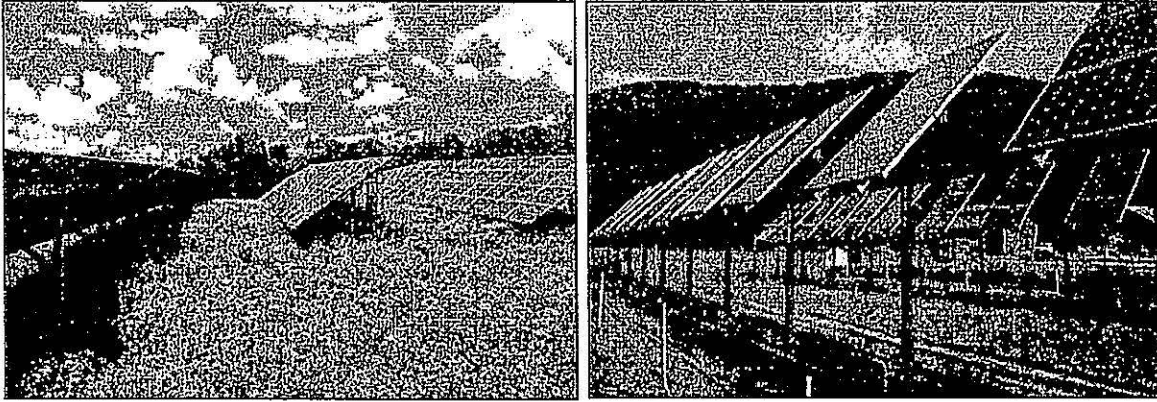
The purpose of this section is to establish guidelines for the siting of solar panel energy systems placed on property with the intent to provide utility-scale energy to the grid which shall hereafter be referred to as a Solar Farm. It is further the purpose and intent of this Section to:

1. Allow the safe, effective, and efficient use of a renewable energy system consistent with the goals and objectives set forth in the Prairieville Township Master Plan.
2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse effects of solar farms, including aesthetic impacts and risks to the property values of adjoining properties.

Prairieville Township

Planning Commission

3. Establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of solar farms shall be governed.



B. SCOPE

Solar farms shall be allowed as a Special Land Use in all zoning districts as the principal use on a lot.

C. SOLAR FARM PROVISIONS

1. Siting of solar farms must conform to the front, side, and rear yard setback requirements of the zoning district.
2. When oriented at maximum tilt, free-standing solar panels shall not exceed the maximum building height requirements of the zoning district.
3. Area covered by solar panels shall not be included in the lot coverage calculations for the lot.
4. All power transmission lines shall be located underground.

D. GLARE

Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways. The exterior surfaces of solar panels shall be generally neutral in color and substantially non-reflective of light.

Prairieville Township

Planning Commission

E. BATTERIES

When a battery storage system is included as part of the solar farm, it must be placed in a secure temperature-controlled enclosure when in use. When no longer in use, such batteries must be disposed of in accordance with applicable laws and regulations.

Battery storage enclosures shall conform to the solar farm provisions set forth in subsection C. above.

F. PERMITS

Solar farms shall conform to applicable industry standards and shall be installed, maintained and used only in accordance with the manufacturer's directions. The Building Official may inspect the completed installation to verify compliance.

Solar farms shall comply with all applicable Township construction-related codes and permitting requirements.

G. REMOVAL

1. A decommissioning plan shall be provided and shall:
 - a. State the anticipated life of the project;
 - b. Describe estimated decommissioning costs in current dollars and provide that this figure will be updated every fifth (5th) year after commercial operation of the utility-scale solar panel energy system;
 - c. Be signed by the party responsible for decommissioning and the landowner (if different);
 - d. Define the conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.);
 - e. State that all equipment, conduit, structures, fencing, roads, and foundations will be removed by the end of the decommissioning period;
 - f. Require property to be restored to the condition it was in prior to the development of the solar farm;
 - g. Describe the timeframe for completion of decommissioning activities;

PRAIRIEVILLE TOWNSHIP

BARRY COUNTY, MICHIGAN

ORDINANCE NO. 170 B

ADOPTED: March 30, 2020

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain property in Land Section 36 from a "R-1 Low Density Residential District" zoning classification to a "C-1 Rural Area Convenience Commercial District" zoning classification; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
REZONING OF PROPERTY IN LAND SECTION 36**

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 5,000 square foot area of land in Land Section 36, as described herein, from the "R-1 Low Density Residential District" zoning classification to a "C-1 Rural Area Convenience Commercial District" zoning classification:

PARCEL "A1": 25' STRIP OUT OF 12-036-076-10 A PARCEL OF LAND BEING LOCATED IN THE FRACTIONAL EAST 1/2 OF SECTION 36, TOWN 1 NORTH, RANGE 10 WEST, PRAIRIEVILLE TOWNSHIP, BARRY COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 POST OF SAID SECTION 36; THENCE SOUTH 81.18 FEET ALONG THE EAST SECTION LINE TO AND ANGLE IN STATE HIGHWAY M-43; THENCE SOUTH 88°30' WEST ALONG THE CENTER OF SAID HIGHWAY 1009.30 FEET; THENCE NORTH 00°07'17" WEST 100.00 FEET; THENCE SOUTH 88°25'47" WEST 25.00 FEET FOR THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE CONTINUING SOUTH 88°25'47" WEST 25.00 FEET; THENCE NORTH 00°05'34" WEST 98.00' FEET; THENCE NORTH 88°12'18" EAST 25.00 FEET; THENCE SOUTH 00°05'34" EAST 98.12 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING ±2451 SQ. FT. AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.; and

PARCEL "B1": 25' STRIP OUT OF 12-036-076-10 A PARCEL OF LAND BEING LOCATED IN THE FRACTIONAL EAST 1/2 OF SECTION 36, TOWN 1 NORTH, RANGE 10 WEST, PRAIRIEVILLE TOWNSHIP, BARRY COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 POST

OF SAID SECTION 36; THENCE SOUTH 81.18 FEET ALONG THE EAST SECTION LINE TO AND ANGLE IN STATE HIGHWAY M-43; THENCE SOUTH 88°30' WEST ALONG THE CENTER OF SAID HIGHWAY 1009.30 FEET; THENCE NORTH 00°07'17" WEST 100.00 FEET FOR THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE SOUTH 88°25'47" WEST 25.00 FEET; THENCE NORTH 00°05'34" WEST 98.12' FEET; THENCE NORTH 88°12'18" EAST 25.00 FEET; THENCE SOUTH 00°05'34" EAST 98.23 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING ±2453 SQ. FT. AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SECTION II
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
REPEAL OF CONFLICT ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Rod Goebel, Clerk
Prairieville Township

PUBLISHED APRIL 2ND.
EFFECTIVE APRIL 10TH

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 171

ADOPTED: December 23, 2020

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance to clarify locations for accessory structures in certain districts, to clarify the site plan and special use approval processes, including reconsideration, to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
AMENDMENT TO ARTICLE IV, SECTION 4.13, SITE PLAN REVIEW
OF THE PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE**

Article IV, Section 4.13, Site Plan Review is amended by adding new subsection 4.13-9 Re-application or Reconsideration. The new subsection reads as follows:

SECTION 4.13-9 – REAPPLICATION OR RECONSIDERATION FOR SITE PLAN REVIEW

The re-application or reconsideration for a Site Plan Review which has been denied by the Planning Commission shall not be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the Planning Commission. Each re-application shall be treated as a new application.

**SECTION II
AMENDMENT TO ARTICLE IV, GENERAL PROVISIONS ,
SECTION 4.20, RESIDENTIAL ACCESSORY BUILDINGS
OF THE PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE**

Article IV, Section 4.20, Subsection (A) (C) (4), Residential Accessory Buildings is hereby revised to read as follows:

- C. Accessory buildings permitted without special land use permit:

4. In the "R-1", "R-2" and "R-4" zoning classification(s), a detached accessory building shall be located in the side or rear yard. A corner lot shall be considered for purposes of this section as having two (2) front yards.

SECTION III
AMENDMENT TO ARTICLE VII, SPECIAL LAND USE,
SECTION 6.11, OF THE PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Article VII, Section 6.11, Special Land Use, Hearing Procedure is amended by adding new subsection 6.11-1, Re-Application or Reconsideration for Special Land Use. The new subsection shall read as follows:

SECTION 6.11-1 – REAPPLICATION OR RECONSIDERATION FOR SPECIAL LAND USE

The re-application or reconsideration for a Special Land Use which has been denied by the Planning Commission shall not be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the Planning Commission. Each re-application shall be treated as a new application.

SECTION IV
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION V
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Rod Goebel, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 172 RG MD

ADOPTED: 5/12/2021

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of certain properties located in Land Section 6 from the "R-2 Medium Density Residential District" zoning classification to the "R-1 Low Density Residential District" zoning classification; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
REZONING OF PROPERTY IN LAND SECTION 6**

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 0.99-acre parcel of land in Land Section 6, parcel number 12-006-004-00, commonly addressed as 12440 Oakridge Road and as described herein, from the "R-2: Medium Density Residential District" zoning classification to the "R-1: Low Density Residential District" zoning classification:

SEC 6, T1N-R10W. COM NE COR SEC 6 W 59.4 FT TO SE COR SEC 31, S 60D-27M W 2141.30 FT FOR BEG, S 61D-39M W ON CEN LINE OF OF PINE LK RD 170 FT, S 9D-50M E 256.24 FT, N 61D-39M E 170 FT, N 9D-50M W 256. 24 FT TO BEG.
SPECIAL SEWERASSESSMENT PAID IN FULL.

**SECTION II
REZONING OF PROPERTY IN LAND SECTION 6**

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 0.69-acre parcel of land in Land Section 6, parcel number 12-006-003-21, commonly addressed as 12485 Pine Lake Road and as described herein, from the "R-2: Medium Density Residential District" zoning classification to the "R-1: Low Density Residential District" zoning classification:

SEC 6, T1N- R10W, COM AT THE NE COR OF SD SEC, TH W ALG THE N LI OF SD SEC, 379.50FT; S AT RIGHT ANGLES TO SD N SEC LI, 178.20 FT TO A PT ON THE NE'LY EXTENSION OF THE CENTERLI OF PINE LK RD; S 60D 00M W ALG SD CENTERLI AND SD NE'LY EXTENSION THEREOF, 1668.26 FT; S 61D 42M 15S W ALG CENTERLI, 278.01 FT FOR PLACE OF BEG , TH S 10D 25M 30S E, 183.87 FT; TH S 61D 42M 15S W, 176 FT; TH N 08D 32M 31S W, 185.94 FT TO SD

CENTERLI OF PINE LAKE RD; TH N 61D 42M 15S E, ALG SD CENTERLI OF PINE LAKE RD , 169.58 FT TO P.O.B.. .69 AC M/L Split on 02/13/2002 from 12-006-003-20;

SECTION III
REZONING OF PROPERTY IN LAND SECTION 6

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 0.7-acre parcel of land in Land Section 6, parcel number 12-006-003-22, commonly addressed as 12493 Pine lake Road and as described herein, from the "R-2: Medium Density Residential District" zoning classification to the "R-1: Low Density Residential District" zoning classification:

SEC 6 T1N- R10W, COM AT THE NE COR OF SD SEC, TH W ALG THE N LI OF SD SEC, 379.50FT; S AT RIGHT ANGLES TO SD N SEC LI, 178.20 FT TO A PT ON THE NE'LY EXTENSION OF THE CENTERLI OF PINE LK RD; S 60D 0M W ALG SD CENTERLI AND SD NE'LY EXTENSION THEREOF, 1668.26 FT; S 61D 42M 15S W ALG SD CENTERLI, 447.59 FT FOR PLACE OF BEG, TH S 08D 32M 31S E, 185.94 FT; TH S 61D 42M 15S W, 176 FT; TH N 06D 42M 20S W, 188.20 FT TO SD CENTERLI OF PINE LAKE RD; TH N 61D 42M 15S E ALG SD CENTERLI OF PINE LAKE RD, 169.59 FT TO P.O.B.. .69 AC Split on 02/13/2002 from 12-006-003-20;

SECTION IV
REZONING OF PROPERTY IN LAND SECTION 6

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 1.31-acre parcel of land in Land Section 6, parcel number 12-006-003-20, commonly addressed as 12431 Oakridge Road and as described herein, from the "R-2: Medium Density Residential District" zoning classification to the "R-1: Low Density Residential District" zoning classification:

SEC 6 T1N- R10W, COM AT THE NE COR OF SD SEC, TH W ALG THE N LI OF SD SEC, 379.50FT; S AT RIGHT ANGLES TO SD N SEC LI, 178.20 FT TO A PT ON THE NE'LY EXTENSION OF THE CENTERLI OF PINE LK RD; S 60D 0M W ALG SD CENTERLI AND SD NE'LY EXTENSION THEREOF, 1668.26 FT; S 61D 42M 15S W ALG CENTERLI, 278.01 FT; TH S 10D 25M 30S E, 183.87 FT FOR PLACE OF BEG; TH S 61D 42M 15S W, 352 FT; TH S 06D 42M 20S E, 161.80 FT; TH N 83D 17M 43S E, 172.87 FT; TH N 10D 25M 30S W, 115.24 FT; TH N 83D 17M 43S E, 173.37 FT; TH N 10D 25M 30S W, 166.70 FT TO P.O.B.. 1.32 ACS M/L SPLIT ON 02/13/2002 INTO 12-006-003-21, 12-006-003-22, 12-006-003-23;

SECTION V
REZONING OF PROPERTY IN LAND SECTION 6

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 19.5-acre parcel of vacant land in Land Section 6, parcel number 12-006-005-60, located on Pine Lake Road, and as described herein, from the "R-2: Medium Density Residential District" zoning classification to the "R-1: Low Density Residential District" zoning classification:

SEC 6, T1N-R10W. BEG AT A PT IN CEN PINE LAKE RD N 89D-56M E E 119.09 & S 06D-45M E 1313.75 FT FROM N 1/4 POST SEC 6, TH S 06D-45M E 613 FT, TH S 7D-21M E 868.45 FT ALONG FENCE TO A CANAL TO PINELK, TH S 82D-38M W 48.22 FT TO STAKE ON E LINE OF LAND DESC IN LIBER 260 OF DEEDS P256, TH N 48D-28M W 39.1 FT ALONG E LINE, TH N 64D-09M W 715.73 FT, TH N 26D-58M W 636.49 FT TO CEN PINE LK RD, TH N 51D-41M S 641.04 FT ALONG CEN LINE OF PINE LK RD TO CEN LINE OF GRAHAM RD, TH N 61D-44M E 367.75 FT TO POB 33 FT ROW 19.659 ACRES

SECTION VI
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VII
REPEAL /EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Rod Goebel, Clerk
Prairieville Township

TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN

ORDINANCE NO. 173

ADOPTED: JULY 14, 2021

EFFECTIVE; 1 DAY FOLLOWING PUBLICATION AFTER ADOPTION

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves and 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 gas and/or electric business in the TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF PRAIRIEVILLE ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves and 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 gas and/or electric business in the TOWNSHIP OF PRAIRIEVILLE, BARRY 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' gas lines, 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 gas and/or electric distribution system within said Township, and shall furnish gas and 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 gas and 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. REVOCAION. 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 gas and 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' gas and/or electric franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on July 23, 2021.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, on the 14th day of July, 2021.



Jim Stoneburner, Township Supervisor

Attest:

I, Rod Goebel, Clerk of the TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, a gas and/or electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.



Rod Goebel, Township Clerk

Dated: July 15, 2021

**TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF PRAIRIEVILLE, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of Ordinance No. 175 which was adopted by the Prairieville Township Board at a regular meeting on April 13, 2022.

**ORDINANCE NO. 175
PRAIRIEVILLE TOWNSHIP PARKS AND RECREATION ORDINANCE**

- SECTION I** **TITLE.** This Ordinance shall be known as the Prairieville Township Parks and Recreation Ordinance.
- SECTION II** **DEFINITIONS.** This section includes applicable definitions.
- SECTION III** **REGULATIONS.** This section includes regulations for use of Township Parks, including site entry fees and general regulations regarding hours of operation, parking, motor vehicle, boats/trailers and fuel powered engines regulations, regulations regarding fires, use of weapons and animals at Township Parks, and regulations for special events.
- SECTION IV** **LIABILITY AND ASSUMPTION OF RISK.** This section includes assumption of risk for using Township Parks.
- SECTION V** **PENALTY.** Violation of this Ordinance is a municipal civil infraction.
- SECTION VI** **SEVERABILITY.** The provisions of this Ordinance are severable.
- SECTION VII** **REPEAL.** All ordinances or parts of ordinances in conflict are repealed.
- SECTION VIII** **EFFECTIVE DATE.** This ordinance is effective thirty (30) days following publication, after adoption.

PLEASE TAKE FURTHER NOTICE that the full text of the above Ordinance is posted in the Office of the Prairieville Township Clerk at the address below and that a copy of the Ordinance may be purchased or inspected at the Township Clerk's office during regular business hours of regular working days following the date of this publication.

PRAIRIEVILLE TOWNSHIP
Rod Goebel, Clerk
10115 S. Norris Road
Delton, Michigan 49046
(269) 623-2664

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 175

ADOPTED: April 13, 2022
EFFECTIVE: May 21, 2020

PRAIRIEVILLE TOWNSHIP PARKS AND RECREATION ORDINANCE

An Ordinance to regulate the use of Prairieville Township parks and public access areas: to provide penalties for violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF PRAIRIEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as "The Prairieville Township Parks and Recreation Ordinance."

SECTION II

DEFINITIONS

As used in this ordinance, the terms herein have the following meanings:

- A. "Designated" means posted with a sign or signs at the site or otherwise reasonably identified for a particular use.

- B. "Written Permission" means written prior approval issued by the Prairieville Township Parks and Recreation Commission or by a representative authorized by the Commission to issue such a permit.

- C. "Camp" means the erection of any tent, the opening or setting up of a tent-type camper, the parking or occupancy of a travel or house trailer or sleeping in any type of bag or in any other manner during closing times.
- D. "Special Event" or "Activity" means any event or activity that may restrict, impede, prevent, or otherwise interfere with the use of the site by others or any event or activity that may require the temporary suspension of a provision of this Ordinance by the Commission.
- E. This Ordinance shall apply to all municipal parks, ball diamonds, boat launches and recreation areas within Prairieville Township which are owned or operated by Prairieville Township whether they exist at the time of adoption of this Ordinance or are created in the future. Present sites in Prairieville sites in Prairieville Township to which this Ordinance is applicable include:
1. Boat launches at Upper and Lower Crooked Lake
 2. Boat launch at Pine Lake
 3. Boat launch at Gull Lake
 4. Pine Lake Recreation Area
 5. Parker Road Park
 6. Prairieville Municipal Park, including the Municipal Ball Diamond
- F. The Township Board may designate by resolution additional parks or premises to which this Ordinance shall apply.
- G. A "person" violating Section III, Regulations, of this Ordinance is defined as the registered owner[s] of any vehicle, trailer or watercraft found to be in violation of any Regulation contained in Section III.
- H. "Parking Space" means a designated area for which a fee has been paid for the parking of: (1) a vehicle in a standard space, or (2) a vehicle with an attached trailer in an extended space.

SECTION III
REGULATIONS

- A. Site entry fees shall be established and changed by resolution of the Prairieville Township Parks and Recreation Commission. Notice of any such fee shall be posted conspicuously near the entrance of a site. Fees are to be paid by both Prairieville Township residents and nonresidents. The fee paid at each site is good only at that site. Annual passes are good at all sites.
- B. The following regulations apply to all persons, firms, corporations, or other organizations using any Prairieville Township parks, grounds, or facilities or lake access areas owned or operated by Prairieville Township; these regulations are in addition to, not in derogation of, any other provisions of these regulations:
1. General Regulations
 - a. No one shall park vehicles, recreational vehicles, or trailers of any kind within a designated lake public access area without payment of an established parking fee. Payment of such fee is to be made immediately upon entry. At sites employing an envelope system, a proof of payment numbered slip must be prominently displayed on the vehicle's dashboard. At sites equipped with an automated gate, a receipt must be prominently displayed on the vehicles' dashboard. Annual passes may be used for entry to all park sites. Annual pass hang tags must be hung on the vehicle's rear-view mirror. Parks and Recreation Commission members or a Parks' staff members may provide entry to the parks for emergency, repair, construction or like personnel and in unique circumstances which a timely response is required.
 - b. No one shall enter upon or remain in a Township site (i.e. a park or adjoining beach or swimming area or a lake public access area (except to recover a

boat) during closing times posted on the premises by order of the Prairieville Township Parks and Recreation Commission.

c. No one shall dispose of refuse, trash, garbage or waste material anywhere on the premises except in receptacles provided for that purpose and only if the refuse, rubbish, trash, garbage or waste material resulted from the use of the premises.

d. No one shall lounge, sit or lie upon walks, driving lanes, roads or paths or parking areas so as to obstruct the free passage of other persons.

e. No one shall post signs or distribute commercial advertising materials, erect a fence or barrier, or construct or occupy improvements upon the premises without receiving the prior written permission of the Prairieville Township Parks and Recreation Commission. No person shall post, paste, fasten, or affix any placard, bill, notice or sign on township premises except for temporary directional sign for picnics or special events. Temporary directional signs must be removed at the conclusion of any special event. Temporary directional signs must not mar, damage or stain any portion of a township facility or property.

f. No one shall injure, destroy, damage, mutilate or deface or move or remove any vegetation (whether alive or dead), building, fence, picnic table, equipment or other improvement, rock or mineral located on the premises.

g. No one shall possess, use or distribute anywhere on the premises a "controlled substance" as defined under Article 7 of the Michigan Public Health Code, being 1978PA 368, as it may from time to time be amended hereafter, or to consume alcoholic beverages in any area other than a designated area.

h. No one shall hunt or trap on the premises or in any manner disturb any bird or animal on the premises without the written permission of the Commission. Fishing

is permitted in accordance with the laws of the Michigan Department of Natural Resources in such areas properly designated for such purposes, subject to any special event or activity when applicable.

i. No one shall swim in any designated boat-launching area.

j. The use of profane or obscene language is prohibited. All persons within the park shall conduct themselves in an orderly manner consistent with all posted rules and regulations adopted by the Township Parks and Recreation Commission.

k. Persons playing baseball or softball shall do so only in locations designated for such purposes. Playing baseball or softball should not occur in areas which will endanger other persons, or which could result in damage to buildings or structures on the premises.

l. No person shall play any radio or any type of device which generates sound, including any musical instrument, with such volume as to unreasonably upset or disturb the quiet, comfort or peace of other persons in the park.

m. No person shall engage in any violent, abusive, boisterous, loud, illegal, obscene or similar disorderly conduct, which unreasonably interferes with another person's use or enjoyment of the premises.

2. Motor Vehicles

a. No one shall park vehicles, recreational vehicles, or trailers of any kind within a designated lake public access area without payment of an established parking fee.

b. No one shall park vehicles of any kind in any area other than designated parking areas and no vehicle shall be parked in such a manner that more than

one designated parking space is utilized. Where some of the parking spaces on the premises are specially designated for the parking of boat trailers and trailer rigs, the parking of such equipment shall be confined to these designated parking spaces unless directed otherwise by an authorized representative of the Commission.

c. Motor vehicles and non-motorized vehicles must be driven only in designated areas driving lanes and parking areas. One-person motorized vehicles designed and used to provide a disabled person with access to facility may be operated in pedestrian areas.

d. No one shall camp or park vehicles on the premises overnight.

e. Twenty-five miles per hour (25 mph) is the maximum permitted speed for all motor vehicles operated on township property unless otherwise posted.

f. Washing, polishing, or repairing of motor vehicles on township premises governed by this Ordinance is prohibited unless specifically authorized by the Parks Commission.

g. Unless otherwise designated, persons may operate a snowmobile, ATV, ORV, mini-bike, go-cart, golf-cart, or similar motorized device on any township premises covered by this Ordinance. Motorized devices designed for and used to provide disabled persons in need of such devices access to and use of township facilities are always permitted.

h. Persons driving vehicles towing a trailer carrying a watercraft are required to launch the watercraft within one (1) hour of entry into the park.

i. The parking or placement of a boat trailer that is carrying a watercraft in any parking space (as defined in Section II, H.) that is not attached to a vehicle is

considered, under this Ordinance, as unlawfully reserving that space. Any person(s) parking and/or placing a boat trailer that is not attached to a vehicle in a parking space is on notice that the boat trailer may be removed without prior warning at the owner's expense.

3. Boats and Items Towed to the Parks

- a. No one shall launch or retrieve a boat from any designated lake public access area without payment of any established fee for the same.
- b. No one shall store or leave a boat, trailer, vehicle, duck blind, ice shanty, raft or other property on a Parks & Recreation Commission site during the hours such site is closed. All vehicles left on such sites during closed hours shall be subject to towing or removal at owner's expense. The hours which the site is to be closed shall be established by the Parks and Recreation Commission and posted at the entrance to the site.
- c. No one shall operate a watercraft motor or engine at more than idle speed while launching or reloading unless the propeller is disengaged. "Powering" off or on is strictly prohibited.
- d. No vessel shall be docked, moored or anchored overnight on submerged littoral or riparian lands owned by Prairieville Township and located within 250 feet of the shoreline of a Prairieville Township park or public access area.

4. Use of fuel-powered or jet type engines

Unless otherwise designated, persons may fly, or use fuel-powered engine, or jet-type, or electric-powered model aircraft, boat, rocket, or like powered toys or models.

5. Fires

- a. No materials shall be burned on park premises except food may be cooked in grills provided on the premises. Portable barbecue grills or other containers for

cooking over fires or coals are strictly prohibited. No open or ground fires of any kind are permitted on the premises.

b. Cooking grills and picnic tables should not be used or held longer than necessary to permit their use by a maximum number of people.

6. Weapons or Explosive Materials

a. No one shall bring or use any unlawful firearm or illegal weapon upon the premises.

b. No person shall possess, bring or use explosive materials including any type of fireworks, or any dangerous substance, or any device which discharges projectiles by means of air pressure, explosive device, chemical reaction or similar means on the premises subject to this Ordinance unless carried by a duly authorized law enforcement officer or by a person licensed to carry a concealed weapon in accordance with state law, or by written permission of the Commission.

7. Animals

a. No one shall bring a dog or other pet animal onto the premises unless the following limitations are met:

1. An animal must be kept on a leash which can be no greater than 6 ft. maximum.
2. The animal must be kept under control at all times.
3. The person accompanying the animal shall pick up any of the animal's feces and place them in a waste disposal container.
4. Animals, with the exception of service dogs, shall not be allowed in playground areas, park building, or any area designated by sign as being prohibited to entry by dogs or other animals. Only service dogs are permitted in all pedestrian areas.

5. No animal, except a service animal, shall be allowed in any designated beach or swimming area.

6. Excessive barking or noise from any animal is prohibited.

b. No one shall ride or lead a horse or other riding animal or pack animal on or allow such an animal or any animal-drawn vehicle to use or travel areas other than established roads or trails designated for such use without the prior written permission of the Prairieville Township Parks and Recreation Commission.

8. Special Events or Activities

No one shall use the premises for business or commercial purposes or for any special event or activity of any organization or club without prior permission of the Prairieville Township Parks and Recreation Commission. The Prairieville Township Parks and Recreation Commission may in its discretion, and in consideration of conduct addressed by his ordinance, grant permission, with or without conditions, to individuals and organizations to use a township property covered by this ordinance in Section II E, including the use of such property to the exclusion of others for a specified time.

a. To obtain permission for special event or activity an individual or organization must do the following:

1. Make an application to the Prairieville Township Parks and Recreation Commission by following directions on the website.

2. Submit such request to the Recreation Director at least ten (10) business days before the date of the event for which permission is being requested.

3. Agree to comply with any conditions and requirements imposed by the Parks Commission. The Commission reserves the right to place conditions on the special event or activity or may, at its discretion, deny the request for permission.

4. Pay any reasonable fees and charges for such special use. Such fees and charges will be established in consideration of the nature of the use,

the time at issue, the number of people who will use the park, and the expense to the township or Commission. The Commission reserves both the right to establish a fee for use and to change the amount of such fee at its discretion.

b. Any fishing tournament or competition regardless of the number of participants is considered a special event or activity and must be registered. Make an application to the Prairieville Township Parks and Recreation Commission by following directions on the website.

1. Any fishing tournament or competition beginning prior to 9:00 a.m. shall employ an event starting method that creates a minimal noise level and minimal wake.
2. Persons or organizations seeking prior permission for a fishing tournament or competition shall follow the same procedures set forth for any entity seeking permission for a special activity or use.

c. A special event or activity may only be conducted with permission unless such permission is waived by an authorized representative of the Commission because it is determined that the special event or activity will not require Commission oversight and the event or activity is anticipated to have minimal impact on the use of the site by others.

SECTION IV LIABILITY AND ASSUMPTION OF RISK

Any person using the Prairieville Township parks or grounds which are the subject of this Ordinance shall assume the risk of injury, damage or loss suffered or incurred while on the premises.

SECTION V

PENALTY

A violation of this Ordinance (as amended by Ordinance 160, adopted April 19, 2017) is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
... 1st offense	\$100	...
... 2nd offense	\$150	...
... 3rd offense	\$250	...

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

SECTION VI

SEVERABILITY

Should any section, clause, paragraph, or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

SECTION VII

REPEAL

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VIII
EFFECTIVE DATE

This Ordinance shall take effect 30 days after its publication and supersedes all previous publications.

Rod Goebel, Clerk
Prairieville Township
10115 S. Norris Rd.
Delton, MI. 49046

CLERK'S CERTIFICATE

I, Rod Goebel, Township Clerk of the Township of Prairieville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on April 13, 2022, at 6:30 o'clock p.m., at the Prairieville Township Hall, located at 10115 S. Norris Road, Delton, Michigan, at which the following members were present: STONEBURNER, GOEBEL, PENCE, DEVRIES, DOSTER, the Board enacted and passed Ordinance No. 175, hereinbefore recorded, to become effective 30 days following publication after adoption as required by law and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: STONEBURNER
GOEBEL
PENCE
DEVRIES
DOSTER

Nays: —

Absent: —

I do further certify that a summary of Ordinance No. 175, including where the same could be examined or purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on Thursday, April 21, 2022; a copy of Ordinance No. 175 was posted at the Township Hall on APRIL 13, 2022; and that said Ordinance No. 175 was recorded in the official Ordinance Book on APRIL 13, 2022.

Dated: MAY 3, 2022

Rod Goebel
Rod Goebel, Clerk
Prairieville Township

**TOWNSHIP OF PRAIRIEVILLE
BARRY COUNTY, MICHIGAN
ORDINANCE NO. 176**

ADOPTED: 07/20/2022

EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION AFTER ADOPTION

An Ordinance to amend the Prairieville Township Zoning Ordinance by the rezoning of a certain property located in Land Section 31 from a "A, Agricultural District" zoning classification to "C-1, Rural Area Convenience Commercial District" zoning classification; and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

SECTION I
REZONING OF PROPERTY IN LAND SECTION

The Zoning Map as incorporated by reference in the Prairieville Township Zoning Ordinance is hereby amended by rezoning an approximately 6.5 acre parcel of land in Land Section 31, as described herein, from the "A, Agricultural District" zoning classification to the "C-1, Rural Area Convenience Commercial District" zoning classification.

A PARCEL OF LAND COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 31, T.1 N., R.10 W.; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 1109.33 FEET; THENCE NORTH PERPENDICULAR WITH SAID SOUTH LINE 240.00 FEET FOR THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE CONTINUING NORTH 431.16 FEET; THENCE NORTH 39°51' EAST 250.93 FEET TO THE SOUTHERLY LINE OF STATE HIGHWAY M-89; THENCE SOUTH 43°10' EAST ALONG SAID SOUTHERLY LINE 67.71 FEET; THENCE NORTH 46°50' EAST ALONG SAID SOUTHERLY LINE 50.00

SECTION II
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION III
REPEAL OF CONFLICT ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Rod Goebel, Clerk
Prairieville Township

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN**

ORDINANCE NO. 177

ADOPTED: April 19, 2023

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION
AFTER ADOPTION**

An Ordinance to amend the Prairieville Township Zoning Ordinance to add definitions for open-air businesses; to amend certain permitted and special land uses in the C-1 Rural Area Convenience Commercial District; to allow open-air businesses and outdoor sales and activities as a special land use in the C-1 District; to amend the permitted outdoor storage area in the I-1 Light Industrial District; to add new zoning requirements for open-air businesses; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**PRAIRIEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDAINS:**

SECTION I
AMENDMENT TO ARTICLE III, SECTION 3.1 DEFINITIONS,
OF THE PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Article III, Section 3.1, Definitions of the Prairieville Township Zoning Ordinance is hereby amended by adding a new subsection 71a, Open-Air Business, which shall read as follows:

- 71a. Open-Air Business. A business, a substantial part of which involves activities or the display, sale, and/or rental of goods outside of a building.

SECTION II
AMENDMENTS TO ARTICLE VI, SECTION 6.4,
PERMITTED AND SPECIAL LAND USES IN THE C-1 DISTRICT
OF THE PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Article VI, Section 6.4(B) of the Prairieville Township Zoning Ordinance is hereby amended to strike item 24 in its entirety, and in its place shall be the following:

“24. Accessory uses or buildings.”

Article VI, Section 6.4(C) of the Prairieville Township Zoning Ordinance is hereby revised as follows: Section 6.4(C), item 1 is struck in its entirety, and in its place shall be the following:

“1. Veterinarian clinics.”

Article VI, Section 6.4(C) of the Prairieville Township Zoning Ordinance is hereby amended to strike item 2 in its entirety, and in its place shall be the following:

“2. Childcare centers or day care centers which, except for the required outdoor area, are completely contained within an enclosed building. (See Section 4.39).”

Article VI, Section 6.4(C) of the Prairieville Township Zoning Ordinance is hereby amended to strike “, as a special land use,” from item 3, which shall now read:

“3. Fully enclosed mini storage buildings and warehouses for separate enclosed storage rented or leased primarily to residential and office customers subject to the following conditions and limitations:”

[Sub-sections 3(a) and 3(b) shall remain unchanged.]

Article VI, Section 6.4(C) of the Prairieville Township Zoning Ordinance is hereby amended to add a new item 4 which shall read:

“4. Open air businesses. (See Section 6.12-7)”

Article VI, Section 6.4(C) of the Prairieville Township Zoning Ordinance is hereby amended to add a new item 5 which shall read:

“5. Outdoor sales or activity accessory to a permitted or special land use.”

SECTION III
AMENDMENT TO ARTICLE VI, SECTION 6.4,
OTHER DEVELOPMENT REGULATIONS IN THE C-1 DISTRICT
OF THE PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Article VI, Section 6.4(D) of the Prairieville Township Zoning Ordinance is hereby amended to add a new item 3 which shall read:

“3. Outdoor storage in connection with the uses set forth in Sections 6.4 B. and 6.4 C. shall be allowed subject to the following:

- a. Outdoor storage shall be allowed only in the side and rear yard areas and may not be located within any required side or rear building setback.
- b. The Planning Commission may require outdoor storage areas to be visually screened from persons standing at ground level on any abutting property located in a residential zoning district and/or any abutting streets.
- c. The total area of outdoor storage shall not exceed 100% of the floor area of the principal building(s) on the premises.”

SECTION IV
AMENDMENT TO ARTICLE VII, SECTION 6.5,
LIMITATIONS ON I-1 LIGHT INDUSTRIAL DISTRICT
OF THE PRAIRIEVILLE TOWNSHIP ZONING ORDINANCE

Article VI, Section 6.5(D) of the Prairieville Township Zoning Ordinance, titled “Limitations,” subsection 6.5(D)(1)(c) is hereby amended to read as follows:

- “c. The total area of outdoor storage shall not exceed 100% of the floor area of the principal building(s) on the premises.”

SECTION V
AMENDMENT TO ARTICLE VII, SECTION 6.12,
TO ADD A NEW SECTION 6.12-7 IN THE PRAIRIEVILLE TOWNSHIP
ZONING ORDINANCE CONCERNING OPEN AIR BUSINESSES

Article VII is hereby amended to add a new Section 6.12-7 titled “Open Air Businesses” which shall read as follows:

“SECTION 6.12-7 – OPEN AIR BUSINESSES

- A. Minimum lot area shall be one acre.
- B. All open-air businesses shall be able to demonstrate that operations will effectively keep trash, paper, and other debris from blowing off the premises.
- C. All open-air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
- D. Unless specifically waived by the Planning Commission, a building of not less than 500 square feet of gross floor area shall be available on the premises for use in connection with the open-air business.
- E. Areas used for activities or the display, sale, and/or rental of goods in connection with the open-air business shall meet all applicable setback requirements.
- F. Adequate off-street loading and parking areas shall be provided on the premises of the open air business.”

SECTION VI
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION VII
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

Rod Goebel, Clerk
Prairieville Township

ORDINANCE NO. 178

FRANCHISE

MICHIGAN GAS UTILITIES CORPORATION

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE TOWNSHIP OF PRAIRIEVILLE, COUNTY OF BARRY, STATE OF MICHIGAN, FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, CONDUITS, VALVES, DRIPS AND ALL NECESSARY APPURTENANCES IN, UNDER AND ALONG THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES, OF SAID TOWNSHIP, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID TOWNSHIP OF PRAIRIEVILLE, COUNTY OF BARRY, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF PRAIRIEVILLE, COUNTY OF BARRY, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Township of Prairieville, Barry County, 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 of the Township for the purpose of constructing, maintaining and operating a gas distribution system in said 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 said Township and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said 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 said Township and for the purpose of conducting and operating a gas business in said Township subject to the terms and conditions hereinafter provided.

Section 2. 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. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

Section 3. Hold Harmless. Grantee shall at all times hold Township harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances. 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 4. Rates Established by Michigan Public Service Commission. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 5. Term: Effective Date. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be the latter of the date of the acceptance of the franchise by Grantee, which acceptance shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this ordinance or the day following the date of publication of the ordinance.

Section 6. Franchise Revocable; Irrevocability Upon Approval of Electors. The franchise herein granted shall be revocable at the will of the governing body of this Township, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

Section 7. Expenses of Election Paid by Grantee. In the event of a special election, the expenses thereof shall be deposited with the Clerk of this Township by the Grantee.

Section 8. Repeal of Prior Ordinance. The Franchise Ordinance adopted by Township on October 9, 2013, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 9. Publication. The Township Clerk is hereby directed to cause a true copy of this ordinance to be published in *Hastings Banner*, a newspaper circulating within the Township within thirty (30) days hereof.

Section 10. Recording of Ordinance. Within one (1) week after the publication of this ordinance, the Township Clerk shall record the ordinance in the Book of Ordinances kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted. An attested copy of the Ordinance shall also be filed with the Barry County Clerk within one (1) week after the publication.

Presented by: Supervisor Stoneburner

Seconded by: Clerk Goebel

Voting in Favor:DeVries, Doster, Goebel, Pence, Stoneburner

Voting Against:None

I hereby attest that the foregoing Ordinance was adopted by the Township Board of the Township of Prairieville, County of Barry, State of Michigan at a regular meeting held on the 19th day of April, 2023.

Dated: April 20, 2023

Rod Goebel

Prairieville Township Clerk

I further certify that the foregoing Ordinance was published and filed as follows:

Published in: _____

Date of Publication: _____

Date of Filing with the
Barry County Clerk: _____

Ordinance No.: _____ Date recorded in the
Township Book of Ordinances: _____

Dated: _____ _____

Clerk of the Township of Prairieville