

The Township of Monroe,
County of Newaygo,
State of Michigan

ZONING ORDINANCE OF THE TOWNSHIP OF MONROE,
COUNTY OF NEWAYGO, STATE OF MICHIGAN

Table of Contents:

Table of Contents	i
Article I - Short Title and Purpose	1
Article II - Definitions	3
Article III - Classification of Districts	7
Article IV - General Provisions	8
Article V - Non-Conforming Uses	13
Article VI - Parking and Loading Spaces	15
Article VII – Signs	16
Article VIII – Mobile Homes, Mobile Home or Trailer Parks	17
Article IX - General Provisions for Residential Districts	20
Article X - R-R Rural Residential District	22
Article XI - R-S Suburban Residential District	24
Article XII - R-L Lake Resort Residential District	26
Article XIII - Greenbelt District	28
Article XIV - Exceptional Uses	30
Article XV - Administration and Enforcement	34
Article XVI - Board of Appeals	37
Article XVII - Amendments and District Changes	41
Article XVIII - Separability and Repeals	42

The Township of Monroe, County of Newaygo, State of Michigan

ZONING ORDINANCE OF THE TOWNSHIP OF MONROE,
COUNTY OF NEWAYGO, STATE OF MICHIGAN

TITLE AND PREAMBLE

Article I F 2006

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Monroe pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement, and amendment of this Ordinance; to establish a Zoning Board of Appeals; and to prescribe penalties for the violation of the provisions herein.

THE TOWNSHIP BOARD OF MONROE TOWNSHIP, NEWAYGO COUNTY MICHIGAN, under the authority of the Township Rural Zoning Act, being Act 184 of the Public Acts of 1943, as amended HEREBY ORDAINS AS FOLLOWS:

ARTICLE I

TITLE AND PURPOSE

1.01 Short Title:

This Ordinance shall be known as the Zoning Ordinance of the Township of Monroe.

1.02 Purpose:

The Zoning Districts established by this Ordinance and the regulations specified for each such district have been developed in accordance with the continuing formulation of a Comprehensive Plan for the physical development of Monroe Township as part of Newaygo County. In their application and interpretation, the provisions of this Ordinance shall be held to be minimum requirements adopted to promote the public safety, health, morals and to sustain the quality of life. Among other purposes, these provisions are designed to conserve and protect lands, waters and other natural resources in the Township for their most suitable purposes; to protect productive agricultural lands for agricultural uses; to reduce hazards to life and property from flooding and air and water pollution; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid undue concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets; to facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewerage, drainage, and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Monroe Township.

1.03 Interpretation:

In their interpretation and application, any enforcement officer or agency, any court, any Township Board member, and Planning Commission member, and Zoning Board of Appeals member shall hold the provisions of this Ordinance to be the minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of Monroe Township.

1.04 Scope

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with existing provision of other laws or ordinances, except those which are specifically or by implication repealed by this

Ordinance, or to interfere with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

1.05 Control

Where this Ordinance imposes a greater restriction that is imposed or required by other rules, regulations or private restrictions stated in 1.04, the provisions of this Ordinance shall control.

ARTICLE II

DEFINITIONS

2.01 DEFINITIONS:

For the purpose of this Ordinance certain terms and words are herewith defined:

- (1) **Accessory Building:** A subordinate structure on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.
- (2) **Accessory Use:** A use naturally and normally incidental and subordinate to a principal use on the same premises.
- (3) **Alley:** A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
- (4) **Alteration of Building:** A change in the supporting members of a building, an addition, a diminution, change in use or conversion of a building or the removal of a building from one location to another.
- (5) **Automotive Sales Area:** An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes in operable condition.
- (6) **Automotive Repair Shop:** A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee.
- (7) **Basement:** A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
- (8) **Billboard or Signboard:** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.
- (9) **Board:** Wherever the word "Board" is used it refers to the Board of Zoning Appeals.
- (10) **Building Inspector:** The person or persons appointed by the ^{TWP Board} Township Board to administer this Ordinance. _{County}
- (11) **Boarding House or Rooming House:** A dwelling having one kitchen and used for the purpose of providing means and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.
- (12) **County Board:** The County Board of Commissioners.
- (13) **Dwelling or Apartment:** A structure designed or used as the residence or sleeping place for one or more persons, including one-family, two-family and multiple dwellings, apartment-hotels, boarding and lodging houses, but not including motels, hotels, tourist cabins, travel trailers or seasonal dwellings.

- (14) Dwelling Unit: One or more rooms designed for, or occupied by, not more than one family and two roomers or boarders.
- (15) Essential Service: The erection, construction, alternation, or maintenance by private companies or municipal departments of public utilities including gas, electrical, steam, communication, safety, water supply and distribution systems, sanitary sewer and storm sewer systems.
- (16) Family: A head of a household, his or her spouse, children or legal wards living together in a dwelling as a single housekeeping unit.
- (17) Farm: Any parcel of land zoned for agricultural use containing at least ten (10) acres which is used for the raising of agricultural products, livestock, poultry or dairy products for gain and uses incidental thereto; provided that the incidental uses shall be subordinate to normal agricultural use. Farm includes a Farm Dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced on the ownership as well as equipment used in farming operations.
- (18) Floor Area: The area of all floors computed by measuring the dimensions of the outside walls of a building excluding attic and basement floors, unenclosed porches and patios, terraces, breezeways, carports, verandas and garages.
- (19) Flood Plain: All areas adjoining a lake, stream, river or creek or a channel which are subject to inundation at the highest know flood water level.
- (20) Garage - Private: An accessory building or portion of a main building used primarily for the storage of passenger vehicles and for not more than one truck of a rated capacity not to exceed one (1) ton.
- (21) Governing Body: The Township Board of Monroe Township.
- (22) Institutional or Public Use: Churches, schools, teaching academic subjects, hospitals, convalescent or nursing homes, parks, civic centers, libraries and other Institutions having public or quasi-public uses.
- (23) Junk or Salvage Yard: An open area with three (3) or more units used for the collection, storage, dismantling, dumping, display, resale, exchange, baling, cleaning or handling of second hand, salvaged or used waste materials, machinery, vehicles, trailers, equipment, furnishings or parts thereof, of three (3) or more of the before mentioned pieces of equipment but excluding automobile, boat, or trailer sales areas and similar used carried on in completely enclosed buildings.
- (24) Kennel: Any lot or premises used for the sale, boarding, breeding or treatment of dogs, cats, or other household pets.
- (25) Lot: A parcel of land adjoining a dedicated public street or a perpetual, recorder private street but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plat.
- (26) Lot, Corner: A lot situated at the intersection of two (2) or more streets.
- (27) Lot Line: Lines bounding a lot as herein described.

- (28) **Major Street:** A street or highway so designated on the Major Road Plan of Newaygo County Master Plan and which is designed and intended to carry heavy traffic volumes.
- (29) **Minor or Local Street:** A dedicated public way or recorded private street which affords access to abutting properties, and is designed primarily to serve immediate neighborhood needs.
- (30) **Mobile Home:** A portable unit built with a relatively permanent foundation to be towed on its own chassis comprised of a frame and wheels, designed to be connected to utilities at a site and used as relatively permanent living quarters.
- (31) **Modular and Sectional Homes:** A dwelling unit consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.
- (32) **Non-Conforming Use:** A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the district in which it is located.
- (33) **One-Family Dwelling or Single-Family Dwelling:** A detached residential building designed for or occupied exclusively by one family and in no case permitting more than two (2) roomers or boarders.
- (34) **Parking Area:** An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.
- (35) **Person:** A legal entity or individual human being; "person" shall include an association, corporation, organization, partnership or a firm.
- (36) **Planning Commission:** The Newaygo County Planning Commission.
- (37) **Principal or Main Use:** The primary or predominant use of the premises.
- (38) **Public Utility:** Any person, firm or corporation duly authorized to furnish, and who is engaged in furnishing, to the public under State, County or Municipal regulations electricity, gas, steam, telegraph, transportation or water services.
- (39) **Service Station or Filling Station:** A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile accessories and minor repair service, but not including major automotive repairs.
- (40) **Sign:** Any announcement, declaration, illustration, or insignia used to advertise or promote the interests of any person, product or project when the same is placed, painted or displayed out of doors in view of the general public.
- (41) **Single Ownership:** Ownership by one person or by two or more persons jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.
- (42) **Story:** That portion of a building included between the surface of any floor and the surface of the floor above it; where there is no second floor, then store shall mean the space between the floor and the ceiling next above it. A story, thus defined, shall not include any portion of a building having more than 50 percent of its total cubic content below the established grade level.

- (43) **Street:** A public right-of-way of 50 feet or more in width which has been dedicated for the purpose of providing access to abutting private lots or land, including the space for pavement and sidewalks.
- (44) **Structure:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term building shall mean the same.
- (45) **Swimming Pool:** A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground holding water less than a depth of 18 inches.
- (46) **Terms:** The present tense shall include the future; the singular number shall include the plural; and the plural the singular. The word "shall" is always mandatory. The words "zone" and "district" are the same. Reference to a whole shall apply to a part thereof. The word "lot" includes the words "plot" or "parcel". Any word or term not defined herein shall be used with a meaning of common utilization.
- (47) **Yards:**
- (a) **Front Yard:** An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the front street property line and the nearest foundation of any part of the building.
- (b) **Side Yard:** An open unoccupied space unless occupied by a use as hereinafter specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, extending from the front yard to the rear yard.
- (c) **Rear Yard:** A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot and lying between the rear foundation of any building other than an accessory building, and the rear lot line.
- (48) **Zoning Administrator:** ~~The Building Inspector and~~ Zoning Administrator shall be appointed by the Township Board to administer this ordinance according to Township Rural Zoning Act #184 P.A. 1943. (MZE 4/17) 0006
- ~~(49)~~ **The Building Inspector and Zoning Administrator can be combined as one office but is not mandatory.**
- (50) **Zoning Administrator/Enforcement Officer:** Authorized official appointed by Monroe Township Board, to issue Municipal Civil Infraction notices and citations.

ARTICLE III

CLASSIFICATION OF DISTRICTS

3.01 Zone District:

For the purpose of this Ordinance Monroe Township, exclusive of incorporate cities and-or villages, is hereby divided into four (4) Zone Districts to be know as:

- RR Rural Residential District
- RS Suburban Residential District
- RL Lake Resort Residence District
- G Green Belt District

CO Commercial District

3.02 Map:

The Map entitled Zoning Map delineating the above districts is hereby declared to be a part of this Ordinance. Except where references by dimensions are shown on said map, the district boundary lines, section lines, fractional section lines or the center lines of highways, streets or alleys as they existed at the time of the adoption of this Ordinance.

3.03 Lot Divided by Zone Line:

Where a district boundary line of the Zoning Map divides a lot, the least restricted use shall not extend beyond such line.

ARTICLE IV
GENERAL PROVISIONS

4.01 Zoning affects all structures and land and the use thereof:

No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered except in conformity with the regulations herein set forth.

4.02 Restoring unsafe buildings:

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

4.03 Building Permits:

No structure shall hereafter be erected, enlarged, altered or reconstructed until a Building Permit has been obtained from the Building Inspector, provided however that in the RR District farm accessory buildings of 400 square feet or more on lots of 60,000 or more square feet, shall be issued a building permit without fee. Plans for such farm accessory buildings shall be checked by the Building Inspector before construction begun to insure that the yard and setback requirements of the RR District are met.

4.04 Pending Building Permits:

Any building permit issued prior to the effective date of this Ordinance shall be valid; provided however that construction shall be commenced within sixty (60) days after said date and shall not thereafter be discontinued for a continuous period in excess of sixty (60) days.

4.05 Mixed Occupancy:

Before issuing a building permit for any premises intended for use as a combination dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alteration, the Building Inspector shall request a report from the Newaygo County Health Officer as to any hazards that exist or may be expected to exist from the proposed use, together with his recommendations for any additional provisions or alterations necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

4.06 Required Area Or Space:

No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided or reduced.

4.07 Traffic Visibility and Corner Clearance:

On any corner lot in any zone, other than the B-C Central Business District where no yard space is required, no fence, structure or planting, except deciduous trees, which are over 30 inches in height above the curb line shall be erected or maintained within 20 feet of the intersection of the right-of-way lines in order to prevent traffic hazards arising from inadequate visibility.

4.08 Institutional Uses and Essential Services:

Institutional uses are permitted in any residential zone following the review and approval of a site development plan by the Township Zoning Board and the Newaygo County Planning Commission prior to the issuance of a Building Permit. Before approving such site plan said agencies shall determine that all aspects therein conform to the requirements of the Ordinance and that the physical layout and relationship of improvements will provide for the convenience, safety and welfare of the general public and will not adversely affect existing, or potential, adjacent primary permitted uses.

Essential Services may be located in any Zone subject to the approval of the Township Board, provided that the reviews by the Township Zoning Board and County Planning Commission, as required in Institutional Uses, shall precede Township Board action where a structure is to be erected.

4.09 Yards:

Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a street except that in L-R Lake Resort district the lake frontage may be the front yard. In such case, no building is permitted within 50 feet of the edge of the street right-a-way, and side yard requirements shall be met. On streets less than sixty-six feet in width, the required front yard shall be increased by one-half the difference between the width of the street and sixty-six feet. On lots facing upon a major street or highway, the required front yard shall be measured from a line 50 feet from the edge of the right-a-way of the street or highway. The following modifications may be made:

- (1) On a lot facing upon a minor or local street where lots adjoining it on both sides have been built upon with a set back less than required by this Ordinance, the front yard may conform the established front yard setback: provided, however, that no front yard may hereafter be less than one-half of the zone requirements of this Ordinance.

4.10 Principal Use:

No lot may contain more than one (1) principal building provided that groups of apartment buildings or retail business buildings under single ownership shall be deemed a principal use collectively.

4.11 Accessory Building: - *Replaced by Resolution 2014-01*

No accessory building may be built upon any lot on which there is no principal building, except under the following conditions:

- (1) Farm accessory buildings shall not be subject to above restriction.
- (2) Adjoining lots in single ownership may be considered one lot.
- (3) In the LR Lake Resort District, where an owner has a lot across a street right-a-way from his principal building, construction of an accessory building on the lot may be approved by the Board provided its location conforms to Section 9.01 of this Ordinance.
- (4) Any accessory building under 100 square feet, no permit required.

MONROE TOWNSHIP RESOLUTION TO ADOPT CHANGES TO SECTION 4.11 OF THE MONROE TOWNSHIP ZONING ORDINANCE

Monroe Township, Newaygo County

Resolution Number 2014-01

WHEREAS, the Monroe Township Board wishes update to existing zoning ordinance with regards to accessory buildings without a principal structure

NOW, THEREFORE, BE IT RESOLVED that the Monroe Township Board, Newaygo County Mi, approves the following wording to replace Section 4.11 of the Monroe Township Zoning Ordinance.

4.11 Accessory Buildings

Accessory buildings are allowed on lots with a principal structure.

One (1) accessory building for residential use (i.e., not commercial, business, office, or industrial use) without the presence of a principal residential dwelling on the same lot is permitted in all zoning districts, provided that all of the following requirements are met:

Shall be located on a lot 5 acres or greater.

Shall have a floor area no less than 1,000 square feet and no more than 2500 square feet

Shall comply with all side, rear, and front yard requirements pertaining to this type of construction specified in this Ordinance.

Shall meet all adopted Township building codes and shall comply with all state and local regulations to inhibit or otherwise discourage unlawful entry.

Accessory buildings of 100 square feet or less shall be allowed on lots of 5,000 square feet or greater and shall maintain a 4 foot minimum side yard setback.

Accessory buildings are permitted in front yards provided the parcel is at least 5 acres in size and the accessory building is located at least 150 feet away from the road.

No accessory building shall be located closer than 10 feet to any other accessory building and 10 feet to the principal building.

No accessory building shall be used for dwelling purposes. A mobile home cannot be used for an accessory use, for by definition, a mobile home when used as a dwelling would be subject to all regulations in this Ordinance for dwellings.

The use of semi-trailers, mobile homes, campers, buses, box cars, train containers and the like for storage or accessory use is prohibited except as a temporary use for construction projects

Motion made by NANCY. Seconded by Gretchen.

Upon roll call vote the following voted

Stacie Kailing "Aye": "No": Gretchen Meeuenberg "Aye": "No":

Stephen Jones "Aye": "No": Nancy Stone "Aye": "No":

Janice Stevens "Aye": "No":

The Supervisor declared the resolution adopted: Janice Stevens

I, NANCY STONE, the duly elected and acting Clerk of Monroe Township, hereby Certify that the foregoing resolution was adopted by the Township Board by a roll call vote at a regular meeting of the Board held on Oct 8, 2014, at which meeting a quorum was present; and that this resolution was ordered to take immediate effect.

Nancy Stone Clerk

4.08 Institutional Uses and Essential Services:

Institutional uses are permitted in any residential zone following the review and approval of a site development plan by the Township Zoning Board and the Newaygo County Planning Commission prior to the issuance of a Building Permit. Before approving such site plan said agencies shall determine that all aspects therein conform to the requirements of the Ordinance and that the physical layout and relationship of improvements will provide for the convenience, safety and welfare of the general public and will not adversely affect existing, or potential, adjacent primary permitted uses.

Essential Services may be located in any Zone subject to the approval of the Township Board, provided that the reviews by the Township Zoning Board and County Planning Commission, as required in Institutional Uses, shall precede Township Board action where a structure is to be erected.

4.09 Yards:

Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a street except that in L-R Lake Resort district the lake frontage may be the front yard. In such case, no building is permitted within 50 feet of the edge of the street right-a-way, and side yard requirements shall be met. On streets less than sixty-six feet in width, the required front yard shall be increased by one-half the difference between the width of the street and sixty-six feet. On lots facing upon a major street or highway, the required front yard shall be measured from a line 50 feet from the edge of the right-a-way of the street or highway. The following modifications may be made:

- (1) On a lot facing upon a minor or local street where lots adjoining it on both sides have been built upon with a set back less than required by this Ordinance, the front yard may conform the established front yard setback: provided, however, that no front yard may hereafter be less than one-half of the zone requirements of this Ordinance.

4.10 Principal Use:

No lot may contain more than one (1) principal building provided that groups of apartment buildings or retail business buildings under single ownership shall be deemed a principal use collectively.

4.11 Accessory Building:

No accessory building may be built upon any lot on which there is no principal building, except under the following conditions:

- (1) Farm accessory buildings shall not be subject to above restriction.
- (2) Adjoining lots in single ownership may be considered one lot.
- (3) In the LR Lake Resort District, where an owner has a lot across a street right-a-way from his principal building, construction of an accessory building on the lot may be approved by the Board provided its location conforms to Section 9.01 of this Ordinance.
- (4) Any accessory building under 100 square feet, no permit required.

4.12 Dwelling on Rear of Lots:

No dwelling shall be constructed, altered or moved in the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved in front of a dwelling situated on the same lot.

4.13 Corner Lots:

Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on one abutting street only, provided that no portion of the lot within 25 feet of the side lot line of any adjoining property may be utilized unless the front yard requirement for the adjoining property is met.

4.14 Temporary Permits:

The following temporary uses are permitted by special temporary permit in districts as regulated herein; all such uses shall be terminated within 30 days after expiration of said permit:

- (1) Trailers or mobile homes. An individual trailer or mobile home may be used as temporary living or working quarters for up to 90 days while a dwelling is being constructed on the same premises. A reasonable extension may be granted prior to completion of the dwelling.
- (2) The use of an individual trailer or mobile home as a temporary dwelling may be approved in the RR Districts for a period of up to 90 days for persons having short term or temporary employment within Newaygo County; said permit shall only be valid for one designated site and no trailer may be parked in a required front yard space.
- (3) Signs and Supplies. The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Building Inspector for a period up to six (6) months, subject to renewal.
- (4) Subdivision Office. The Board, after a hearing, may authorize a Temporary Certificate of Occupancy for a dwelling in a new subdivision to be used as a sales and management office for a period of six (6) months, subject to renewal.
- (5) Temporary Structure Removed. Temporary buildings for uses incidental to construction work shall be removed within a 30 day period, subject to renewal, upon completion or abandonment of work.

4.15 Basement Dwellings:

The use of the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones for a duration of more than two (2) years. Further it shall be required that said basement residence or dwelling unit shall have two (2) exits to the outside. The use of a basement more than four (4) feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided, that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement

dwelling.

4.16 Walls and Fences:

Retaining wall and fences not more than five feet in height are permitted in the required yards of all zones except as regulated in 4.7. Walls and solid fences of not more than six (6) feet in height are permitted in side or rear yards of all zones, provided that the provisions of Section 4.7 be met.

4.17 Height Exceptions:

The height limitations of all zones may be exceeded by the following structures: parapet walls, chimneys, silos, and farm barns, television and radio antennas, monuments, cupolas, spires or other ornamental projections, water towers or fire towers.

In the Industrial Zones Chimneys, cooling and fire towers, elevators building and bulkheads, roof storage tanks and other necessary appurtenances are permitted above the height limitations provided they are located the same distance as their height from any adjoining property line.

4.18 Sewer and Water:

Where municipal utility services are available, no Building Permit shall be issued for any building to be occupied by human beings, in whole or in part, for commercial, residential, industrial, or recreational purposes unless provisions have been made to install public sewers and water service to such buildings; in the absence of public sewer and-or water, no Building shall be issued for any building to be occupied by human beings in whole or in part for commercial, residential, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage disposal system; evidence of compliance with the requirements of the Newaygo County Health Department shall accompany the application for a building permit.

4.19 Refuse:

The storage, collection or placing of discarded material, building materials, inoperable or unlicensed motor vehicles or refuse is prohibited in all zones except as provided in Article XIV.

4.20 Flood Plain:

The Flood Plain areas of lakes, major rivers and their branches and tributaries shall be determined from time to time by an engineer or agency designated by the County Board and a public record of said information shall be kept in the offices of the Township Zoning Administrator and the County Drain Commission. Such determinations shall be made on the basis of past experience with floods, information furnished by the Michigan Water Resources Commission, the Soil Conservation Service and other responsible agencies. No building for human occupancy shall be erected, or hereafter occupied if vacant, in Flood Plain areas.

4.21 Excavation of Top Soil:

Top soil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises except when in connection with construction and grading operations, and when the top soil is in surplus amounts; or as a product of excavation of muck, peat, sand, gravel, or other mineral deposits, as authorized by the Board.

4.22 Greenbelt Preservation:

In order to preserve water quality in rivers and streams of the Township and to prevent deterioration of these streams and the major Great Lakes tributaries to which these waters drain, it is necessary to regulate the use of adjoining lands. Hereafter, land within 300 feet of any stream must meet provisions of Section 13.01.

No structure may be erected within 50 feet of the water's edge, or, if the established Flood Plain exceeds 50 feet, then within the Flood Plain area; provided that pump houses may be built except in the Flood Plain and docks which do not extend more than five (5) feet into the water are permitted. Every residential lot shall have a minimum lot area of five (5) acres and a minimum frontage of 200 feet. A strip 25 feet wide, bordering the river banks, shall be planted and maintained in trees and shrubs, or if undisturbed, it shall be left in its natural state. Trees and shrubs may be pruned or trimmed for a distance not to exceed 50 feet of stream frontage to obtain a view of the river or stream. Plans for any construction, grading, or any lot or subdivision preparation which involve removal of ground cover shall conform to the sedimentation control rules of the Newaygo County Soil Conservation District and no building permit shall be issued until such conformity is assured. No septic tank drainfield may be closer than 100 feet to the water's edge and shall in placement and design conform to all regulations of the Tri-County Health Department.

4.23 Channelization:

On any developed lake any Township, there shall be no new channelization on lakefront properties which would increase the numbers of lake users and therefore substantially increase the dangers of polluting or degrading the water quality of the lake.

4.24 Planned Unit Development:

Preliminary plans for any requests for Planned Unit Development permitting mixtures of various types of development shall be submitted to the Zoning Commission and the Count Planning Commission and processed, granted or denied in accordance with the County Zoning Ordinance.

4.25 Private Owned Roads Access:

All private owned roads, easements, right of ways, and drive ways, are the responsibility of, and shall be maintained by the property owner.

MONROE TOWNSHIP
NEWAYGO, MICHIGAN

ORDINANCE # 062

8.3 Parking and storage of Recreational Trailers.

Chapter 1 - Title. This Ordinance shall be known and may be cited as the "Monroe Township Recreational Trailer Parking and Storage Ordinance."

Chapter 2 - Purpose. It is the purpose of this Ordinance to regulate the parking, storage, use and occupancy of recreational trailers in Monroe Township. This Ordinance recognizes that there is a need to regulate the parking, storage, use and occupancy of recreational trailers in order to enhance the value of residential districts, protect property values and to promote the public safety and general welfare.

Chapter 3 - Definitions. For the purposes of this Ordinance, the term "Recreational Trailer" shall mean any motor vehicle or trailer designated and used as a travel trailer, camper, motor home, tent trailer, pickup camper, fifth wheel, or any other similar purpose, capable of being used for living and sleeping quarters.

Chapter 4 - Occupation. It shall be unlawful to occupy any recreational trailer anywhere in Monroe Township, other than in approved parks or campgrounds, or as provided for in this Ordinance.

Chapter 5 - Placement and Use.

a. One recreational trailer may be annually placed on a parcel in Monroe Township provided that all of the following conditions are met:

1. The recreational trailer must be licensed to the owner of the property where it is located.
2. The property owner must register the recreational trailer with the Zoning Administrator.
3. No skirting, attachments, awnings, or additions may be made to the recreation trailer without first obtaining a building permit and a permit from the Zoning Administrator.
4. The recreational trailer must have an approved method of sewage disposal.
5. The recreational trailer shall not be occupied for more than 90 continuous days. The occupation shall be for recreational purposes only.

b. In addition to the annually placed recreational trailer, two recreational trailers may be temporarily placed on a parcel in Monroe Township provided that the following conditions are met:

1. The property owner must register each temporary recreational trailer with the Zoning Administrator.
2. No skirting, attachments, awnings, or additions may be made to the recreational trailer without first obtaining a building permit and a permit from the Zoning Administrator.
3. The recreational trailer must have an approved method of sewage disposal.

4. The recreational trailer must have an approved method of sewage disposal.
5. The recreational trailer shall not be placed on the parcel for more than 60 continuous days and no more than 120 days during any calendar year.
6. The Zoning Administrator must be notified in writing of each of the following:
 - i. The registered owner of the recreational trailer;
 - ii. The parcel the recreational trailer will be placed on.
 - iii. The date the recreation trailer will be placed on the parcel;
 - iv. The date the recreational trailer was removed from the parcel.

Chapter 6 - Fees. A \$60 fee shall be paid to the Zoning Administrator for each annually placed recreational trailer.

A \$20 fee per temporarily placed recreational trailer shall be paid to the zoning administrator for each 60 day period a recreational vehicle is temporarily placed. _____

Chapter 7 - Administration and Enforcement.

- a. **Enforcement.** The Township Zoning Administrator is hereby authorized, empowered and directed to enforce all the provisions of this Ordinance and any subsequent amendments hereto and he is authorized to employ the necessary assistants to aid in the enforcement of this Ordinance.
- b. **Complaints.** Complaints on any violations of this Ordinance shall be filed with the Township Zoning Administrator.
- c. **Penalties.** Any person who fails to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fine not more than Five Hundred Dollars (\$500.00), or shall be imprisoned in the county jail for not more than ninety (90) days, or both. Each and every day during which a violation continues shall be deemed a separate offense.

Chapter 8 - Severability: Conflict with Other Ordinances.

- a. **Severability.** The provisions of this Ordinance are severable and it is the intention of the Monroe Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be unconstitutional by any court of competent jurisdiction, the decisions of the court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not been included therein.
- b. **Conflict with Other Ordinances.** To the extent that any other Ordinance regulates the subject matter regulated by this Ordinance, the Ordinances shall be construed together, if possible, and the remedies of the Ordinances shall be cumulative. Where the provisions of any other Ordinance conflict with the provisions of this Ordinance, the more specific and restrictive Ordinance shall prevail and its terms shall control. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Township Board for a final determination of intent. The remainder of the Ordinance shall remain in full force and effect.

ARTICLE V

NON-CONFORMING USES

5.01 Continuance of Non-conforming Use or Structure:

The lawful use of any land or structure, exactly as it existed at the time of the enactment of this Ordinance, may be continued even though such use or structure does not conform with the provisions of this Ordinance. Structures, or uses which are non-conforming by reason of height, yards and area or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height, area or parking provisions are occasioned thereby.

5.02 Unlawful Use Not Authorized:

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

5.03 Change Of Use:

The use of a non-conforming building may be changed to another non-conforming use if the Board finds that such new use would markedly decrease the degree of non-conforming and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use nor to waive the other provisions of this Article.

5.04 Restoration and Repairs: ?

Such repairs and maintenance work as are required to keep a non-conforming building or structure in sound condition may be made. If a non-conforming building or structure is damaged or destroyed to the extent of 60 percent of its real value by fire, flood, wind or other calamity, its reconstruction shall be in accordance with this Ordinance. A non-conforming use damaged to a lesser extent may be restored to its size at the time prior to such damage and its use resumed. Any such restoration shall be started within a period of one (1) year of the time of such damage and diligently prosecuted to completion.

5.05 Non-conforming Due to Reclassification:

The foregoing provisions of this Article shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

5.06 Non-conforming Use Discontinued:

No building or premises where a non-conforming use has ceased for more than twelve (12) months shall be devoted to a non-conforming use except as provided in Section 5.03.

5.07 Non-conforming Uses Eliminated:

All existing junk yards, as herein defined, with a location which is approved under the regulations of Article XIV may continue if the operator obtains a license from the Township Board or its agent and complies with the requirements of Article XIV. Notwithstanding the provisions of Section 5.01, all other junk yards not meeting the above conditions shall be discontinued within three (3) years of notification by the Building Inspector. Non-conforming signs and billboards may be maintained

until such time as the sign structure, frame or supports must be replaced, renovated, altered or moved. At such time the sign shall comply with all provisions of this Ordinance. This shall not be construed to prohibit the relettering or repainting of a sign or billboard.

5.08 Existing Platted Lots:

Any lot platted or created prior to the effective date of this Ordinance that fails to comply with the minimum requirements of its zone district may be used in the following manner:

(1) A lot in single ownership at the effective date of this Ordinance which contains less than 80 percent of the Zone District width and area requirements and is not adjacent to lots owned by the same person, family, partnership or corporation may be sold and-or utilized for a single family dwelling.

(2) Any lot which meets 80 percent or more of the zone district width and area requirements may be sold and-or utilized as a separate lot whether in single ownership or not; provided, however that the front yard must conform to the requirements of the Zone District in which said lot located. Any lot facing upon a major street or highway must conform to the provisions of Section 4.09.

(3) Two (2) or more adjacent lots containing less than 80 percent of the zone district requirements and owned by the same person, family, partnership or corporation, at the effective date of this Ordinance, shall be redivided to meet at least 80 percent of the zone district requirements; provided that the Board may permit the use or redivision of less than four (4) such lots in conformity with the established character of existing adjoining homes.

ARTICLE VI

PARKING AND LOADING SPACES

6.01 Residential Off-Street Parking:

Provision shall be made for at least one (1) garage space or one off-street parking space with a durable, dustless surface for each new dwelling unit. Multiple dwelling structures shall provide two (2) off-street parking spaces with a **durable, dustless surface for each dwelling unit**. Parking in residential zones is only permitted as an accessory use or as a transitional use.

6.02 Non-Residential Off-Street Parking:

Provisions shall be made for one (1) square foot of total parking area for each square foot of floor area for all new non-residential buildings or additions to such buildings in all districts. The conversion of an existing residence to another use shall be deemed to be a new use which must meet all provisions of this Article.

6.03 Mixed Occupancies And Use Not Specified:

In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Collective provision for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theatres or other uses in which the primary parking demand occurs out of normal work and business hours may be jointly used where adequate arrangements are made by the Board to insure that adequate space is available for each function.

6.04 Size And Access:

Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be a minimum of nine (9) feet in width. There shall be adequate provision for ingress and egress to all parking spaces. No access or egress to a parking area accessory to a commercial or industrial use shall utilize any residential street unless it is a side street with no residential lots facing upon it. All parking areas with more than three (3) spaces legibly painted on the surface of the parking area.

6.05 Units of Measurement:

For the purpose of this Section, "Floor Area" shall mean the gross floor area of all floors of a building or an addition to an existing building excluding basements and those areas used exclusively for storage of goods or supplies. The total parking area excludes access drives within the parking area.

6.06 Location Of Off-Street Parking Facilities:

Required off-street parking facilities shall be located on the same lot as a principal use in residential and agricultural zones. In commercial and industrial districts additional off-street parking is permitted as a principal use on a separate lot.

ARTICLE VII

SIGNS

7.01 Signs in the One-Family Districts

In the RR, RS, RL and G Districts the following signs shall be permitted:

- (1) One non-illuminated professional or nameplate sign not more than 144 square inches in area.
- (2) One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed 8 square feet in total area.
- (3) One subdivision sign in subdivision developments are permitted in Section 4.15.
- (4) A sign or signs aggregation not more than 12 square feet for parking uses permitted by Section 6.9 or which are deemed necessary to the public welfare by the Governing Body.
- (5) A sign of not more than 12 square feet advertising the name and activities of a permitted non-residential use.
- (6) Customary farm and farm crop signs on active farms.
- (7) None of the signs permitted in the Residential Districts shall be erected nearer any street or road than half the setback required for the principal building to be erected on said lot, provided that a nameplate or mailbox sign not more than 72 square inches in area may be placed anywhere within the front yard. 2 x 4'
- (8) Signboards and Billboards in the RR District. For the convenience of the traveling public and the preservation of values in community business areas, local service billboards are permitted on any road in the RR Agriculture District within a radius of one mile from the boundaries of a city or village subject to the following provisions:
 - (a) The billboards must serve to identify a Newaygo County community or advertise a Newaygo County community business.
 - (b) The billboard shall not exceed 120 square feet in area.
 - (c) The billboard shall not be nearer than 330 feet to any road intersection, any other billboard or any residential building.

ARTICLE VIII

MOBILE HOMES, MOBILE HOME OR TRAILER PARKS

A mobile home or trailer, as defined by this Ordinance is a **portable unit without a permanent foundation built to be towed on its own chassis, comprised of frame and wheels**, designed to be connected to utilities at a site and used for year-round living. A mobile home or trailer is not a dwelling unit as herein defined; provided, however, that when a mobile home is properly electrically grounded and sufficiently anchored to a reinforced concrete-slab, 4 inches or more in thickness with the wheels and axles removed and the base of the trailer enclosed with metal, fiberglass or other approved skirting material it may be considered a dwelling unit in the RR, the RL and the Greenbelt Districts if the floor area and lot area requirements of the Zone District are met.

8.01 Location:

The use of trailers or mobile homes in Monroe Township shall only be permitted in licensed parks except under the following conditions:

- (1) As provided in Article 4.15, an individual mobile home may be permitted by a temporary permit in the RR District for a period of up to 180 days as temporary living and working quarters while a dwelling is being constructed on the same premises; and
- (2) The temporary location of an individual mobile home may be permitted under a temporary permit in the RR District for a period of up to 180 days for persons having short term or temporary employment within the County; such permit shall only apply to the site designated at the time of application.
- (3) No mobile home so permitted shall be occupied until a permit is granted by the Building Inspector.
- (4) No mobile home or trailer may be located in a required front yard.
- (5) The use of a trailer or mobile home as a second living quarters on a farm for a member or members of the owner's family or for an unrelated family having permanent employment on the farm is permitted in the rear portion of the yard space, provided that:
 - (a) The mobile home shall be no closer than 30 feet to the line of the principal dwelling on the premises, nor closer than 30 feet to any lot line of adjoining property.
 - (b) Such use shall only be permitted through a yearly permit which shall be renewed after each 12 month period.
 - (c) Arrangements for a safe water supply and sewage disposal shall be in conformity with and approved by the County Health Department.
 - (d) Said use shall not be construed to permit the sale of a parcel of land to the trailer occupant.
- (6) Mobile Homes on individual sites may be permitted in all districts in an area set aside for Mobile Home locations, or on a lot owned by the occupant, provided that a Special Use Permit for a period not to exceed 210 days shall first be obtained from the Building

Inspector. No trailer so located shall be inhabited on a permanent basis. All such units shall be moved from the site at expiration of the permit except under the following conditions:

(a) On individually owned lots, a Mobile Home meeting the floor area requirements of at least 840 square feet of floor space, skirting, and no greater than ten (10) years old, may be left on its site in all zones, except RS District, if it meets above requirements.

(b) A trailer may be left on a site in a publicly or privately operated seasonal trailer park, provided the park is secured against public entry during the months it is closed.

(7) In all districts Mobile Homes built before June 15, 1976 and not bearing HUD labels are required to furnish documentation from the manufacturer stating that the mobile home meets current HUD standards. If this documentation is not available the Building Administrator will accept documentation from an architectural engineer stating that the home was inspected and approved to current HUD standards.

8.02 Mobile Home Parks:

Mobile Home Parks must be licensed by the Township Board and permitted in the RR Rural Residential district where access to the proposed park is on a paved County or State roadway. Such use shall be licensed by the Board only after the County Planning Commission has reviewed the Site Development Plan and approved it in relation to the land use studies, the Newaygo County Water and Sewer Plan, and present or potential Service Areas. The Planning Commission shall ascertain that the proposed arrangement will not produce hazards or undue congestion and will provide the greatest amount of convenience for future residents. However, the final decision to grant the license shall rest with the Township Board. All of the following design standards shall be complied with:

(1) A Mobile Home Park shall be in single ownership and shall consist of at least 10 trailer sites.

(2) There shall be a 50 foot front yard and a 25 foot unoccupied landscaped area around the entire park which shall be regularly maintained.

(3) At least ten (10) percent of the total park area shall be devoted to a landscaped park for the use of residents of the park.

(4) A retail grocery or home supply store and service business such as a barber or beauty shop may be permitted as an accessory use.

(5) Public sewer and water facilities, where available, or sewer and water services approved by the County and State Health Departments shall be provided to each trailer site.

(6) Each trailer site shall face upon an internal street having a width of at least 20 feet and surfaced in a manner approved by the County Road Commission. The Mobile Home Park shall have two (2) paved accesses to a major street and shall not have access or egress on any minor residential street.

(7) Each trailer site shall have a front yard of at least 20 feet, two side yards of at least 10 feet each and a rear yard of not less than 15 feet. No drive or accessory structure on a

site may be closer than 5 feet to the side line of a site. There shall be provided at least two (2) off-street parking spaces for each trailer site.

(8) Required off-street parking may be located in bays off the internal streets and shall have a durable, dustless surface.

(9) No trailer site shall contain less than 4,000 square feet nor be less than 40 feet width,

(10) The Mobile Home Park shall conform to all State regulations; where the provisions of this Ordinance represent increases of the minimum standards of State Act 243, P.A. of 1959, as amended, the provisions of this Ordinance shall be met. A Building Permit shall not be issued until the Site Plan showing all sites and improvements has been approved by the Planning Commission.

Mobile Home Parks may be licensed and permitted in the RL District under conditions specified below. The Board shall not grant a license for such proposed use until the Planning Commission has reviewed and approved a Site Development Plan. The Planning Commission, in reviewing such plans shall determine that the proposed use will not overburden the lake nor interfere with or violated the property rights of other waterfront property owners. The following standards shall be met:

(1) The proposed park shall contain no more trailer sites than the lot area requirements of the zone district would permit if the land were platted in individual lots.

(2) The proposed park shall be located where an area is designated a Water and-or Sewer Service Area in the Newaygo County Water and Sewer Plan.

(3) The design standards above shall be complied with except that 8.2 (7) and (9) above shall not be applied. Yard spaces and site area to each trailer shall be provided in accordance with the requirements of the RL Zone.

8.03 Travel Trailers or Recreational Trailers:

No recreational vehicle designed primarily for living or sleeping shall be placed in Monroe Township other than in approved Parks or campgrounds, without first obtaining a temporary permit from the Zoning Administrator.

(1) A recreational vehicle shall be known as a licensed travel trailer, camper, pick-up camper, motor home, or fifth-wheeler.

(2) This pertains to lots or property that have no permanent dwelling.

8.04 Travel Trailer Camps:

Travel trailer camps may be permitted after Planning Commission and Board review as an exceptional use under the provisions of Article XIV, provided that all State and County Health Department regulations of such facilities are met.

ARTICLE IX

GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS

9.01 Height and Area:

Height and area regulations shall be as specified for each Residential Zone, provided however, that the following general regulations shall apply:

- (1) If 40 percent of the frontage on one side of a street in a block has been developed, the front yard so established shall prevail. This Section shall not be construed to require a front yard of more than 50 feet of the edge of the street right-a-way.
- (2) No accessory building and no structure exceeding a height of 30 inches shall be erected in any required front yard. Accessory building shall not exceed 16 feet in height, shall be at least 10 feet from any dwelling and at least 5 feet from any other accessory building on the lot.
- (3) Accessory buildings in the rear yard are permitted 30 feet from lot lines.
- (4) Where a corner lot adjoins the side yard of any adjacent lot no part of an accessory building and no part of the main building within 25 feet of such common lot line shall be nearer the street than the full front yard required on the adjacent lot, and in either case the side yard requirements of the District shall be met along said common line.
- (5) Where a corner lot adjoins in the rear the rear of another corner lot, a detached accessory building may be erected 30 feet from such common rear lot line provided the side street set-back is maintained.

9.02 Conversion of Dwellings:

Where permitted, the conversion of an existing building so as to accommodate an increased number of dwelling units shall be limited to not more than two families, irrespective of the number of families permitted in new buildings.

9.03 Home Occupation:

Home occupations are permitted in any residential zone. A home occupation is any use which:

- (1) Is conducted entirely within a residential building without being evident in any way from the street or from any neighboring premises.
- (2) Does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.
- (3) Is carried on only by the inhabitants of the building plus not more than one non-resident.
- (4) Employs only mechanical equipment which is similar in power and type usual for household purposes and hobbies.
- (5) Devotes not more than 50 percent of one story to such home occupation and does not involve keeping a stock in trade other than articles produced on the premises.

9.04 Private Swimming Pools:

Private swimming pools are permitted in all districts, provided the following regulations are complied with:

- (1) The pool shall be maintained in a clean and healthful condition in accordance with County health requirements.
- (2) No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or street.
- (3) Every swimming pool shall be completely enclosed with a permanent substantial fence and gates at least four (4) feet in height above the ground level. No opening shall be designed or maintained in order to permit access to the pool except under the supervision of the possessor, or by his permission.
- (4) The swimming pool shall not be closer than 10 feet to any side or rear lot line and no part of any pool shall be constructed within the front yard or a required side street side yard.

9.05 Storage:

The storage and parking of trailers, trucks, vans, or any type of mobile housing unit are prohibited in any front yard and required side yard or on any vacant lot is also prohibited. This shall not be deemed to prohibit up to three days of non-recurrent parking of a mobile home, trailer or boat in a side yard without a permit from the Board of Building Inspector.

9.06 Sewage Disposal:

Disposal systems or lagoons for large scale development of any kind are permitted in the R-R District when approved by the County Health Department provided that no lagoon or other treatment facility unless enclosed by a structure may be nearer than 1,000 feet to any adjoining street or property line.

9.07 Non-Residential Uses:

Public and institutional uses are permitted in any residential zone. All such uses shall provide front, side and rear yards which are the distance required by the zone district. Any such use which provides living quarters for more than 10 persons shall be located on a lot of at least five (5) acres.

ARTICLE X

R-R RURAL RESIDENTIAL DISTRICT

10.01 Permitted Uses:

This District is intended primarily to conserve and protect appropriate Township lands for farming and agricultural uses. Low density single family residential use and institutional and public uses are also permitted. The following uses are permitted therein:

- (1) Farms as defined by this Ordinance, carrying on general or specialized farming operations provided that where farm animals or fowl are kept, no structure or pens or runs for the keeping of same shall be constructed or maintained without permission from the Board.
- (2) One residence on each lot which is used as a single dwelling and which includes modular or sectional homes except as referred to in section 8.01. (5).
- (3) Institutional and public uses as permitted in Section 4.08, provided that any building shall be located at least thirty (30) feet from any adjoining street, lot or property line.
- (4) Essential services as permitted in Section 4.08, provided that any building shall be located at least thirty (30) feet from any adjoining street, lot or property line.
- (5) Accessory uses that are customarily incidental to any permitted principal use as long as such accessory uses do not create a nuisance which adversely affects a legal use of adjoining premises.
- (6) Signs as regulated in Section 7.01.
- (7) Off-street parking as required in Section 6.01.
- (8) Transitional uses, home occupations and private swimming pools as regulated and permitted in Article IX.
- (9) Temporary gravel pits, mineral extraction, gas and oil well meeting the standards of Article XIV.
- (10) Greenhouses, nurseries, and roadside stands for display and sale of products grown on the property; provided, however, that off-street parking and access to such parking shall be provided on the property and no hazardous traffic condition shall result from such activity.
- (11) Temporary uses as permitted and regulated in Section 4.15.
- (12) Mobile Home Parks and Mobile home dwellings as permitted in Article VIII.

10.02 Additional Uses Permitted Under Special Conditions:

- (1) An individual trailer on a farm as regulated by Section 8.01 (5).
- (2) Exceptional uses as regulated by Article XIV.

10.03 Prohibited Uses:

Within any R-R District, no building or premises shall be used for any use not permitted by Section 10.01 and conditionally, by Section 10.02. Motels, hotels, apartments, row houses and garage apartments, are expressly prohibited.

10.04 Height and Area:

The following Height and Area regulations shall be complied with:

- (1) **Height:** No building shall exceed a maximum of two and one-half (2 1/2) stories or 35 feet in height, whichever is the lesser; provided, however, that the Height Exceptions of Section 4.17 shall apply.
- (2) **Front Yard:** There shall be a front yard of not less than 30 feet. The set-back line shall be established in accordance with the provisions of Section 4.09.
- (3) **Side Yard:** There shall be two side yards and no side yard shall be less than 30 feet.
- (4) **Rear Yard:** There shall be a rear yard of at least 30 feet.
- (5) **Lot Area:** There shall be a lot area of at least 30 feet.
- (6) **Lot Width:** The minimum width at the front set-back line shall be 330 feet.
- (7) **Permitted non-residential building** shall meet the yard requirements of Section 9.07.
- (8) **Floor Area:** There shall be a minimum floor area of 840 square feet. Dwellings having more than one story shall have a ground floor area of at least 840 square feet.

Platted Areas:
Woodville
Blue Lake Residences
Oxford Development

ARTICLE XI

R-S SUBURBAN RESIDENTIAL DISTRICT

11.01 Permitted Uses:

This District is intended primarily for single family residential use on lands where urban utilities and services are planned in the future. These lands are as follows: SW 1/4 of NW 1/4 of Section 12 of Monroe Township. Only the following uses are permitted:

- (1) One single family residence on each lot, including modular and sectional homes.
- (2) Institutional and public uses and essential services as permitted in Section 4.08, as provided that any building erected for such use shall meet the yard and lot area requirements of Section 9.07.
- (3) Accessory uses that are customarily incidental to any permitted principal use.
- (4) Customary Gardening.
- (5) Farms as defined by this Ordinance, provided that where animals or fowl other than domestic animal are kept, structures fenced pens or runs required for the keeping of same shall be no closer than 200 feet to any adjoining property line.
- (6) Signs as regulated in Section 7.01.
- (7) Off-street parking as required in Section 6.01.
- (8) Transitional uses, home occupations and private swimming pools as regulated and permitted in Article IX.
- (9) Temporary uses as permitted and regulated in Section 4.14.
- (10) Exceptional uses as regulated by Article XIV.

11.02 Prohibited Uses:

All uses prohibited in the R-R Rural Residential District are prohibited in the R-S Residential District. In addition, trailers, mobile home parks, and mobile home dwellings on permanent foundations are expressly prohibited.

11.03 Height and Area:

The following Height and Area regulations shall apply:

- (1) Height: No building shall exceed a maximum of two and one-half (2 1/2) stories or 35 feet in height, whichever is the lesser, provided however, that the height exceptions of Section 4.17 shall apply.
- (2) Front Yard: There shall be a front yard of not less than 30 feet and the set-back line shall be established in accordance with the provisions of Section 4.09.
- (3) Side Yard: There shall be two (2) side yards totaling at least 35 feet and no side yard

shall be less than 15 feet.

(4) Rear Yard: There shall be a rear yard of at least 25 feet.

(5) Lot Area: There shall be a lot area of at least 18,000 square feet for each single family dwelling unit; provided, however, that where public water and-or sewer is provided, the minimum lot area may be reduced to 15,000 square feet.

(6) Lot Width: The minimum lot width at the set-back line shall be 110 feet.

(7) Permitted non-residential buildings shall meet the yard requirements of Section 9.07.

(8) Floor Area: There shall be a minimum floor area of 840 square feet for all single family dwellings. Dwellings having more than one story shall have a ground floor area of at least 840 square feet.

Special Provisions:

Two or more mobile home units, joined on a permanent foundation as a single family dwelling may be permitted by the Board after a public hearing when the approval of all property owners within 300 feet is obtained.

ARTICLE XII

R-L LAKE RESORT RESIDENTIAL DISTRICT

12.01 Permitted Uses:

This District is designed to permit the safe and healthful development of seasonal and year-round one family dwellings on lake shores in Monroe Township; to provide for other unique uses customarily associated with lake development; its regulations are drawn to avoid contamination or destruction of lakes and to protect the riparian rights of lake-front property owners. Only the following uses are permitted:

One residence on each lot as a single family dwelling.

Institutional and public uses and essential services as permitted in Section 4.08, provided that any building erected for such use shall meet the yard and lot area requirements of Section 9.07

Customary gardening.

Accessory uses that are customarily incidental to any permitted principal use.

Seasonal one-family dwellings meeting the lot area requirements of this Ordinance.

Signs as regulated in Section 7.01.

Off-street parking as required in Section 6.01 and as permitted in Section 6.09.

Transitional uses, home occupations and private swimming pools as regulated and permitted in Article IX.

Temporary uses as permitted and regulated in Section 4.14.

Exceptional uses as regulated by Section XIV.

Mobile Homes, Mobile Home Dwellings and Mobile Home Parks as regulated in Article VIII, with exception of lot size.

12.02 Prohibited Uses:

All uses prohibited in the R-R Rural Residential District are prohibited in the R-L Lake Resort Residential District; provided, however, that hotels and motels are permitted subject to the provisions and regulations of Article XIV. Mining or drilling for gas, or oil, or for the extraction of minerals, or the digging of gravel or borrow pits, is prohibited within 100 feet of any adjacent street or property line.

12.03 Height and Area:

In the R-L District certain yard modifications are permitted in Section 4.09. The following Height and Area regulations shall apply:

Heights: No building shall exceed a maximum of two and one-half (2 ½) stories or 35 feet in heights, which

- (1) Front Yard: There shall be a front yard of not less than 50 feet and the set-back line shall be established in accordance with the provisions of Section 4.09.
- (2) Side Yard: There shall be two (2) side yards totaling at least 50 feet and no side yard shall be less than 25 feet. All types of principal buildings, other than residential, shall be located at least 25 feet from any adjoining street, lot or property.
- (3) Rear Yard: There shall be a rear yard of at least 25 feet.
- (4) Lot Area: There shall be a lot area of at least 45,000 square feet.
- (5) Lot Width: The minimum lot width at the set-back line shall be 150 feet.
- (6) Floor Area: There shall be a minimum floor area of 840 square feet. Dwellings having more than one story shall have a ground floor area of at least 840 feet.
- (7) Waterfront Yard: No building or structure shall be located closer than 50 feet to any lake except docks or similar un-enclosed structures, boat houses not exceeding 8 feet in height and pump houses.
- (8) SW $\frac{1}{4}$ of Section 20.

Any River
Any Lake
Any Pond

ARTICLE XIII

G GREENBELT DISTRICT

13.01 Permitted Uses:

In accordance with the provisions of Section 4.22, all land within 300 feet of the water's edge of any river or stream shall comprise the Greenbelt Zone of Monroe Township. The following uses only are permitted.

One residence on each lot as a single family dwelling, including a trailer residence as defined in Section 9.

Institutional uses or essential services as permitted by Section 4.08.

Public or private recreational parks, including playgrounds and clubs when approved as an exceptional use in accordance with the regulations of Article XIV.

Farms, provided that no animals or fowl, other than domestic animals, or structures or enclosed pens or runs required for keeping of same shall be located within the Greenbelt Zone.

Home occupations and private swimming pools as regulated and permitted in Article IX.

Signs as regulated in Section 7.01.

Parking. Off-street parking as required in Section 6.01.

13.02 Prohibited Uses:

Within the Greenbelt Zone, no building or premises shall be used for any use not permitted by Section 13.1. Motels, hotels, apartments, mobile home parks, row houses, and garage apartments are expressly prohibited.

13.03 Height and Areas:

The following height and area provisions shall be complied with:

Height: No building shall exceed a maximum of two and one-half (2 ½) stories or 35 feet in heights, whichever is the lesser; provided however that the Height exceptions of Section 4.17 shall apply.

(1) Front Yard: There shall be a front yard of not less than 150 feet in depth. A pumphouse may be permitted in a waterfront yard provided it contains no more than 9 square feet and is not more than three (3) feet in height. In addition, docks which do not extend more than five (5) feet into the water are permitted.

(2) Side Yard: There shall be two side yards and no side yard shall be less than 30 feet in width.

(3) Rear Yard: There shall be a rear yard of at least 50 feet.

- (4) Lot Area: There shall be a lot area of at least 5 acres.
- (5) Lot Width: The minimum lot width at the building line shall be 330 feet.
- (6) Floor Area: There shall be a minimum floor area of 840 square feet. Dwellings having more than one story shall have a ground floor area of at least 840 square feet.

13.04 Additional Requirements:

(1) Planting Strip: A strip 75 feet wide, bordering the river banks, shall be planted and maintained in trees or shrubs, or if undisturbed, it shall be left in its natural state. The following variations may be made:

(a) Trees or shrubs, or grass may be pruned or trimmed for a distance not to exceed 50 feet on each property to obtain a view of the river or stream.

(2) Alteration of Ground Cover: No building permit for any construction, or authorization for any grading, lot or subdivision in preparation shall be granted until it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Newaygo County Soil Conservation District.

(3) Location of Septic Tank Drainfields: No septic tank drainfield may be closer than 100 feet to the water's edge and shall conform to all regulations of the Tri-County Health Department in placement and design.

13.05 Guest cottages authorized:

A detached supplementary residential building may be constructed on the same lot with the principal building provided that the yard and area requirements of this Article are met; provided, however, that the side yards between the principal structure and the guest house may be reduced to 15 feet for each dwelling unit; in no case shall the aggregate side yard dimension be less than 30 feet. No such supplementary residential structure shall be used as a year-round residence.

ARTICLE XIV
EXCEPTIONAL USES

In a rural area certain uses will from time to time be planned which are not of so general a nature as to warrant their inclusion in any specific district or districts. In other cases an exception use may be the mining of minerals or the drilling of oil and gas wells and the location of such natural resources cannot be determined and defined by establishing zone lines. Certain uses such as junk yards, though necessary to today's life pattern, should only be permitted where the best use of surrounding land would not be jeopardized by the presence of such a facility and where their presence will not threaten the public health and general welfare.

14.01 Types of Uses Requiring Approval of Newaygo County Planning Commission and the Board:

Uses permitted under this Article include, but are not limited to the following.

- (1) Cemeteries and Mausoleums
- (2) Public and Private Airports
- (3) Country Clubs and Golf Courses
- (4) Hunt Clubs or Gun Clubs
- (5) Amusement Parks or Race Tracks
- (6) Outdoor Theatres
- (7) Private or Church-sponsored Camping Areas
- (8) Community or Community-approved Sanitary Landfill Areas
- (9) Convalescent Homes or Nursing Homes
- (10) Travel Trailer Camps or Motels
- (11) In the R-L Lake Resort Residential District a commercial use or motel with lake subdivision.
- (12) Other uses specified herein.

14.02 Prohibited Uses:

Uses not similar to those above are not permitted under this Article, particularly any use which might pollute the environment, including pollution of the environment by excessive or unusual noise.

14.03 Required Conditions:

All requests for permits for above uses or similar uses, shall be referred by the Building Inspector to the Newaygo County Planning Commission and the Board for review and report. Approval shall

be based upon a determination that the following conditions exist:

The use is suitably located in relation to adjoining uses, the long range plan for Newaygo County and the community need which may be served by the proposed use.

The land will be adequately screened and at a sufficient distance from other property to protect adjoining property rights.

14.04 Gravel Pits, Extraction of Minerals, Oil, Gas, or Other Drilling Activity:

Gravel pits, including the removal of any soil resources are permitted when authorized by the Zoning Board of Appeals after public hearing. The following procedures and conditions shall be met before approval of any such proposal is given:

- (1) Any owner lessee or other person shall file an application for a permit with the Building Inspector. Said application shall contain the following information:
 - (a) Name of owner of lands from which removal is to be made.
 - (b) Name of applicant requesting such permit.
 - (c) Location, description and size of the area from which removal is to be made.
 - (d) Proposed method of removal and equipment to be used in the removal.
 - (e) Proposed method of restoration of area after removal of resources is completed.
- (2) The application shall be accompanied by a map of the parcel, indicating all buildings, streets, drainage facilities and natural features within 200 feet thereof, as well as location of drives and any temporary structures to be erected on the premises during the project operation.
- (3) Where quantities of earth are to be removed from the parcel, a topographic contour plan of proposed restoration elevations shall be presented with the application.
- (4) Prior to holding a public hearing the Board of Appeals shall submit the application and required maps to the Newaygo County Planning Commission for study and opinion and shall seek the advise of the County Road commission or an Engineer designated by the count, the County Drain Commissioner and the Soil Conservation Service to determine that the proposed use will not severely threaten the public safety or the property rights of others and that the Sedimentation Control Standards of the Newaygo Soil Conservation Service will be met.
- (5) In making its decision, the Newaygo County Planning Commission shall determine that the following conditions will be met:
 - (a) The change in the natural contour of the land during mining operations, extraction of gravel or removal of any soil resources and at cessation of same shall be maintained as safe for any person having

reason to be within the area of mining activity and for all trespassers.

(b) No business or industrial structures or buildings of a permanent nature shall be erected, except when the mining activity occurs in a Commercial or Industrial District where such buildings are a permitted use.

(c) No truck parking or truck storage or heavy equipment shall be located within 200 feet of any adjacent residence, or within 100 feet of any adjoining property.

(d) A well-maintained wire or painted wooden fence will be erected on any side adjoining another property line.

(e) No part of the removal shall take place closer than 200 feet to the nearest adjacent residence, or closer than 100 feet to any street or property line.

(f) The proposed restoration elevations will be compatible with surrounding area, and adequate safeguards will be made to insure proper drainage.

(g) The property will be restored by the replacement of topsoil and such soil shall be stabilized by appropriate planting.

(h) All truck traffic shall be directed away from residential streets.

(6) The Board may require such bond as deemed necessary to insure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not met.

(7) No truck parking or storage shall be located within 200 feet of an adjoining residence or within 100 feet of an adjoining property line.

(8) All truck operations shall be directed away from residential streets.

14.05 Junk Yards:

In the R-R District where a property abuts a major street, a fenced junk yard may be permitted by the Board under the following conditions:

(1) Requests for such uses shall first be referred to the County Health Department and the Newaygo County Planning Commission for reports upon the effect such use would have upon the surrounding area.

(2) If the Board receives a favorable report from the Planning Commission, a public hearing shall be held before a permit is granted.

(3) In making its decision the County Planning Commission shall determine that the following conditions exist and will be maintained:

(a) The location shall have preliminary approval from the County Health Department and other public agencies charged with the protection of the general welfare and the resources of the County.

- (b) The site shall be at least 500 feet from any dwelling unit, church, school, public building, public or semi-public place including parks and recreation areas.
- (c) The area shall be completely enclosed by a solid fence of at least 6 feet but not to exceed 8 feet in height and no material stored within the fenced area shall be visible above said fence.
- (d) No dumping of garbage or trash shall be permitted.
- (e) The site shall not create a nuisance adversely affecting adjoining properties.

14.06 Revocation:

The Board may revoke any permit granted under this Article when the conditions of approval are not being met, and may require such bond as may be deemed necessary to insure that said conditions will be met.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

15.01 Administration:

The Township Board shall designate a Building Inspector to act as its officer to effect proper administration of this Ordinance with terms of employment and rate of compensation established in accordance with the provisions of Act 184, P.A. 1943. For the purpose of this Ordinance, the Building Inspector shall have the power of a police officer.

15.02 Building Permits and Plans:

~~No building or part thereof shall hereafter be erected, moved, enlarged, or altered until a building Permit has been granted by the Building Inspector.~~ Application shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The applications shall be accompanied by building plans, a plot plan and such other information as may be necessary to provide for the enforcement of this Ordinance. Plans shall be drawn to scale and shall show dimensions in figures, and in the case of multi-family, business, or industrial buildings by complete specifications. Building and plot plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as set by the township Board to defray the costs of administration and inspections shall accompany any plans or applications.

No Building Permit shall be issued unless the plans and intended use conform in all respects to the provision of this Ordinance. All Building Permits shall expire one (1) year from their date of issuance. A copy of all approved building Permits shall be sent to the Assessor.

15.03 Duties of the Building Inspector:

The office of Building Inspector is hereby established. This Ordinance shall be enforced by the building Inspector, who shall in no case issue any building Permit nor grant any Certificate of Occupancy where the proposed building, alteration or use would be in violation of any provision of this Ordinance except under written order of the board or the Governing Body.

- (1) Violations: The building Inspector shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall serve notice upon the person responsible for such violation indicating the nature of the violation and stating the action necessary to correct it. If said owner fails to act diligently to correct said violation after 14 days of notification, the Building Inspector shall serve notice upon the owner, notify the Governing Body, and prosecute a complaint to terminate said violation.
- (2) Inspections: The building Inspector shall inspect all new construction or alterations at the time footings are placed, at the time the basic walls are completed and at the completion of the construction or alterations authorized. He shall make such additional inspections he deems necessary to insure compliance with the provisions of this Ordinance. The Building Inspector shall make periodic inspections of the Township to ascertain that the requirements of this Ordinance are being complied with.
- (3) Records: The Building Inspector shall keep records of all inspections,

applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Governing Body and all other officials of the Township and County.

15.04 Certificate of Occupancy:

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township and Newaygo County. Where any Special Use Conditions are applicable, said conditions shall be stated on the Certificate of Occupancy.

A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector. A copy shall be sent to the Township Clerk and the Assessor.

15.05 Violation and Penalty:

Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof or who shall erect, alter, enlarge or move any building, or who shall put into use any lot in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than \$200.00 or to imprisonment for not more than 90 days, or to both such fines and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

The owner of any building or land where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and upon conviction thereof, shall each be liable to the fine or imprisonment, or both, specified in this Section.

15.06 Office of Zoning Administrator:

The Township board shall designate a Zoning Administrator to act as it's officer, to effect proper administration of the ordinance for the purpose of this ordinance, this does not imply that the office of Zoning Administrator and Building Inspector must be combined.

(A) Duties of Zoning Administrator:

- (1) No person shall apply for a building permit without first obtaining a zoning compliance permit from the Zoning Administrator (Scheduled Zoning Permit Fees), to make sure all aspects of the proposed construction/alteration are in compliance with the provisions and regulations of the Ordinance. ✓
- (2) No person shall commence construction or alteration of any agricultural building which does not require a building permit, without first obtaining a zoning compliance permit.
- (3) Application: Application for a zoning permit shall be filed by the owner or his/her

agent and shall state the intended use of the structure and the land. Application shall be attached to two permanent scale drawings showing the actual lines, angles and dimensions of the lot to be used and the size and location upon the lot of all existing and proposed structures. The application shall contain such other information with respect to the proposed structure, the lot and adjoining property as may be required by the Zoning Administrator. One copy of the application, drawings and specifications shall be retained by the Township and the second copy shall be delivered back to the applicant upon issuance of a building permit.

- (4) All zoning permits expire one year from their date of issuance.

15.07 Zoning Administrator/Office of Enforcement Officer Duties:

The ordinance enforcement officer's duties shall include the following: investigation of ordinance violations; issuing and serving ordinance violation notices; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, as amended (MCL 764.9c); issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under Public Act 12 of 1998, as it may from time to time be amended MCL 600.8701, et seq); appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the township board, township supervisor or assigned by the township attorney.

15.08 Remedies and Enforcement for Municipal Civil Infractions:

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, destroys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for municipal civil infraction shall be not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same persons within twelve (12) months of a previous violation of the same provision of this Ordinance committed by similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

15.07 and 15.08 amendments become effective when approved by the board.

ARTICLE XVI

BOARD OF APPEALS

16.01 Membership and Appointment:

Pursuant to the Township Rural Zoning Act, there shall be established a Board of Appeals, consisting of three (3) members: The first member of such Board shall be the Chairman of the Monroe Township zoning Board, the second member shall be a member of the Township board appointed by the Township Board; the third member shall be selected and appointed by the first two members from among the electors residing in the unincorporated areas of the Township. No elected officer of the township or employee of the Township Board may serve simultaneously as the third member of or as an employee of the Board of Appeals. Members of the Board of Appeals may be removed from office by the Township Board for non-performance of duty, a misconduct in office, upon written charges and after public hearing.

16.02 General Grant of Power:

The Board of Appeals shall perform all the duties and have all the powers prescribed by Act 184, Public Acts of 1943, as amended. It shall adopt rules of procedure consistent with the provisions of said Act and other local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

16.03 Employees:

The Board may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

16.04 Meetings:

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine for the efficient conduct of its business. All meetings shall be open to the public.

16.05 Appeals:

Appeals to the Board may be taken by any party aggrieved by a decision or order of the building Inspector or by an officer or agency of the Township affected by such decision or order. A notice of appeal, specifying the ground thereof, shall be filed with the Clerk of the Board within 30 days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the appeal is taken who shall forthwith transmit to the Board all records upon which the action appealed from was taken. An appeal shall stay all proceedings, decision or orders unless said officer certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Board or by the Circuit Court.

16.06 Variances:

Subject to the provisions of Section 16.07 of this Ordinance, and in addition to other duties and powers specified herein, the Board, after public hearing shall have the power to decide applications for variances:

- (1) Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provision of this Ordinance; or
- (2) Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship; provided that the Board shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or
- (3) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

16.07 Variances Prohibited:

No variance in the provision or requirements of this Ordinance shall be authorized by the Board unless the Board finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or of the public health, safety and welfare, and further, that two of the following facts and conditions exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone.
- (2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.
- (3) That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

16.08 Land Use Variance:

The Board shall not schedule a public hearing on a land use variance for a use not permitted in a zone for a period of 30 days after receipt of the appeal. The Board shall notify the Township Zoning Board and the Newaygo County Planning Commission of the appeal and request a study and report from each. No decision shall be made by the Board until the reports of these agencies are received, provided such reports shall be made within 40 days.

16.09 Special Conditions:

The Board shall have the power to hear and decide applications for special exceptions, conditional uses or interpretations and other special questions on which the Board is herein authorized to pass. In considering such applications the Board shall review the case within the intent of the Ordinance. Before authorizing a use, the Board shall determine whether the proposal would be hazardous, harmful or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, water pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values or psychological effects. For such purpose the Board may enlist experts, technicians and consultants. The Board may impose such additional requirement and conditions necessary to preserve the intent of this Ordinance.

16.10 Public Hearings:

Upon the filing of any appeal or other matter over which the Board has jurisdiction, the Board shall hold a public hearing on such matter not earlier than 15 days after the date of such filing, and shall cause notice of the time and place of the hearing to be given to the applicant and a similar notice, stating the purpose of the hearing to be published in a newspaper of general circulation. The applicant shall give personal notice of the time, place and purpose of the hearing by hand with signatures obtained, or by certified mail, to all owners of property within 1000 feet of the property to be affected by said appeal or application at least 72 hours prior to said hearing. The applicant shall present satisfactory proof to the Board at the time of the hearing that said notices have been served. Whenever said owners are non-residents, such notice may be given by certified mail to the last know address of the property owner as shown by the most recent tax lists.

16.11 Decisions:

The Board shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision. Upon failure to do so, such application shall be deemed to be decided adversely to the applicant in the same manner as though the Board had rendered its decision to that effect.

16.12 Fees:

Upon filing of any appeal or application to the Board, the applicant shall pay the following fees to defray the cost of publishing notice of hearing and recording the matter:

For interpretations, rulings, temporary permits and yard variances	\$30.00
For land use or non-conforming variances	\$50.00
For all other variances and matters	\$40.00
For decisions called for in this Ordinance	No Fee

Said fee shall be paid to the Township Clerk before any action is taken on said petition. Fees may be changes by the Township Board at any regular meeting, which change shall take effect 30 days after publication of such change.

16.13 Time Limit:

If the variance is granted or other action by the applicant is authorized, the necessary permit shall

be secured and the authorized action begun within three (3) months after the date the variance is granted, and the structure or alteration shall be completed within twelve (12) months of said date.

The Board may, upon application stating the reasons therefore, extend either the 3 or the 12 months periods, but if the Board finds no good cause for the failure to act or complete within such periods and if the Board further finds that conditions have altered or changed in the interval since the action was granted, the Board shall revoke or rescind its approval. Should the applicant fail to obtain the necessary permit or fail to commence work within such 3 month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal and all permissions, variances and permits shall be deemed automatically rescinded.

16.14 Vote Necessary for Decision:

The final disposition of any matter of the Board shall require the concurring vote of a majority of its members, except that a unanimous vote shall be required to override the recommendations on the Land Use Variance of the Township Zoning Board and the County Planning Commission.

16.15 Minutes and Records:

The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

16.16 Limitation of Board Action:

The Board of Appeals may not through any decision, interpretation or action alter, vary or otherwise negate any provisions of this Ordinance except as specified. Where the Board of Appeals finds recurrent requests for relief of any specific provision of this Ordinance, or where the Board considers that any specific provision is creating unnecessary hardship, the Board of Appeals shall submit a request for re-study and reconsideration to the Township Zoning Board and the Newaygo County Planning Commission.

ARTICLE XVII

AMENDMENTS AND DISTRICT CHANGES

17.01 Intent:

Amendments or supplements to this Ordinance may be made from time to time in the same manner as provided under State Statute for enactment of the original ordinance, except that the public hearing conducted by the Township Board shall not be necessary unless a written request to be so heard is made by certified mail to the Clerk of the Township Board by a property owner.

If any individual property is proposed for rezoning the property shall be conspicuously posted at least eight (8) days prior to the public hearing by the Township Zoning Board; said posting shall state the date, time, place and purpose of the hearings. As provided by Section 9, Act 184 of Public Acts of 1943, as amended, notice of a public hearing on a rezoning of property shall be given by two (2) publications in a newspaper of general circulation in the township, the first to appear not more than 30 days nor less than 20 days, the second not more than 8 days prior to the date of such hearing. In addition, not less than 20 days notice of time and place of the hearing shall be given by certified mails to each electric, gas, pipeline and telephone public utility company that registers its name and mailing address with the Township Zoning Board for the purpose of receiving such notice, and to each railroad operating within the district or zone affected. Said notices shall include the places and times at which text and tentative maps of the Ordinance may be examined. Any other public hearing held on an amendment proposal shall follow the notification procedure above.

It shall only be necessary to publish the section or sections to be amended or added to the Zoning Ordinance. Any amendment for the purpose of conforming a provision 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 the same to any other board or agency.

17.02 Procedure:

The procedure for making amendments shall be as follows:

- (1) Each proposal not originated by the permanent Township Zoning Board shall be submitted to said Board for its consideration and advise.
- (2) Following its deliberations, the proposal, including any changes thereto which the Township zoning Board deems advisable, shall be submitted to at least one public hearing as provided by Section 9, Act 184, Public Acts of 1943, as amended, and as specified in Section 17.01.
- (3) Following such hearing, the proposed amendment, including any amended map, shall be submitted to the Newaygo County Planning Commission for approval. Approval by the County Planning Commission shall be conclusively presumed unless within thirty (30) days of its receipt of said proposal, it shall notify the Township Clerk of its disapproval.
- (4) The approved proposal shall be submitted to the Township Board and acted upon by said Board in accordance with the provisions of Section 11 of Act 184, Public Acts of 1943, as amended.

ARTICLE XVIII

SEPARABILITY AND REPEALS

18.01 Separability:

In case any Article, section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other Article, section or provision of this Ordinance, except so far as the Article, section or provision so declared invalid shall be inseparable from the remainder or any part thereof.

18.02 Repealing Conflicting Ordinances:

Any and all ordinances, or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, provided however, that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

18.03 Effective Date:

The provisions of this Ordinance are hereby declared to be effective immediately upon adoption by the Township Board.

Index

A

Accessory Building, General Provisions, Article IV, Section 4.11 *page 9*

Additional

Requirements, G Greenbelt District, Article XIII, Section 13.04 *page 29*

Uses Permitted Under Special Conditions, R-R Rural Residential District, Article X,
Section 10.02 *page 22*

Administration

Administration and Enforcement, Article XV *page 34*

Administration, Administration And Enforcement, Article XV, Section 15.01 *page 34*

Amendments and District Changes, Article XVII *page 41*

Appeals, Board Of Appeals, Article XVI, Section 16.05 *page 37*

Articles

Article I *page 1*

Article II *page 3*

Article III *page 7*

Article IV *page 8*

Article V *page 13*

Article VI *page 15*

Article VII *page 16*

Article VIII *page 17*

Article IX *page 20*

Article X *page 22*

Article XI *page 24*

Article XII *page 26*

Article XIII *page 28*

Article XIV *page 30*

Article XV *page 34*

Article XVI *page 37*

Article XVII *page 41*

Article XVIII *page 42*

B

Basement Dwellings, General Provisions, Article IV, Section 4.15 *page 10*

Board Of Appeals, Article XVI *page 37*

Building

Building Permits And Plans, Administration And Enforcement, Article XV, Section 15.02
page 34

Building Permits, General Provisions, Article IV (Section 4.03 *page 8*

C

Certificate Of Occupancy, Administration And Enforcement, Article XV, Section 15.04 *page 35*

Change Of Use, Non-Conforming Uses, Article V, Section 5.03 *page 13*

Channelization, General Provisions, Article IV, Section 4.23 *page 12*

Classification of Districts, Article III *page 7*

Continuance Of Non-Conforming Use Or Structure, Non-Conforming Uses, Article V, Section 5.01 *page 13*

Control, Article 1, Title And Purpose, Section 1.05 *page 2*

Conversion Of Dwellings, General Provisions For Residential Districts, Article IX, Section 9.02
page 20

Corner Lots, General Provisions, Article IV, Section 4.13 *page 10*

D

Decisions, Board Of Appeals, Article XVI, Section 16.11 *page 39*

Definitions

Definitions, Article II *page 3*

Definitions, Article II, Definitions, Section 2.01 *page 3*

Duties Of The Building Inspector, Administration And Enforcement, Article XV, Section 15.03
page 34

Dwelling On Rear Of Lots, General Provisions, Article IV, Section 4.12 *page 10*

E

Effective Date, Separability And Repeals, Article XVIII, Section 18.03 *page 42*

Employees, Board Of Appeals, Article XVI, Section 16.03 *page 37*

Excavation Of Top Soil, General Provisions, Article IV, Section 4.21 *page 12*

Exceptional Uses, Article XIV *page 30*

Existing Platted Lots, Non-Conforming Uses, Article V, Section 5.08 *page 14*

F

Fees, Board Of Appeals, Article XVI, Section 16.12 *page 39*

Flood Plain, General Provisions, Article IV, Section 4.20 *page 11*

G

Greenbelt

Greenbelt District, Article XIII *page 28*

Greenbelt Preservation, General Provisions, Article IV, Section 4.22 *page 12*

General

General Grant Of Power, Board Of Appeals, Article XVI, Section 16.02 *page 37*

General Provisions for Residential Districts, Article IX *page 20*

General Provisions, Article IV *page 8*

Gravel Pits, Extraction Of Minerals, Oil, Gas, Or Other Drilling Activity, Exceptional Uses, Article XIV, Section 14.04 *page 31*

Guest Cottages Authorized, G Greenbelt District, Article XIII, Section 13.05 *page 29*

H

Heights

Height And Area, General Provisions For Residential Districts, Article IX, Section 9.01 *page 20*

Height And Area, R-L Lake Resort Residential District, Article XII, Section 12.03 *page 26*

Height And Area, R-R Rural Residential District, Article X, Section 10.04 *page 23*

Height And Area, R-S Suburban Residential District, Article XI, Section 11.03 *page 24*

Height And Areas, G Greenbelt District, Article XIII, Section 13.03 *page 28*

Height Exceptions, General Provisions, Article IV, Section 4.17 *page 11*

Home Occupation, General Provisions for Residential Districts, Article IX, Section 9.03 *page 20*

I

Institutional Uses And Essential Services, General Provisions, Article IV, Section 4.08 *page 9*

Intent, Amendments And District Changes, Article XVII, Section 17.01 *page 41*

Interpretation, Article 1, Title And Purpose, Section 1.03 *page 1*

J

Junk Yards, Exceptional Uses, Article XIV, Section 14.05 *page 32*

L

Land Use Variance, Board Of Appeals, Article XVI, Section 16.08 *page 38*

Limitation Of Board Action, Board Of Appeals, Article XVI, Section 16.16 *page 40*

Location

Location Of Off-Street Parking Facilities, Parking And Loading Spaces, Article VI, Section 6.06 *page 15*

Location, Mobile Homes, Mobile Home Or Trailer Parks, Article VIII, Section 8.01 *page 17*

Lot Divided By Zone Line, Classification Of Districts, Article III, Section 3.03 *page 7*

M

Map, Classification Of Districts, Article III, Section 3.02 *page 7*

Meetings, Board Of Appeals, Article XVI, Section 16.04 *page 37*

Membership And Appointment, Board Of Appeals, Article XVI, Section 16.01 *page 37*

Minutes And Records, Board Of Appeals, Article XVI, Section 16.15 *page 40*

Mixed

Mixed Occupancies And Use Not Specified, Parking And Loading Spaces, Article VI, Section 6.03 *page 15*

Mixed Occupancy, General Provisions, Article IV, Section 4.05 *page 8*

Mobile

Mobile Home Parks, Mobile Homes, Mobile Home Or Trailer Parks, Article VIII, Section 8.02 *page 18*

Mobile Homes, Mobile Home or Trailer Parks, Article VIII *page 17*

N

Non-Conforming

Non-Conforming Due To Reclassification, Non-Conforming Uses, Article V, Section 5.05 *page 13*

Non-Conforming Use Discontinued, Non-Conforming Uses, Article V, Section 5.06 *page 13*

Non-Conforming Uses Eliminated, Non-Conforming Uses, Article V, Section 5.07 *page 13*

Non-Conforming Uses, Article V *page 13*

Non-Residential

Non-Residential Off-Street Parking, Parking And Loading Spaces, Article VI, Section 6.02 *page 15*

Non-Residential Uses, General Provisions For Residential Districts, Article IX, Section 9.07 *page 21*

O

Office Of Zoning Administrator, Administration And Enforcement, Article XV,
Section 15.06 *page 35*

P

Parking and Loading Spaces, Article VI *page 15*

Pending Building Permits, General Provisions, Article IV, Section 4.04 *page 8*

Permitted Uses

Permitted Uses, G Greenbelt District, Article XIII, Section 13.01 *page 28*

Permitted Uses, R-L Lake Resort Residential District, Article XII, Section 12.01 *page 26*

Permitted Uses, R-R Rural Residential District, Article X, Section 10.01 *page 22*

Permitted Uses, R-S Suburban Residential District, Article XI, Section 11.01 *page 24*

Planned Unit Development, General Provisions, Article IV, Section 4.24 *page 12*

Principal Use, General Provisions, Article IV, Section 4.10 *page 9*

Private

Private Owned Roads Access, General Provisions, Article IV, Section 4.25 *page 12*

Private Swimming Pools, General Provisions For Residential Districts, Article IX,
Section 9.04 *page 21*

Procedure, Amendments And District Changes, Article XVII, Section 17.02 *page 41*

Prohibited

Prohibited Uses, Exceptional Uses, Article XIV, Section 14.02 *page 30*

Prohibited Uses, G Greenbelt District, Article XIII, Section 13.02 *page 28*

Prohibited Uses, R-L Lake Resort Residential District, Article XII, Section 12.02 *page 26*

Prohibited Uses, R-R Rural Residential District, Article X, Section 10.03 *page 23*

Prohibited Uses, R-S Suburban Residential District, Article XI, Section 11.02 *page 24*

Public Hearings, Board Of Appeals, Article XVI, Section 16.10 *page 39*

Purpose, Article I, Title And Purpose, Section 1.02 *page 1*

R

Refuse, General Provisions, Article IV, Section 4.19 *page 11*

Remedies And Enforcement For Municipal Civil Infractions, Administration And Enforcement,
Article XV, Section 15.08 *page 36*

Repealing Conflicting Ordinances, Separability And Repeals, Article XVIII, Section 18.02 *page 42*

Required

Required Area Or Space, General Provisions, Article IV, Section 4.06 *page 8*

Required Conditions, Exceptional Uses, Article XIV, Section 14.03 *page 30*

Residential Off-Street Parking, Parking And Loading Spaces, Article VI, Section 6.01 *page 15*
Restoration And Repairs, Non-Conforming Uses, Article V, Section 5.04 *page 13*
Restoring Unsafe Buildings, General Provisions, Article IV, Section 4.02 *page 8*
Revocation, Exceptional Uses, Article XIV, Section 14.06 *page 33*
R-L Lake Resort Residential District, Article XII *page 26*
R-R Rural Residential District, Article X *page 22*
R-S Suburban Residential District, Article XI *page 24*

S

Scope, Article 1, Title And Purpose, Section 1.04 *page 1*

Separability

Separability and Repeals, Article XVIII *page 42*

Separability, Separability And Repeals, Article XVIII, Section 18.01 *page 42*

Sewage Disposal, General Provisions For Residential Districts, Article IX, Section 9.06 *page 21*

Sewer And Water, General Provisions, Article IV, Section 4.18 *page 11*

Short Title, Article I, Title And Purpose, Section 1.01 *page 1*

Signs

Signs In The One-Family Districts, Signs, Article VII, Section 7.01 *page 16*

Signs, Article VII *page 16*

Size And Access, Parking And Loading Spaces, Article VI, Section 6.04 *page 15*

Special

Special Conditions, Board Of Appeals, Article XVI, Section 16.09 *page 39*

Special Provisions, R-S Suburban Residential District, Article XI, Section 11.03 *page 25*

Storage, General Provisions For Residential Districts, Article IX, Section 9.05 *page 21*

T

Temporary Permits, General Provisions, Article IV, Section 4.14 *page 10*

Time Limit, Board Of Appeals, Article XVI, Section 16.13 *page 39*

Title

Title and Preamble *page 1*

Title and Purpose, Article I *page 1*

Traffic Visibility And Corner Clearance, General Provisions, Article IV, Section 4.07 *page 8*

T

Travel Trailer Camps, Mobile Homes, Mobile Home Or Trailer Parks, Article VIII, Section 8.04 *page 19*
Travel Trailers Or Recreational Trailers, Mobile Homes, Mobile Home Or Trailer Parks, Article VIII, Section 8.03 *page 19*

Types Of Uses Requiring Approval Of Newaygo County Planning Commission And The Board, Exceptional Uses, Article XIV, Section 14.01 *page 30*

U

Units Of Measurement, Parking And Loading Spaces, Article VI, Section 6.05 *page 15*

Unlawful Use Not Authorized, Non-Conforming Uses, Article V, Section 5.02 *page 13*

V

Variances

Variances Prohibited, Board Of Appeals, Article XVI, Section 16.07 *page 38*
Variances, Board Of Appeals, Article XVI, Section 16.06 *page 37*

Violation And Penalty, Administration And Enforcement, Article XV, Section 15.05 *page 35*

Vote Necessary For Decision, Board Of Appeals, Article XVI, Section 16.14 *page 40*

W

Walls And Fences, General Provisions, Article IV, Section 4.16 *page 11*

Y

Yards, General Provisions, Article IV, Section 4.09 *page 9*

Z

Zone District, Classification Of Districts, Article III, Section 3.01 *page 7*

Zoning Administrator/Office Of Enforcement Officer Duties, Administration And Enforcement, Article XV, Section 15.07 *page 36*

Zoning Affects All Structures And Land And The Use Thereof, General Provisions, Article IV, Section 4.01 *page 8*

Newaygo County
Junk Ordinance
Opt Out Document

With respect to Resolution #08-023-03 amending the Newaygo County
Junk Ordinance, we the Township of _____
opt out of the amended language as proposed.

Signed By: _____ Date: _____

Title: _____

NEWAYGO COUNTY JUNK ORDINANCE

PREAMBLE

It is hereby determined by the Board of Commissioners of the County of Newaygo that the public peace, health, safety and welfare of the inhabitants of the County is threatened by virtue of the accumulation of junk; that the public investment in the highways, parks, and the ability to attract tourists, which is necessary to the economic prosperity of the County is being injured and impaired by the accumulation of junk debris, waste; dismantled or wrecked farm machinery and motor vehicles.

It is further determined that such junk/accumulation is not now regulated in certain areas of the County or by State law, city, township or village ordinances.

It is further determined that such accumulation of junk constitutes a nuisance and that it is essential to protect the public peace, health, safety and welfare of the people of the County of Newaygo, that County regulation of junk be provided within the framework of applicable law.

Section I: NAME:

This ordinance shall be known and cited as The Newaygo County Junk Ordinance, regulating junk storage and accumulation in Newaygo County.

Section II: PURPOSE:

Nothing in this ordinance shall be construed to abrogate, affect, or supersede any applicable state law; city, township, or village ordinances, regulations or authority. It is the purpose of this ordinance to supplement state laws and to regulate the storage and accumulation of junk in the absence of regulation by state law; city, village and township ordinances.

Section III: DEFINITIONS:

- A. 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.
- B. The term "junk" shall mean old or scrap, ferrous or nonferrous materials, rope, rags, batteries, papers, plastic, rubber, junked, dismantled or wrecked farm machinery or equipment and automobiles, appliances or other manufactured items, and all other trash or waste materials.

Section III: DEFINITIONS (cont.)

C. The term "junked, dismantled or wrecked farm machinery and automobiles" shall mean any farm machinery or automobile or other motor vehicle that is not currently licensed as required by state Law, is inoperable for the purposes for which it was designated, or which has not been used as originally intended.

D. The term "fenced" shall mean a solid fence of wood (naturally weathered or painted neutral shades of gray or brown) or sheet steel painted neutral shades of gray or brown, not more than eight (8) feet in height above natural grade, so construed as to make it impossible to see any junk accumulation through, over or around said fence. Fences must be built in compliance with local zoning (applicant is to acquire all proper permits prior to any construction). Any fences erected to comply with this ordinance are to encompass no more area than the area in violation (Or minimum area necessary to accommodate said violation) plus ten per cent (10%). In addition, fences are to be screened by natural objects, such as plantings, earthen berms and/or shrubs and trees, so as to reduce their visibility to public view.

Section IV: REGULATIONS:

Except to the extent permitted under state law or city, village or township ordinances, 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 premise within the county, of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building or completely walled or fences enclosure (delete the reference to natural screenings, etc...) except for the following:

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

B. 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.

Section IV: REGULATIONS (cont.):

- C. 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.
- D. 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 30 days.
- E. 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, and further provided that in no event shall any such remodeled or reconstructed vehicle to be parked in the front or side street yard area of any residential premises so as to be visible to passersby.
- F. 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 private property for a period in excess of 24 hours or upon private property for a period in excess of one week, except such as shall be accomplished within fully enclosed buildings or completely fenced 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 annoy the owners or occupants of adjoining property.
- G. 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 two week stay in any proceedings 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 V: 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 VI: CONSTRUCTION:

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

Section VII: 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 of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

Section VIII: PENALTY:

- A. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine of not more than \$500.00 or imprisonment in the county jail for a period not to exceed ninety days, or both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.
- B. In addition to the imposition of the foregoing fines, penalties and other legal remedies, and after a criminal conviction for violate of this ordinance the Sheriff's Department may cause any junk found in violation hereof to be removed from the premises, impounded or destroyed or sold for junk in the discretion of said officer, and the cost thereof assessed against the owner of such junk or the premises on which same is located. Any sums realized on the sale of the same may be retained by the County to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be reimbursed to the owner of such junk.

Section IX: ADOPTION AND PUBLICATION:

This ordinance shall take effect fifty (50) days after adoption by the Board of Commissioners and the notice of the adoption is published in a newspaper circulated within the County.


The Newaygo County Board of Commissioners by a majority vote of the members elected and serving, does hereby adopt the Newaygo County Junk Ordinance. All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.

Adoption Date: August 27, 2003

Publication Date: September 10, 2003


Effective Date: October 30, 2003

Dated: 09-11-03



Stanley DeKuyper, Chairman
Newaygo County Board of Commissioners

Dated: 09-12-03



Laurel J. Brecker
County Clerk

**PUBLIC NOTICE
NEWAYGO COUNTY
ADOPTION OF AMENDMENT TO
NEWAYGO COUNTY JUNK ORDINANCE**

The Newaygo County Board of Commissioners has determined that changes to the Newaygo County Junk Ordinance are in the best interests of the health and safety of the citizens of the county, and on August 27, 2003, Resolution #08-023-03 was adopted to Amend the Newaygo County Junk Ordinance as follows:

Section 3, "Definitions" is amended to provide in Section D that, "The term 'fenced' shall mean a solid fence of wood (naturally weathered or painted neutral shades of gray or brown) or sheet steel painted neutral shades of gray or brown, not more than eight (8) feet in height above natural grade, so construed as to make it impossible to see any junk accumulation through, over or around said fence. Fences must be built in compliance with local zoning (applicant is to acquire all proper permits prior to any construction). Any fences erected to comply with this ordinance are to encompass no more area than the area in violation (Or minimum area necessary to accommodate said violation) plus ten per cent (10%). In addition, fences are to be screened by natural objects, such as plantings, earthen berms and/or shrubs and trees, so as to reduce their visibility to public view."

The opening paragraph of Section 4, "Regulations," shall be replaced with, "Except to the extent permitted under state law or city, village or township ordinances, 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 premise within the county, of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building or completely walled or fenced enclosure (delete the reference to natural screenings; etc....) except for the following..."

This Ordinance, as revised, shall take effect within 50 days of publication of the notice of adoption in all local units of government that do not opt out of its application, provided there is no effective petition for referendum, filed under MCL 46.11(j).

Please contact the County Clerk for a complete copy of the Amended Newaygo County Junk Ordinance.

Laurel J. Breuker
Newaygo County Clerk



Board of Commissioners

P O BOX 885
1087 NEWELL
WHITE CLOUD, MICHIGAN 49349
231/689-7200

September 11, 2003

Mr. Alfred Williquette
Monroe Township
1711 Buchanan Rd
White Cloud, MI 49338

Dear Mr. Williquette,

The Newaygo County Board of Commissioners at its August 27, 2003 meeting passed Resolution #08-023-03 in compliance with a request from the Township Supervisors Association concerning modifying the Junk Enforcement Ordinance. After consideration and legal advice, the Board passed this resolution incorporating the townships' recommendations.

Attached is a copy of the resolution and the document that was published in the newspaper to comply with an ordinance change. Since this is an opt out situation, it requires the townships who have already passed the original ordinance to opt out of this change if they so desire. If your township disagrees with this adjustment to the ordinance, please fill out and return the opt out form.

If you have any questions or comments concerning this, please contact Kurt Humphrey, County Administrator at 231-689-7200.

Sincerely,

A handwritten signature in cursive script that reads "Stanley DeKuiper ps".

Stanley DeKuiper, Chairman
Newaygo County Board of Commissioners

ps

Enclosures

NOTE: You must remember that the county ordinance is secondary to any township ordinance.



STATE OF MICHIGAN
COUNTY OF NEWAYGO
BOARD OF COMMISSIONERS

At a regular session of the said Board, held in the City of White Cloud, in said County, on the 27th day of August 2003, the following Resolution was adopted:

Resolution #08-023-03
To Amend the Newaygo County Junk Ordinance

WHEREAS, the Newaygo County Board of Commissioners ("Board") has adopted a Junk Ordinance ("Ordinance"); and

WHEREAS, the Board has determined that some changes to the Ordinance are in the best interests of the health and safety of the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED, that the Board determines that the County's Junk Ordinance is amended as follows:

- A. Section 3, "Definitions" is amended to provide in Section D as follows:

The term 'fenced' shall mean a solid fence of wood (naturally weathered or painted neutral shades of gray or brown) or sheet steel painted neutral shades of gray or brown, not more than eight (8) feet in height above natural grade, so construed as to make it impossible to see any junk accumulation through, over or around said fence. Fences must be built in compliance with local zoning (applicant is to acquire all proper permits prior to any construction). Any fences erected to comply with this ordinance are to encompass no more area than the area in violation (Or minimum area necessary to accommodate said violation) plus ten per cent (10%). In addition, fences are to be screened by natural objects, such as plantings, earthen berms and/or shrubs and trees, so as to reduce their visibility to public view.

- B. the opening paragraph of Section 4, 'Regulations' shall be replaced with the following opening paragraph:

Except to the extent permitted under state law or city, village or township ordinances, 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 premise

within the county, of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building or completely walled or fenced enclosure (delete the reference to natural screenings, etc...) except for the following...

BE IT FURTHER RESOLVED, that the attached, republished ordinance with these changes is adopted herein.

BE IT FURTHER RESOLVED, that the County Clerk shall publish notice of the adoption of this Resolution in a newspaper of general jurisdiction to this effect by its legislative body.

BE IT FURTHER RESOLVED, that this Ordinance as revised shall take effect within 50 days of publication of the notice of adoption in all local units of government that do not opt out of its application, provided that there is no effective petition for referendum filed under MCL 46.11(j).

Motion by: Finance, Seconded by: Fulton to adopt the foregoing Resolution.
The Ayes being: Balberde, DeKuiper, Derks, Fulton, Maike, Purcell, Willett
Nays: 0 Absent: 0

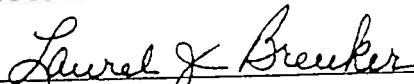


Stanley DeKuiper, Chairman
Newaygo County Board of Commissioners

The Resolution was adopted
August 27, 2003

STATE OF MICHIGAN)
)ss
COUNTY OF NEWAYGO)

I, Laurel J. Breuker, County Clerk, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Newaygo County Board of Commissioners at a regular session held on the 27th day of August, 2003.



Laurel J. Breuker
Newaygo County Clerk