

Flowerfield Township Ordinance No.1

An ordinance for the minimum construction requirements of dwellings, buildings and structures in the unincorporated portion of Flowerfield Township, St. Joseph County, State of Michigan, as provided in Act No. 185 of the Public Acts of the State of Michigan for 1943.

For the purpose of promoting the public health, safety, morals and general welfare, and the safety, protection and sanitation of such dwellings, buildings and structures, the Township Board of the Township of Flowerfield, St. Joseph County, State of Michigan, after having, by resolution, on June 14th, 1944, declared its intention to proceed under the provisions of Act. No. 185 of the Public Acts of the State of Michigan for the year 1943; notice of the passage of said resolution having been given by publication in the Three Rivers Commercial, a newspaper in general circulation in said Township of Flowerfield within ten days after the passage of said resolution;

THE TOWNSHIP OF FLOWERFIELD ORDAINS:

SECTION 1. That all of the unincorporated portions of the township of Flowerfield shall constitute one district and shall be known as District Number One to carry out the provisions of this ordinance and the requirements shall be uniform for each class of dwelling, building or structure throughout such district.

SECTION 2. That it shall be hereafter unlawful for any person, firm or corporation to construct, or remove any building to be used as a dwelling within the unincorporated portions of the township of Flowerfield, without first submitting to the township Clerk of said township, a detailed statement in writing, giving the specifications, copies and plans of such work and of the estimated cost thereof, also there shall be submitted a plat of the lot or lands. The location of the proposed building on such lot or lands and all other buildings on such lot or lands. Such Specifications, plans and estimated cost shall be filed in the office of the township clerk and shall be deemed as a public record.

SECTION 3. If such plans and specifications of any above mentioned improvements shall conform with the provisions of the laws of the State of Michigan and this ordinance, then the township clerk shall approve the same and a written permit shall be granted otherwise it shall be denied.

SECTION 4. If any dwelling or building to be used as a dwelling, be hereafter removed from outside the township to a location within said township or from one location within said township to another location therein, it shall be made to conform to all of the provisions of this ordinance and of the Laws of the State of Michigan and the necessary and proper permit must be obtained before said dwelling or other building shall be used for a dwelling house.

SECTION 5. For all other buildings to be used as a dwelling, if the plans and specifications comply with this ordinance and the laws of the state and are approved by the township clerk, a permit shall be granted and issued therefor.

SECTION 6. All permits shall be issued in duplicate, one copy of which is to be delivered to the applicant and one copy for permanent record in the office of the township clerk, such shall be issued by the township clerk upon the payment of one dollar.

With said permit shall be delivered to the applicant, a placard with "Building Permit Number -

" printed thereon. which placard shall be posted in plain view of the street 'or highway on the premises mentioned in the permit during the process of the work.

SECTION 7. That all dwellings, buildings and structures shall be completed within one year from the date of issuance of said building permit.

SECTION 8. That all dwellings shall be set upon a substantial wall foundation, providing at least a two foot air space between the ground surface and ground floor of the dwelling and such wall shall be constructed of cement concrete, brick, stone, concrete blocks or any combination thereof.

SECTION 9. That the inside area of all such dwellings shall not be less than 575 square feet, and must comply with all sanitary regulations and requirements of Michigan State Health Department in force at the time said building permit is issued.

SECTION 10. That all building material used in the construction of any such dwelling, shall be sound and free from decay. That all roofing and sidings *of* dwellings shall be of material classified as approved by insurance underwriters association if the exterior is made of wood, it shall, be planed and capable of receiving paint and the exterior of all such structures, which made of wood, shall be painted with at least two coats of a good paint, before such structure shall be considered completed.

SECTION 11. That all rooms in the dwelling shall be constructed to provide window space equal to one eighth of the floor space and so spaced as to provide all parts of the room equally with light.

SECTION 12. That all outlets for smoke from stoves and furnaces shall be constructed in a first class manner of fireproof material and in conformity of all fire laws of the state.

SECTION 13. That all outdoor toilets, cesspools, septic tanks shall be at least 75 feet distant from the dwelling or the well from which water is secured for domestic purposes and all of such toilets, cesspools and septic tanks 'Shall be constructed in accordance with the regulations of the State Department of Health.

SECTION 14. It shall be unlawful for any person to use as a dwelling any building, housecar, tent or other structure, unless the construction complies with the provisions of this ordinance. I

SECTION 15. That where electricity is available all dwellings must be wired in accordance with the rules and regulations therefor in accordance with the laws of this state and in such cases such dwellings shall be provided with running water and septic tanks.

SECTION 16. Any person, firm or corporation violating any of the provisions of this ordinance, shall be liable to a fine of not less than Five Dollars nor more than One Hundred Dollars or imprisonment in the County Jail, for not less than ten days or more than ninety days or both fine and imprisonment, at the discretion of the Court.

SECTION 17. This ordinance shall take effect on the 14 day of June 1944.

Ordained this 14 day of June, 1944.

Approved this 14th day of June, 1944.

Chairman of Township Board.

Jesse Anderson

Attest:

Forest Burlew

Township Clerk.

FIRST AMENDMENT TO ORDINANCE NUMBER ONE,
FLOWERFIELD TOWNSHIP, ST. JOSEPH COUNTY, MICHIGAN

An Amendment to an Ordinance for the minimum construction requirements of dwellings, buildings and structures in said Township.

The Township of Flowerfield, County of St. Joseph and State of Michigan, ordains:

That the Ordinance Number 1 of said Flowerfield Township, be and the same is hereby amended as follows:

1. By striking from 'Section 2 of said Ordinance, the following words "to be used in a dwelling", and the words "unincorporated portions of the".

2. To strike from Section 5 thereof, the following words "to be used as a dwelling". To strike therefrom Section 8 and to insert 'in lieu thereof the following: "Section 8. All dwellings shall be set upon a substantial wall foundation, providing at least 18 inches as a space between the ground surface and the ground floor of the dwelling, unless the same is set on a cement slab, and such wall shall be constructed of cement, concrete, brick, stone, concrete blocks or any combination thereof."

3. That Section 9 be stricken, that there be inserted in lieu thereof, the following: "Section 9. All dwellings shall have an inside area of at least 575 square feet on the main floor, excluding patios, breezeways, porches and garages, and shall be situate at least 25 feet from a public highway and on a lot or parcel of land having not less than 15,000 square feet, and not less than 100 feet in width.

4. Section 13 thereof is hereby stricken and there is inserted in lieu thereof, the following: "Section 13. That all outdoor toilets, cesspools and septic tanks shall be constructed in accordance with the regulations of the County and State Health Departments.

5. That the words "housecar, tent" be stricken from Section 14 thereof.

6. That Section 15 'be stricken therefrom and there be inserted in lieu thereof, the following: "Section 15. That all electric wiring shall be in accordance with the National Safety Code and the State Laws and Regulations relating thereto.

7. This First Amendment to Ordinance Number 1, shall take effect on the 20 day of October, 1967.

We each hereby certify that the above and foregoing is a true copy of the Amendments to Ordinance Number One, passed by the Board of Flowerfield Township aforesaid, on the 10 day of October, 1967.

Jesse J. Anderson
Supervisor
C.B. Castle
Secretary

FIRST AMENDMENT TO
ORDINANCE NUMBER ONE,
ST. JOSEPH COUNTY,
MICHIGAN

An Amendment to an Ordinance for the minimum construction requirements of dwellings, buildings and structures in said township.

The Township of Flowerfield, County of St. Joseph and State of Michigan, ordains:

That the Ordinance Number 1 of said Flowerfield Township, be and the same is hereby amended as follows:

1. By striking from Section 2 of said Ordinance, the following words "to be used in a dwelling", and the words "unincorporated portions of the".

2. To strike from Section 5 thereof, the following words "to be used as a dwelling". To strike therefrom Section 8 and to insert in lieu thereof the following: "Section 8. All dwellings shall be set upon a substantial wall foundation, providing at least 18 inches as space between the ground surface and the ground floor of the dwelling, unless the same is set on a cement slab, and such wall shall be constructed of cement, concrete, brick, stone, concrete blocks or any combination thereof."

3. That Section 9 be stricken, that there be inserted in lieu thereof, the following: "Section 9. All dwellings shall have an inside area of at least 575 square feet on the main floor, excluding patios, breezeways, porches and garages, and shall be situate at least 25 feet from a public highway and on a lot or parcel of land having not less than 15,000 square feet, and not less than 100 feet in width.

4. Section 13 thereof is hereby stricken and there is inserted in lieu thereof, the following: "Section 13. That all outdoor toilets, cesspools and septic tanks shall be constructed in accordance with the regulations of the County and State Health Departments.

5. That the words "housecar, tent" be stricken from Section 14 thereof.

6. That Section 15 be stricken therefrom and there be inserted in lieu thereof, the following: "Section 15. That all electric wiring shall be in accordance with the National Safety Code and the State Laws and Regulations relating thereto.

7. This First Amendment to Ordinance Number 1, shall take effect on the 20 day of Oct., 1967.

We each hereby certify that the above and foregoing is a true copy of the Amendments to Ordinance Number One, passed by the Board of Flowerfield Township aforesaid, on the 10 day of Oct., 1967.

Jesse J. Anderson
Supervisor
Claude B. Castle
Secretary

(Oct. 13)

*Flowerfield Twp.
Board voted as
follows Oct 10, 1967
on First Amend-
ment to Ordinance*

#1:

*Supr. J. J. Anderson - Aye
Trustee Elmer Houtsbr. - Aye
Trustee Orville Miller - Aye
Trustee Leonard Mahay - Aye
Clerk C. B. Castle - Aye*

C. B. Castle - Clerk

SECOND AMENDMENT TO ORDINANCE NO. 1

Amendment to an ordinance for the minimum construction requirements of dwellings, buildings and structures in the unincorporated portion of Flower field Township, St. Joseph County, Michigan.

The Township of Flowerfield St. Joseph County, Michigan, ORDAINS:

THAT Ordinance Number One of said township hereinbefore enacted be amended as follows:

1. Add at the end of Section 3, the words "provided, however, no permit shall be required for repairs or re-roofing where the cost is less than \$200.00, except where a contractor is employed"

2. Strike out the words "one dollar" in Section 6, and insert the following in lieu thereof: "\$3.00 where the cost is \$3,000.00 or less; \$5.00 where the cost is over \$3000.00 and less than \$10,000.00; and \$10.00 where the cost is \$10,000.00 or more; the foregoing rates shall apply to all buildings except commercial buildings, and for them the charge of \$1.00 per \$1,000.00 cost shall be made.

3. Strike from Section 2 of the First Amendment to said Ordinance, the word "brick" and add after the words "cement slab" the words "with retaining wall 18 inches deep".

4. Strike the period at the end' of Section 9 thereof and add there to the words, "and all buildings shall be situate at least 10 feet from lands of any adjoining owner."

5. Strike from Section 10 thereof, all words after the first sentence.

We each certify that the foregoing Amendments were passed by said Flowerfield Township Board on the 13th day of February, 1969, that those voting for said Amendments were:

Anderson, Aye

Mohney, Aye

Miller, Aye

Castle, Aye.

Those opposed were: None.

Within 10 days thereafter ,said amendments were published in the Three Rivers Commercial, a newspaper of Three Rivers, Michigan. Published this 20th day; of February, A.D. 1969.

Jesse J. Anderson
Supervisor
Claude B. Castle
Clerk

SECOND AMENDMENT TO ORDINANCE NO. 1.

Amendment to an ordinance for the minimum construction requirements of dwellings, buildings and structures in the unincorporated portion of Flowerfield Township, St. Joseph County, Michigan.

The Township of Flowerfield St. Joseph County, Michigan, ORDAINS:

THAT Ordinance Number One of said township hereinbefore enacted be amended as follows:

1. Add at the end of Section 3, the words "provided, however, no permit shall be required for repairs or re-roofing where the cost is less than \$200.00, except where a contractor is employed"

2. Strike out the words "one dollar" in Section 6, and insert the following in lieu thereof: "\$3.00 where the cost is \$3,000.00 or less; \$5.00 where the cost is over \$3,000.00 and less than \$10,000.00; and \$10.00 where the cost is \$10,000.00 or more; the foregoing rates shall apply to all buildings except commercial buildings, and for them the charge of \$1.00 per \$1,000.00 cost shall be made.

3. Strike from Section 2 of the First Amendment to said Ordinance, the word "brick" and add after the words "cement

slab" the words "with retaining wall 18 inches deep".

4. Strike the period at the end of Section 9 thereof and add thereto the words, "and all buildings shall be situate at least 10 feet from lands of any adjoining owner."

5. Strike from Section 10 thereof, all words after the first sentence.

We each certify that the foregoing Amendments were passed by said Flowerfield Township Board on the 13th day of February, 1969, that those voting for said Amendments were: Anderson, Aye - Mohny, Aye - Miller, Aye - Castle, Aye.

Those opposed were: None. Within 10 days thereafter, said amendments were published in the Three Rivers Commercial, a newspaper of Three Rivers, Michigan. Published this 20th day of February, A.D. 1969.

Jesse J. Anderson
Supervisor
Claude B. Castle
Clerk

Application for Building Permit

FLOWERFIELD TOWNSHIP
St. Joseph County, Michigan

....., Mich., 19.....

I,, age, now a resident
of....., hereby apply for a Building Permit to

remove move in construct repair remodel

a building to used as a..... on.....Road or Street,
Lot No., Section No., in Flowerfield Township.

Said Building is located onof said lot or lands. Other

Buildings at this location are

Foundation..... Frame.....

Roofing..... Style.....

No. Rooms..... Heat.....

Carpenter Work.....

Interior..... Outside Dimensions.....

Architect's Name..... License No.....

Contractor's Name..... License No.....

I understand this Permit is for a period of one year and may be revoked if information is misleading.

.....
Witness

.....
Applicant

ORDINANCE 2

Resolution

A resolution or ordinance to license and regulate junk yards and/or places for the dismantling, wrecking and disposing of the junk and/or refuse materials of automobiles and machinery of any kind to prescribe the fee therefor and the rules, regulations and conditions for the operation and licensing thereof and to prescribe penalties for violation of this resolution.

The Township of Flowerfield of the County of St. Joseph and State of Michigan, resolves and ordains:

1. It shall be unlawful for any person, firm, corporation or as association to operate, conduct or carry on any junk yards and/or places for the dismantling, wrecking and disposing of the junk and/or refuse materials of automobiles and machinery of any kind in said Township of Flowerfield without first having obtained a license therefor from the Clerk of said Township.

2. Applications for such license shall be in writing and signed by the applicant or applicants and shall contain the correct legal description of the premises where such business is to be conducted and shall further state the age and previous residences of the applicants, and list any violation of laws or ordinances of which said applicant or applicants may have been previously convicted, and list any license denials or revocations previously suffered by said applicant or applicants. The statements contained in such applications shall be verified before a Notary Public or some other officer of this state authorized to take oaths and affirmations.

3. The annual fee for such license shall be twenty-five (\$25.00) Dollars, payable in advance.

4. As a condition to the original granting of such license and the operation of such junk and/or dismantling yard, as a part of said application, the applicant or applicants shall obtain from 65% of the freeholders residing in said Township within one (1) mile radius of the place where said business is proposed to be conducted, a written statement or waiver addressed to said Township Board recommending that such license be granted.

5. Such application *with* said recommendation attached and the annual fee shall be delivered to the Clerk of said Township who shall present the same to the next meeting of said Township Board.

6. If said application is in accordance with the requirements herein and the statements therein are true and the applicants are over 21 years of age, and persons of good character, and have paid the license fee and have obtained the recommendation of freeholders as herein provided, then said Board shall grant said license and authorize the Clerk of said Township to issue the same forthwith.

7. The requirements for the recommendation of freeholders set forth in paragraph four (4) above, shall not be required on any renewal of the original license if the same has not been revoked.

8. Said licensee shall operate, conduct and carry on said business without violating the resolutions and ordinances of this Township, the laws of Michigan or the laws of the United States.

9. Said licensee shall at least once each month prepare and mail to the Commissioner of the

Department of Public Safety at East Lansing, Michigan, and to the Secretary of State at Lansing, Michigan, a sworn statement of all purchases and sales made by the said licensee.

10. The junk or dismantling yard operated by such licensee in said Township shall have a six (6) foot woven wire fence, or one similar thereto as adequate, along any adjoining highway, except at driveways.

11. The junk, rubbish, bodies, tires, parts and other similar material therein shall 'be not less than 20 rds. from said road fence, except when being driven to and from such portion of said premises.

12. All buildings on said premises shall be not less than 20 rds. from said road fence, except buildings on said premises at the effective date of this resolution or ordinance.

13. Said license shall not be transferable and shall permit such business to be conducted only on the premises described in said application.

14. Said license shall be subject to revocation by said Board upon failure to conduct said business in conformity with any of the rules, regulations or conditions, herein contained, or if any of the statements in the said application are found to be false, or if 65% of the freeholders residing in said township within a radius of one (1) mile from the place of said business petition said Township Board therefor.

15. Before revoking said license said licensee shall be notified by mail in writing at his or their last known address of the reasons for such proposed revocation and shall be advised therein of the date of the next meeting of said Board where he or they shall be entitled to appear and give reasons why such license should not be revoked.

16. Such revocation shall be in writing, signed by a member of the Township Board and mailed by registered mail to licensee at his or their last known address.

17. Any person, firm, association or corporation which shall operate a dismantling or junk yard without a license, or shall violate any rule, regulation or condition hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred (\$100.00) Dollars, or by imprisonment in the county jail not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the court.

18. Within five (5) days after the adoption of this resolution and before the same shall take effect, said resolution and the rules, regulations and conditions enacted hereunder shall be published by posting the same in three (3) conspicuous places in the township and an affidavit of said posting shall be filed in the office of the Township Clerk, whereupon this resolution shall become effective.

19. Should any provision of any section of this resolution be held unconstitutional, or invalid, such holding shall not be construed as affecting the validity of any of the remaining which shall stand notwithstanding the invalidity of any provision or section hereof.

Adopted April 24, 1951.

FIRST AMENDMENT TO JUNK YARD ORDINANCE

First Amendment to Ordinance Adopted April 24, 1951, by Flowerfield Township, being an ordinance to license and regulate junk yards and/or place for the dismantling, storing, wrecking and/ or disposing of the junk and/ or parts and refuse of used automobiles, to prescribe the fee therefor and the rules, regulations and conditions for the operation and licensing thereof and to prescribe penalties for the violation of said ordinance.

The Township of Flowerfield of the County of St. Joseph and State of Michigan, ordains:

That a new paragraph be added to the said Ordinance adopted April 24, 1951, after paragraph number one thereof, to be known as paragraph number One A, as follows:

1A. The term "junk yard", as used herein, shall mean any place within the township used as a site to buy, store, place or receive any used paper, cloth, metals, used materials, used machinery or more than one unlicensed automobile or part thereof.

The foregoing Amendment to said Ordinance shall be published as required by law and become effective at noon on the 14th day of August, 1967.

Adopted: July 14th, 1967

Jesse J. Anderson, Supervisor

Claude B. Castle, Clerk

Elmer S. Houts, Sr., Treasurer

Orville Miller, Trustee

Leonard D. Mohney, Trustee

*All members of Flowerfield Twp. Board voted in
favor of adoption of Junk Yard Ordinance Apr 24, 1951 -
all voted "aye" on 1st Amendment to same on July 14, 1967
C.B. Castle - clerk 828*

**FIRST AMENDMENT
TO JUNK YARD ORDINANCE**

First Amendment to Ordinance Adopted April 24, 1951, by Flowerfield Township, being an ordinance to license and regulate junk yards and/or place for the dismantling, storing, wrecking and/or disposing of the junk and/or parts and refuse of used automobiles, to prescribe the fee therefor and the rules, regulations and conditions for the operation and licensing thereof and to prescribe penalties for the violation of said ordinance.

The Township of Flowerfield of the County of St. Joseph and State of Michigan, ordains:

That a new paragraph be added to the said Ordinance adopted April 24, 1951, after paragraph number one thereof, to be known as paragraph number One 1A, as follows:

1A. The term "junk yard," as used herein, shall mean any place within the township used as a site to buy, store, place or receive any used paper, cloth, metals, used materials, used machinery or more than one unlicensed automobile or part thereof.

The foregoing Amendment to said Ordinance shall be published as required by law and become effective at noon on the 14th day of August, 1967.

Adopted: July 14, 1967.

Jesse J. Anderson, Supervisor
Claude B. Castle, Clerk
Elmer S. Houts Sr., Treasurer
Orville Miller, Trustee
Leonard D. Mohney, Trustee
(July 19, 1967)

**LEGAL NOTICE
Flowerfield Township**

**FIRST AMENDMENT
TO JUNK YARD ORDINANCE**

First Amendment to Ordinance Adopted April 24, 1951, by Flowerfield Township, being an ordinance to license and regulate junk yards and/or place for the dismantling, storing, wrecking and/or disposing of the junk and/or parts and refuse of used automobiles, to prescribe the fee therefor and the rules, regulations and conditions for the operation and licensing thereof and to prescribe penalties for the violation of said ordinance.

The Township of Flowerfield of the County of St. Joseph and State of Michigan, ordains:

That a new paragraph be added to the said Ordinance adopted April 24, 1951, after paragraph number one thereof, to be known as paragraph number One A, as follows:

1A. The term "junk yard", as used herein, shall mean any place within the township used as a site to buy, store, place or receive any used paper, cloth, metals, used materials, used machinery or more than one unlicensed automobile or part thereof.

The foregoing Amendment to said Ordinance shall be published as required by law and become effective at noon on the 14th day of August, 1967.

Adopted: July 14th, 1967

Jesse J. Anderson, Supervisor
Claude B. Castle, Clerk
Elmer S. Houts, Sr., Treasurer
Orville Miller, Trustee
Leonard D. Mohney, Trustee
July 20, 1967

ORDINANCE 2A
RESOLUTION

A resolution or ordinance to license and regulate used car lots to prescribe the fee therefore and the rules regulations and conditions for the operation and licensing thereof and to prescribe penalties for violation of this resolution.

The Township of Flowerfield of the County of St. Joseph and State of Michigan, resolves and ordains:

1. It shall be unlawful for any person, firm, corporation or association to operate, conduct or carry on any used car business as defined by Sec.19.739 (1) of the Michigan Statutes Annotated in said Township of Flowerfield without first having obtained a license therefore from the Clerk of said Township.

2. Applications for such license shall be in writing and signed by the applicant or applicants and shall contain the correct legal description of the premises where such business is to be conducted and shall further state the age and previous residences of the applicants, and list any violation of laws or ordinances of which said applicant or applicants may have been previously convicted, and list any license denials or revocations previously suffered by said applicant or applicants. The statements contained in such applications shall be verified before a Notary Public or some other officer of this state authorized to take oaths and affirmations.

3. The annual fee for such license shall be \$25.00 dollars, payable in advance.

4. As a condition to the original granting of such license and the operation of such used car lot, as a part of said application, the applicant or applicants shall obtain from 65% of the freeholders residing in said township within one half mile radius of the place where said business is proposed to be conducted, a written statement or waiver addressed to said township board recommending that such license be granted.

5. Such application with said recommendation attached and the annual fee shall be delivered to the Clerk of said Township who shall present the same to the next meeting of said Township Board.

6. If said application is in accordance with the requirements herein and the statements therein are true and the applicants are over 21 years of age, and persons of good character, and have paid the license fee and have obtained the recommendation of freeholders as herein provided, then said Board shall grant said license and authorize the Clerk of said Township to issue the same forthwith.

7. The requirement for the recommendation of freeholders set forth in paragraph four above, shall not be required on any renewal of the original license if the same has not been revoked.

8. Said licensee shall operate, conduct and carry on said business without violating the resolution and the ordinances of this Township, the laws of Michigan or the laws of the United States.

9. Said licensee shall at least once each month prepare and mail to the Commissioner of the State Police at East Lansing, Michigan, and to the Secretary of State at Lansing, Michigan, a sworn statement of all purchases and sales made by the said licensee.

10. The used car lots operated by such licensee in said Township shall have a six (6) foot woven wire fence, or one similar thereto as adequate, along any adjoining highway, except at driveways.

11. The cars offered for sale by said licensee shall be not less than 20 rds. from said road fence. except when being driven to and from such portion of said premises.

12. All buildings on said premises shall be not less than 20 rods from said road fence, except buildings on said premises at the effective date of this resolution or ordinance.

13. Said licensee, his agents or employees, shall not pile, place or strew about on said car lot any rubbish, junk, tires, car parts, or car bodies and shall not use said car lot as a place for the dismantling or assembling of motor vehicles, unless such licensee shall also have a junk yard license.

14. Said license shall not be transferable and shall permit such business to be conducted only on the premises described in said application.

15. Said license shall be subject to revocation by said Board upon failure to conduct said business in conformity with any of the rules, regulations or conditions, herein contained, or if any of the statements in the said application are found to be false, or if 65% of the freeholders residing in said Township within a radius of one-half mile from the place of said business petition said Township Board therefor.

16. Before revoking said license said licensee shall be notified by mail in writing at his or their last known address of the reasons for such proposed revocation and shall be advised therein of the date of the next meeting of said Board where he is they shall be entitled to appear and give reasons why such license shall not be revoked.

17. Such revocation shall be in writing, signed by a member of the Township Board and mailed by registered mail to licensee at his or their last known address.

18. Any person, firm, association or corporation which shall operate a used car lot without a license, or shall violate any rule, regulation or condition hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by the laws of this state.

19. Within five (5) days after the adoption of this resolution and before the same shall take effect, said resolution

AMENDMENT TO ORDINANCE

A resolution to amend the ordinance to license and regulate used car lots, to prescribe the fee therefore, and the rules, regulations and conditions for the operation and licensing thereof, and to prescribe penalties for violation of this ordinance.

The Township of Flowerfield in the County of St. Joseph and the State of Michigan, resolves and ordains:

That said ordinance to license and regulate used car lots heretofore enacted by this Township on the 28th day of April, 1951, be and the same is hereby amended as follows:

1. The words and figures in section 3 thereof "one hundred (\$100.00) dollars) be stricken and there be inserted in lieu thereof "twenty-five (\$25.00) dollars).

2. The words and figures in Section 11 thereof "20 rods" be stricken and there be inserted in lieu thereof "75 feet".

3. This amendment shall become effective upon due notice of its enactment and on the 1st day of May, 1961.

4. Except as above amended, said ordinance is hereby re-enacted.

The foregoing amendment to ordinance was passed by vote of the Township Board of Flowerfield Township and the members of said board voted thereon, as follows:

*Jesse Anderson - yes, Elmer
Hauter - yes, Leonard Mahoney - yes, Orville Miller - yes,
C.B. Castle - yes.*

I hereby further certify that the foregoing amendment to said ordinance was published in the Commercial a newspaper circulated within said Township on the 1st day of May, 1961.

C.B. Castle
Township Clerk

FLOWERFIELD TOWNSHIP

Ordinance No.3

An Ordinance to regulate the parking of trailer coaches within said township to provide for the issuance of licenses or permit therefore, and to amend Ordinance No. 1 or said township.

The Township of Flowerfield in the county of St. Joseph and State of Michigan ordains:

1. DEFINITION: For the purpose of this ordinance, a trailer coach is hereby defined and declared to be any vehicle used as a residence within said township, which is, or may be mounted on wheels, and is, or may be, propelled, either by its own power or by another vehicle to which it may be attached, and which is not located on a statutory trailer coach park.

2. PROHIBITION:

(a) No person shall use or permit the use of any trailer coach as a residence on any site, lot, field or tract of land, not specifically licensed as a trailer coach park, for more than (15) days except by written permit as hereinafter provided

(b) No person shall park a trailer coach over night on any street, alley, highway or public place within said township.

(c) No person shall park a trailer coach on private lands within said township unless there is a clear unoccupied space of at least 25 feet on all sides thereof, excepting however, that said trailer may be parked near buildings owned by the owner of said trailer.

(d) No person shall park a trailer coach within 25 feet of any public highway.

(e) No person shall use or permit the use of any trailer coach as a residence within said township unless adequate facilities are provided on the premises or within the coach itself for the sanitary disposal of waste and excreta.

3. LICENSE OR PERMIT: Application for permit or license shall be made to the clerk of this township and shall be in writing and contain the name and address of the owners and occupants of said house trailer including the ages of all children and the location of the proposed park site, the make and length of the trailer coach and its license number, if any, the date of application, the signature of the property owner, and the signature of the applicant. There shall be attached to the said application a waiver of the prohibition of this ordinance signed by 65% of all free holders within a radius of 600 feet of the proposed location of said trailer coach.

4. INSPECTION: Upon the filing of said application, and the payment of a fee of \$5.00 per month, the clerk of this township shall cause an inspection to be made of the premises on which it is proposed to locate said trailer coach and also inspect the coach itself to consider whether or not the same is in compliance with the provisions of this ordinance and the statutes of the State of Michigan. If the premises and the trailer coach appear to be in such compliance, the clerk shall issue a permit for the parking use and occupancy of said trailer coach for a period of one year from the date of the issue thereof. Such permit shall be subject to revocation prior to the period for which it is granted in the event of violation of this ordinance. Every permit so issued shall be displayed in or on the trailer coach for which it is issued on the side of the street nearest to the public street in such a manner as to be readily noticed at all times.

5. TRANSFER: Said license shall not be subject to transfer and upon the sale of said trailer coach by the owner thereof, the new owner shall make an application for a new permit the same

as if one had not been issued to the former owner.

6. AMENDMENT TO PRIOR ORDINANCE: Section 14' of Ordinance No. 1 of this township is hereby amended by striking therefrom the word "house car", and adding thereto after the word "ordinance" the words "except trailer coaches for which a permit or license has been granted under the ordinance of this township."

7. SAVING CLAUSE: If any section, clause, or phrase of this ordinance is at any time held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this ordinance.

8. PENALTY: Any person, firm, association or corporation who shall violate this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not to exceed \$100.00 and the costs of prosecution or by imprisonment in the county jail not exceeding ninety (90) days or by both fine and imprisonment within the discretion of the Court.

9. EFFECTIVE DATE: This ordinance shall become effective on the 1st day of January, 1961.

The undersigned Supervisor and Clerk of the Township of Flowerfield, County of St. Joseph and State of Michigan hereby certify that the above and foregoing Ordinance No.3 was duly passed by the Township Board of said Township, at a special meeting held on the 13th., day of December, 1960, and that a true Copy thereof was published in the Commercial, a news paper circulated in said township, on the 17th day of December 1960.

Jesse J. Anderson

Township Supervisor

C. B. Castle

Township Clerk

Elmer S. Houts, Treas.

Leonard D. Mohney, Trustee

Orville Miller, Trustee

Amendment to Paragraph Two Subsection (a) effective March 14, 1962.

Following a comma instead of a period, to-wit:

"nor for more than twelve months when the occupant thereof is actually engaged in the repair or replacement of his bona fide dwelling, except by written permit as hereinafter provided."

C. B. Castle, Twp. Clerk

Sec. 4 of Ordinance # 3 amended effective Apr. 25, 1966 to read: and the payment shall be at the rate of \$5 per month, or part thereof, to end of year of entry into Township.

CB, Castle Twp. Clerk

Voting "Age" on Ordinance # 3 and on its Amendments were -

Supr J. J. Anderson
Treas Elmer Houts Sr.
Trustee Orville Miller
Trustee Leonard Mahoney
Clerk CB, Castle

CB, Castle - Twp. Clerk

FLOWERFIELD TOWNSHIP
AMENDMENT TO ORDINANCE NO. 3

An Ordinance to regulate the parking of trailer coaches within said township to provide for the issuance of licenses or permits therefor, and to amend Ordinance No.1 of said township.

The Township of Flowerfield in the County of St. Joseph and State of Michigan, ordains:

Ordinance No.3, above described is hereby amended as follows:

Paragraph number 4 thereof, is hereby amended by striking out the words and figures "of \$50.00" and inserting in lieu thereof the words "as hereinafter set forth",

And also by striking out from said paragraph number 4, the words "of one year from the date of the issue thereof", and inserting in lieu thereof, the words "ending the next succeeding January first."

And also by adding a new paragraph number 4A after said paragraph number 4 therein, as follows:

4A. The fee to be paid for such permit shall be computed at the rate of \$5.00 per month, for each month or fraction thereof, between the date of issuance and the next succeeding first day of January.

And also by adding a new paragraph No. 6A after paragraph 6 therein, as follows:

6A. The license fee required by this ordinance shall not be required of persons whose trailer coaches are lawfully assessed for taxes as part of the real property upon which they are located.

EFFECTIVE DATE: This amendment to ordinance shall become effective on the 25th day of April, 1966.

The undersigned Supervisor, and Clerk of the Township of Flowerfield, County of St. Joseph and State of Michigan, hereby certify that the above and foregoing amended ordinance No.3 was duly passed by the Township Board of said Township, at a special meeting on the 18th day of April, 1966, and that a true copy thereof was published in the Marcellus News, a newspaper circulated in said township, on the 21st day of April, 1966.

Jesse J. Anderson
Township Supervisor
C. B. Castle
Township Clerk
Leonard D. Mohney
Trustee
Orville Miller
Trustee

**FLOWERFIELD
TOWNSHIP**
**AMENDMENT TO
ORDINANCE NO. 3**

An Ordinance to regulate the parking of trailer coaches within said township to provide for the issuance of licenses or permits therefor, and to amend Ordinance No. 1 of said township.

The Township of Flowerfield in the County of St. Joseph and State of Michigan, ordains:

Ordinance No. 3, above described is hereby amended as follows:

Paragraph number 4 thereof, is hereby amended by striking out the words and figures "of \$50.00" and inserting in lieu thereof the words "as hereinafter set forth",

And also by striking out from said paragraph number 4, the words "of one year from the date of the issue thereof", and inserting in lieu thereof, the words "ending the next succeeding January first."

And also by adding a new paragraph number 4A after said paragraph number 4 therein, as follows:

4A. The fee to be paid for such permit shall be computed at the rate of \$5.00 per month, for each month or fraction thereof, between the date of issuance and the next succeeding first day of January.

And also by adding a new paragraph No. 6A after paragraph 6 therein, as follows:

6A. The license fee required by this ordinance shall not be required of persons whose trailer coaches are lawfully assessed for taxes as part of the real property upon which they are located.

EFFECTIVE DATE: This amendment to ordinance shall become effective on the 25th day of April, 1966.

The undersigned Supervisor and Clerk of the Township of Flowerfield, County of St. Joseph and State of Michigan, hereby certify that the above and foregoing amended ordinance No. 3 was duly passed by the Township Board of said Township, at a special meeting on the 18th day of April, 1966, and that a true copy thereof was published in the Marcellus News, a newspaper circulated in said township, on the 21st day of April, 1966.

Jesse J. Anderson
Township Supervisor
C. B. Castle
Township Clerk
Leonard D. Mohney
Trustee
Orville Miller
Trustee

THIRD AMENDMENT TO FLOWERFIELD TOWNSHIP ORDINANCE NUMBER 3

An Ordinance to regulate the parking of trailer coaches within the Township of Flowerfield.

The Township of Flowerfield in the County of St. Joseph and State of Michigan ordains:

That said Ordinance three is hereby amended to add to thereto the following:

(f) No person shall use or permit the use of any trailer coach as a residence within said Towns unless it is of substantial construction, undamaged by fire, wind, collision or the elements, and is 1 good repair. Said trailer coach shall contain not less than 500 square feet.

This Amendment shall become effective the 25th day of October, 1969.

The undersigned Supervisor and Clerk of the Township of Flowerfield, County of St. Joseph and State of Michigan hereby certify that the above and foregoing Amendment to Ordinance No.3 was duly passed by the Township Board of said Township, at a special meeting held on the 22nd day of September, 1969, and that a true copy thereof was published in the Three Rivers Commercial, a newspaper circulated in said Township, on the 25th day of September, 1969.

Jesse J. Anderson, Supervisor

Claude B. Castle, Clerk

Elmer Houts, Treasurer

Leonard Mohny, Trustee

Orville Miller, Trustee

LEGALS

THIRD AMENDMENT TO FLOWERFIELD TOWNSHIP ORDINANCE NUMBER 3.

An Ordinance to regulate the parking of trailer coaches within the Township of Flowerfield. The Township of Flowerfield in the County of St. Joseph and State of Michigan ordains:

(f) No person shall use or permit the use of any trailer coach as a residence within said Township unless it is of substantial construction, undamaged by fire, wind, collision or the elements, and is in good repair. Said trailer coach shall contain not less than 500 sq. ft.

This Amendment shall become effective the 25th day of October 1969.

The undersigned Supervisor and Clerk of the Township of Flowerfield, County of St. Joseph and State of Michigan hereby certify that the above and foregoing Amendment to Ordinance No. 3 was duly passed by the Township Board of said Township, at a special meeting held on the 22nd day of September, 1969, and that a true copy thereof was published in the Three Rivers Commercial, a newspaper circulated in said Township, on the 25th day of October, 1969.

Jesse J. Anderson,
Supervisor
Claude B. Castle,
Clerk
Elmer Houts,
Treasurer
Leonard Mohny,
Trustee
Orville Miller,
Trustee

Township Ordinance No.4

TOWNSHIP OF FLOWERFIELD - COUNTY OF ST. JOSEPH

*Repealed
by Ordinance
9
Effective 1/14/20*

An Ordinance relative to the starting of open fires and to fix charges to be made for fire runs by Fire Departments.

The Township of Flowerfield, St. Joseph County, Michigan, ordains:

1. It shall be unlawful, when the ground is not snow covered to start or have an open fire, except for domestic purposes, and to protect persons or property in case of fire without permission of the State Director of Conservation or his authorized representative.
2. Each owner and/or occupant of premises to which any established municipal fire department shall be called within said Township of Flowerfield, shall pay to the Treasurer of said Township, the sum of \$100.00 for each run so made, provided however, should such calls result from the operation of a railroad train or trains then such sum of \$100.00 for each run so made shall be paid by the offending railroad company to said Township Treasurer.
3. If such charges are not paid by such owner or occupant within 60 days after notice thereof is mailed to the last grantee in the recorded chain of title to said premises, addressed to his or her last known address, the same may be levied in the next following tax assessment against premises and collected in the same manner as other taxes levied thereon.
4. If such charges are not paid by such railroad company within 60 days after notice thereof is mailed to their last known address, said Township Treasurer may institute suit for such \$100.00 for each run made, plus the necessary costs and expenses incurred thereby.
5. This Ordinance shall become effective upon its publication.

We, the undersigned Supervisor and Clerk of said Township hereby certify that the above Ordinance was duly passed at a Special meeting of the Township Board of said Township held on the 23rd day of May, 1969, and that the following members voted in favor thereof: Jesse J. Anderson, Elmer S. Houts, Orville Miller, Leonard Mohney and Claude B. Castle and the following members voted against the same: None and that a true copy thereof was published in the Three Rivers Commercial, a newspaper printed and circulated in said County, on the 26th day of May, 1969.

Jesse J. Anderson
Supervisor

Claude B. Castle
Clerk

Check Fire Insurance

LEGALS

TOWNSHIP OF FLOWERFIELD
COUNTY OF ST. JOSEPH.
TOWNSHIP ORDINANCE NO. 4

An Ordinance relative to the starting of open fires and to fix charges to be made for fire runs by Fire Departments.

The Township of Flowerfield, St. Joseph County, Michigan, ordains:

1. It shall be unlawful, when the ground is not snow covered to start or have an open fire, except for domestic purposes, and to protect persons or property in case of fire without permission of the State Director of Conservation, or his authorized representative.

2. Each owner and-or occupant of premises to which any established municipal fire department shall be called within said Township of Flowerfield, shall pay to the Treasurer of said Township, the sum of \$100.00 for each run so made, provided however, should such calls result from the operation of a railroad train or trains then such sum of \$100.00 for each run so made shall be paid by the offending railroad company to said Township Treasurer.

3. If such charges are not paid by such owner or occupant within 60 days after notice thereof is mailed to the last grantee in the recorded chain of title to said premises, addressed to his or her last known address, the same may be levied in the next following tax assessment against said premises and collected in the same manner as other taxes levied thereon.

4. If such charges are not paid by such railroad company within 60 days after notice thereof is mailed to their last known address, said Township Treasurer may institute suit for such \$100.00 for each run made, plus the necessary costs and expenses incurred thereby.

5. This Ordinance shall become effectice upon its publication.

We, the undersigned Supervisor and Clerk of said Township hereby certify that the above Ordinance was duly passed at a special meeting of the Township Board of said Township held on the 23rd day of May, 1969, and that the following members voted in favor thereof:

Jesse J. Anderson, Elmer S. Houts, Orville Miller, Leonard Mohney and Claude B. Castle, and the following members voted against the same: None and that a true copy thereof was published in the Three Rivers Commercial, a newspaper printed and circulated in said County, on the 26 day of May 1969.

Jesse J. Anderson
Supervisor
Claude B. Castle
Clerk

Check Fire Insurance Policies
on payment of Fire Department
Services.

FLOWERFIELDTOWNSHIP ORDINANCE NO. 5

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

THE TOWNSHIP OF FLOWERFIELD ORDAINS:

SECTION I

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

SECTION II

Regulation No. 75, St. Joseph County.

R 281.775.2.Lewis Lake; high-speed boating and water skiing prohibited;

2. On the waters of Lewis Lake, sections 18 and 19, town 5 south, range 12 west, Flowerfield Township, St. Joseph County, it is unlawful to:

(a) Operate a vessel at highspeed; or

(b) Have in tow or otherwise assist in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance.

See R 281.714.9 for that part of Lewis Lake which lies in Cass County.

Draft No.2.

February 24, 1972

SECTION III

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

SECTION IV

Violations of this ordinance are a misdemeanor and may be punished by a fine not to exceed one hundred dollars (\$100) together with costs of prosecution or imprisonment in the county jail or such other place of detention as the court may prescribe, for a period not to exceed ninety (90) days, or said fine, costs of prosecution, and imprisonment, at the discretion of the court.

SECTION V

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

SECTION VI

This ordinance shall take effect 30 days after its publication in The Marcellus News newspaper.

We, the undersigned Supervisor and Clerk of the Township of Flowerfield, do hereby certify that the above ordinance was passed by the Flowerfield Township Board on the 10th day of August, 1972, and that it was published in the Marcellus News newspaper on the 17th day of August, 1972.

Voting Aye were J. J. Anderson, Leonard Mohny, Arden Wright and C. B. Castle.

Voting Nay - none.

Jesse J. Anderson

Supervisor

C. B. Castle,

Clerk

THURSDAY, AUGUST 17, 1972

FLOWERFIELD TOWNSHIP ORDINANCE NO. 5

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

THE TOWNSHIP OF FLOWERFIELD ORDAINS:

SECTION I

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

SECTION II

Regulation No. 75, St. Joseph County.

R 281.775.2. Lewis Lake; high-speed boating and water skiing prohibited.

2. On the waters of Lewis Lake, sections 18 and 19, town 5 south, range 12 west, Flowerfield Township, St. Joseph County, it is unlawful to:

(a) Operate a vessel at high speed, or

(b) Have in tow or otherwise assist in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance.

See R 281.714.9 for that part of Lewis Lake which lies in Cass County.

Draft No. 2

February 24, 1972

SECTION III

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

SECTION IV

Violations of this ordinance are a misdemeanor and may be punished by a fine not to exceed one hundred dollars (\$100) together with costs of prosecution or imprisonment in the county jail or such other place of detention as the court may prescribe, for a period not to exceed ninety (90) days, or said fine, costs of prosecution, and imprisonment, at the discretion of the court.

SECTION V

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

SECTION VI

This ordinance shall take effect 30 days after its publication in The Marcellus News newspaper.

We, the undersigned Supervisor and Clerk of the Township of Flowerfield, do hereby certify that the above ordinance was passed by the Flowerfield Township Board on the 10th day of August, 1972, and that it was published in the Marcellus News newspaper on the 17th day of August, 1972.

Voting Aye were J. J. Anderson, Leonard Mohny, Arden Wright and C. B. Castle.

Voting Nay - none.

Jesse J. Anderson

Supervisor

C. B. Castle, Clerk

FLOWERFIELD TOWNSHIP
Ordinance No. 6

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Flowerfield under the Provisions of the State Construction Code Act.

The Township of Flowerfield ordains:

Sec. 1. Agency Designated. Pursuant to the provisions of Sec. 9 of Act 230 of the Public Acts of 1972, the building official of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Flowerfield under Act 230 of the Public Acts of 1972, State of Michigan. The Township of Flowerfield hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Sec. 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Sec. 3. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing Same.

Adopted September 24, 1974
Supervisor Donald A. Owen Clerk Doris Curtis
Treasurer William Wright Trustees Thomas J. Glus
Ralph Richmond

FLOWERFIELD TOWNSHIP
ST. JOSEPH CO.
To the residents and property
owners of Flowerfield Town-
ship, St. Joseph County, and

any other interested persons;
Please take notice that the fol-
lowing Township Ordinance No.
6 was adopted by the Flower-
field Township Board at a spec-
ial meeting held on September
24, 1974.

FLOWERFIELD TOWNSHIP
Ordinance No. 6

An Ordinance to designate an
enforcing agency to discharge
the responsibilities of the Town-
ship of Flowerfield under the
provisions of the State Con-
struction Code Act.

The Township of Flowerfield
ordains:

Sec. 1. Agency Designated, Pur-
suant to the provisions of Sec.
9 of Act 230 of the Public Acts
of 1972, the building official
of the Township of Flowerfield
is hereby designated as the en-
forcing agency to discharge the
responsibilities of the Town-
ship of Flowerfield under Act
230 of the Public Acts of 1972,
State of Michigan. The Township
of Flowerfield hereby assumes
responsibility for the adminis-
tration and enforcement of said
Act throughout its corporate
limits.

Sec. 2. All Ordinances inconsis-
tent with the provisions of this
Ordinance are hereby repealed.

Sec. 3. This Ordinance shall be
effective after legal publication
and in accordance with pro-
visions of the Act governing
same.

Adopted September 24, 1974
Supervisor Donald O. Rowe
Clerk Doris Curtis
Treasurer Arden Wright
Trustees: Thomas N. Glass,
Ralph Richmond
(October 5)

ORDINANCE NO. 7

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Flowerfield under the provisions of the State Construction Code Act (Act 230, P.A. of 1972).

The Township of Flowerfield ordains:

Sec. 1. Agency Designated. Pursuant to the provisions of the Michigan Plumbing Code which consists of the BOCA Basic Plumbing Code, 1970 edition, including accumulative supplement dated 1973, except sections P-102.0, P-105.0, P-302, P-501.2, P-1101.5, P-1205.2, P-1500.0 through P-1511.4, and P-1700.0 through P-1705.2 which have been deleted and includes amendments to P-100.2, P-117.0, P-201.1, P-301.1, P-301.2, P- 308.2, P- 313.3, P-405.12 , P-602.31, P-701.16, P-701.2, P-1001.7, P-1101.3, P-1101.4, P-1102.0, P-1204.55, P-1605.10, P-1606.21, P-1606.22, P-1606.23 and further includes additions being: R 408.30725 (P-309.3), R 408.30752 (P-1001.9), R 408.30762 (P-1205.41), R 408.30791, R 408.30792, R 408.30793, R 408.30795 and R 408.30796 of Act 230 of the Public Acts of 1972, the plumbing official of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibilities of the township of Flowerfield under Act 230 of the Public Acts of 1972, State of Michigan. The Township of Flowerfield hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Sec. 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Sec. 3. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted May 15, 1975

This Ordinance duly adopted on May 15, 1975 at a regular meeting of the Flowerfield Township Board and will Become effective May 19.1975.

DATE: May 15, 1975

LS Doris Curtis
Doris Curtis, Clerk
Flowerfield, Township

Attest:

LS Bradley L. Decker
Bradley L. Decker Supervisor
Flowerfield, Township

Attest:

LS _____ *er*, Supervi Flowerfield, Township

FLOWERFIELD TOWNSHIP
ORDINANCE NO.8

FISCAL YEAR ORDINANCE

ADOPTED: February 5, 1979
EFFECTIVE: February 5, 1979

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

THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1. Commencing in 1979, the fiscal year of the Township shall extend from April 1 of each year until March 31 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing fiscal year periods.

SECTION 2. The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION 3. The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION 4. This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Thomas W. Houts
Supervisor

Genevieve Wright
Treasurer

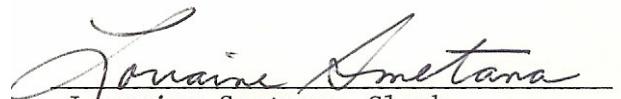
Lorraine Smetana
Township Clerk

Trustees:
Tom Glass
Ralph Richmond

CERTIFICATE

The undersigned, as the duly elected and acting Clerk of Flowerfield Township, hereby certifies that the above Ordinance was adopted by the Township Board at a regular meeting of said Board, at which a quorum was present, held on February 5, 1979. Voting in favor of the ordinance were: Tom Glass, Ralph Richmond, Genevieve Wright, Tom Houts and Lorraine Smetana. Voting against: None.

A true copy of this Ordinance was published in the Three Rivers Commercial, a newspaper circulated in Flowerfield Township, on the 12th day of February, 1979. Date filed in Ordinance Book: February 12, 1979.


Lorraine Smetana, Clerk

2

Three Rivers Commercial, Monday, February 12, 1979

FLOWERFIELD TOWNSHIP
ORDINANCE NO. 8 FISCAL
YEAR ORDINANCE ADOPTED:
February 5, 1979 EFFECTIVE:
February 5, 1979 An Ordinance
to establish the fiscal year of
the Township of Flowerfield,
St. Joseph County, Michigan,
and the annual settlement day
for such Township pursuant to
Michigan Public Act 596 of 1978.
THE TOWNSHIP OF FLOWERFIELD,
ST. JOSEPH COUNTY, MICHIGAN,
HEREBY ORDAINS: SECTION 1.
Commencing in 1979, the fiscal
year of the Township shall extend
from April 1 of each year until
March 31 of the following year.
Any pre-existing Township budget
lawfully adopted by the Township
Board shall be proportionately
extended to coincide with the
foregoing fiscal year periods.
SECTION 2. The annual settlement
day meeting of the Township Board
shall hereafter be held on the 15th
day of the last month of the fiscal
year of the Township unless said
day falls on a Saturday, Sunday or
legal holiday whereupon said meeting
shall be held on the following
Monday which is not a legal holiday.
SECTION 3. The annual meeting of
the electors of the Township, where
the same has not been abolished,
shall be held on the last Saturday
in the last month of the aforesaid
fiscal year at such time and place
as is determined by the Township
Board. SECTION 4. This Ordinance
shall take immediate effect. All
ordinances or parts of ordinances
in conflict herewith are hereby
repealed.

Thomas W. Houts
Supervisor
Lorraine Smetana
Township Clerk

(February 12, 1979)

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO.9

FLOWERFIELD TOWNSHIP FIRE PROTECTION ORDINANCE

Adopted: December 3, 1979

Effective: January 14, 1980

An Ordinance to establish regulations pertaining to the starting of fires and/or burning of materials; to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (MCLA 41.801 et seq); and to provide methods for the collection of such charges and exemptions therefrom.

THE TOWNSHIP OF FLOWERFIELD,
ST. JOSEPH COUNTY, MICHIGAN,

ORDAINS:

SECTION I

Purpose

The within ordinance is adopted for the purpose of providing regulations pertaining to starting fires and burning materials and to prohibit open fires, with certain exceptions; also, for the purpose of providing financial assistance to the Township for furnishing fire protection services to residents and property owners within the Township or those receiving direct benefits from the Township fire protection service. It is further the purpose of the within Ordinance to provide for funding of the fire department services which has been, in part, and at large, governmental expense based upon the general benefits derived by all property owners within the Township from the existence of the Township fire department services and the availability of these services to extinguish fires within the Township and perform other emergency services.

SECTION II

General Regulations Pertaining to Fires and Burning

It shall be unlawful for any person to start an open fire, other than for normal domestic purposes such as burning leaves or combustible trash, unless the ground is covered with snow. All burning of leaves or combustible trash or similar combustible materials shall be conducted with a fireproof masonry or metal burner containing an approved spark arrester with openings not larger than 3/4 inch in diameter or 3/4 inch in width or length, except such burning as is conducted within a Township or government operated and regulated landfill or refuse disposal area. However, any authorized representative of any Fire Department servicing the Township may issue a permit for burning of any branches, wood products, waste, debris or other used materials where such location is sufficiently isolated so as not to constitute a fire hazard and weather conditions will not cause a danger from such burning. In determining whether to issue a permit, the authorized representative of any

Fire Department servicing the Township shall determine whether such burning would constitute a hazard or annoyance to adjoining property owners such as through the emission smoke, odor or fly ash upon their

properties. All open burning of leaves or trash as permitted herein shall be accompanied by a competent person of the age of twelve years or older. No burning of any kind shall be allowed within fifteen feet of any building or structure, nor within five feet of the boundary line of the property upon which same is occurring. No burning shall take place of any highly flammable, toxic or explosive materials at any time.

SECTION III

Charges for Fire Services.

The Township Board shall by resolution hereafter adopt a fee schedule for fire protection services afforded any person, property owner or resident within the Township. The Township Board shall have the authority by resolution adopted hereafter at a regular Township Board meeting to amend any service charges in its discretion.

SECTION IV

Time for Payment for Fire Service

All service charges shall be due and payable within thirty (30) days from the date the service is rendered and in default of payment shall be collected through proceedings in district court or in any other court of competent jurisdiction as a mature debt.

SECTION V

Exemptions

The following properties and services shall be exempt from charges:

- A. False alarms.
- B. Fires involving Township buildings, grounds and/or property.
- C. Fire services performed outside the jurisdiction of the Township under a mutual aid contract with any adjoining municipality.

SECTION VI

Lien Rights

Where land or other property of value remains following a fire call in the Township, the Township shall hereby have a lien upon same to secure the payment of the rates and charges due to the Township resulting from such fire protection services. Such liens shall remain upon the property until the charges have been paid in full and may be foreclosed by the Township to secure such lien charges in the same manner as the foreclosure of mechanics' liens under the laws and statutes of the State of Michigan existing at the time of such foreclosure. The foregoing lien rights shall not preclude the Township from proceeding in district court by suit to collect any monies remaining unpaid.

SECTION VII

Other Sources of Revenues for Fire Service

The rates and charges adopted by Resolution of the Board shall not be exclusive of the charges that may be made by the Township for the cost and expenses of providing fire protection service, but shall only be

supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under Michigan statutes pertinent-thereto. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION VIII

Any Ordinance or parts of ordinances in conflict herewith, including Ordinance No.4, are hereby repealed. Should any part or portion of this Ordinance be declared illegal by any court of competent jurisdiction, same shall not affect any other part or portion hereof.

SECTION IX

Penalty

A person, firm or corporation who violates Section II of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of up to \$500.00 or imprisonment in the County Jail for up to ninety days, or both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense. The fines and penalties herein provided for shall be in addition to any injunctive or other relief which might be deemed appropriate under the circumstances.

SECTION X

This Ordinance shall take effect on January 14, 1980.

Thomas W. Houts
Supervisor

Genevieve Wright
Treasurer

Lorraine Smetana
Township Clerk

Trustees:
Tom Glass
Ralph Richmond

CERTIFICATE

I, Lorraine Smetana, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on December 3, 1979, at 7:30 PM, at the Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and Passed Ordinance No.9, hereinbefore recorded, to become effective January 14, 1980, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ralph Richmond - Yes Tom Houts - Yes Genevieve Wright - Yes Lorraine Smetana - Yes Tom Glass - Absent

I do further certify that said Ordinance No.9 was duly published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated in Flowerfield Township on December 5, 1979.

and further that said Ordinance No.9 was recorded in said Ordinance Book on the 6th day of December, 1979.

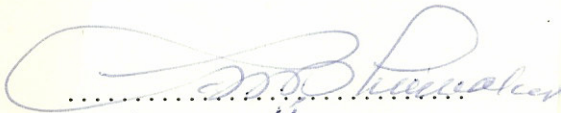
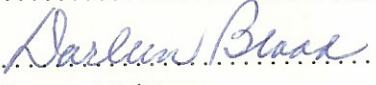
DATED: December 6, 1979.

Lorraine Smetana
Township Clerk

PROOF OF PUBLICATION
STATE OF MICHIGAN
COUNTY OF ST. JOSEPH

R. M. Shumaker being duly sworn, says: I am Publisher of The Three Rivers Commercial, a daily newspaper printed and circulated in said county and owned by the Three Rivers Publishing Company of which I am President. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

<i>December 5</i>	A.D. 19 <i>79</i>
	A.D. 19
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	A.D. 19
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	A.D. 19


 Subscribed and sworn to before me this.....*11*.....
 day of.....*Dec*..... A.D. 19 *79*

 Notary Public in and for St. Joseph County, Michigan.
 My Commission Expires.....*2-16-81*.....

STATE OF MICHIGAN,
COUNTY OF ST. JOSEPH

any Fire Department servicing the Township may issue a permit for burning of any branches, wood products, waste, debris or other used materials where such location is sufficiently isolated so as not to constitute a fire hazard and weather conditions will not cause a danger from such burning. In determining whether to issue a permit, the authorized representative of any Fire Department servicing the Township shall determine whether such burning would constitute a hazard or annoyance to adjoining property owners such as through the emission smoke, odor or fly ash upon their properties. All open burning of leaves or trash as permitted herein shall be accompanied by a competent person of the age of twelve years or older. No burning of any kind shall be allowed within fifteen feet of any building or structure, nor within five feet of the boundary line of the property upon which same is occurring. No burning shall take place of any highly flammable, toxic or explosive materials at any time. SECTION III Charges for Fire Services: The Township Board shall by resolution hereafter adopt a fee schedule for fire protection services afforded any person, property owner or resident within the Township. The Township Board shall have the authority by resolution adopted hereafter at a regular Township Board meeting to amend any service charges in its discretion. SECTION IV Time for Payment for Fire Service: All service charges shall be due and payable within thirty (30) days from the date the service is rendered and in default of payment shall be collected through proceedings in district court or in any other court of competent jurisdiction as a mature debt. SECTION V Exemptions: The following properties and services shall be exempt from charges: A. False alarms. B. Fires involving Township buildings, grounds and/or property. C. Fire services performed outside the jurisdiction of the Township under a mutual aid contract with any adjoining municipality. SECTION VI Lien Rights: Where land or other property of value remains following a fire call in the

and charges due to the Township resulting from such fire protection services. Such liens shall remain upon the property until the charges have been paid in full and may be foreclosed by the Township to secure such lien charges in the same manner as the foreclosure of mechanics' liens under the laws and statutes of the State of Michigan existing at the time of such foreclosure. The foregoing lien rights shall not preclude the Township from proceeding in district court by suit to collect any monies remaining unpaid. SECTION VII Other Sources of Revenues for Fire Service: The rates and charges adopted by Resolution of the Board shall not be exclusive of the charges that may be made by the Township for the cost and expenses of providing fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under Michigan statutes pertinent thereto. General fund appropriations may also be made

to cover such additional costs and expenses. SECTION VIII Any Ordinance or parts of ordinances in conflict herewith, including Ordinance No. 4, are hereby repealed. Should any part or portion of this Ordinance be declared illegal by any court of competent jurisdiction, same shall not affect any other part or portion hereof. SECTION IX Penalty: A person, firm or corporation who violates Section II of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of up to \$500.00 or imprisonment in the County Jail for up to ninety days, or both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense. The fines and penalties herein provided for shall be in addition to any injunctive or other relief which might be deemed appropriate under the circumstances. SECTION X This Ordinance shall take effect on January 14, 1980.

Lorraine Smetana
Flowerfield Township Clerk
(Dec 5, 1979)

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS: PLEASE TAKE NOTICE that the following Flowerfield Township Ordinance No. 9 was adopted by the Flowerfield Township Board at its regular meeting held December 3, 1979, said Ordinance to become effective January 14, 1980. FLOWERFIELD TOWNSHIP ST. JOSEPH COUNTY, MICHIGAN ORDINANCE NO. 9 FLOWERFIELD TOWNSHIP FIRE PROTECTION ORDINANCE Adopted: December 3, 1979 Effective: January 14, 1980: An Ordinance to establish regulations pertaining to the starting of fires and/or burning of materials; to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (MCLA 41.801 et seq); and to provide methods for the collection of such charges and exemptions therefrom. THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, ORDAINS: SECTION I Purpose: The within ordinance is adopted for the purpose of providing regulations pertaining to starting fires and burning materials and to prohibit open fires, with certain exceptions; also, for the purpose of providing financial assistance to the Township for furnishing fire protection services to residents and property owners within the Township or those

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO. 10

FRANCHISE ORDINANCE

An Ordinance, granting to Michigan Power Company, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, bridges, and other public places and to operate and maintain the same and to transact a local gas business in the Township of Flowerfield, St. Joseph County, Michigan.

THE TOWNSHIP OF FLOWERFIELD ORDAINS:

Section I.

The Township of Flowerfield, St. Joseph County, Michigan, hereby grants to Michigan Power Company, a corporation, its successors and assigns, hereinafter called the "Grantee", the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, bridges, and other public places (as the same now exist or may be hereafter laid out) and to transact a local gas business in the Township of Flowerfield, St. Joseph County, Michigan.

Section II.

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

Section III.

No highway, street, alley, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction, maintenance or repair, and shall be restored to the same condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes. The location of all pipes, mains, services and appurtenances shall be made under the supervision of the Township Board of the Township of Flowerfield and shall be subject to such reasonable regulations, including zoning regulations as shall be prescribed by said Township Board from time to time.

Section IV.

Said Grantee shall at all times indemnify, keep and save the Township free and harmless from all loss, costs and expenses to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any claim is made or any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it from all loss, cost, and damage arising out of said negligent construction and maintenance and shall further reimburse said township all costs and expenses including attorney fees which the Township may incur in connection therewith.

Section V.

The rights, power and authority herein granted are not exclusive and the Township Board of the Township of Flowerfield, County of St. Joseph, Michigan, hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations. Either manufactured or natural gas may be furnished hereunder.

Section VI.

Said Grantee shall from time to time extend its gas distribution system to and within said Township and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide a return upon the cost of making such extensions and providing such service as is embodied in Michigan Power Company Rule 13, or Rules hereafter adopted, governing extension of mains and the Terms and Conditions of service of customers as filed with the Michigan Public Service Commission.

Section VII.

Whenever said Grantee shall begin the erection of any pipes, mains, services, and appurtenances or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, alleys, and public places where such work is done in as good condition of repair as before such work was commenced and repaired to the satisfaction of the Township Board of Flowerfield Township. Should it become necessary for a pipe or main to be moved to facilitate street construction or the placement of municipal utilities, the Grantee, at the request of the Township Board, shall move said pipe or main and the cost thereof shall be the sole responsibility of the Grantee.

Section VIII.

Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as shown by the schedule now on file with the office of the Township Clerk, unless and until the Michigan Public Service Commission, or its successors, to which Commission the authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted and conferred for the term of this franchise, shall

fix and establish different rates, in which case the rates so fixed and established, if just and reasonable, shall prevail. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township or by said Grantee.

Section IX.

Whenever in this franchise, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns of either and all rights, privileges and obligations herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon and inure to the benefit of the respective successors and assigns of said Township or of said Grantee, whether so expressed or not.

Section X.

This franchise shall be accepted by the Grantee within sixty (60) days from the date of adoption of this Ordinance by written notice filed with the Township Clerk within said period. Upon publication of this Ordinance and acceptance by the Grantee as herein specified, this Ordinance shall constitute a contract between said Township and said Grantee, provided, however, that this franchise shall be revocable at the will of the Township Board pursuant to Art. VII, Sec. 19 of the Constitution of the State of Michigan, 1963, unless the action of the board in granting this franchise shall be submitted to and approved by the majority of the electors of the township voting thereon at a regular or special election, in which case, if approved by the voters, this franchise shall be in effect and irrevocable for a period of thirty years from and after the effective date of this ordinance.

Section XI.

This franchise shall take effect from and after its adoption, acceptance and publication as required by law, and shall remain in effect for the periods hereinabove provided.

Dated this 3rd day of March, 1980.

TOWNSHIP OF FLOWERFIELD, COUNTY OF ST. JOSEPH, STATE OF MICHIGAN

By Thomas W.Houts
SUPERVISOR

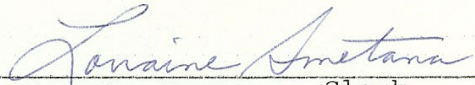
By Genevieve Wright
TREASURER

By Lorraine Smetana
CLERK

By Ralph Richmond
TRUSTEE

By Thomas N. Glass
TRUSTEE

I, Lorraine Smetana, Clerk of the Township of Flowerfield, do hereby certify that the attached is a true and complete copy of the ordinance as adopted by the Township Board at a regular meeting held March 3, 1980.




Lorraine Smetana, Clerk

Lorraine Smetana, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on March 3, 1980, at 7:30 PM, at the Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 10, hereinbefore recorded, to become effective after its adoption, acceptance and publication as required by law, that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Thomas W. Houts - Yes
Genevieve Wright - Yes
Lorraine Smetana - Yes
Ralph Richmond - Yes
Thomas N. Glass - Yes

do further certify that said Ordinance No. 10 was duly published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated in Flowerfield Township on March 6, 1980, and further that said Ordinance No. 10 was recorded in the Township's Ordinance Book on the 7th day of March, 1980.

WITNESSED: March 7, 1980



Lorraine Smetana
Township Clerk

PROOF OF PUBLICATION

STATE OF MICHIGAN, }
COUNTY OF ST. JOSEPH } ss.

Harold Krull

Foreman

~~Robert M. Chamber~~ being duly sworn, says: I am ~~Managing~~
~~Editor~~ of The Commercial, a daily newspaper printed and cir-
culated in said county and owned by the Three Rivers Publishing
Company of which I am ~~President~~. The annexed is a printed
copy of a notice which was published in said paper on the fol-
lowing dates, to wit:

TO THE RESIDENTS AND
PROPERTY OWNERS OF THE
TOWNSHIP OF FLOWER-
FIELD, ST. JOSEPH COUNTY,
MICHIGAN, AND ANY OTHER
INTERESTED PERSONS:
PLEASE TAKE NOTICE that
the following Township Ordinance No. 10 was adopted by the Flowerfield Township Board at its regular meeting held March 3, 1980. FLOWERFIELD TOWNSHIP ST. JOSEPH COUNTY, MICHIGAN ORDINANCE NO. 10 FRANCHISE ORDINANCE An Ordinance, granting to Michigan Power Company, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, bridges, and other public places and to operate and maintain the same and to transact a local gas business in the Township of Flowerfield, St. Joseph County, Michigan. THE TOWNSHIP OF FLOWERFIELD ORDAINS: Section I. The Township of Flowerfield, St. Joseph County, Michigan, hereby grants to Michigan Power Company, a corporation, its successors and assigns, hereinafter called the "Grantee", the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, bridges, and other public places (as the same now exist or may be hereafter laid out) and to transact a local gas business in the Township of Flowerfield, St. Joseph County, Michigan. Section II. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof. Section III. No highway, street, alley, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction, maintenance or repair, and shall be restored to the same condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes. The location of all pipes, mains, services and appurtenances shall be made under the supervision of the Township Board of the Townshin

March 6

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Harold Krull

Subscribed and sworn to before me this *6*
day of *March* A. D. 19*80*

Darlene Burk

Notary Public in and for St. Joseph County, Michigan.

My Commission Expires *2-16-81*

Township Board of the Township of Flowerfield and shall be subject to such reasonable regulations, including zoning regulations as shall be prescribed by said Township Board from time to time. Section IV. Said Grantee shall at all times indemnify, keep and save the Township free and harmless from all loss, costs and expenses to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any claim is made or any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it from all loss, cost, and damage arising out of said negligent construction and maintenance and shall further reimburse said township all costs and expenses including attorney fees which the Township may incur in connection therewith. Section V. The rights, power and authority herein granted are not exclusive and the Township Board of the Township of Flowerfield, County of St. Joseph, Michigan, hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations. Either manufactured or natural gas may be furnished hereunder. Section VI. Said Grantee shall from time to time extend its gas distribution system to and within said Township and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide a return upon the cost of making such extensions and providing such service as is embodied in Michigan Power Company Rule 13, or Rules hereafter adopted, governing extension of mains and the Terms and Conditions of service of customers filed with the Michigan Public Service Commission. Section VII. Whenever said Grantee shall begin the erection of any pipes, mains, services, and appurtenances or equipment, it shall promptly and diligently

prosecute the work to completion and leave the streets, alleys, and public places where such work is done in as good condition of repair as before such work was commenced and repaired to the satisfaction of the Township Board of Flowerfield Township. Should it become necessary for a pipe or main to be moved to facilitate street construction or the placement of municipal utilities, the Grantee, at the request of the Township Board, shall move said pipe or main and the cost thereof shall be the sole responsibility of the Grantee. Section VIII. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as shown by the schedule now on file with the office of the Township

move said pipe or main and the cost thereof shall be the sole responsibility of the Grantee. Section VIII. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as shown by the schedule now on file with the office of the Township Clerk, unless and until the Michigan Public Service Commission, or its successors, to which Commission the authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted and conferred for the term of this franchise, shall fix and establish different rates, in which case the rates so fixed and established, if just and reasonable, shall prevail. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township or by said Grantee. Section IX. Whenever in this franchise, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns of either and all rights, privileges and obligations herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon and inure to the benefit of the respective successors and assigns of said Township or of said Grantee, whether so expressed or not. Section X. This franchise shall be accepted by the Grantee within sixty (60) days from the date of adoption of this Ordinance by written notice filed with the Township Clerk within said period. Upon publication of this Ordinance and acceptance by the Grantee as herein specified, this Ordinance shall constitute a contract between said Township and said Grantee, provided, however, that this franchise shall be revocable at the will of the Township Board pursuant to Art. VII, Sec. 19 of the Constitution of the State of Michigan, 1963, unless the action of the board in granting this franchise shall be submitted to and approved by the majority of the electors of the township voting thereon at a regular or special election, in which case, if approved by the voters, this franchise shall be in effect and irrevocable for a period of thirty years from and after the effective date of this ordinance. Section XI. This franchise shall take effect from and after its adoption, acceptance and publication as required by law, and shall remain in effect for the periods hereinable provided. Dated this 3rd day of March, 1980.

Thomas W. Houts, Supervisor
Genevieve Wright, Treasurer
Lorraine Smetana, Clerk
Ralph Richmond, Trustee
Thomas N. Glass, Trustee
(March 6, 1980)

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NUMBER XI

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in SECTION I OF THE TOWNSHIP OF FLOWERFIELD, ST JOSEPH COUNTY, MI CHIGAN.

SECTION 1. The Township of Flowerfield, St Joseph County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in Section I of the Township of Flowerfield, St Joseph County, Michigan.

SECTION 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. Said Grantee shall from time to time extend its gas distribution system to and within said Section I of the Township, and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of

making such extensions and providing such service.

SECTION 7. Said Grantee shall be entitled to charge the inhabitants of said Section I of the Township for gas furnished therein, the rates, as shown by the schedule now on file in the office of the Township Clerk, unless and until the Michigan Public Service Commission or its successors, to which Commission the authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Section I of the Township, are hereby granted and conferred for the term of this franchise, shall fix and establish different rates, in which case the rates so fixed and established, if just and reasonable, shall prevail. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township or by said Grantee.

SECTION 8. This ordinance shall take effect immediately after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon the acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

CLERK'S CERTIFICATE OF PUBLICATION

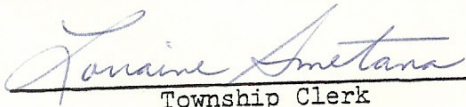
The foregoing ordinance was duly adopted and passed by the Township Board of Flowerfield Township, St Joseph County, Michigan, on the 3rd day of March, 1980, by the following vote:

<u>Houts</u> Supervisor	<u>Yes</u> (Yes or No)
<u>Smetana</u> Township Clerk	<u>Yes</u>
<u>Wright</u> Township Treasurer	<u>Yes</u>
<u>Richmond</u> Township Trustee	<u>Yes</u>
<u>Glass</u> Township Trustee	<u>Yes</u>

I further certify that the foregoing ordinance was published in the Three Rivers Commercial and the Kalamazoo Gazette, a newspapers printed in the county and distributed

in the above Township, on the 6th day of March, 1980.

I further certify that said Ordinance No. 11 was recorded in the Township's Ordinance Book on the 7th day of March, 1980.


Township Clerk

PROOF OF PUBLICATION

STATE OF MICHIGAN, }
COUNTY OF ST. JOSEPH } ss.

HAROLD KRULL FOREMAN
~~Robert M. Shumaker~~ being duly sworn, says: I am ~~Managing Editor~~ Managing of The Commercial, a daily newspaper printed and circulated in said county and owned by the Three Rivers Publishing Company ~~of which I am President~~. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

TO THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS: PLEASE TAKE NOTICE that the following Township Ordinance No. 11 was adopted by the Flowerfield Township Board at its regular meeting held March 3, 1980. FLOWERFIELD TOWNSHIP ST. JOSEPH COUNTY MICHIGAN ORDINANCE NO. 11 FRANCHISE ORDINANCE AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in Section 1 of the Township of Flowerfield, St. Joseph County, Michigan. SECTION 1. The Township of Flowerfield, St. Joseph County, Michigan, hereby grants to the Consumers Power Company, a Michigan Corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in Section I of the Township of Flowerfield, St. Joseph County, Michigan. SECTION 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof. SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes. SECTION 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township

- March 6 A. D. 1980
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- _____ A. D. 19
- _____ A. D. 19
- _____ A. D. 19

Harold Krull
Subscribed and sworn to before me this 6
day of March A. D. 1980
Darren Blood
Notary Public in and for St. Joseph County, Michigan.
My Commission Expires 2-16-81

structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. Said Grantee shall from time to time extend its gas distribution system to and within said Section 1 of the Township, and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of making such extensions and providing such service.

SECTION 7. Said Grantee shall be entitled to charge the inhabitants of said Section 1 of the Township for gas furnished therein, the rates, as shown by the schedule now on file in the office of the Township Clerk, unless and until the Michigan Public Service Commission or its successors, to which Commission the authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Section 1 of the Township, are hereby granted and conferred for the term of this franchise, shall fix and establish different rates, in which case the rates so fixed and established, if just and reasonable, shall prevail. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township or by said Grantee.

SECTION 8. This ordinance shall take effect immediately after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon the acceptance and publication hereof, this Ordinance shall constitute a contract between said Township and said Grantee.

Dated this 3rd day of March, 1980.

Thomas W. Housts, Supervisor
Genevieve Wright, Treasurer
Lorraine Smetana, Clerk
Ralph Richmond, Trustee
Thomas N. Glass, Trustee

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO. 12

An ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Flowerfield under the provisions of the State Construction Code Act (Act 230 of Public Acts of 1972).

THE TOWNSHIP OF FLOWERFIELD ORDAINS:

Section 1. Agency Designated. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act 230 of the Public Acts of 1972, the Mechanical Code Inspector of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Flowerfield under Act 230 of the Public Acts of 1972, State of Michigan. The Township of Flowerfield hereby assumes responsibilities for the administration and enforcement of said Act throughout its corporate limits.

Section 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted: April 7, 1980.

This Ordinance duly adopted on April 7, 1980, at a regular meeting of the Flowerfield Township Board and will become effective after legal publication.

Lorraine Smetana, Clerk
Flowerfield Township

I, Lorraine Smetana, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on April 7, 1980, at 7:30 PM, at the Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 12, hereinbefore recorded, to become effective after its adoption, acceptance and publication as required by law, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Thomas W. Houts - YES
Genevieve Wright - YES
Lorraine Smetana _ YES
Thomas N. Glass - YES
Ralph Richmond - Absent

I do further certify that said Ordinance No. 12 was duly published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated Flowerfield Township, on April 14, 1980, and further that said Ordinance No. 12 was recorded in the Township's Ordinance Book on the 14th day of April, 1980.

DATED: April 14, 1980

Lorraine Smetana
Lorraine Smetana, Township Clerk

12

PROOF OF PUBLICATION

STATE OF MICHIGAN, }
COUNTY OF ST. JOSEPH } ss

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY
MICHIGAN ORDINANCE NO. 12
An ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Flowerfield under the provisions of the State Construction Code Act (Act 230 of Public Acts of 1972).
THE TOWNSHIP OF FLOWERFIELD ORDAINS:
Section 1. Agency Designated. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act 230 of the Public Acts of 1972, the Mechanical Code Inspector of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Flowerfield under Act 230 of the Public Acts of 1972, State of Michigan. the Township of Flowerfield hereby assumes responsibilities for the administration and enforcement of said Act throughout its corporate limits. Section 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed. Section 3. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same. Adopted: April 7, 1980. This ordinance duly adopted on April 7, 1980, at a regular meeting of the Flowerfield Township Board and will become effective after legal publication.

Lorraine Smetana,
Clerk
Flowerfield Township
(April 14, 1980)

Harold Krull being duly sworn, says: I am *Foreman* of The Three Rivers Commercial, a daily newspaper printed and circulated in said county and owned by the Three Rivers Publishing Company
The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

<i>April 14</i>	A.D. 19 <i>80</i>
_____	A.D. 19
_____	A.D. 19
_____	A.D. 19
_____	A.D. 19
_____	A.D. 19
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_____	A.D. 19
_____	A.D. 19
_____	A.D. 19
_____	A.D. 19

Harold Krull
Subscribed and sworn to before me this.....
day of.....*April*..... A.D. 19*80*
Darlene Black
Notary Public in and for St. Joseph County, Michigan.
My Commission Expires.....*2-16-81*.....

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO. 13

FRANCHISE ORDINANCE

An Ordinance, granting to Michigan Power Company, its successors and assigns, the right, power and authority to construct, maintain and operate lines for the transmission and distribution of electric energy on, along, across and under the highways, streets, bridges, and other public places and to operate and maintain the same and to transact a local business in said Township of Flowerfield, St. Joseph County, Michigan.

THE TOWNSHIP OF FLOWERFIELD ORDAINS:

Section I.

The Michigan Power Company, its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the Township of Flowerfield, County of St. Joseph, State of Michigan, lines for the transmission and distribution of electric energy, to said Township and the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission of the same within, through or across said Township of Flowerfield, County of St. Joseph, State of Michigan subject to such reasonable regulations as the Township Board of said Township of Flowerfield shall prescribe from time to time.

Section II.

Said lines and appurtenances shall be constructed so as to interfere as little as possible with the proper lawful use of the streets, alleys and public places. The location of all poles, conduits and appurtenances shall be made under the supervision of the Township Board of the said Township and shall be subject to such reasonable regulations as shall be prescribed by said Township Board from time to time.

Section III.

The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this franchise.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Township Board of the Township of Flowerfield, County of St. Joseph, State of Michigan, hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

Section IV.

Said Grantee shall save the Township harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said lines for the distribution of electric energy.

Section V.

Whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, alleys and public places where such work is done in as good condition of repair as before such work was commenced.

Section VI.

Whenever in this franchise, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns of either and all rights, privileges and obligations herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Township or of said Grantee, whether so expressed or not.

Section VII.

This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this ordinance.

Section VIII.

This franchise will take effect from and after its adoption, acceptance, and publication as required by law, and shall remain in effect for the periods hereinabove provided.

Dated this 2nd day of June, 1980.

I hereby attest that the foregoing Ordinance was adopted by the Township of

Flowerfield, County of St. Joseph, State of Michigan, TOWNSHIP OF FLOWERFIELD, COUNTY OF ST. JOSEPH, STATE OF MICHIGAN

on June 2nd, 1980.

By Thomas W. Hunt

By Lorraine Smetana

By Genevieve E. Wright

By Ralph Richmond

By Thomas J. Glass

I hereby attest that the foregoing Ordinance was adopted by the Township of Flowerfield, County of St. Joseph, State of Michigan, at a regular meeting thereof held on June 2nd, 1980.

Lorraine Smetana
Lorraine Smetana, Clerk

**PROOF OF PUBLICATION
STATE OF MICHIGAN
COUNTY OF ST. JOSEPH**

14

**PROOF OF PUBLICATION
STATE OF MICHIGAN,
COUNTY OF ST. JOSEPH** } ss

TO THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, and ANY OTHER INTERESTED PERSON: PLEASE TAKE NOTICE that the following Township Ordinance No. 13 was adopted by the Township Board at its regular meeting held June 2, 1980. FLOWERFIELD TOWNSHIP ST. JOSEPH COUNTY, MICHIGAN ORDINANCE NO. 13 FRANCHISE ORDINANCE An Ordinance, granting to Michigan Power Company, its successors and assigns, the right, power and authority to construct, maintain and operate lines for the transmission and distribution of electric energy on, along, across and under the highways, streets, bridges, and other public places and to operate and maintain the same and to transact a local business in said Township of Flowerfield, St. Joseph County, Michigan. THE TOWNSHIP OF FLOWERFIELD ORDAINS: Section I. The Michigan Power Company, its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the Township of Flowerfield, County of St. Joseph, State of Michigan, lines for the transmission and distribution of electric energy, to said Township and the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power, or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission of the same within, through or across said Township of Flowerfield, County of St. Joseph, State of Michigan, subject to such reasonable regulations as the Township Board of said Township of Flowerfield shall prescribe from time to time. Section II. Said lines and appurtenances shall be constructed so as to interfere as little as possible with the proper lawful use of the streets, alleys and public places. The location of all poles, conduits and appurtenances shall be made under the supervision of the Township Board of the said

Harold Krull being duly sworn, says: I am *Foreman* of The Three Rivers Commercial, a daily newspaper printed and circulated in said county and owned by the Three Rivers Publishing Company The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

- June 5* A.D. 19 *80*
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
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- _____ A.D. 19
- _____ A.D. 19

Harold Krull
Subscribed and sworn to before me this day of *June* A.D. 19 *80*
Darlene Broad
Notary Public in and for St. Joseph County, Michigan.
My Commission Expires *2-16-81*

Township Board of the said Township and shall be subject to such reasonable regulations as shall be prescribed by said Township Board from time to time. Section III. The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this franchise. The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Township Board of the Township of Flowerfield, County of St. Joseph, State of Michigan, hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations. Section IV. Said Grantee shall save the Township harmless from any and all liability arising in any way from negligence in the erection, maintenance or operations of said lines for the distribution of electric energy. Section V. Whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, alleys and public places where such work is done in as good condition of repair as before such work was commenced. Section VI. Whenever in this franchise, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns of either and all rights, privileges and obligations herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Township or of said Grantee, whether so expressed or not. Section VII. This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this ordinance. Section VIII. This franchise will take effect from and after its adoption, acceptance, and publication as required by law, and shall remain in effect for the periods herein-above provided.

Dated this 2nd day of June, 1980.

TOWNSHIP OF
FLOWERFIELD,
COUNTY OF ST. JOSEPH,
STATE OF MICHIGAN

By Thomas W. Houts, Supervisor
By Lorraine Smetana, Clerk
By Genevieve E. Wright,
Treasurer

By Ralph Richmond, Trustee
By Thomas N. Class, Trustee

ORDINANCE # 14

NEW ZONING ORDINANCE (See book)
(Ordinance Book Appendix)

Approved by Township Board June 2, 1980

EFFECTIVE: July 9, 1980.

NOTICE OF ADOPTION OF Z O N I N G ORDINANCE
FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF
THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN,
AND ANY OTHER INTERESTED PERSONS: NOTICE IS HEREBY GIVEN that a zoning
Ordinance, being Ordinance No. 14, regulating the development and use of land has been
adopted by the Township Board of the Township of Flowerfield, St. Joseph County, Michigan.
PLEASE TAKE FURTHER NOTICE that the Zoning Ordinance, being Ordinance No. 14, was
adopted by the Flowerfield Township Board on Monday, June 2, 1980, and that said Zoning
Ordinance will take effect at 12:01 o'clock am. Wednesday, July 9, 1980. PLEASE TAKE
FURTHER NOTICE that a copy of the Zoning Ordinance may be purchased or inspected at the
home of the Flowerfield Township Clerk, Lorraine Smetana, 53290 Bent Road, Marcellus,
Michigan, at any time during regular business hours.

LORRAINE SMETANA
Flowerfield Township Clerk
53290 Bent. Road
Marcellus, Michigan
(616) 646-9111
(June 9, 1980)

PROOF OF PUBLICATION

STATE OF MICHIGAN,
COUNTY OF ST. JOSEPH { ss

Harold Krull being duly sworn, says: I am *Foreman* of The Three Rivers Commercial, a daily newspaper printed and circulated in said county and owned by the Three Rivers Publishing Company. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

NOTICE OF ADOPTION OF ZONING ORDINANCE FLOWERFIELD TOWNSHIP ST. JOSEPH COUNTY, MICHIGAN To: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS: NOTICE IS HEREBY GIVEN that a Zoning Ordinance, being Ordinance No. 14, regulating the development and use of land has been adopted by the Township Board of the Township of Flowerfield, St. Joseph County, Michigan. PLEASE TAKE FURTHER NOTICE that the Zoning Ordinance, being Ordinance No. 14, was adopted by the Flowerfield Township Board on Monday, June 2, 1980, and that said Zoning Ordinance will take effect at 12:01 o'clock a.m. Wednesday, July 9, 1980. PLEASE TAKE FURTHER NOTICE that a copy of the Zoning Ordinance may be purchased or inspected at the home of the Flowerfield Township Clerk, Lorraine Smetana, 53290 Bent Road, Marcellus, Michigan, at any time during regular business hours.

LORRAINE SMETANA
Flowerfield Township Clerk
53290 Bent Road
Marcellus, Michigan
(616) 646-9111
(June 9, 1980)

- June 9* A.D. 19 *80*
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19
- _____ A.D. 19

Harold Krull
Subscribed and sworn to before me this *11* day of *June* A.D. 19 *80*
Darlene Baugh
Notary Public in and for St. Joseph County, Michigan.
My Commission Expires *2-16-81*

FLOWERFIELD TOWNSHIP ORDINANCE NO. 15

AMENDMENT TO FLOWERFIELD TOWNSHIP ZONING ORDINANCE

Adopted: September 4, 1984

Effective: Immediately upon publication

An Ordinance to amend the Flowerfield Township Zoning Ordinance by the amendment of Section 3.1.24 pertaining to the definitions of "DWELLING" and related terms; the amendment of Section 3.1.42e pertaining to the definition of "LOT, WIDTH"; the amendment of Section 3.1.50 pertaining to the definition of "MOBILE HOME"; the amendment of Section 6.3 pertaining to the change of a non-conforming use; the amendment of Section 9.2(1) pertaining to a permitted use in the "AG" Agricultural District zoning classification; the amendment of Sections 9.3(9), 10.3(3), 12.3(2), and 15.3(3) pertaining to individual mobile homes failing to satisfy the criteria for "ONE-FAMILY DWELLING"; the amendment of Section 11.2 pertaining to permitted uses in the "R-1A" Residence District zoning classification; the amendment of Section 12.2 pertaining to permitted uses in the "R-1B" Residence District zoning classification; the amendment of Section 21.14 pertaining to fees; the amendment of Section 9.3 pertaining to allowing family businesses as a special exception use in the "AG" Agricultural District zoning classification; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF FLOWERFIELD,

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I

DEFINITION OF "DWELLING" AND RELATED TERMS

Section 3.1.24 of the Flowerfield Township Zoning Ordinance is hereby amended as follows:

DWELLING: A building or portion thereof which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a tent be considered a dwelling.

In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

(a) DWELLING, ONE-FAMILY (also known as a single-family dwelling): A detached building containing not more than one dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
2. The dwelling, if not a mobile home, shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and the area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Township Building Code for single-family dwellings. In the event that the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Township Building Code for single-family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.
3. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism (if removable), undercarriage or chassis.
4. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
5. The dwelling contains no additions or rooms or other areas which are not constructed with similar or better quality workmanship and materials as the original structure.
6. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended with respect to any mobile home that is not certified in accordance with the aforementioned regulations as complying with the above-mentioned construction and safety standards, the Zoning Board of Appeals shall have authority to grant a variance from this construction requirement where the applicant provides certification from the mobile home manufacturer or other reliable source that the mobile home complies in all material respects with the aforementioned standards. The zoning

Board of Appeals shall have authority to require the applicant to submit to an inspection of its mobile home by the Township Building Inspector to assist the Board in its determination.

7. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.

8. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements.

(b) DWELLING. TWO-FAMILY (also known as a duplex dwelling): A detached building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth above for "Dwelling, One-Family".

(c) DWELLING. MULTIPLE-FAMILY: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth above for "Dwelling, One-Family" .

(d) DWELLING UNIT: A building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

(e) EFFICIENCY UNIT: A dwelling unit located in a multiple-dwelling and consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing the unit has not less than 350 square feet of floor area.

SECTION II

DEFINITION OF "LOT. WIDTH"

Section 3.1.42e of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two points where the setback line intersects the side lot lines.

SECTION III

DEFINITION OF "MOBILE HOME"

Section 3.1.50 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

MOBILE HOME: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a year-round dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

SECTION IV

REFERENCE TO "ZONING ADMINISTRATOR"

Section 6.3 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

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

SECTION V

PERMITTED USE IN THE "AG" AGRICULTURAL DISTRICT

Section 9.2(1) of the Flowerfield Township zoning Ordinance is hereby amended to read as follows:

One-family dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures, and uses customarily incidental to any of the foregoing permitted uses.

SECTION VI

INDIVIDUAL MOBILE HOMES FAILING TO SATISFY THE CRITERIA FOR "ONE-FAMILY DWELLING"

Sections 9.3(9), 10.3(3), 12.3(2), and 15.3(3) of the Flowerfield Township Zoning Ordinance are hereby amended to read as follows:

Individual mobile homes failing to satisfy all of the criteria for "one-family dwelling", subject to the following conditions and limitations:

- a) The mobile home shall be located on an individual lot satisfying the minimum lot size requirements for this zoning classification.
- b) The mobile home shall have a width of not less than 12 feet and a length of not less than 60 feet.
- c) The mobile home shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the

lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and construction of such materials and type as required in the Township Building Code for single family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile homes, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.

d) The mobile home shall be installed with the wheels removed. Additionally, the mobile home shall not have any exposed towing mechanism (if removable), undercarriage or chassis.

e) The mobile home shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.

f) The mobile home contains no additions or rooms or other areas which are not constructed with similar or better quality workmanship and materials as the original structure.

g) All construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming in all material respects to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. With respect to any mobile home that is not certified in accordance with the aforementioned regulations as complying with the above-mentioned construction and safety standards, the applicant shall provide certification from the mobile home manufacturer or other reliable source that the mobile home complies in all material respects with the aforementioned standards. The Planning Commission shall have authority to require the applicant to submit to an inspection of its mobile home by the Township Building Inspector to assist the Commission in its determination.

SECTION VII

PERMITTED USES IN THE "R-1A" RESIDENCE DISTRICT

Section 11.2 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

11.2. PERMITTED USES :

(1) One-family dwellings having a core area of living space of at least 20 feet by 20 feet in size.

(2) Home Occupations.

(3) Schools, libraries, and other municipal structures and uses.

(4) Golf courses, parks and other municipally owned or operated public recreational facilities.

- (5) Churches.
- (6) Hospitals
- (7) Essential public utility services, excluding buildings and substations and regulator stations.
- (8) Cemeteries.
- (9) Accessory buildings and uses.
- (10) Off-street parking and loading in accordance with Article VII.

SECTION VIII

PERMITTED USES IN THE "R-IB" RESIDENCE DISTRICT

Section 12.2 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

12.2. PERMITTED USES:

- (1) Any use permitted in the R-IA Single-Family Residence District.
- (2) One-Family dwellings.
- (3) Two-Family dwellings.
- (4) Accessory buildings and uses
- (5) Off-street parking and loading in accordance with Article VII.

SECTION IX

FEES - PAYMENT TO TOWNSHIP CLERK

Section 21.14 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

21.14. Fees. Upon filing of any appeal or application to the Board, the applicant shall pay a fee as set by the Township Board.

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

SECTION X

FAMILY BUSINESS

Section 9.3 (10) of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

(10) FAMILY BUSINESS (a business which is incidental to the principal residential use of the property and which is not a roadside stand or home occupation), subject to the following conditions and limitations:

- a) The business (retail or cottage industry) permitted shall be judged to be consistent with the character of the immediate area.
- b) No outdoor storage shall be allowed unless the same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.
- c) The business shall not operate between the hours of 11:00 p.m. and 6:00 a.m.
- d) One sign relating to the business may be permitted on the premises. The sign shall not exceed 24 square feet in area and shall not be lighted.
- e) There shall be no physical expansion of the business without the approval of the planning Commission.
- f) No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries from which the business is conducted.
- g) The business shall be located on the same parcel with the family residence.
- h) In addition to those family members of a residence who reside on the parcel, no more than four (4) other individuals may work on the premises in connection with the family business.
- i) The Planning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specified period of months or years unless an additional permit is granted. The Planning Commission may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

SECTION XI

REPEAL OF CONFLICTING PROVISIONS

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

SECTION XII

EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication.

Lorraine Smetana
Township Clerk,
Flowerfield Township

CLERK'S CERTIFICATE

I, LORRAINE SMETANA, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 4th day of September, 1984, at 7:30 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 15, hereinbefore recorded, to become effective immediately upon publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Thomas W. Houts	Yes
Lorraine Smetana	Yes
Genevieve E. Wright	Yes
Thomas N. Glass	Yes
Jacqueline Richmond	Yes

I do further certify that a summary of the regulatory effect of the zoning amendment was published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated in Flowerfield Township, on September 18, 1984; that said Ordinance No. 15 was recorded in the official Ordinance Book on the 18th day of September, 1984; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 19th day of September, 1984.

Dated: September 19, 1984

Lorraine Smetana
LORRAINE SMETANA, Clerk
Flowerfield Township

PROOF OF PUBLICATION
STATE OF MICHIGAN
COUNTY OF ST. JOSEPH

Zane Fox being duly sworn, says: I am Publisher of the Three Rivers Commercial, a daily newspaper printed and circulated in said county and owned by the Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

<u>September 18</u>	<u>A. D. 1984</u>
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19
_____	A. D. 19

Zane Fox

Subscribed and sworn to before me this 18
day of September A.D. 1984

Maurice B. Williams

Notary Public in and for St. Joseph County, Mich.
My Commission Expires 5-6-86

FLOWERFIELD TOWNSHIP ST. JOSEPH COUNTY MICHIGAN. NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENTS. TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS: PLEASE TAKE NOTICE that the Flowerfield Township Board has adopted Ordinance Number 15 amending the Flowerfield Township Zoning Ordinance in the following respects: SECTION I. DEFINITION OF "DWELLING" AND RELATED TERMS. Section 3.1.24 of the Flowerfield Township Zoning Ordinance pertaining to the definitions of "Dwelling", "Dwelling One-Family", "Dwelling, Two-Family", "Dwelling, Multiple-Family", "Dwelling Unit", and "Efficiency Unit" is amended so as to provide common regulations and standards to control the location of site-built homes, mobile homes, and pre-manufactured or pre-cut homes located outside of mobile home parks.

SECTION II. DEFINITION OF "LOT, WIDTH." Section 3.1.42e of the Flowerfield Township Zoning Ordinance pertaining to the definition of "Lot, Width" has been amended so as to define this term as the horizontal distance between the side lot

lines, measured at the two points where the setback line intersects the side lot lines. SECTION III. DEFINITION OF "MOBILE HOME". Section 3.1.50 of the Flowerfield Township Zoning Ordinance pertaining to the definition of "Mobile Home" has been amended so as to define a mobile home as a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a year-round dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

SECTION IV. REFERENCE TO "ZONING ADMINISTRATOR". Section 6.3 of the Flowerfield Township Zoning Ordinance pertaining to change of a non-conforming use has been amended by changing the reference therein to "Building Inspector" to "Zoning Administrator".

SECTION V. PERMITTED USE IN THE "AG" AGRICULTURAL DISTRICT. Section 9.2(1) of the Flowerfield Township Zoning Ordinance has been amended so as to identify "one-family dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures, and uses customarily incidental to any of the foregoing permitted uses" as permitted uses in the "AG" Agricultural District zoning classification.

SECTION VI. INDIVIDUAL MOBILE HOMES FAILING TO SATISFY THE CRITERIA FOR "ONE-FAMILY DWELLING". Section 9.3(9), 10.3(3), 12.3(2), and 15.3(3) of the Flowerfield Township Zoning Ordinance have been amended so as to allow individual mobile homes failing to satisfy the criteria for "one-family dwelling" as a special exception use in the "AG" Agricultural District zoning classification,* the "RE" Rural Estate zoning classification, the "R-1B" Sin-

gle and Two Family Residence District zoning classification, and the "L-R" Lake Residential District zoning classification, subject to specific conditions and limitations contained in the text amendments.

SECTION VII. PERMITTED USES IN THE "R-1A" RESIDENCE DISTRICT. Section 11.2 of the Flowerfield Township Zoning Ordinance setting forth the permitted uses in the "R-1A" Residence District zoning classification is amended so as to allow one-family dwellings having a core area of living space of at least 20 feet by 20 feet in size as a permitted use in this zoning classification. This Section also makes express provision for permitted uses consisting of home occupations; schools, libraries, and other municipal structures and uses; golf courses, parks, and other municipally owned or operated public recreational facilities; churches; hospitals; essential public utility services, excluding buildings and substations and regular stations; cemeteries; accessory buildings and uses; and off-street parking and loading.

SECTION VIII. PERMITTED USES IN THE "R-1B" RESIDENCE DISTRICT. Section 12.2 of the Flowerfield Township Zoning Ordinance setting forth the permitted uses in the "R-1B" Residence District zoning classification is amended so as to make express provision for "one-family dwellings" and eliminate the general provision allowing "mobile homes on individual lots" as a permitted use in this district.

SECTION IX. FEES - PAYMENT TO TOWNSHIP CLERK. Section 21.14 of the Flowerfield Township Zoning Ordinance pertaining to the payment of zoning appeal or application fees has been amended by changing the reference to "Treasurer" to "Clerk".

SECTION X. FAMILY BUSINESS. Section 9.3 of the

Flowerfield Township Zoning Ordinance has been amended by the addition of a new subsection (10) to allow a family business (a business which is incidental to the principal residential use of the property and which is not a roadside stand or home occupation) as a special exception use in the "AG" Agricultural District zoning classification, subject to certain specified conditions and limitations.

SECTION XI. REPEAL OF CONFLICTING PROVISIONS. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

SECTION XII. EFFECTIVE DATE. This Ordinance shall take effect immediately upon publication.

PLEASE TAKE FURTHER NOTICE that this Ordinance was adopted by the Flowerfield Township Board at its meeting held on September 4, 1984. PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance has been posted at the Flowerfield Township Hall located at M-216 and Creglow Road within the Township within the seven days preceding the publication of this Notice. In addition, the Ordinance may be inspected or purchased at the office of the Flowerfield Township Zoning Administrator at 53484 DeLong Road, Marcellus, Michigan (Telephone Number (616) 244-8405) during regular business hours of regular working days following the date of the within publication.

LORRAINE SMETANA,
Clerk

Flowerfield township
53290 Bent Road
Marcellus, Michigan 49067
(616) 646-9111
September 18, 1984

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS.

PLEASE TAKE NOTICE that the Flowerfield Township Board has adopted Ordinance No. 16 amending the Flowerfield Township Zoning Ordinance in the following respects:

SECTION I. DEFINITION OF "ACCESSORY BUILDING". Section 3.1.1 of the Flowerfield Township Zoning Ordinance pertaining to the definition of "Accessory Building" is amended so as to provide that a second residence housing a dependent or family member of the occupants of the principal residence on the site shall not be considered an accessory building or use under the Township Zoning Ordinance.

SECTION II. DEFINITION OF "FAMILY". Section 3.1.27 of the Flowerfield Township Zoning Ordinance pertaining to the definition of "Family" is amended so as to include within this definition a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit.

SECTION III. SITE-BUILT RESIDENCES FOR SINGLE-FAMILY OCCUPANCY FAILING TO SATISFY THE CRITERIA FOR "ONE-FAMILY DWELLING". Sections 9.3(11), 10.3(4), 12.3(3) and 15.3(4) of the Flowerfield Township Zoning Ordinance are amended so as to allow as a special exception use in the "AG" Agricultural, "RE" Rural Estate, "R-1B" Residence and "L-R" Lake Residential District zoning classifications site-built residences for single-family occupancy failing to satisfy all of the criteria for "One-Family Dwelling" under the Zoning Ordinance, but meeting certain minimum requirements including having a minimum ground floor area of 720 square feet.

SECTION IV. MINIMUM LOT SITE, LOT WIDTH AND REAR YARD SETBACK REQUIREMENTS IN "AG" AGRICULTURAL DISTRICT ZONING CLASSIFICATION. Section 18.1 of the Flowerfield Township Zoning Ordinance is amended so as to impose a minimum lot size requirement of one acre, a minimum lot width requirement of 264 feet, and a minimum rear yard setback requirement of 35 feet in the "AG" Agricultural District zoning classification.

SECTION V. REPEAL OF CONFLICTING PROVISIONS. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VI. EFFECTIVE DATE This Ordinance shall take effect immediately upon publication.

PLEASE TAKE FURTHER NOTICE that this Ordinance was adopted by the Flowerfield Township Board at its meeting held on August 5, 1985.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance has been posted at the Flowerfield Township Hall located at M-216 and Creglow Road within the Township within the seven days preceding the publication of this Notice. In addition, the Ordinance may be inspected or purchased at the office of the Flowerfield Township Zoning Administrator at 53-484 DeLong Road, Marcellus, Michigan [Telephone Number (616) 244-8405] during regular business hours of regular working days following the date of the within publication.

BETTY HOTOVY, Clerk
Flowerfield Township
52501 Creglow Road
Marcellus, Michigan 49067
(616) 646-9491

FLOWERFIELD TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE FLOWERFIELD TOWNSHIP PLANNING COMMISSION
RESULTING FROM A PUBLIC HEARING HELD JUNE 12, 1985.

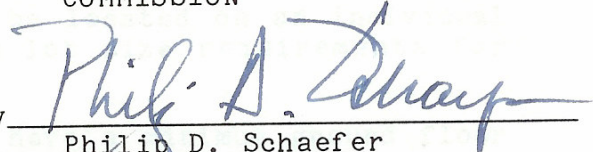
The Flowerfield Township Planning Commission hereby recommends the following with respect to the Flowerfield Township Zoning Ordinance:

1. APPROVAL of the proposed amendment of Section 18.1 of the Township Zoning Ordinance so as to impose a minimum lot size requirement of one acre, a minimum lot width requirement of 264 feet, and a minimum rear yard setback requirement of 35 feet in the "AG" Agricultural District zoning classification.

FLOWERFIELD TOWNSHIP PLANNING
COMMISSION

Dated: 21 June 1985

By


Philip D. Schaefer
Township Attorney

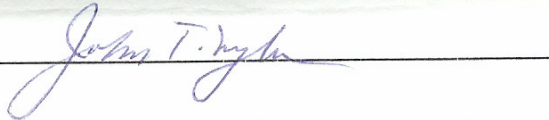
The St. Joseph County Planning Department, having duly considered the foregoing recommendation of the Flowerfield Township Planning Commission, hereby (approves - ~~disapproves~~) the same for consideration by the Flowerfield Township Board, subject to the following: With the recommendation that prime farmland is not used.

ST. JOSEPH COUNTY PLANNING DEPARTMENT

Dated:

July 31, 1985

By



FINAL ACTION BY FLOWERFIELD TOWNSHIP BOARD:



Enacted



Denied



Referred back to Zoning Board

FLOWERFIELD TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE FLOWERFIELD TOWNSHIP PLANNING COMMISSION
RESULTING FROM A PUBLIC HEARING HELD JUNE 12, 1985.

The Flowerfield Township Planning Commission hereby recommends the following with respect to the Flowerfield Township Zoning Ordinance:

- 2. APPROVAL of the proposed amendment of the Township Zoning Ordinance by the addition of new Sections 9.3 (11), 10.3(4), 12.3(3) and 15.3(4) to read as follows:

Site-built residences for single-family occupancy failing to satisfy all of the criteria for "one-family dwelling", subject to the following conditions and limitations:

- (A) The residence shall be located on an individual lot satisfying the minimum lot size requirements for this zoning classification.
- (B) The residence shall have a minimum ground floor area of 720 square feet.
- (C) The residence shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and the area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Township Building Code for single-family dwellings.
- (D) The residence shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (E) The residence shall be constructed in compliance with all pertinent building and fire codes.

FLOWERFIELD TOWNSHIP PLANNING COMMISSION

Dated: 21 June 1985

By Philip D. Schaefer
Philip D. Schaefer
Township Attorney

The St. Joseph County Planning Department, having duly considered the foregoing recommendation of the Flowerfield Township Planning Commission, hereby (~~disapproves~~ approves) the same for consideration by the Flowerfield Township Board, subject to the following:

ST. JOSEPH COUNTY PLANNING DEPARTMENT

Dated: July 31, 1985 By John T. [Signature]

FINAL ACTION BY FLOWERFIELD TOWNSHIP BOARD:

- Enacted
- Denied
- Referred back to Zoning Board

FLOWERFIELD TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE FLOWERFIELD TOWNSHIP PLANNING COMMISSION
RESULTING FROM A PUBLIC HEARING HELD JUNE 12, 1985.

The Flowerfield Township Planning Commission hereby recommends the following with respect to the Flowerfield Township Zoning Ordinance:

3. APPROVAL of the proposed amendment of Section 3.1.27 of the Township Zoning Ordinance pertaining to the definition of "family", to read as follows:

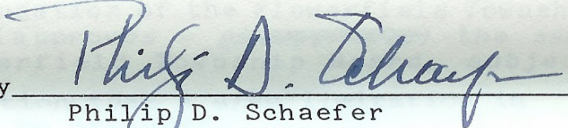
27. FAMILY: a. An individual or group of two or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not more than one additional unrelated person, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or

b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FLOWERFIELD TOWNSHIP PLANNING
COMMISSION

Dated: 21 June 1985

By


Philip D. Schaefer
Township Attorney

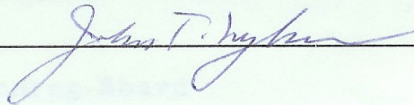
The St. Joseph County Planning Department, having duly considered the foregoing recommendation of the Flowerfield Township Planning Commission, hereby (approves - ~~disapproves~~) the same for consideration by the Flowerfield Township Board, subject to the following: with some question on 27 b. as to who is going to determine whether the persons are nontransient or not.

ST. JOSEPH COUNTY PLANNING DEPARTMENT

Dated:

July 31, 1985

By



FINAL ACTION BY FLOWERFIELD TOWNSHIP BOARD:

Enacted

Denied

Referred back to Zoning Board

FLOWERFIELD TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE FLOWERFIELD TOWNSHIP PLANNING COMMISSION
RESULTING FROM A PUBLIC HEARING HELD JUNE 12, 1985.

The Flowerfield Township Planning Commission hereby recommends the following with respect to the Flowerfield Township Zoning Ordinance:

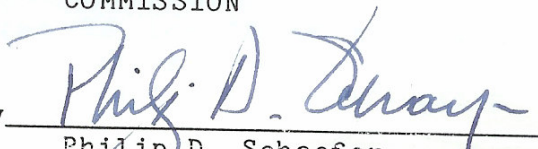
4. APPROVAL of the proposed amendment of Section 3.1.1 of the Township Zoning Ordinance pertaining to the definition of "accessory building" to read as follows:

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. A second residence housing a dependent or family member of the occupants of the principal residence on the site shall not be considered an accessory building or use under this Ordinance.

FLOWERFIELD TOWNSHIP PLANNING
COMMISSION

Dated: 21 June 1985

By


Philip D. Schaefer
Township Attorney

The St. Joseph County Planning Department, having duly considered the foregoing recommendation of the Flowerfield Township Planning Commission, hereby (approves - ~~disapproves~~) the same for consideration by the Flowerfield Township Board, subject to the following:

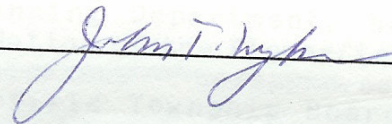
With a suggestion that a size limitation in proportion to the main building be included.

ST. JOSEPH COUNTY PLANNING DEPARTMENT

Dated:

July 31, 1985

By



FINAL ACTION BY FLOWERFIELD TOWNSHIP BOARD:



Enacted



Denied



Referred back to Zoning Board

FLOWERFIELD TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE FLOWERFIELD TOWNSHIP PLANNING COMMISSION
RESULTING FROM A PUBLIC HEARING HELD JUNE 12, 1985.

The Flowerfield Township Planning Commission hereby recommends the following with respect to the amendment of the Township Land Use Plan:

APPROVAL of the following proposed amendments:

- A. The proposed amendment of Page 21 thereof so as to recognize cottage-type, family owned businesses.
- B. The proposed amendment of Page 23 of the Township Land Use Plan pertaining to the location of mobile homes on individual lots.
- C. The proposed amendment of Page 29 of the Land Use Plan so as to make reference to a range of permitted parcel sizes between one and 40 acres and reference to population density ranging between 3.4 persons per acre and 50 persons per square mile in the "Agricultural" land use classification.
- D. The amendment of Pages 32 and 33 of the Land Use Plan so as to reflect a change in the minimum lot size in the "Agricultural" land use classification to a one-acre minimum lot size.
- E. The proposed amendment of "Figure 8" of the Land Use Plan so as to reflect a minimum parcel size of one acre to 40 acres and a population density range of 50 to 2,000 people per square mile in the "Agricultural" land use classification.

FLOWERFIELD TOWNSHIP PLANNING
COMMISSION

Dated: 21 June 1985

By Philip D. Schaefer
Philip D. Schaefer
Township Attorney

The St. Joseph County Planning Department, having duly considered the foregoing recommendation of the Flowerfield Township Planning Commission, hereby (~~approves~~ - ~~disapproves~~) the same for consideration by the Flowerfield Township Board, subject to the following:
The review committee did not act on this as it does not deal directly with the Zoning Ordinance and we did not have a copy of the Land Use Plan.

ST. JOSEPH COUNTY PLANNING DEPARTMENT

Dated: July 31, 1986

By John T. Zepher

FINAL ACTION BY FLOWERFIELD TOWNSHIP BOARD:

Enacted

Denied

Referred back to Zoning Board

PROOF OF PUBLICATION

STATE OF MICHIGAN) ss.
COUNTY OF ST. JOSEPH)

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY,
MICHIGAN
NOTICE OF ADOPTION OF
ZONING ORDINANCE
AMENDMENTS

TO: THE RESIDENTS AND PRO-
PERTY OWNERS OF THE
TOWNSHIP OF FLOWERFIELD,
ST. JOSEPH COUNTY,
MICHIGAN, AND ANY OTHER
INTERESTED PERSONS.

PLEASE TAKE NOTICE that the
Flowerfield Township Board has
adopted Ordinance No. 16
amending the Flowerfield
Township Zoning Ordinance in
the following respects:

**SECTION I. DEFINITION OF
"ACCESSORY BUILDING".**

Section 3.1.1 of the Flowerfield
Township Zoning Ordinance
pertaining to the definition of
"Accessory Building" is amend-
ed so as to provide that a sec-
ond residence housing a
dependent or family member of
the occupants of the principal
residence on the site shall not be
considered an accessory
building or use under the
Township Zoning Ordinance.

**SECTION II. DEFINITION OF
"FAMILY".**

Section 3.1.27 of the Flowerfield
Township Zoning Ordinance
pertaining to the definition of
"Family" is amended so as to in-
clude within this definition of a
collective number of individuals
domiciled together in one dwell-
ing unit whose relationship is of a
continuing non-transient
domestic character and who are
cooking and living as a single
non-profit housekeeping unit.

**SECTION III. SITE-BUILT
RESIDENCES FOR SINGLE-
FAMILY OCCUPANCY FAILING
TO SATISFY THE CRITERIA FOR
"ONE-FAMILY DWELLING."**

Sections 9.3(11), 10.3(4),
12.3(3) and 15.3(4) of the
Flowerfield Township Zoning Or-
dinance are amended so as to
allow as a special exception use
in the "AG" Agricultural, "RE"
Rural Estate, "R-1B" Residence
and "L-R" Lake Residential
District zoning classifications
site-built residences for single-
family occupancy failing to
satisfy all of the criteria for
"One-Family Dwelling" under
the Zoning Ordinance, but
meeting certain minimum re-
quirements including having a
minimum ground floor area of
720 square feet.

**SECTION IV. MINIMUM LOT
SITE, LOT WIDTH AND REAR**

**YARD SETBACK RE-
QUIREMENTS IN "AG"
AGRICULTURAL DISTRICT
ZONING CLASSIFICATION.**

Section 18.1 of the Flowerfield
Township Zoning Ordinance is
amended so as to impose a
minimum lot size requirement of
one acre, a minimum lot width
requirement of 264 feet, and a
minimum rear yard setback re-
quirement of 35 feet, and
Agricultural District zoning
classification.

**SECTION V. REPEAL OF CON-
FLICTING PROVISIONS.** All Or-
dinances or parts of Ordinances
in conflict herewith are hereby
repealed.

SECTION VI. EFFECTIVE DATE.
This Ordinance shall take effect
immediately upon publication.

PLEASE TAKE FURTHER NOTICE
that this Ordinance was
adopted by the Flowerfield
Township Board at its meeting
held on Aug. 5, 1985.

PLEASE TAKE FURTHER
NOTICE that the full text of this
Ordinance has been posted at
the Flowerfield Township Hall
located at M-216 and Creglow
Road within the Township within
the seven days preceding the
publication of this Notice. In ad-
dition the Ordinance may be in-
spected or purchased at the of-
fice of the Flowerfield Township
Zoning Administrator at 53-484
DeLong Road, Marcellus,
Michigan (Telephone Number
(616) 244-8405) during regular
business hours of regular work-
ing days following the date of
the within publication.

BETTY HOTOVY, Clerk
Flowerfield Township
52501 Creglow Road
Marcellus, Michigan 49067
(616) 646-9491
August 21, 1985

Richard L. Milliman II being duly sworn, says: I am
Editor/General Manager of the Three Rivers Commercial-News, a
daily newspaper printed and circulated in said county and owned
by the Three Rivers Commercial, Inc. The annexed is a printed
copy of a notice which was published in said paper on the following
dates, to wit:

August 21 A.D. 19 85
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____
_____ A.D. 19 ____



Subscribed and sworn to before me this 29
day of August A.D. 19 85

Maurice B. Williams

Notary Public in and for St. Joseph County, Mich.

My commission expires 5-6-86

Adopted: April 7, 1986

Effective: May 19, 1986

An Ordinance to assume responsibility pursuant to 1972 PA 230, as amended, for administration and enforcement of said Act and the State Construction Code promulgated thereunder; to reserve the right to provide by agreement or contract with any other township, village, city or county for joint administration and enforcement of said Act and the State Construction Code promulgated thereunder; to permit the Township Board to set certain fees by resolution of said Township Board; and to repeal all existing township ordinances in conflict herewith.

THE TOWNSHIP OF FLOWERFIELD,

ST. JOSEPH COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Flowerfield Township State Construction Code Ordinance.

SECTION II

ASSUMPTION OF ENFORCEMENT RESPONSIBILITY

Flowerfield Township hereby assumes responsibility pursuant to 1972 PA 230, as amended, for administration and enforcement of said Act and the State Construction Code promulgated thereunder.

SECTION III

RIGHT TO PROVIDE FOR
JOINT ENFORCEMENT

Flowerfield Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county for joint enforcement and administration

of the aforementioned Act and the State Construction Code promulgated thereunder.

SECTION IV

DESIGNATION OF ENFORCING AGENCY

The Township Board of Flowerfield Township is hereby authorized pursuant to 1972 PA 230, as amended, to designate by resolution, at any regular meeting of said Board, any person or persons as enforcing agency of said Act and the State Construction Code promulgated thereunder or any sections thereof. Said Board may further, by resolution, remove any person from said position, in the discretion of said Board.

SECTION V

FEES

The Township Board is hereby given the authority to establish by resolution at any regular public meeting a schedule of fees, rates and charges for the administering of said Act and the State Construction Code and conducting its various activities thereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

SECTION VI

SEVERABILITY

Should any portion of this Ordinance or 1972 PA 230, as amended, or the State Construction Code promulgated there under be declared unconstitutional, illegal or of no force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII

REPEAL OF CONFLICTING PROVISIONS

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

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect on May 19, 1986.

BETTY HOTOVY, Clerk
Flowerfield Township

CLERK'S CERTIFICATE

I, BETTY HOTOVY, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 7th day of April, 1986, at 7:30 p.m. o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 17, hereinbefore recorded, to become effective May 19, 1986, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Thomas w. Houts	Yes
Betty Hotovy	Yes
Genevieve E. Wright	Yes
Thomas N. Glass	Yes
Anne Rohrer	Yes

I do further certify that a summary of the regulatory effect of the zoning amendment was published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated in Flowerfield Township, on April 16, 1986; that said Ordinance No. 17 was recorded in the official Ordinance Book on the 14th day of April, 1986; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 14th day of April, 1986.

Dated: April 14, 1986

Betty Hotovy
BETTY HOTOVY, Clerk
Flowerfield Township

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS.

PLEASE TAKE NOTICE that the Flowerfield Township Board has adopted Ordinance No. 17 which provides, in summary, as follows:

SECTION I. TITLE. This section of the Ordinance provides that the Ordinance shall be known and cited as the Flowerfield Township State Construction Code Ordinance.

SECTION II. ASSUMPTION OF ENFORCEMENT RESPONSIBILITY. This section provides that Flowerfield Township assumes responsibility under the Ordinance for administration and enforcement of 1972 PA 230, as amended, and the State Construction Code promulgated thereunder.

SECTION III. RIGHT TO PROVIDE FOR JOINT ENFORCEMENT. This Section provides that Flowerfield Township shall have the right to provide by agreement or contract with any other township, village, city or county for joint enforcement and administration of the aforementioned Act and the State Construction Code promulgated there under.

SECTION IV. DESIGNATION OF ENFORCING AGENCY. This Section authorizes the Flowerfield Township Board to designate by resolution any person or persons as enforcing agency of 1972 PA 230 and the State Construction Code promulgated thereunder.

SECTION V. FEES. This Section gives the Flowerfield Township Board authority to establish by resolution at any regular public meeting a schedule of fees for the administering of 1972 PA 230, as amended, and the State Construction Code and may amend this schedule from time to time as the Board deems appropriate.

SECTION VI. SEVERABILITY. This Section provides that the invalidity of anyone provision of 1972 PA 230, as amended, or the State Construction Code promulgated thereunder shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII. REPEAL OF CONFLICTING PROVISIONS. This Section repeals all Ordinances or parts of Ordinances in conflict with this Ordinance.

SECTION VIII. EFFECTIVE DATE. This Section provides that this Ordinance shall take on May 19, 1986.

PLEASE TAKE FURTHER NOTICE that this Ordinance was adopted by the Flowerfield Township Board at its meeting held on April 7, 1986.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance' has been posted at the Flowerfield Township Hall located at M-216 and Creglow Road within the Township within the seven days preceding the publication of this Notice. In addition, the Ordinance may be inspected or purchased at the office of the Flowerfield Township Clerk at 52501 Creglow Road, Marcellus, Michigan [Telephone Number (616) 646-9491] during regular business hours of regular working days following the date of the within publication.

BETTY HOTOVY, Clerk
Flowerfield Township
52501 Creglow Road
Marcellus, Michigan 49067
(616) 646-9491

CLERK'S CERTIFICATE

I, BETTY HOTOVY, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 7th day of April, 1986, at 7:30 p.m. o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 17, hereinbefore recorded, to become effective May 19, 1986, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Thomas W. Houts	Yes
Betty Hotovy	Yes
Genevieve E. Wright	Yes
Thomas N. Glass	Yes
Anne Rohrer	Yes

I do further certify that a summary of the regulatory effect of the zoning amendment was published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated in Flowerfield Township, on April 16, 1986; that said Ordinance No. 17 was recorded in the official Ordinance Book on the 14th day of April, 1986; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 14th day of April, 1986.

Dated: April 14, 1986

Betty Hotovy
BETTY HOTOVY, Clerk
Flowerfield Township

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP D. SCHAEFER
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4500

10 April 1986

17
Filed with Clerk
4/30/86

Ms. Betty Hotovy
Clerk
FLOWERFIELD TOWNSHIP
52501 Creglow Road
Marcellus, Michigan 49067

Dear Ms. Hotovy:

Enclosed for filing in the official Ordinance Book of the Township is Ordinance No. 17 together with all supporting documents. I have enclosed two Clerk's Certificates. Fill in the time of the Board meeting and date and sign both Certificates. One will be filed in the Ordinance Book and the other will be attached to a copy of the Ordinance to be filed with the St. Joseph County Clerk's office on Monday, April 14, 1986. As you are aware, since the Township does not have regular office hours at the Township Hall, all Ordinances must be filed with the St. Joseph County Clerk. Since this Ordinance was adopted on Monday, April 7, April 14 is the last day for filing it with the County.

I have arranged for the Notice of Ordinance Adoption to appear in the Three Rivers Commercial on Wednesday, April 16, 1986; therefore, please post a copy of the Ordinance at the Township Hall on Monday or Tuesday (April 14, 15) and complete the Affidavit of Posting. This also is to be filed in the Ordinance Book.

I will forward an Affidavit of Publication when we receive same from the newspaper.

If you have questions, please call.

Very truly yours,

Kathy L. Evans

Kathy L. Evans
Secretary

/ke
enc

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP D. SCHAEFER
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4500

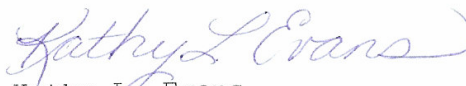
24 April 1986

Ms. Betty Hotovy
Clerk
FLOWERFIELD TOWNSHIP
52501 Creglow Road
Marcellus, Michigan 49067

Dear Ms. Hotovy:

Enclosed is the Affidavit of Publication of the
Notice of Adoption of Ordinance No. 17. This should
be filed in the Ordinance Book with the Ordinance.

Very truly yours,



Kathy L. Evans
Secretary

/ke
enc

PROOF OF PUBLICATION
STATE OF MICHIGAN
COUNTY OF ST. JOSEPH

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY,
MICHIGAN
NOTICE OF ORDINANCE
ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS.

PLEASE TAKE NOTICE that the Flowerfield Township Board has adopted Ordinance No. 17 which provides, in summary, as follows:

SECTION I. TITLE. This section of the Ordinance provides that the Ordinance shall be known and cited as the Flowerfield Township State Construction Code Ordinance.

SECTION II. ASSUMPTION OF ENFORCEMENT RESPONSIBILITY.

This section provides that Flowerfield Township assumes responsibility under the Ordinance for administration and enforcement of 1972 PA 230, as amended, and the State Construction Code promulgated thereunder.

SECTION III. RIGHT TO PROVIDE FOR JOINT ENFORCEMENT.

This Section provides that Flowerfield Township shall have the right to provide by agreement or contract with any other township, village, city or county for joint enforcement and administration of the aforementioned Act and the State Construction Code promulgated thereunder.

SECTION IV. DESIGNATION OF ENFORCING AGENCY.

This Section authorizes the Flowerfield Township Board to designate by resolution any person or persons as enforcing agency of 1972 PA 230 and the State Construction Code promulgated thereunder.

mulgated thereunder.

SECTION V. FEES.

This Section gives the Flowerfield Township Board authority to establish by resolution at any regular public meeting a schedule of fees for the administering of 1972 PA 230, as amended, and the State Construction Code and may amend this schedule from time to time as the Board deems appropriate.

SECTION VI. SEVERABILITY.

This Section provides that the invalidity of any one provision of 1972 PA 230, as amended, or the State Construction Code promulgated thereunder shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII. REPEAL OF CONFLICTING PROVISIONS.

This Section repeals all Ordinances or parts of Ordinances in conflict with this Ordinance.

SECTION VIII. EFFECTIVE DATE.

This Section provides that this Ordinance shall take on May 19, 1986.

PLEASE TAKE FURTHER NOTICE that this Ordinance was adopted by the Flowerfield Township Board at its meeting held on April 7, 1986.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance has been posted at the Flowerfield Township Hall located at M-216 and Creglow Road within the Township within the seven days preceding the publication of this Notice. In addition, the ordinance may be inspected or purchased at the office of the Flowerfield Township Clerk at 52501 Creglow Road, Marcellus, Michigan (Telephone Number (616) 646-9491) during regular business hours of regular working days following the date of the within publication.

BETTY HOTOVY, Clerk
Flowerfield Township
52501 Creglow Road

PROOF OF PUBLICATION
STATE OF MICHIGAN
COUNTY OF ST. JOSEPH

Richard L. Milliman II being duly sworn, says: I am Editor/General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by the Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

April 16 A.D. 1986
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____

Richard L. Milliman II

Subscribed and sworn to before me this 21

day of April A.D. 1986

Mason B. Williams

Notary Public in and for St. Joseph County, Mich.

My commission expires 5-6-86

Richard L. Milliman II being duly sworn, says: I am Editor/General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by the Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

April 16 A.D. 1986
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____
____ A.D. 19____

Richard L. Milliman II

Subscribed and sworn to before me this 21

day of April A.D. 19 86

Maurice B. Willman

Notary Public in and for St. Joseph County, Mich.

My commission expires 5-6-86

**FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD,
ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance, being Ordinance No. 18, was adopted by the Township Board of the Township of Flowerfield at its regular meeting held October 7, 1991, said Ordinance to become effective the day following the date of the publication of this Ordinance.

FLOWERFIELD TOWNSHIP ORDINANCE NO. 18

ST. JOSEPH COUNTY, MICHIGAN

An Ordinance to reaffirm Flowerfield Township's assumption of responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act and those portions of the State Construction Code promulgated thereunder consisting of the Michigan State Building Code, Michigan State Electrical code and Michigan state Plumbing Code; to rescind any administration and enforcement responsibility previously assumed with respect to the Michigan State Mechanical Code; to reserve the right to provide by agreement or contract with any other Township, Village, City or County for joint administration and enforcement of said Act and those portions of the State Construction Code consisting of the Michigan State Building Code, Michigan State Electrical Code and/or Michigan State Plumbing Code; to provide for the designation of an enforcing agency hereunder; to permit the Township Board to set certain fees by resolution of said Township Board; and to repeal all existing Township Ordinances in conflict herewith, including Flowerfield Township Ordinance No. 17.

THE TOWNSHIP OF FLOWERFIELD

ST. JOSEPH COUNTY

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Flowerfield Township state Construction Code Ordinance.

SECTION II

ASSUMPTION OF ENFORCEMENT RESPONSIBILITY

Flowerfield Township hereby assumes responsibility pursuant to Act No.230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act and those portions of the State Construction Code promulgated thereunder consisting of the Michigan State Building Code, Michigan State Electrical Code and Michigan State Plumbing Code.

SECTION III

RESCISSION OF ENFORCEMENT RESPONSIBILITY WITH RESPECT
TO MICHIGAN STATE MECHANICAL CODE

Flowerfield Township hereby rescinds any administration and enforcement responsibility previously assumed by it with respect to that portion of the State Construction Code consisting of the Michigan State Mechanical Code.

SECTION IV

RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

Flowerfield Township specifically reserves the right to provide by agreement or contract with any other Township, Village, City or County for joint enforcement and administration of the aforementioned Act and those portions of the Michigan State Construction Code promulgated thereunder consisting of the Michigan State Building Code, Michigan State Electrical Code and/or Michigan State Plumbing Code.

SECTION V

DESIGNATION OF ENFORCING AGENCY

The Township Board of Flowerfield Township is hereby authorized pursuant to Act 230 of the Public Acts of Michigan of 1972, as amended, to designate by resolution, at any regular meeting of said Board, any person or persons as enforcing agency of said Act and those portions of the State Construction Code promulgated thereunder that Flowerfield Township is assuming responsibility herein for administering and enforcing.

SECTION VIFEEES

The Flowerfield Township Board is hereby given the authority to establish by resolution at any regular public meeting a schedule of fees, rates and charges for the administering of said Act and those portions of the State Construction Code which Flowerfield Township is assuming responsibility for administering and enforcing hereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

SECTION VIISEVERABILITY

Should any portion of this Ordinance or Act No. 230 of the Public Acts of Michigan of 1972, as amended, or the State Construction Code promulgated thereunder be declared unconstitutional, illegal or of no force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VIIIREPEAL OF CONFLICTING PROVISIONS

All Ordinances or part of Ordinances in conflict herewith, including Flowerfield Township Ordinance No. 17 and any construction codes or construction code ordinances previously adopted by Flowerfield Township, are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. However, permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with the construction code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance or township construction code being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

SECTION IX

EFFECTIVE DATE

This Ordinance shall take effect the day following the date of publication of this Ordinance.

BETTY GRINDEL, Clerk
Flowerfield Township

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500
—
TELECOPIER
616-382-2040

October 18, 1991

Henry Green, Director
Bureau of Construction Codes
Michigan Department of Labor
P.O. Box 30015
Lansing, Michigan 48909

Dear Mr. Green:

Enclosed please find a copy of an Ordinance adopted by Flowerfield Township, St. Joseph County, Michigan, on October 7, 1991, by which the Township reaffirmed its assumption of responsibility for administration and enforcement of those portions of State Construction Code consisting of the Michigan State Building Code, Michigan State Electrical Code, and Michigan State Plumbing Code. In this same Ordinance, Flowerfield Township rescinded any administration and enforcement responsibility previously assumed with respect to the Michigan State Mechanical Code.

This Ordinance was adopted after discussions with Ms Kay Engels and Ms Beth Aben of your office. Pursuant to those discussions, it is requested that Flowerfield Township be granted an exception from the one year waiting requirement with respect to its rescision of administration and enforcement responsibility as to the Michigan State Mechanical Code.

If you or any member of your staff have any questions concerning this matter, please feel free to contact this office at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
& THOMSEN, P.C.



Kenneth C. Sparks

KCS:ss
cc: Betty Grindel

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500
TELECOPIER
616-382-2040

October 18, 1991

Ms Betty Grindel
FLOWERFIELD TOWNSHIP CLERK
13826 M-216
Marcellus, MI 49067

Re: Flowerfield Township Ordinance No. 18

Dear Betty:

Enclosed for filing in the official Ordinance Book of the Township is Ordinance No. 18 together with all supporting documents. I have enclosed two Clerk's Certificates. Please fill in the blanks in both Certificates. One Certificate should be filed in the Ordinance Book and the other should be attached to a copy of the Ordinance to be filed with the St. Joseph County Clerk's Office at your earliest convenience.

I have arranged for the Notice of Ordinance Adoption to appear in the Three Rivers Commercial on October 23, 1991.

You should be receiving Affidavits of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book.

If you have any questions, please contact me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
& THOMSEN, P.C.



Kenneth C. Sparks

**FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance, being Ordinance No. 18, was adopted by the Township Board of the Township of Flowerfield at its regular meeting October 7, 1991, said Ordinance to become effective the day following the date of the publication of this Ordinance.

**FLOWERFIELD TOWNSHIP ORDINANCE NO. 18
ST. JOSEPH COUNTY, MICHIGAN**

An Ordinance to reaffirm Flowerfield Township's assumption of responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act and those portions of the State Construction Code promulgated thereunder consisting of the Michigan State Building Code, Michigan State Electrical Code and Michigan State Plumbing Code; to rescind any administration and enforcement responsibility previously assumed with respect to the Michigan State Mechanical Code; to reserve the right to provide by agreement or contract with any other Township, Village, City or County for joint administration and enforcement of said Act and those portions of the State Construction Code consisting of the Michigan State Building Code, Michigan State Electrical Code and/or Michigan State Plumbing Code; to provide for the designation of an enforcing agency hereunder; to permit the Township Board to set certain fees by resolution of said Township Board; and to repeal all existing Township Ordinances in conflict herewith, including Flowerfield Township Ordinance No. 17.

**THE TOWNSHIP OF FLOWERFIELD,
ST. JOSEPH COUNTY, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Flowerfield Township State Construction Code Ordinance.

SECTION II

ASSUMPTION OF ENFORCEMENT RESPONSIBILITY

Flowerfield Township hereby assumes responsibility pursuant to Act. No. 230 of the Public Acts of Michigan 1972, as amended, for administration and enforcement of said Act and those portions of the State Construction Code promulgated thereunder consisting of the Michigan State Building Code, Michigan State Electrical Code and Michigan State Plumbing Code.

SECTION III

**RESCISSION OF ENFORCEMENT RESPONSIBILITY WITH
RESPECT TO MICHIGAN STATE MECHANICAL CODE**

Flowerfield Township hereby rescinds any administration and enforcement responsibility previously assumed by it with respect to that portion of the State Construction Code consisting of the Michigan State Mechanical Code.

SECTION IV

RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

Flowerfield Township specifically reserves the right to provide by agreement or contract with any other Township, Village, City or County for joint enforcement and administration of the aforementioned Act and those portions of the Michigan State Construction Code promulgated thereunder consisting of the Michigan State Building Code, Michigan State Electrical Code and/or Michigan State Plumbing Code.

SECTION V

DESIGNATION OF ENFORCING AGENCY

The Township Board of Flowerfield Township is hereby authorized pursuant to Act 230 of the Public Acts of Michigan of 1972, as amended, to designate by resolution, at any regular meeting of said Board, any person or persons as enforcing agency of said Act and those portions of the State Construction Code promulgated thereunder that Flowerfield Township is assuming responsibility herein for administering and enforcing.

SECTION VI
FEEES

The Flowerfield Township Board is hereby given the authority to establish by resolution at any regular public meeting a schedule of fees, rates and charges for the administering of said Act and those portions of the State Construction Code which Flowerfield Township is assuming responsibility for administering and enforcing hereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

SECTION VII
SEVERABILITY

Should any portion of this Ordinance or Act No. 230 of the Public Acts of Michigan of 1972, as amended, or the State Construction Code promulgated thereunder be declared unconstitutional, illegal or of no force of effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VIII
REPEAL OF CONFLICTING PROVISIONS

All Ordinances or part of Ordinances in conflict herewith, including Flowerfield Township Ordinance No. 17 and any construction codes or construction code ordinances previously adopted by Flowerfield Township, are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. However, permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with the construction code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance or township construction code being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

SECTION IX
EFFECTIVE DATE

This Ordinance shall take effect the day following the day of publication of this Ordinance.

BETTY GRINDEL, Clerk
Flowerfield Township

October 23, 1991

CLERK'S CERTIFICATE

I, BETTY GRINDEL, Township Clerk of the Township of Flowerfield, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 7th day of October, 1991 at 7:30 o'clock p.m., at the Flowerfield Township Hall, located at 13826 M-216, Marcellus, Michigan at which the following members were present:

Arden Wright
Betty Grindel
Jacqueline Richmond
Anne Rohrer
Karen Schroer

the Board enacted and passed Ordinance No. 18 hereinbefore recorded, to become effective the day following the date of the publication of said Ordinance, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Arden Wright	Yes
Betty Grindel	Yes
Jacqueline Richmond	Yes
Anne Rohrer	Yes
Karen Schroer	Yes

I do further certify that a copy of said Ordinance was published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated in Flowerfield Township on October 23, 1991; that said Ordinance No. 18 was recorded in the official Ordinance Book on the 24th day of October, 1991; and that a certified copy of said Ordinance was filed with the St. Joseph Clerk on the 24th day of October, 1991.

Dated:

Oct. 24, 1991

Betty Grindel
BETTY GRINDEL
Clerk

FLOWERFIELD TOWNSHIP ORDINANCE NO. 19

ST. JOSEPH COUNTY, MICHIGAN

Adopted: January 2, 1995

Effective: One Day Following the Date of Publication

An Ordinance to rescind administration and enforcement responsibility previously assumed by Flowerfield Township with respect to that portion of the Michigan State Construction Code consisting of the Michigan State Electrical Code and the Michigan State Plumbing Code; and to repeal those portions of all existing Township Ordinances in conflict herewith.

THE TOWNSHIP OF FLOWERFIELD,

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I

RESCISSION OF ENFORCEMENT RESPONSIBILITY WITH RESPECT TO MICHIGAN
STATE ELECTRICAL CODE AND MICHIGAN STATE PLUMBING CODE

Flowerfield Township hereby rescinds the administration and enforcement responsibility previously assumed by it with respect to that portion of the Michigan State Construction Code consisting of the Michigan State Electrical Code and the Michigan State Plumbing Code.

SECTION II

REPEAL OF CONFLICTING PROVISIONS

All parts of Ordinances in conflict herewith, including those portions of Flowerfield Township Ordinance No. 18 by which Flowerfield Township previously assumed administration and enforcement responsibility for the Michigan State Electrical Code and Michigan State Plumbing Code, are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. This Ordinance shall not be deemed to repeal that portion Flowerfield Township Ordinance which No. 18 by Flowerfield Township assumed responsibility pursuant to Act No. 230 for of the Public Michigan amended, of 1972, Acts of as administration and enforcement of said

Act and that portion of the state Construction Code promulgated thereunder consisting of the Michigan state Building Code. Mechanical and electrical permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with the Construction Code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance or Township Construction Code being repealed hereby shall not be affected by this Ordinance and may be continued to said previous Ordinances.

SECTION III

SEVERABILITY

Should any portion of this Ordinance or Act No. 230 of the Public Acts of Michigan of 1972, as amended, or the State Construction Code promulgated thereunder be declared unconstitutional, illegal or of no force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION IV

EFFECTIVE DATE

This Ordinance shall take effect the day following the date of publication of this Ordinance.

Betty Grindel, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067

CLERK'S CERTIFICATE

I, BETTY GRINDEL, the Township Clerk of the Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 2nd day of January, 1995, at 7:30 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 19, hereinbefore recorded, to become effective one day following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Arden Wright	Yes
Betty Grindel	Yes
Jacqueline Richmond	Yes
Karen Schroer	Yes
James Griffith	Absent

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 19, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 25th Day of January, 1995; that said Ordinance No. 19 was recorded in the official Ordinance Book on the 25 day of January, 1995; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 25 day of January, 1995

Dated:

Jan. 25, 1995

Betty Grindel
BETTY GRINDEL, Clerk

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

January 16, 1995

Betty Grindel, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

Dear Betty:

Enclosed is Ordinance No. 19, a copy of the Notice of Ordinance Adoption, and a Clerk's Certificate. The Certificate should be filed in the Ordinance Book. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience.

We have arranged for the Notice of Ordinance Adoption to be published in the Three Rivers Commercial News on Wednesday, January 25, 1995. You should be receiving Affidavits of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

January 16, 1995

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

Dear Ladies:

Please publish the enclosed Notice of Ordinance Adoption
on Wednesday, January 25, 1995.

After publication, please forward two copies of the Affidavit
of Publication along with your statement for same to Betty Grindel,
Clerk, Flowerfield Township, 13826 M-216, Marcellus, Michigan 49067
and forward one copy of the Affidavit of Publication to the
undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Betty Grindel

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

January 16, 1995

Henry L. Green, Executive Director
Bureau of Construction Codes
Michigan Department of Labor
State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, MI 48909

RE: Flowerfield Township/St. Joseph County

Dear Mr. Green:

Pursuant to direction of the Flowerfield Township Clerk, enclosed please find for the State Construction Code Commission's records a copy of Flowerfield Township Ordinance No. 19, by which Flowerfield Township rescinded administration and enforcement responsibility with respect to that portion of the Michigan State Construction Code consisting of the Michigan Electrical Code and the Michigan State Plumbing Code. Flowerfield Township continues to retain administration and enforcement responsibility with respect to that portion of the State Construction Code consisting of the State Building Code.

If you have any questions or concerns regarding this matter, please feel free to contact me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Betty Grindel

PROOF OF PUBLICATION _____

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

Ronald P. Reece being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN
NOTICE OF ORDINANCE ADOPTION**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held at 7:30 p.m. on January 2, 1995, at the Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 19, which is summarized as set forth below.

FLOWERFIELD TOWNSHIP ORDINANCE NO. 19

SECTION I. RESCISSION OF ENFORCEMENT RESPONSIBILITY WITH RESPECT TO MICHIGAN STATE ELECTRICAL CODE AND MICHIGAN STATE PLUMBING CODE. Flowerfield Township rescinds administration and enforcement responsibility with respect to that portion of the Michigan State Construction Code consisting of the Michigan State Electrical Code and the Michigan State Plumbing Code.

SECTION II. REPEAL OF CONFLICTING PROVISIONS. All parts of Ordinances in conflict with this Ordinance are repealed. This Ordinance does not repeal that part of Flowerfield Township Ordinance No. 18 by which Flowerfield Township assumed responsibility for administration and enforcement of the Michigan State Building Code.

SECTION III. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect the day following the date of publication of this Notice of Ordinance Adoption.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Betty Grindel, Clerk
FLOWERFIELD TOWNSHIP
13926 M-216
Marcellus, MI 49067-9353
(616) 279-9888

January 25, 1995

January 25 _____ A.D. 19 95

_____ A.D. 19 ____

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_____ A.D. 19 ____

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_____ A.D. 19 ____

_____ A.D. 19 ____

_____ A.D. 19 ____

Ronald P. Reece

Ronald P. Reece

Subscribed and sworn to before me this 30th
day of January A.D. 19 95

Maureen B. Willma

Maureen B. Willma
Notary Public in and for St. Joseph County, Michigan.

My commission expires 11-8-98

FLOWERFIELD TOWNSHIP ORDINANCE NO. 20

MOTOR VEHICLE STORAGE ORDINANCE

Adopted: March 4, 1996

Effective: Thirty (30) Days Following
Publication after Adoption

An Ordinance to protect the health, safety and general welfare of the residents and property owners of the Township of Flowerfield, St. Joseph County, Michigan, by the regulation of the outdoor storage of motor vehicles within the Township; to provide sanctions for the violation of this ordinance; and to repeal any ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF FLOWERFIELD,

ST. JOSEPH COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Flowerfield Township Motor Vehicle storage Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is restrict the outdoor storage of unused or nonoperating motor vehicles upon public and private premises within the Township; to avoid injury and hazards to children and others attracted to such vehicles; and to minimize the devaluation of property values and the psychological ill effects of the presence of such vehicles upon adjoining residents and property owners.

SECTION III

DEFINITIONS

For the purpose of this Ordinance, certain terms used herein shall have the following meaning:

- A. "Inoperable motor vehicle" shall mean a motor vehicle for which any of the following conditions exist:

- 1) It is being dismantled for the sale, salvage or repair of its parts.
- (2) It does not have all of its main component parts properly attached.
- (3) Any other conditions exist which cause the vehicle to be incapable of being driven under its own power and, where the vehicle is designed to be operated on public streets, lawfully upon the public streets.

b. "Main Component Parts" shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment as are necessary for the vehicle to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended.

c. "Person" shall mean an individual, firm, corporation, or other entity of any kind.

d. "Agricultural vehicle" means a motor vehicle or conveyance designed and intended for agricultural use.

SECTION IV

REGULATIONS

No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises within the Township of Flowerfield owned, rented, or occupied by such person a motor vehicle, unless one or more of the following conditions exist:

- (1) The vehicle is not inoperable, has all of its main component parts attached and, where subject to a license, is currently and validly licensed for operation upon the public streets.
- (2) The vehicle is fully screened by natural objects, plantings, buildings, fences, or other similar means from the view of persons standing on adjoining public or private roads and the ground level of adjoining properties.
- (3) The vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets; provided that the premises shall not contain any such vehicle for longer than 14 days in any one calendar year, calculated on a cumulative basis for the same or different vehicles and notwithstanding that no one such vehicle remains upon the premises for more than the 14 day period.

- (4) The vehicle is located in a duly licensed and properly zoned junkyard, salvage yard, or new or used car dealer's lot or storage yard established in compliance with the Flowerfield Township Zoning Ordinance.
- (5) The vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop legally authorized under the Flowerfield Township Zoning Ordinance and registered with the state of Michigan pursuant to 1974 PA 300, as amended, and is locked, and, where subject to a license, is currently and validly licensed for operation upon the public streets.
- (6) The vehicle: (a) is in operating condition, (b) has all of its main component parts attached, (c) is for sale by the owner or occupant of the premises, and (d) is posted with a "For Sale" sign. This provision shall be limited to allowing the outdoor storage of one such vehicle per lot or parcel at anyone time and shall only permit the outdoor storage of such vehicle for no more than 30 days.
- (7) The vehicle is an agricultural vehicle as defined in this ordinance and is used or usable for agricultural purposes on the premises where located.
- (8) A special permit is first obtained therefor for a period of not to exceed 30 days from the Supervisor of Flowerfield Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. The special permit may be renewed for not more than two additional 30-day periods upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION V

NUISANCE

Any motor vehicle storage in violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined and which may subject the violator to the sanctions herein provided for.

SECTION VI

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION VII

SANCTIONS

Violation of any of the provisions of this Ordinance shall be deemed a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township of Flowerfield has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

SECTION VIII

REPEAL

All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION IX

EFFECTIVE DATE

This Ordinance shall take effect thirty days following publication after adoption.

Karen R. Schroer, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067-9353
(616) 279-9888

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCES

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held at 7:30 p.m. on March 4, 1996, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinances, which are summarized as set forth below.

MOTOR VEHICLE STORAGE ORDINANCE NO. 20

SECTION I. TITLE. This Ordinance shall be known and cited as the Flowerfield Motor Vehicle Storage Ordinance.

SECTION II. PURPOSE. This section sets forth the purpose of the Ordinance.

SECTION III. DEFINITIONS. This section defines "inoperable motor vehicle", "main component parts", "person" and "agricultural vehicle".

SECTION IV. REGULATIONS. This section prohibits the parking or storing (or permitting the parking or storing) of a motor vehicle outside of a fully enclosed building upon any public or private premises unless, in summary, (1) vehicle is operable and fully licensed, (2) the vehicle is fully screened from adjoining properties and roads, (3) the vehicle is only temporarily inoperable for no more than 14 days, (4) the vehicle is located in a duly licensed and properly zoned junkyard, salvage yard, or car dealer's lot, (5) the vehicle is awaiting repairs at a properly licensed and zoned auto repair facility, or (6) the vehicle is in operating condition and posted" with a "For Sale" sign (one per property, 30 day limit), (7) the vehicle is an agricultural vehicle, or (8) a special permit is obtained from the Township for special circumstances described in this section.

SECTION V. NUISANCE. Motor vehicle storage in violation of this Ordinance is a public nuisance

SECTION VI. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION VII. SANCTIONS. Violation of this Ordinance is a municipal civil infraction punishable by a civil fine of not more than \$500 along with costs of not less than \$9 nor more than \$500. Each day a violation continues to exist constitutes a separate violation.

SECTION VIII. REPEAL. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect thirty days following publication of this Notice.

LITTER ORDINANCE NO. 21

SECTION I. TITLE. This Ordinance shall be known and cited as the Flowerfield Township Litter Ordinance.

SECTION II. DEFINITIONS. This section defines "litter".

SECTION III. REGULATIONS. This Section includes various regulations regarding placement and storage of litter, including but not limited to, provisions against (1) placing litter on public or private property without the consent of the property owner; (2) aiding or assisting a person in violating this Ordinance; and (3) storing litter outdoors for more than 14 days, subject to certain limited exceptions set forth in this section.

SECTION IV. SANCTIONS. Violation of this Ordinance is a municipal civil infraction punishable by a civil fine of not more than \$500 along with costs of not less than \$9 nor more than \$500. Each day a violation continues to exist constitutes a separate violation.

SECTION V. VALIDITY. The provisions of this Ordinance are severable.

SECTION VI. REPEAL. All, Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

SECTION VII. EFFECTIVE DATE. This Ordinance shall take effect thirty days following publication of this Notice.

PLEASE TAKE FURTHER NOTICE that true copies of the above summarized Ordinances may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Karen R. Schroer, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067-9353
(616) 279-9888

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

March 13, 1996

Karen R. Schroer, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Flowerfield Township Motor Vehicle Ordinance (Ordinance
No. 20) and Flowerfield Township Litter Ordinance
(Ordinance No. 21)

Dear Clerk Schroer:

Enclosed is Ordinance No. 20, Ordinance No. 21, a copy of the Notice of Adoption of Ordinances, and a Clerk's Certificate for each Ordinance. After completing the Certificates with the correct information, please file them in the Ordinance Book with the respective Ordinance within one week after the March, 20, 1996, publication of the Notice of Adoption of Ordinances. A certified copy of each Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinances to be published in the Three Rivers Commercial News on Wednesday, March 20, 1996. You should be receiving Affidavits of Publication from the newspaper. The Affidavits of Publication should also be filed in the Ordinance Book with each respective Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

March 13, 1996

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

RE: Publication of Notice of Adoption of Ordinances;
Flowerfield Township Motor Vehicle Ordinance (Ordinance
No. 20) and Flowerfield Township Litter Ordinance
(Ordinance No. 21)

Dear Ladies:

Please publish the enclosed Notice of Adoption of
Ordinances on Wednesday, March 20, 1996.

After publication, please forward two copies of the Affidavit
of Publication along with your statement for same to Karen R.
Schroer, Clerk, Flowerfield Township, 13826 M-216, Marcellus,
Michigan 49067 and forward one copy of the Affidavit of Publication
to the undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Karen R. Schroer

PROOF OF PUBLICATION _____

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ORDINANCES

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held at 7:30 p.m. on March 4, 1996, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinances, which are summarized as set forth below.

MOTOR VEHICLE STORAGE ORDINANCE NO. 20

SECTION I. TITLE. This Ordinance shall be known and cited as the Flowerfield Motor Vehicle Storage Ordinance.

SECTION II. PURPOSE. This Section sets forth the purpose of the Ordinance.

SECTION III. DEFINITIONS. This Section defines "inoperable motor vehicle", "main component parts", "person" and "agricultural vehicle".

SECTION IV. REGULATIONS. This Section prohibits the parking or storing (or permitting the parking or storing) of a motor vehicle outside of a fully enclosed building upon any public or private premises unless, in summary, (1) vehicle is operable and fully licensed, (2) the vehicle is fully screened from adjoining properties and roads, (3) the vehicle is only temporarily inoperable for no more than 14 days, (4) the vehicle is located in a duly licensed and properly zoned junkyard, salvage yard, or car dealer's lot, (5) the vehicle is awaiting repairs at a properly licensed and zoned auto repair facility, or (6) the vehicle is in operating condition and posted with a "For Sale" sign (one per property, 30 day limit), (7) the vehicle is an agricultural vehicle, or (8) a special permit is obtained from the Township for special circumstances described in this Section.

SECTION V. NUISANCE. Motor vehicle storage in violation of this Ordinance is a public nuisance.

SECTION VI. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION VII. SANCTIONS. Violation of this Ordinance is a municipal civil infraction punishable by a civil fine of not more than \$500 along with costs of not less than \$9 nor more than \$500. Each day a violation continues to exist constitutes a separate violation.

SECTION VIII. REPEAL. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect thirty days following publication of this Notice.

LITTER ORDINANCE NO 21

SECTION I. TITLE. This ordinance shall be known and cited as the Flowerfield Township Litter Ordinance.

SECTION II. DEFINITION. This Section defines "litter":

SECTION III. REGULATIONS. This Section includes various regulations regarding placement and storage of litter, including but not limited to, provisions against (1) placing litter on public or private property without the consent of the property owner; (2) aiding or assisting a person in violating this Ordinance; and (3) storing litter outdoors for more than 14 days, subject to certain limited exceptions set forth in this Section.

SECTION IV. SANCTIONS. Violation of this Ordinance is a municipal civil infraction punishable by a civil fine of not more than \$500 along with costs of not less than \$9 nor more than \$500. Each day a violation continues to exist constitutes a separate violation.

SECTION V. VALIDITY. The provisions of this Ordinance are severable.

SECTION VI. REPEAL. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

SECTION VII. EFFECTIVE DATE. This Ordinance shall take effect thirty days following publication of this Notice.

PLEASE TAKE FURTHER NOTICE that true copies of the above summarized Ordinances may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Karen R. Schroer, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067-9353
(616) 279-9888

March 20, 1996

P. Reece being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and published by Three Rivers Commercial News, Inc. The annexed is a true and correct copy of a notice which was published in said newspaper on the following dates, to wit:

March 20 _____ A.D. 19 96
_____ A.D. 19 _____
_____ A.D. 19 _____
_____ A.D. 19 _____
_____ A.D. 19 _____
_____ A.D. 19 _____
_____ A.D. 19 _____
_____ A.D. 19 _____
_____ A.D. 19 _____

[Signature]
P. Reece

Subscribed and sworn to before me this _____ 29th _____
March _____ A.D. 19 96

[Signature]
C. B. Willma
Notary Public in and for St. Joseph County, Michigan.
Commission expires _____ 11-8-98 _____.

CLERK'S CERTIFICATE

I, KAREN R. SCHROER, the Township Clerk of the Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 4th day of March, 1996, at 7:30 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 20 (Motor Vehicle Storage Ordinance), hereinbefore recorded, to become effective thirty days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Arden Wright	Yes
Betty Grindel	Yes
Jacqueline Richmond	Yes
Allen Gandy	Yes
James Griffith	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 20, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 20th Day of March, 1996; that said Ordinance No. 20 was recorded in the official Ordinance Book on the 23 day of March, 1996; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 25 day of March, 1996.

Dated: _____

3/25/96

Karen A. Schroer
KAREN A. SCHROER, Clerk

FLOWERFIELD TOWNSHIP ORDINANCE NO. 21

LITTER ORDINANCE

Adopted: March 4, 1996

Effective: Thirty (30) Days Following
Publication after Adoption

An Ordinance to protect the public health, safety and general welfare of persons and property within Flowerfield Township through the regulation, control and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Township; to provide sanctions for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF FLOWERFIELD,

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Flowerfield Township Litter Ordinance.

SECTION II

DEFINITIONS

"Litter" as used in this Ordinance means all garbage, scrap and waste materials including rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial, commercial, or agricultural operation on the site), inoperable and discarded appliances and equipment, broken or discarded plaster, concrete, or brick building materials, scrap metal pipe, discarded motor vehicle parts, and tires.

SECTION III

REGULATIONS

- a. It shall be unlawful for any person, without the

consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave, or cause permit dumping, depositing, placing, or the throwing, or leaving of litter or any other materials on any public or private property or waters within the Township of Flowerfield other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body or the shores or beaches thereof, and of water or watercourse, including building, the ice any park, playground, such waters; above residential, commercial, industrial, or farm properties or vacant refuge, or conservation or recreation area; and any or unimproved lands.

b. It shall be unlawful for any person to assist another to violate any of the provisions of this Ordinance.

c. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:

- (1) The litter is temporarily stored outdoors for not more than 14 days or for longer than any period which would cause the same to be odoriferous or a breeding place for insects or rodents, whichever is the lesser period.
- (2) The litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private right-of-ways, and is being stored only between regular, not less than monthly, litter collection by a public or private litter or garbage collection service.
- (3) The litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Flowerfield Township Zoning Ordinance.
- (4) A special permit is first obtained therefor for a period of not to exceed 45 days from the supervisor of Flowerfield Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the

applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION IV

SANCTIONS

Violation of any of the provisions of this Ordinance shall be deemed a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township of Flowerfield has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to assure compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute-a separate violation of this Ordinance.

SECTION V

VALIDITY

Should any section, clause, or provision of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

SECTION VI

REPEAL

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

SECTION VII

EFFECTIVE DATE

This Ordinance shall take effect thirty days following publication, after adoption.

Karen R. Schroer, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067-9353
(616) 279-9888

CLERK'S CERTIFICATE

I, KAREN R. SCHROER, the Township Clerk of the Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 4th day of March, 1996, at 7:30 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 21 (Litter Ordinance), hereinbefore recorded, to become effective thirty days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Arden Wright	Yes
Betty Grindel	Yes
Jacqueline Richmond	Yes
Allen Gandy	Yes
James Griffith	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 21, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 20th Day of March, 1996; that said Ordinance No. 21 was recorded in the official Ordinance Book on the 23 day of March, 1996; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 25 day of March, 1996.

Dated:

3/25/96

Karen A. Schroer
KAREN A. SCHROER, Clerk

FLOWERFIELD TOWNSHIP ORDINANCE NO. 22

ORDINANCE ENFORCEMENT OFFICER ORDINANCE

Adopted: August 5, 1996

Effective: Immediately Upon Publication

An Ordinance to establish the Office of Ordinance Enforcement Officer; to prescribe the duties of said office; to authorize the Township Board to appoint persons to said office; to amend any Ordinances of the Township which conflict with the provisions hereof.

THE TOWNSHIP OF FLOWERFIELD,

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I

ORDINANCE ENFORCEMENT OFFICER

The office of Flowerfield Township Ordinance Enforcement Officer is hereby established.

SECTION II

APPOINTMENT

The Township Board is hereby authorized to appoint by resolution any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said resolution and for such compensation as the Board may determine. The Board may further, by resolution, remove any person from said office, in the discretion of the Board.

SECTION III

AUTHORITY

The Ordinance Enforcement Officer is hereby authorized to enforce all Ordinances of the Township, whether heretofore or hereafter enacted, and whether such Ordinances specifically designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any Ordinance that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this Ordinance, and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the Supervisor or such other Township Board member as the Township Board may from time to time designate.

SECTION IV

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 1968 Public Act 147, as amended (MCL 764.9c); issuing and serving municipal Ordinance violation notices and municipal civil infraction citations as authorized under 1994 Public Act 12, 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 prosecution of Ordinance violators; and such other Ordinance enforcing duties as may be delegated by the Township Board or Township Supervisor.

SECTION V

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION VI

SUPPLEMENTARY EFFECT

All Ordinances of the Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance.

SECTION VII

EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

Karen R. Schroer, Clerk
FLOWERFIELD TOWNSHIP

CLERK'S CERTIFICATE

I, KAREN R. SCHROER, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 5th day of August, 1996, at 7:30 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 22 (Ordinance Enforcement Officer Ordinance), hereinbefore recorded, to become effective immediately following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Arden Wright	Yes
Betty Grindel	Yes
Jacqueline Richmond	Yes
Allen Gandy	Yes
James Griffith	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 22, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 29th Day of August, 1996; that said Ordinance No. 22 was recorded in the official Ordinance Book on the 3rd day of September, 1996; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 9th day of September, 1996.

Dated: September 9, 1996


KAREN R. SCHROER, Clerk

bill
COPY

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
THOMAS M. CANNY
ROBERT E. THALL

August 22, 1996

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

RE: Publication of Notice of Adoption of Ordinance;
Flowerfield Township Ordinance Enforcement Officer
Ordinance (Ordinance No. 22)

Dear Ladies:

Please publish the enclosed Notice of Adoption of
Ordinance on Thursday, August 29, 1996.

After publication, please forward two copies of the Affidavit
of Publication along with your statement for same to Karen R.
Schroer, Clerk, Flowerfield Township, 13826 M-216, Marcellus,
Michigan 49067 and forward one copy of the Affidavit of Publication
to the undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Karen R. Schroer

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
THOMAS M. CANNY
ROBERT E. THALL

August 22, 1996

Karen R. Schroer, Clerk
Flowerfield Township
~~13826 M-216~~
Marcellus, MI 49067

RE: Flowerfield Township Ordinance Enforcement Officer
Ordinance (Ordinance No. 22)

Dear Clerk Schroer:

Enclosed is Ordinance No. 22, a copy of the Notice of Adoption of Ordinance, and a Clerk's Certificate. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the August 29, 1996, publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Thursday, August 29, 1996. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Kenneth C. Sparks

PROOF OF PUBLICATION _____

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

Ronald P. Reece being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial Inc. The annexed is a printed copy of a notice which was published in said _____ on the following dates, to wit:

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held at 7:30 p.m. on August 5, 1996, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, which is summarized as set forth below.

ORDINANCE ENFORCEMENT OFFICER ORDINANCE

SECTION I. ORDINANCE ENFORCEMENT OFFICER. The office of Flowerfield Township Ordinance Enforcement Officer is hereby established.

SECTION II. APPOINTMENT. This section establishes the authority of the township Board to appoint any person or persons to the office of Ordinance Enforcement Officer.

SECTION III. AUTHORITY. This Section authorizes the Ordinance Enforcement Officer to enforce the Ordinances of the Township of Flowerfield. This Section further provides that the authority of the Ordinance Enforcement Officer is in addition and supplementary to the authority granted to any other specific officer empowered to enforce a Township Ordinance.

SECTION IV. DUTIES. This Section defines more specifically the Ordinance enforcement duties of the Ordinance Enforcement Officer as including investigation of Ordinance violations, issuing notice of violations, issuing appearance tickets, issuing municipal Ordinance violation notices and municipal civil infraction citations, appearance in court, and such other Ordinance enforcement duties as may be delegated by the Township Board or Township Supervisor.

SECTION V. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION VI. SUPPLEMENTARY EFFECT. All Ordinances of the Township shall be considered to be supplemented by the terms of this Ordinance.

SECTION VII. EFFECTIVE DATE. This Ordinance shall take effect immediately upon publication of this Notice.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Karen R. Schroer, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067-9353
(616) 279-9888

August 29, 1996

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R. Reece
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lon expires 11-8-98

**STATE OF MICHIGAN
COUNTY OF ST. JOSEPH**

TOWNSHIP OF FLOWERFIELD

ORDINANCE NO. 23

Adopted: May 6, 1997

Effective: Thirty (30) Days Following Publication

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF FLOWERFIELD

ST. JOSEPH COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Flowerfield Township land Division Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III

DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this ordinance, and other applicable ordinances.

C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

E. "Governing body" - the Flowerfield Township Board.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township, and submit a preliminary parcel map drawn to scale of not less than 200 feet to the inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the assessor or other official designated by the governing body prior to a final application under Section V.

The assessor or other official designated by the governing body may waive the survey map requirement where the foregoing preliminary parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located.

An accurate legal description of all the proposed divisions, however, shall at all times be required.

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of the land proposed to be divided sufficient to establish that the proposed division complies with Section 108 of the State Land Division Act.
- F. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- G. Unless a division creates a parcel which is acknowledged and declared to be "not a development site" under Section VIII of this Ordinance, all divisions shall result in "buildable" parcels with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, approved on-site sewage disposal and water well locations (where public water and sewer service is not available), access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site.
- H. The fee as may from time to time be established by resolution of the governing body of the Township for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. The assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days (unless waived under Section V.C.) after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
- D. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the pertinent Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures or have received a variance from such requirement(s) from the appropriate Zoning Board of Appeals.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances.
- D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or nonbuildable parcels created under Section VIII of this Ordinance. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right of way line, or as otherwise provided in any applicable ordinances.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding the provisions of Section VII of this ordinance, a division which creates a parcel that satisfies all of the requirements of Section VII except that it does not satisfy one or more of the standards of Subsections A and D of Section VII, shall be approved if the applicant executes and records an affidavit or deed restriction with the County Register of Deeds clearly designating the parcel as "not a development site, as defined under 1967 PA 288, as amended". Any parcel so designated shall not thereafter be used as a development site as defined under 1967 PA 288, as amended.

SECTION IX

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as conditional land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

SECTION X

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the applicable Zoning Ordinance or Building Codes.

SECTION XIII

EFFECTIVE DATE

This ordinance shall take effect 30 days following its publication after adoption.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

ROBERT E. THALL
ROXANNE C. SEEBER

May 8, 1997

Sally J. Hackenberg, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Flowerfield Township Ordinance
No. 23; Land Division Ordinance

Dear Ms. Hackenberg:

Enclosed is Ordinance No. 23, a copy of the Notice of Adoption of Ordinance, and a Clerk's Certificate. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the May 15, 1997, publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Thursday, May 15, 1997. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Also, I have enclosed for your information a copy of the statutes pertaining to filling a vacancy in an elective Township office.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.

Kenneth C. Sparks

no public meeting on non-zoning ordinances



KCS/tlm

Enclosure(s)

COPY

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
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HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

ROBERT E. THALL
ROXANNE C. SEEBER

May 8, 1997

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

RE: Publication of Notice of Adoption of
Ordinance; Flowerfield Township Ordinance
No. 23; Land Division Ordinance

Dear Ladies:

Please publish the enclosed Notice of Adoption of
Ordinance on Thursday, May 15, 1997.

After publication, please forward two copies of the Affidavit
of Publication along with your statement for same to Sally J.
Hackenberg, Clerk, Flowerfield Township, 13826 M-216, Marcellus,
Michigan 49067 and forward one copy of the Affidavit of Publication
to the undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Sally J. Hackenberg

CLERK'S CERTIFICATE

I, SALLY J. HACKENBERG, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a meeting of the Flowerfield Township Board held on the 6th day of May, 1997, at 5 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 23 (Land Division Ordinance), hereinbefore recorded, to become effective thirty (30) days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Jacqueline Richmond	Yes
James Griffith	Yes
Sally J. Hackenberg	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 23, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 15th day of May, 1997; that said Ordinance No. 23 was recorded in the official Ordinance Book on the 20th day of May, 1997; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 20th day of May, 1997.

Dated: May 20, 1997

Sally J. Hackenberg
SALLY J. HACKENBERG, Clerk

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN
NOTICE OF ADOPTION OF ORDINANCE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held at 7:30 p.m. on May 6, 1997, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 23, which is summarized as set forth below.

SECTION I. TITLE. This Ordinance is entitled the "Flowerfield Township Land Division Ordinance".

SECTION II. PURPOSE. This Section sets forth the purpose of this Ordinance.

SECTION III. DEFINITIONS. This Section sets forth the definitions of terms used in this Ordinance.

SECTION IV. PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS. This Section provides that land in the Township shall not be divided without the prior approval of the Township Assessor or other official designated by the Township Board and makes exceptions to this approval requirement for land in a recorded plat and for "exempt splits" as defined in the Ordinance.

SECTION V. APPLICATION FOR LAND DIVISION APPROVAL. This Section sets forth the filing requirements for Township Land Division approval, including a survey map or tentative parcel map, history of the land proposed to be divided, application fee and other items specified in this section.

SECTION VI. PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL. This Section provides that the Township Assessor or other designee shall approve, approve with conditions, or disapprove the proposed land division within 30 days after receipt of the application and sets forth the procedure to be followed in making such decision.

SECTION VII. STANDARDS FOR APPROVAL OF LAND DIVISIONS. This Section sets forth the standards governing approval of proposed land divisions, including compliance with Township Zoning Ordinance lot dimension requirements, the State Land Division Act, and this Ordinance.

SECTION VIII. ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS. This Section provides for the creation of a parcel designated as "not a development site, as defined under 1967 PA 288, as amended".

SECTION IX. CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT. A parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, and shall not be recognized as a separate parcel on the assessment roll.

SECTION X. PENALTIES AND ENFORCEMENT. Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment. Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION XII. REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are repealed, except that this shall not be construed to repeal any provision in the Township Zoning Ordinance or Building Codes.

SECTION XIII. EFFECTIVE DATE. This Ordinance shall take effect immediately thirty (30) days following its publication, after adoption.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067-9353
(616) 279-9888

May 15, 1997

Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial Inc. The annexed is a copy of a notice which was published in said newspaper on the following dates, to wit:

May 15 _____ A.D. 19 97

_____ A.D. 19 _____

_____ A.D. 19 _____

_____ A.D. 19 _____

_____ A.D. 19 _____

_____ A.D. 19 _____

_____ A.D. 19 _____

_____ A.D. 19 _____

_____ A.D. 19 _____

_____ A.D. 19 _____

Joseph Albertson
_____ A.D. 19 _____
Albertson

and sworn to before me this 29th

May _____ A.D. 1997

Joan B. Willma
_____ A.D. 1997
Willma

Clerk in and for St. Joseph County, Michigan.

This Ordinance expires 11-8-98

STATE OF MICHIGAN
COUNTY OF ST. JOSEPH
FLOWERFIELD TOWNSHIP
ORDINANCE NO. 24
LAND DIVISION ORDINANCE

Adopted: September 8, 1998

**Effective: Thirty (30) Days Following
Publication After Adoption**

An ordinance to regulate partitioning or division *of* parcels or tracts *of* land, enacted pursuant but not limited to Michigan Public Act 288 *of* 1967, as amended, and Act 246 *of* 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; and to repeal any ordinance or provision thereof in conflict herewith.

**THE TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Flowerfield Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose *of* this Ordinance is to carry out the provisions *of* the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation *of* parcels *of* property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development *of* the community, and otherwise provide for the health, safety and welfare *of* the residents and property owners *of* the municipality by establishing reasonable standards for prior review and approval *of* land divisions within the Township.

SECTION III

DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act and the requirements of applicable local ordinances.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the Flowerfield Township Board.

SECTION IV

PRIOR APPROVAL-REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this Ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that only results in parcels of 20 acres or more if each is not accessible and the parcel either was in existence on March 31, 1997, or resulted from an exempt splitting under the State Land Division Act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description for each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. The fee as may from time to time be established by resolution of the governing body of the township for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. The Township assessor or other designee shall approve or disapprove the land division applied for within 45 days after receipt of the application package conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision, appeal the decision to the governing board of the township or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISION

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) have a minimum width as specified in the Flowerfield Township Zoning Ordinance.
- B. All such parcels shall have a minimum area as specified in the Flowerfield Township Zoning Ordinance.
- C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements or non-buildable parcels created under Section VIII under this Ordinance. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement, or as otherwise provided in the Flowerfield Township Zoning Ordinance. The width of a parcel shall be measured at the abutting road or right-of-way line or as otherwise provided in the Flowerfield Township Zoning Ordinance. For purposes of approvals granted under this Ordinance only, the depth to width ratio requirements of this subdivision do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.
- D. The proposed land division(s) comply with all requirements of the State land Division Act and this Ordinance.
- E. All parcels created and remaining are accessible as defined by the State land Division Act.
- F. All parcels created and remaining have adequate easements for public utilities from the parcel to the existing public utility facilities.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding the provisions of Section VII of this Ordinance, a division which creates a parcel that satisfies all of the requirements of Section VII except subsection F thereof shall be approved if the applicant executes and records an affidavit or deed restriction with the County Register of Deeds clearly designating the parcel as "not a development site, as defined under 1967 PA 288, as amended". Any parcel so designated shall not thereafter be used as a development site as defined under 1967 PA 288, as amended.

SECTION IX

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice of such referral to the person requesting the division and the person suspected of the violation or potential non-conformity. In addition, the assessing officer shall give written notice of the suspected violation or potential non-conformity to the Department of Consumer and Industry Services. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this ordinance. Any division of land in violation of this ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition, any person, firm or corporation who violates any provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine of not more than \$500, along with costs that may include all expenses, direct and indirect, that the township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this ordinance shall also be subject to additional sanctions and judicial orders as authorized under Michigan law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action of law.

SECTION X

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XI

REPEAL

All previous Land Division Ordinances affecting unplatted land divisions in conflict with the Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XII

EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following publication after adoption.

FLOWERFIELD TOWNSHIP
Sally J. Hackenberg, Clerk

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEBER

September 23, 1998

Ms. Sally J. Hackenberg, Clerk
Township of Flowerfield
13826 M-216
Marcellus, Michigan 49067

Re: Adoption of Ordinance No. 24

Dear Sally:

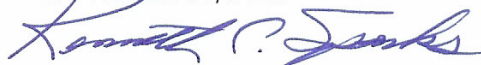
Enclosed is Ordinance No. 24, a copy of the Notice of Ordinance Adoption and a Clerk's Certificate. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the September 28, 1998 publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Monday, September 28, 1998. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/peb
Enclosures

(c:\flowerfi\ordinanc.es\sallyadopt#24.ltr)

PROOF OF PUBLICATION _____

STATE OF MICHIGAN) ss.
COUNTY OF ST. JOSEPH)

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial Inc. The annexed is a true copy of a notice which was published in said newspaper on the following dates, to wit:

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN
NOTICE OF ADOPTION OF ORDINANCE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held on September 8, 1998, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 24, which is summarized as set forth below.

SECTION I. TITLE. This Ordinance is entitled the "Flowerfield Township Land Division Ordinance".

SECTION II. PURPOSE. This Section sets forth the purpose of this Ordinance.

SECTION III. DEFINITIONS. This Section sets forth the definitions of terms used in this Ordinance.

SECTION IV. PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS. This Section provides that land in the Township shall not be divided without the prior approval of the Township Assessor or other official designated by the Township Board and makes exceptions to this approval requirement for land in a recorded plat and for "exempt splits" as defined in the Ordinance.

SECTION V. APPLICATION FOR LAND DIVISION APPROVAL. This Section sets forth the filing requirements for Township Land Division approval, including a survey map or tentative parcel map, history of the land proposed to be divided, application fee and other items specified in this section.

SECTION VI. PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL. This Section provides that the Township Assessor or other designee shall approve, approve with conditions, or disapprove the proposed land division within 30 days after receipt of the application and sets forth the procedure to be followed in making such decision.

SECTION VII. STANDARDS FOR APPROVAL OF LAND DIVISIONS. This Section sets forth the standards governing approval of proposed land divisions, including compliance with Township Zoning Ordinance lot dimension requirements, the State Land Division Act, and this Ordinance.

SECTION VIII. ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS. This Section provides for the creation of a parcel designated as "not a development site, as defined under 1967 PA 288, as amended".

SECTION IX. CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT. This section sets forth the consequences and sanctions for dividing land in violation of this Ordinance. A parcel created in noncompliance with this Ordinance shall, among other sanctions, not be eligible for any building permits or zoning approvals.

SECTION X. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION XI. REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are repealed, except that this shall not be construed to repeal any provision in the Township Zoning Ordinance or Building Codes.

SECTION XII. EFFECTIVE DATE. This Ordinance shall take effect immediately thirty (30) days following its publication, after adoption.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, Michigan 49067-9353
(616) 279-9888

September 29 _____ A.D. 1998

_____ A.D. 19__

_____ A.D. 19__

_____ A.D. 19__

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_____ A.D. 19__

_____ A.D. 19__

_____ A.D. 19__

_____ A.D. 19__

_____ A.D. 19__

Joseph Albertson

Joseph Albertson

ed and sworn to before me this 6th _____
October _____ A.D. 19 98

B. Willma

B. Willma
Public in and for St. Joseph County, Michigan.
Commission expires 11-8-98

COPY

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

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JOHN H. BAUCKHAM
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LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972

September 23, 1998

Three Rivers Commercial News
124 North Main Street
Three Rivers, Michigan 49093

Re: Publication of Notice of Adoption of Ordinance;
Flowerfield Township Ordinance No. 24/Land Division Ordinance

Dear Ladies:

Please publish the enclosed Notice of Adoption of Ordinance on Monday,
September 28, 1998.

After publication, please forward two (2) copies of the Affidavit of Publication, along
with your statement for same, to Sally J. Hackenberg, Clerk, Flowerfield Township, 13826
M-216, Marcellus, Michigan 49067 and forward one (1) copy of the Affidavit to the
undersigned.

Thank you for your cooperation. If you have any questions, please contact my
office.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Kenneth C. Sparks

KCS/peb
Enclosure

cc: Sally J. Hackenberg, Clerk
Flowerfield Township

(c:\flowerfil\corresp\commercialprint.ordltr)

CLERK'S CERTIFICATE

I, SALLY J. HACKENBERG, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a meeting of the Flowerfield Township Board held on the 8th day of September, 1998, at 7:00 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 24 (Land Division Ordinance), hereinbefore recorded, to become effective thirty (30) days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Jenny Curtis	Yes
James Griffith	Yes
Sally J. Hackenberg	Yes
Ron Shaver	Yes
Carroll Parmeter	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 24, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 28th day of September, 1998; that said Ordinance No. 24 was recorded in the official Ordinance Book on the 29th day of September, 1998; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 29th day of September, 1998.

Dated: September 29th, 1998

Sally J. Hackenberg
Sally J. Hackenberg, Clerk
Township of Flowerfield

**FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN**

ORDINANCE NO. 25

ADOPTED: NOVEMBER 20, 2000

**EFFECTIVE: EIGHT (8) DAYS FOLLOIOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Flowerfield Township Zoning Ordinance by the amendment of Section 3.1.1 pertaining to the definition of "accessory building"; by the amendment of Section 5.11 pertaining to the establishment of accessory buildings on lots having no principal building or structure; by the amendment of Sections 9.3, 10.3,16.3 and 17.3 to allow transmitting towers and antennas as a special exception use in the "AG" Agricultural, "RE" Rural Estate, "B-1" Local Business and "M" Manufacturing zoning districts; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

**FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
AMENDMENT OF SECTION 3.1.1**

Section 3.1.1 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

3.1.1 ACCESSORY BuiIDING.

A subordinate structure on the same premises with a main building or structure, 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. A second residence housing a dependant or family member of the occupants of the principal residence on the site shall not be considered an accessory building or use under this Ordinance.

SECTION II
AMENDMENT OF SECTION 5.11

Section 5.11 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

5.11 ACCESSORY BUILDING. No accessory building may be built upon any lot on which there is no principal building or structure, except under the following conditions:

1. Farm accessory building shall not be subject to the above restriction.
2. Adjoining lots in single ownership may be considered one lot.
3. In the "L-R" Lake Residential District, where an owner has a lot across a street right-of-way from his principal building, construction of an accessory building on the lot may be approved by the Building Inspector provided its location conforms to Section 18.2(c) of this Ordinance.

SECTION III
AMENDMENT OF SECTION 9.3

Section 9.3 of the Flowerfield Township Zoning Ordinance is hereby amended by the addition of a new Subsection "12" to read as follows:

12. TRANSMITTING TOWERS.

Towers for commercial radio and television, commercial telecommunications, and for public utility microwave or television.

1. CO-LOCATION.
 - a. To minimize the proliferation of towers within the township, the following shall apply:
 1. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed transmitting antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers or other structures. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed transmitting antenna may consist of the following:

- a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - b. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - c. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - 2. Towers shall be designed and constructed to accommodate both the applicant's equipment and that of a minimum of two other users.
 - 3. Available tower space on existing towers will be required to be available for lease or sale at fair market value.
 - b. Transmitting antennas to be placed on buildings, existing towers or other structures shall be subject to all the requirements of this Section, including the special exception use permit requirements referenced herein.
2. DESIGN STANDARDS. All steel towers and antenna supporting structures shall be designed to meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA - 222 or its successor.
3. MINIMUM SETBACK DISTANCES.
 - a. Towers shall be setback from the property lines and street rights of way a minimum of the total height of the structure, to include any antennae projecting above the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or street rights of way. When a tower is to be mounted on another structure, the total height shall be combined heights of the structure, tower, and projecting antennas.
 - b. Anchorages for guyed towers must be on the same parcel of land as the tower and set back from property lines a minimum of 20 feet.
 - c. Accessory buildings shall be set back in accordance with the requirements of the District in which the property is zoned.

4. SECURITY FENCING. The tower base, anchorages for guyed towers and any accessory buildings shall be enclosed by a security fence consisting of a six (6) foot tall chain link fence topped with three strands of barbed wire, or an eight (8) foot tall chain link fence.
5. OBSCURING SCREEN. A seven (7) foot tall obscuring screen of evergreens and shrubs shall be established and maintained to screen the tower base and associated accessory buildings from any neighboring properties.
6. LIGHTING. Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state agency having authority over a particular tower.
7. SIGNS. The use of any portion of the tower for signs other than the minimum required for warning or equipment information is prohibited.
8. REMOVAL OF UNUSED OR ABANDONED TOWERS. Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within 12 months of the cessation of operations, unless an extension of the 12 month period has been approved by the Township Zoning Board of Appeals. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relevant documents, such as a signed lease, deed, or land contract. In the event a tower is not removed within the time period stated above, (or as extended by the ZONING BOARD OF APPEALS), the tower and associated facilities shall be removed by the Township and the costs of the removal assessed against the real property.

9. **ADDITIONAL REQUIREMENTS.** In addition to the information required for Special Exception Use permits pursuant to Section 19.2 of the Zoning Ordinance, applications for Special Exception Use permits for a transmitting tower shall submit the following information:
- a. A scale site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, land uses and zoning within 500 feet of the parcel on which the tower is located (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from site boundary lines and elevation drawings of the proposed tower. The site plan shall be prepared by or under the supervision of a professional engineer, architect, or architectural engineer licensed or registered by the State of Michigan. The site plan shall contain the name of the firm, address of the professional engineer, architect or architectural engineer responsible for the preparation of the site plan and the professional seal and signature of that person.
 - b. The legal description and ownership of the parcel on which the tower is proposed to be located. If the tower is proposed to be located upon just a leased portion of the parcel, the applicant shall also provide a legal description of such leased land.
 - c. The setback distances between the proposed tower and the boundaries of the parcel on which the proposed tower is located.
 - d. The method of fencing, finishing color of the tower and, if applicable, the method of screening and illumination.
 - e. A description of compliance with federal, state and local laws.

SECTION IV
AMENDMENT OF SECTION 10.3

Section 10.3 of the Flowerfield Township Zoning Ordinance is hereby amended by the addition of a new Subsection "5" to read as follows:

5. Transmitting towers, subject to the provisions of Section 9.3.12.

SECTION V
AMENDMENT OF SECTION 16.3

Section 16.3 of the Flowerfield Township Zoning Ordinance is hereby amended by the addition of a new Subsection "7" to read as follows:

7. Transmitting towers, subject to the provisions of Section 9.3.12.

SECTION VI
AMENDMENT OF SECTION 17.3

Section 17.3 of the Flowerfield Township Zoning Ordinance is hereby amended by the addition of a new Subsection "8" to read as follows:

8. Transmitting towers, subject to the provisions of Section 9.3.12.

SECTION VII
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION VIII
REPEAL

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

SECTION IX
EFFECTIVE DATE

This Ordinance shall take effect eight (8) days following publication, following adoption.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL

November 27, 2000

Sally J. Hackenberg, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Flowerfield Township Ordinance No. 25

Dear Clerk Hackenberg:

Enclosed is Ordinance No. 25, a copy of the Notice of Adoption of Ordinance, and a Clerk's Certificate for the Ordinance. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the December 4, 2000, publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Monday, December 4, 2000. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

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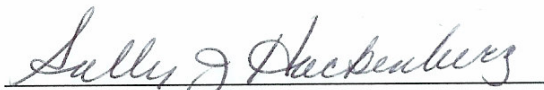
CLERK'S CERTIFICATE

I, Sally J. Hackenberg, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a meeting of the Flowerfield Township Board held on the 20th day of November, 2000, at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 25 (Pertaining to Transmitting Towers), hereinbefore recorded, to become effective eight (8) days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Carroll Parmeter	Yes
Sally J. Hackenberg	Yes
Jenny Curtis	Yes
Genevieve Wright	Yes
Ronald D. Shaver	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 25, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 4th day of December, 2000; that said Ordinance No. 25 was recorded in the official Ordinance Book on the 13th day of December, 2000; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 13th day of December, 2000.

Dated: 12/13/00


Sally J. Hackenberg, Clerk

PROOF OF PUBLICATION _____

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting held on November 20, 2000, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 25, which is summarized as set forth below.

SECTION I. AMENDMENT OF SECTION 3.1.1. This Section amends Section 3.1.1 of the Flowerfield Township Zoning Ordinance pertaining to the definition of "accessory building"

SECTION II. AMENDMENT OF SECTION 5.11. This Section amends Section 5.11 of the Flowerfield Township Zoning Ordinance pertaining to the establishment of accessory buildings on lots having no principal building or structure.

SECTION III. AMENDMENT OF SECTION 9.3. This Section amends Section 9.3 of the Flowerfield Township Zoning Ordinance so as to allow transmitting towers and antennas as a special exception use in the "AG" Agricultural zoning district, subject to extensive regulations regarding, among other things, co-location, design standards, setbacks, fencing, screening, lighting, signs and removal upon abandonment.

SECTION IV. AMENDMENT OF SECTION 10.3. This Section amends Section 10.3 of the Flowerfield Township Zoning Ordinance so as to allow transmitting towers as a special exception use in the "RE" Rural Estate District zoning classification, subject to the provisions of Section 9.3.12.

SECTION V. AMENDMENT OF SECTION 16.3. This Section amends Section 16.3 of the Flowerfield Township Zoning Ordinance so as to allow transmitting towers as a special exception use in the "B-1" Local Business District Zoning Classification, subject to the provisions of Section 9.3.12.

SECTION VI. AMENDMENT OF SECTION 17.3. This Section amends Section 17.3 of the Flowerfield Township Zoning Ordinance so as to allow transmitting towers as a special exception use in the "M" Manufacturing District Zoning Classification, subject to the provisions of Section 9.3.12.

SECTION VII. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION VIII. REPEAL. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect eight (8) days following its publication, after adoption.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067
(616) 279-9888

December 4, 2000

December 4 A.D. 20 00
 _____ A.D. 20 ____
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 _____ A.D. 20 ____

Joseph Albertson

 Joseph Albertson

Subscribed and sworn to before me this 28th
 day of December A.D. 20 00
Maureen B. Willma

 Maureen B. Willma
 Notary Public in and for St. Joseph County, Michigan.
 My commission expires 11-08-2002

PROOF OF PUBLICATION _____

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

**FLOWERFIELD TOWNSHIP
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Flowerfield Township Planning Commission will conduct a public hearing concerning proposed amendments to the Flowerfield Township Zoning Ordinance on Thursday, August 31, 2000, at 7:30 p.m. at the Flowerfield Township Hall, 12020 M-216, Marcellus, within the Township.

PLEASE TAKE FURTHER NOTICE that the item(s) to be considered at said public hearing include, in brief, the following:

1. The amendment of Section 3.1.1 of the Flowerfield Township Zoning Ordinance pertaining to the definition of "accessory building".
2. The amendment of Section 5.11 of the Flowerfield Township Zoning Ordinance pertaining to the establishment of accessory buildings on lots having no principal building or structure.
3. The amendment of Sections 9.3, 10.3, 16.3 and 17.3 to allow transmitting towers and antennas as a special exception use in the "AG" Agricultural, "RE" Rural Estate, "B-1" Local Business, and "M" Manufacturing zoning districts, subject to extensive regulations regarding, among other things, co-location, design standards, setbacks, fencing, screening, lighting, signs and removal upon abandonment.

Written comments will be received from any interested persons concerning the foregoing by the Flowerfield Township Clerk at the Township Hall at any time during regular business hours up to the date of the hearing and may further be received by the Planning Commission at the hearing.

The Flowerfield Township Planning Commission and Township Board reserve the right to make changes in the above-mentioned proposed revisions at or following the public hearing.

Anyone interested in reviewing the proposed Zoning Ordinance amendments and/or existing Zoning Ordinance pertinent to the foregoing may examine a copy of the same at the Flowerfield Township Hall during regular business hours or regular business days hereafter until the time of the hearing and may examine the same at the public hearing.

Flowerfield Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the hearing, to individuals with disabilities at the hearing upon seven (7) days' notice to the Flowerfield Township Clerk. Individuals with disabilities requiring auxiliary aids or services should contact the Flowerfield Township Clerk at the address or telephone number listed below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
12375 Floating Bridge Road
Marcellus, MI 49067
(616) 244-5689

August 10 & 24, 2000

_____ August 10 _____ A.D. 20__00

_____ August 24 _____ A.D. 20__00

_____ A.D. 20__

_____ A.D. 20__

_____ A.D. 20__

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_____ A.D. 20__

_____ A.D. 20__

Joseph Albertson

Joseph Albertson

Subscribed and sworn to before me this 25th
day of August A.D. 20__00

Maureen B. Willma

Maureen B. Willma
Notary Public in and for St. Joseph County, Michigan.

My commission expires 11-08-2002

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.
ATTORNEYS AT LAW
458 WEST SOUTH STREET

COPY

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

KALAMAZOO, MICHIGAN 49007-4621
TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL

November 27, 2000

Via Facsimile: (616) 279-6007

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

Attn: Willma & Maureen

RE: Publication of Notice of Adoption of Ordinance; Flowerfield
Township Ordinance No. 25 (Pertaining to Transmitting Towers)

Dear Ladies:

Please publish the enclosed Notice of Adoption of Ordinance on Monday,
December 4, 2000.

After publication, please forward two copies of the Affidavit of Publication along with
your statement for same to Sally J. Hackenberg, Clerk, Flowerfield Township, 13826 M-
216, Marcellus, Michigan 49067 and forward one copy of the Affidavit of Publication to the
undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Sally J. Hackenberg

FLOWERFIELD TOWNSHIP

ST. JOSEPH COUNTY, MICHIGAN

SUBDIVISION/SITE CONDOMINIUM ORDINANCE

ORDINANCE NO. 26

ADOPTED: January 4, 2001

**EFFECTIVE: THIRTY (30) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to regulate and control the subdivision of land into plats pursuant to the Michigan Land Division Act (1967 PA 288, as amended); to regulate the development of land within the Township under the provisions of the Michigan Condominium Act (1978 PA 59, as amended); and to repeal all Ordinances or parts of Ordinances in conflict herewith.

FLOWERFIELD TOWNSHIP

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

**SECTION I
TITLE**

This Ordinance shall be known as the "Flowerfield Township Subdivision/Site Condominium Ordinance".

**SECTION II
PURPOSE**

The purpose of this Ordinance is to regulate and control the subdivision of land into plats pursuant to 1967 PA 288; as amended; and to regulate the development of land within the Township under the provisions of 1978 PA 59, as amended, with the objective interest of achieving the same source characteristics and land use results as if the development and improvements were being proposed in accordance with general subdivisions, including all requirements of the Township Zoning Ordinance. It is the intent of the Township to insure that each type of project meets certain minimum standards, that the size of the lots or building sites are equal to the minimum lot size of the zoning district in which the project is located and to treat each type of development in the same manner.

SECTION III
DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. Building Site. Within a condominium development the same shall mean that portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public or private street or road.
- B. Common Elements. The portions of a condominium project other than the condominium units.
- C. Condominium Project. A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.
- D. Condominium Plan. The plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
- E. Condominium Unit. That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.
- F. Consolidating Master Deed. The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- G. Contractible Condominium. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

- H. Limited Common Elements. The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
- I. Lot. A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered or otherwise designated, which has frontage on a public or private street or road.
- J. Master Deed. The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.

SECTION IV
COMPLIANCE WITH ORDINANCE

No plat or site condominium development shall hereafter be established in Flowerfield Township without first obtaining the Township Board approvals prescribed by this Ordinance and fully complying with all the requirements contained herein.

SECTION V
**TENTATIVE APPROVAL OF PRELIMINARY PLAT/
SITE CONDOMINIUM PLAN (STEP 1 APPROVAL)**

- A. Submission. Every person, firm or corporation which shall hereafter submit a preliminary site condominium plan or preliminary plat plan to the Township Board for tentative approval shall submit not less than four (4) nor more than ten (10) legible copies of said proposed preliminary plan. Said preliminary plan shall be prepared by a Registered Civil Engineer. Said copies must contain, at a minimum, the following information and fees:
 - 1. Proposed name of the project.
 - 2. Full legal description to adequately describe the lots, parcels or building sites comprising the project.
 - 3. Names and addresses of the applicant, owners, and professionals who designed the project.

4. The names and addresses of the proprietors and the ownership interest in each in the land included in the Preliminary Plan.
5. Scale of the plan (maximum scale shall be 100 feet to an inch).
6. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for site condominium or platted subdivision, including those areas across abutting roads.
7. Show relief of area proposed to be developed with not more than fourfoot (4') contour intervals.
8. Indicate road layout and the type of street construction and drainage structures or facilities intended to be installed.
9. Indicate lot or building site layout, showing size and shape of proposed lots or building sites.
10. Indicate whether proposed site condominium or plat will be served by sanitary sewer and/or water.
11. Location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for a subdivision.
12. The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the project's area having a caliper of twelve (12") inches or greater at a height of two (2') feet above existing grade.
13. Indicate the general location and size of any flood plain possibly located within the area to be platted.
14. Indicate in general the methods proposed for storm water disposal.
15. When the proprietor owns and anticipates platting adjoining land, he shall submit, with the preliminary plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
16. Letter from the St. Joseph County Road Commission and the State Highway Department, where applicable, with said agency (ies) recommendations to the township as to the suitability of the street layout and conformity to the location, alignment and construction requirements of such commission and/or department.

17. A fee equal to the sum of \$500.00 for up to ten (10) lots or building sites. For those lots or building sites developed in excess of ten (10), the fee shall be \$500.00 plus \$50.00 per lot or building site in excess of ten (10).

B. Planning Commission Review. Upon receipt of said proposed preliminary condominium plan or plat plan for tentative approval, the Township Clerk shall forward a copy of the same to the Township Planning Commission for its review of the plan for its compliance with the applicable standards set forth in Subsection "C" immediately below and for the Township Planning Commission's recommendation regarding the same. The Planning Commission shall make its recommendation within 45 days of the Township's receipt of the plan.

C. Township Board Review. After receipt of the Township Planning Commission's recommendation or the passage of 45 days from the Township's receipt of the plan (whichever occurs first), the Township Board shall examine said preliminary plan with such assistance and review by the Township Engineer and the Township Attorney as the Township Board shall require. The Township Board shall determine whether said proposed preliminary condominium plan or plat plan complies with all Township Ordinances and state statutes as well as makes adequate provision for the following:

1. Streets:

- a. Compliance with a major street thoroughfare plan adopted by the Township, if any.
- b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new condominium project or plat.
- c. Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project or plat shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas; provided, however, that minor streets within the development shall be so laid out that their use by through traffic will be discouraged.
- d. Direct access to a County primary road or major thoroughfare shall be prohibited for all building sites or lots abutting such roads or thoroughfares. Where the proposed development abuts or contains a county primary road or a major thoroughfare as defined in the Township Major Thoroughfare Plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of thoroughfare from local traffic.

- e. All new streets shall be named as follows: Streets with predominant north-south directions shall be named, "Street"; streets with predominant east-west directions shall be named, "Avenue"; meandering streets shall be named, "Drive," "Lane", "Path," "Road" or "Trail," etc., and cul-de-sacs shall be named, "Circle," "Court," "Way" or "Place," etc.
- f. Streets should intersect at 90* or closely thereto and in no case less than 800.
- g. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
- h. The maximum length allowed for residential blocks shall be 1,320 feet.
- i. All primary road rights-of-way, as designated by the Township Board, within or abutting the proposed development, shall provide a 50-foot half-width. All other rights-of-way within or abutting the development shall be not less than 66 feet in width. Permanent dead-end streets in excess of 1,320 feet in length and temporary dead-end streets in excess of 660 feet in length as measured from the through intersection or "T" intersection shall be prohibited except upon a variance from the Township Board, to be granted only where the topography of the area, rivers, streams, or other natural conditions or the prior development of the area cause practical difficulties or unnecessary hardships in layout, and an extension can be granted without creating a safety hazard.
- j. A plat or condominium project creating a total of 50 or more units must be developed so as to provide 2 or more access streets.
- k. Street lighting shall be adequate to service the proposed development given its size and layout. The Township Board shall consider the recommendation of the applicable electrical utilities and of the Township Engineer in determining the adequacy of proposed street lighting.

I. Private Streets.

(1) Determination for Private Streets. Private streets may be permitted by the Township Board if it finds that private streets within the condominium project or plat will not adversely affect public health, safety or welfare. In determining same, the Board shall consider:

- (i) The number of dwelling units, building sites or lots to be served by said streets;
- (ii) The layout of the proposed development;
- (iii) Ability to access with emergency vehicles;
- (iv) Whether the street will serve as a link between different public roads

(2) Design and Construction Requirements. All private streets or roads shall comply with the following standards and requirements of design and construction:

- (i) All streets or roads shall be located upon a right-of-way of not less than 66 feet
- (ii) All streets or roads shall be paved with hot asphalt mix and constructed in accordance with St. Joseph County Road Commission public road standards and specifications.

(3) Documentary Requirements.

(i) Utility Easements. No private street or road within the scope of this Section shall be established unless an easement is provided to the Township within or adjoining said private street or road for all public utilities.

(ii) Maintenance and Repair Agreement. No private street or road within the scope of this Section shall be established unless a maintenance and repair agreement, recordable with the County Register of Deeds, is supplied providing:

- Legal description(s) of all property enjoying a right to utilize the private street or road, Le., "benefited properties";
- Legal description(s) of all right-of-way and public utility easements;
- Legal description(s) of all properties having a responsibility for repair, maintenance and/or snow removal for the private street or road, i.e., "responsible properties";
- A description of the respective responsibilities, monetary and otherwise, of such responsible party(ies) for repair, maintenance and/or snow removal;
- The method by which decisions regarding repair, maintenance or snow removal are to be made by the owner(s) of the responsible property(ies);
- A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefitted and responsible property(ies);
- Signatures of all persons having any interest in the property or properties on which the street or road is located, benefitted properties and responsible parties.

2. Lots: The minimum size of lots or building sites shall be in compliance with the minimum lot size requirements set forth in the Flowerfield Township Zoning Ordinance.

3. General Provisions:

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

SECTION VI
FINAL APPROVAL OF PRELIMINARY CONDOMINIUM
PLAN/PRELIMINARY PLAT PLAN (STEP 2 APPROVAL)

- A. Submission. Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat plan or preliminary condominium plan to the Township Board for final approval shall submit the relevant data and fees:
1. Evidence that all requirements imposed by the Township Board at the time of granting tentative approval have been incorporated into the proposed plan.
 2. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said condominium project or plat. Prior to submitting copies of the preliminary condominium plan or preliminary plat plan to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the development to resolve any conflicts in location between public utility facilities and other improvements.
 3. A fee equal to the sum of \$500.00 for up to ten (10) lots or building sites. For those developments in excess of ten (10) lots or building sites, the fee shall be \$500.00 plus \$50.00 per lot or building site in excess of ten (10).
 4. A letter from the St. Joseph County Health Department together with percolation tests and test analysis, with respect to the suitability of the land included in the development for the use of septic tank, dry wells and tile fields, if individual sewage disposal systems are proposed and public sewage facilities are not available.
- B. Standards for Approval. Upon receipt of all required copies of the final condominium plan or plat plan for final approval, the Township Board shall examine the same with such assistance and review by the Township Engineer and Township Attorney as said Township Board shall request. Upon completing its review, the Township Board shall determine whether said plat plan or condominium plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements:
1. All roads both public and private shall be paved with hot asphalt mix and constructed to the then existing St. Joseph County Road Standards.

2. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 125 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet. Temporary dead-end streets shall be provided at the closed end with a turnaround constructed the full width of the right-of-way. A permanent dead-end street is defined as one which is not reasonably anticipated to be extended within the following ten (10) years.
3. All surface waters shall be adequately drained within the development by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the Township Board, upon recommendation of the Township Engineer, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what is equivalent and sufficient drainage shall be left to the Township Board upon the recommendation of the Township Engineer.
4. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed development.
5. In the discretion of the Township Board, the proprietor shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plan.
6. Storm water disposal methods proposed for the development must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.

7. No lot or building site, out-lot or land within the development may be isolated from a public highway, nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels. Such isolation may be avoided and direct access to a public street or highway be satisfied and accomplished through a dedicated easement for ingress and egress, and all public utilities, shown upon the plan, which easement shall be of suitable width of not less than twenty (20') feet assuring permanent access to such lot, out-lot or parcel of land.
 8. Indicate the location of proposed street lights.
 9. Sidewalks may be required by the Township Board when the Township Board determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete four feet in width, four (4") inches in depth, upon a two-inch (2") minimum sand base with expansion joints set at a minimum of fifty (50') feet; sidewalks built across driveways shall be constructed of concrete six (6") inches depth.
 10. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot or building site proposed to be included within the development.
- C. Approval. If the Township Board determines that the preliminary plat plan or preliminary condominium plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall grant final approval of the preliminary plan which shall confer upon the proprietor for a period of two (2) years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two (2) year period may be extended in the discretion of the Township Board upon application by the proprietor.

SECTION VII
FINAL APPROVAL OF FINAL CONDOMINIUM
PLAN/PLAT PLAN (STEP 3 APPROVAL)

- A. Submission. Every person, firm or corporation which shall hereafter submit a proposed final plat or condominium development plan to the Township Board for final approval shall also submit the following relevant data and fees:
1. An abstract of title or title insurance policy showing merchantable title in the proprietor of the proposed final plat or site condominium.
 2. Evidence that all requirements imposed by the Township Board at the time of the preliminary approval have been incorporated into the proposed final plan/plat.
 3. A fee equal to the sum of \$500.00 for up to ten (10) lots or building sites. For those developments in excess of ten (10) lots or building sites, the fee shall be \$500.00 plus \$50.00 per lot or building site in excess of ten (10).
 4. Letter from the St. Joseph County Health Department confirming that construction of septic tank, dry well or tile field area has been completed as shown on the proposed plat/site condominium plan.
- B. Standards for Approval. The Township Board shall review the proposed final plat or site condominium plan and grant final approval if it determines that all of the following have been satisfied:
1. All monuments required to be placed in the plat or condominium project have either been placed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
 2. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
 3. If the plat or condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the proprietors.

4. If any flood plains are involved in the proposed plat or condominium project, then such flood plains shall be restricted as provided by the Condominium Act, and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the Plat or Master Deed or contemporaneously with the recording of the Master Deed.
5. All utilities servicing the plat or condominium project have been installed and water and sanitary sewer mains have been stubbed to the lot line or building site line or a cash or equivalent deposit has been made with the Township Board in an amount sufficient to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
6. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Plat or Master Deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least twelve (12') feet wide, usually six (6') feet dedicated from each lot or parcel except side lot easements three (3') feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.
7. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by an engineer or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.
8. The proposed final plat or condominium project complies with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
9. That the Plat or Master Deed is executed by all required owners has been properly recorded and has been filed with the Township before issuance of any building permits.

SECTION VIII
FAILURE TO COMPLETE A PUBLIC IMPROVEMENT

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

SECTION IX
AMENDMENT

All amendments to the plat or condominium plan shall be submitted for review and approval under Sections V, VI and VII, above.

SECTION X
SUBDIVISION LOT DIVISION

After a plat has been recorded, platted lots may thereafter be partitioned or divided with the approval of the Township Board into not more than four (4) parts, provided that the resulting lots or parcels or combinations of two (2) or more divided lots shall comply with the minimum lot size and width requirements in the Flowerfield Township Zoning Ordinance and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lots, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan land Division Act and all applicable Township Ordinances.

SECTION XV
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication, after adoption.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382 4500

FAX (616) 382 2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL

January 5, 2001

Sally J. Hackenberg, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Flowerfield Township Ordinance No. 26

Dear Clerk Hackenberg:

Enclosed is Ordinance No. 26, a copy of the Notice of Adoption of Ordinance, and a Clerk's Certificate for the Ordinance. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Wednesday, January 10, 2001. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/smh
Enclosure(s)

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.
ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL

January 5, 2001

Via Facsimile: (616) 279-6007

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

Attn: Willma & Maureen

RE: Publication of Notice of Adoption of Ordinance; Flowerfield
Township Ordinance No. 26 (Pertaining to Subdivisions)

Dear Ladies:

Please publish the enclosed Notice of Adoption of Ordinance in the January
10, 2001 publication issue of the Three Rivers Commercial News.

After publication, please forward two copies of the Affidavit of Publication along with
your statement for same to Sally J. Hackenberg, Clerk, Flowerfield Township, 13826 M-
216, Marcellus, Michigan 49067 and forward one copy of the Affidavit of Publication to the
undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/smh

Enclosure(s)

cc: Sally J. Hackenberg

PROOF OF PUBLICATION

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and Three Rivers Commercial Inc. The annexed is a copy of a notice which was published in said newspaper on the following dates, to wit:

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN
NOTICE OF ADOPTION OF ORDINANCE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting held on January 4, 2001, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 26, which is summarized as set forth below.

SECTION I. Title. This Ordinance is entitled the "Flowerfield Township Subdivision/Site Condominium Ordinance".

SECTION II. Purpose. The purpose of this ordinance is to regulate and control the subdivision of land into plats and to regulate the development of land within the Township under the provisions of the Michigan Condominium Act.

SECTION III. Definitions. This section sets forth definitions of various terms used within the ordinance.

SECTION IV. Compliance with Ordinance. No plat or site condominium development may hereafter be established in Flowerfield Township without first obtaining the Township Board's approval prescribed by this Ordinance and fully complying with the ordinance's requirements.

SECTION V. Tentative Approval of Preliminary Plat/Site Condominium Plan (Step 1 Approval). This section sets forth the application and review procedure and approval standards for obtaining tentative approval of a preliminary plat or site condominium plan.

SECTION VI. Final Approval of Preliminary Condominium Plan/Preliminary Plat Plan (Step 2 Approval). This section sets forth the application and review procedure and the substantive standards for obtaining final approval of a preliminary condominium plan or a preliminary plat plan.

SECTION VII. Final Approval of Final Condominium Plan/Plat Plan (Step 3 Approval). This section sets forth the application and review procedure and the substantive standards for obtaining final approval of a final condominium plan or a final plat plan.

SECTION VIII. Failure to Complete a Public Improvement. Should a developer fail to complete a required public improvement within the specified time, the Township Board shall have authority to proceed with the completion of the improvement and to use the guarantee provided by the developer to pay for the cost of the improvement.

SECTION IX. Amendment. All amendments to the plat or condominium plan shall be submitted for review and approval under Section V, VI and VII of this Ordinance.

SECTION X. Subdivision Lot Division. This section sets forth the procedure and standards by which Township Board approval may be obtained for the division of one or more platted lots.

SECTION XI. Variance Procedure. This section authorizes the Flowerfield Township Board to grant variances from the strict letter of this Ordinance under specified conditions.

SECTION XII. Sanctions. Violation of this Ordinance is a municipal civil infraction punishable by a civil fine of not more than \$500.00, along with costs which may include all expenses incurred by Flowerfield Township in connection with the municipal civil infraction. A violator shall also be subject to such other sanctions as are authorized under Michigan law.

SECTION XIII. Severability. The provisions of this Ordinance are severable.

SECTION XIV. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance.

SECTION XV. Effective Date. This Ordinance shall take effect thirty (30) days following publication after adoption.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the addresses set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216, Marcellus, MI 49067
(616) 279-9888

January 10, 2001

January 10 A.D. 20 01

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A.D. 20

A.D. 20

A.D. 20

Joseph Albertson
bertson

I and sworn to before me this 11th
January A.D. 20 01

Debra B. Willma
Willma

olic in and for St. Joseph County, Michigan.
ssion expires 11-08-2002

CLERK'S CERTIFICATE

I, Sally J. Hackenberg, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a meeting of the Flowerfield Township Board held on the 4th day of January, 2001, at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 26 (Pertaining to Subdivision/Site Condominiums), hereinbefore recorded, to become effective thirty (30) days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Carroll Parmeter	Yes
Sally J. Hackenberg	Yes
Pamela Altimus	Yes
Genevieve Wright	Yes
Ronald D. Shaver	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 26, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 10th day of January, 2001; that said Ordinance No. 26 was recorded in the official Ordinance Book on the 17th day of January, 2001; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 17th day of January, 2001.

Dated: 1/17/01

Sally J. Hackenberg, Clerk
Sally J. Hackenberg, Clerk

FLOWERFIELD TOWNSHIP

ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO. 27

ADOPTED: JULY 2, 2001

**EFFECTIVE: EIGHT (8) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Flowerfield Township Zoning Ordinance by the amendment of Section 9.3.12.3 pertaining to setback requirements for transmitting towers; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

FLOWERFIELD TOWNSHIP

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I
AMENDMENT OF SECTION 9.3.12.3

Subsection "a" of Section 9.3.12.3 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

- a. Towers shall be setback from the property lines and street rights of way a minimum of the total height of the structure, to include any antennae projecting above the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or street rights of way. When a tower is to be mounted on another structure, the total height shall be combined heights of the structure, tower, and projecting antennas. The Planning Commission shall have authority to approve a tower with a lesser setback if (1) the proposed tower is to be constructed in a manner that would cause the tower in the case of collapse to remain within the boundaries of the property on which it is located and (2) the Planning Commission determines that a reduced setback will not have a material adverse impact upon any neighboring properties.

SECTION II
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION III
REPEAL

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

SECTION IV
EFFECTIVE DATE

This Ordinance shall take effect eight (8) days following publication, following adoption.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER

ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972

RICHARD L. LANG
OF COUNSEL

July 9, 2001

Sally J. Hackenberg, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Flowerfield Township Ordinance No. 27 (pertaining
to setback requirements for transmitting towers)

Dear Clerk Hackenberg:

Enclosed is Ordinance No. 27, a copy of the Notice of Adoption of Ordinance, and a Clerk's Certificate for the Ordinance. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Thursday, July 12, 2001. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.
ATTORNEYS AT LAW
458 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007-4621

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

TELEPHONE (616) 382 4500
FAX (616) 382 2040

FAXED
7/9/01
COPY

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL

July 9, 2001

Via Facsimile: (616) 279-6007

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

Attn: Willma & Maureen

RE: Publication of Notice of Adoption of Ordinance;
Flowerfield Township Ordinance No. 27 (pertaining
to setback requirements for transmitting towers)

Dear Ladies:

Please publish the enclosed Notice of Adoption of Ordinance on Thursday, July 12,
2001.

After publication, please forward two copies of the Affidavit of Publication along with
your statement for same to Sally J. Hackenberg, Clerk, Flowerfield Township, 13826
M-216, Marcellus, Michigan 49067 and forward one copy of the Affidavit of Publication to
the undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Sally J. Hackenberg

PROOF OF PUBLICATION _____

STATE OF MICHIGAN)
COUNTY OF ST. JOSEPH) ss.

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that a meeting held on July 2, 2001, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 27, which is set forth below.

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN
ORDINANCE NO. 27
ADOPTED: JULY 2, 2001
EFFECTIVE: EIGHT (8) DAYS FOLLOWING PUBLICATION AFTER ADOPTION

An Ordinance to amend the Flowerfield Township Zoning Ordinance by the amendment of Section 9.3.12.3 pertaining to setback requirements for transmitting towers; and by the repeal of all Ordinances or parts of Ordinances in conflict herewith.

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I. AMENDMENT OF SECTION 9.3.12.3. Subsection "a" of Section 9.3.12.3 of the Flowerfield Township Zoning Ordinance is hereby amended to read as follows:

a. Towers shall be setback from the property lines and street rights of way a minimum of the total height of the structure, to include any antennae projecting above the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or street rights of way. When a tower is to be mounted on another structure, the total height shall be combined heights of the structure, tower, and projecting antennas. The Planning Commission shall have authority to approve a tower with a lesser setback if (1) the proposed tower is constructed in a manner that would cause the tower in the case of collapse to remain within the boundaries of the property on which it is located and (2) the Planning Commission determines that a reduced setback will not have a material adverse impact upon any neighboring properties.

SECTION II. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and if any clause, word, section or provision is hereafter declared void or unenforceable for any reason by any court of any competent jurisdiction it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION III. REPEAL. All Ordinances or parts of Ordinances in conflict of herewith are hereby repealed.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect eight (8) days following publication, following adoption.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067
(616) 279-9888

July 12, 2001

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

_____ July 12 _____ A.D. 20 01
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____

Joseph Albertson
Joseph Albertson
Subscribed and sworn to before me

this _____ 13th _____ day of
_____ July _____ A.D. 20 01

Maureen B. Willma
Maureen B. Willma
Notary Public in and for St. Joseph County,
Michigan
My Commission expires

_____ 11-8-2002 _____

CLERK'S CERTIFICATE

I, Sally J. Hackenberg, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a meeting of the Flowerfield Township Board held on the 2nd day of July, 2001, at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 27, hereinbefore recorded, to become effective eight (8) days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Carroll Parmeter	Yes
Sally J. Hackenberg	Yes
Pamela Altimus	Yes
Genevieve Wright	Yes
Ronald D. Shaver	Absent

I do further certify that all in accordance with Township Board direction, Ordinance No. 27, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 12th day of July, 2001; that said Ordinance No. 27 was recorded in the official Ordinance Book on the 19th day of July, 2001; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 19th day of July, 2001.

Dated: 7/19/01

Sally J. Hackenberg
Sally J. Hackenberg, Clerk

FLOWERFIELD TOWNSHIP

Ordinance Number 28

An ordinance to designate an enforcing agency to discharge the responsibility of the Township (County, City, Village or Township) of Flowerfield (Name of Unit of Government) located in St. Joseph County under the provisions of the State Construction Code Act. 1972 PA 230.

The Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government) ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Mechanical

(Building, Electrical, Mechanical or Plumbing) Code, in accordance with Section 8b(6) of 1972 P A 230, the (Building, Electrical, Mechanical. or Plumbing) Code Official of 'the Township (County, City, Village: Or Township) of Flowerfield (Name of Unit of Government) is hereby designated as the enforcing agency to discharge the responsibility of the Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government) under 1972 PA 230. State of Michigan. The Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government) assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

(Name of Unit

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 3rd day of December, 2001 (Year).

This ordinance duly adopted on 12/3/01 at a regular meeting of the Flowerfield Township (adopting body) and will become effective 1/3/02

Date: Dec 3rd, 2001 (Year).

Signed:

Clerk of the Township (County, City, Village, or Township) of Flowerfield
(Name of Unit of Government).

Attested; Supervisor _____ (Chair, Mayor, Supervisor or President)
of the Township (County, City, Village, or Township) of Flowerfield
of Government).

(Name of Unit

FLOWERFIELD TOWNSHIP

Ordinance Number 28

An ordinance to designate an enforcing agency to discharge the responsibility of the Township (County, City, Village or Township) of Flowerfield (Name of Unit of Government) located in St. Joseph County, under the provisions of the State Construction Code Act, 1972 PA 230.

The Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government) ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Mechanical (Building, Electrical, Mechanical or Plumbing) Code, in accordance with Section 8b(6) of 1972 PA 230, the (Building, Electrical, Mechanical, or Plumbing) Code Official of the Township (County, City, Village or Township) of Flowerfield (Name of Unit of Government) is hereby designated as the enforcing agency to discharge the responsibility of the Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government) under 1972 PA 230, State of Michigan. The Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government) assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 3rd day of December, 2001 (Year).
This ordinance duly adopted on 12/3/01 at a regular meeting of the Flowerfield Township (adopting body) and will become effective 1/3/02.

Date: Dec 3rd, 2001 (Year).
Signed: [Signature]
Clerk of the Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government).

Attested: Supervisor [Signature] (Chair, Mayor, Supervisor or President) of the Township (County, City, Village, or Township) of Flowerfield (Name of Unit of Government).

PROOF OF PUBLICATION _____

(STATE OF MICHIGAN)
COUNTY OF ST. JOSEPH) ss.

**FLOWERFIELD TOWNSHIP
ORDINANCE NUMBER 29**

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Flowerfield located in St. Joseph County, under the provisions of the State Construction Code Act, 1972 PA 230.

The Township of Flowerfield ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 8b(6) of 1972 PA 230, the Plumbing Code Official of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibility of the Township of Flowerfield under 1972 PA 230, State of Michigan. The Township of Flowerfield assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 3rd day of december, 2001. This ordinance duly adopted on December 3, 2001 at a regular meeting of the Flowerfield Township and will become effective January 3, 2002.

Date: Dec. 3rd, 2001
Signed: Sally J. Hackenberg
Clerk of the Township of Flowerfield

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

_____ February 19 _____ A.D. 20 02
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____

Joseph Albertson

Joseph Albertson
Subscribed and sworn to before me

this _____ 19th _____ day of

_____ February _____ A.D. 20 02

Maureen B. Willma

Maureen B. Willma
Notary Public in and for St. Joseph County,
Michigan
My Commission expires

11-8-2002

**FLOWERFIELD TOWNSHIP
ORDINANCE NUMBER 29**

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Flowerfield located in St: Joseph County, under the provisions of the State Construction Code Act, 1972 PA 230.

The Township of Flowerfield, ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 8b(6) of 1972 PA 230, the Plumbing Code Official of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibility of the Township of Flowerfield under 1972. PA 230, State of Michigan. The Township of Flowerfield assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 3rd day of December, 2001. This ordinance duly adopted on December 3,2001 at a regular meeting of the Flowerfield Township and will become effective January 3, 2002

Date: Dec. 3rd, 2001
Signed: Sally J. Hackenburg
Clerk of the Township of Flowerfield

PROOF OF PUBLICATION _____

STATE OF MICHIGAN)
COUNTY OF ST. JOSEPH) ss.

**FLOWERFIELD TOWNSHIP
ORDINANCE NUMBER 29**

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Flowerfield located in St. Joseph County, under the provisions of the State Construction Code Act, 1972 PA 230.

The Township of Flowerfield ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 8b(6) of 1972 PA 230, the Plumbing Code Official of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibility of the Township of Flowerfield under 1972 PA 230, State of Michigan. The Township of Flowerfield assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 3rd day of december, 2001. This ordinance duly adopted on December 3, 2001 at a regular meeting of the Flowerfield Township and will become effective January 3, 2002.

Date: Dec. 3rd, 2001
Signed: Sally J. Hackenberg
Clerk of the Township of Flowerfield

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

February 19 _____ A.D. 20 02
_____ A.D. 20 ____
_____ A.D. 20 ____
_____ A.D. 20 ____
_____ A.D. 20 ____
_____ A.D. 20 ____
_____ A.D. 20 ____

Joseph Albertson

Joseph Albertson
Subscribed and sworn to before me

this _____ 19th _____ day of
February _____ A.D. 20 02

Maureen B. Willma

Maureen B. Willma
Notary Public in and for St. Joseph County,
Michigan
My Commission expires

11-8-2002

FLOWERFIELD TOWNSHIP
ZONING ORDINANCE

ORDINANCE No. 30

2003

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ADOPTION

FLOWERFIELD TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 30

ADOPTED: 5/ 3/03

PUBLICATION: _____

EFFECTIVE: _____

An Ordinance to establish zoning districts, provisions, and regulations for the unincorporated portions of the Township of Flowerfield, pursuant to the provisions of Act 185 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; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, ORDAINS:

ARTICLE 1
SHORT TITLE AND PURPOSE

1.01 SHORTTITLE

This ordinance shall be known as the Flowerfield Township Zoning Ordinance (Ordinance).

1.02 PURPOSE

The zoning districts established by the 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 Flowerfield Township (Township) as a part of St. Joseph 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 general welfare. Among other purposes, these provisions are designed to conserve and protect lands, water, and other natural resources in the Township for their most suitable purposes; to preserve 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 that result from unguided community development; to avoid undue concentration of population by regulating and limiting the density or 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 Flowerfield Township.

1.03 SCOPE

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto. Except for manufactured housing communities, where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations, or private restrictions, the provisions of this Ordinance shall control. Insofar as the provisions of this ordinance are inconsistent with the provisions of ordinances adopted under any other law, the provisions of this ordinance shall be controlling.

This Ordinance or any subsequent zoning decision based upon this Ordinance, shall not have the effect of totally prohibiting the establishment of a land use in the presence of a demonstrated need for that land use within either the township or surrounding area within the state, unless there is no location within the township where the use may be appropriately located, or the use is unlawful.

ARTICLE 2
CONSTRUCTION OF LANGUAGE

2.01 RULES OF CONSTRUCTION

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.
6. The phrase reused for” includes rearranged for,” redesigned for,” “intended for,” “maintained for,” or ‘ for.”
7. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either.....or,” the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provision, or events shall apply.
 - b. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE 3
DEFINITIONS

3.01 DEFINITIONS

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

1. **ACCESSORY BUILDING OR STRUCTURE:** A subordinate structure on the same premises with a main building or structure 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. **ADULT FOSTER CARE FACILITIES:** Adult foster care facilities include medium group homes, large group homes, and congregate facilities. These facilities (not private homes) provide 24-hour care to seven or more adults. Adult Foster Care Facilities are licensed under Act No. 218 of 1919, the Adult Foster Care Facility Licensing Act.
4. **AGRICULTURAL PRODUCTION:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
5. **APPEAL:** An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.
6. **APPLICANT:** An applicant shall be any individual, partnership, public or private corporation, authority, agency, or any other legal entity or a combination of any of them, whether they hold an ownership interest in the land or not, who submit an application to the Township as required by this Ordinance.
7. **ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
8. **AUTOMOBILE REPAIR SHOP:** Automobile repair is any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision service such as body, frame, or fender straightening and repair; overall

painting and vehicle rust proofing, refinishing, or steam cleaning.

9. **BASEMENT:** A portion of a building that 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.
10. **BED AND BREAKFAST:** A Bed and Breakfast is a residential structure that, besides being a permanent home, provides temporary room and board as a home occupation.
11. **BERM:** A berm is a mound of earth graded, shaped, and improved with landscaping in a way used for screening purposes.
12. **BILLBOARD:** A billboard is a specific type of off-premises freestanding sign in excess of 100 square feet intended to attract the attention of the motoring public.
13. **BOARD:** Wherever the word Board is used, it refers to the Township Board.
14. **BUILDING:** An independent structure having a roof supported by columns or walls intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.
15. **BUILDING CODE:** The State of Michigan Residential Building Code shall be the official building code provision of Flowerfield Township referred to herein as the Building Code.
16. **BUILDING HEIGHT:** The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip, and gambrel roofs. Where a building is Located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall (see illustration entitled Building Height).

17. **BUILDING INSPECTOR:** The building inspector is the person or persons appointed by the Township Board to inspect buildings for conformance to the State of Michigan Residential Building Code (Building Code) or other building codes as may be adopted by the Township. The duties of the Building Inspector shall include enforcement of the Building Codes.
18. **BUILDING PERMITS:** A building permit is the written authority issued by the authorized person of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.
19. **CAMPS AND CAMPGROUNDS:** Camps and campgrounds include, but are not limited to, RV campgrounds, tent and trailer campgrounds, youth YMCA, YWCA, Boy ft Girl Scouts, church camps, children's camps (as licensed by Act No. 116 of 1973 Child Care Organizations Act), and adult foster care camps (as licensed by Act No. 218 of 1979 Adult Foster Care Licensing Act). Children's Camps are residential, day, troop, or travel camps conducted in a natural environment for more than four school-age children, apart from their parents, relatives, or legal guardians, period for 5 or more days in a 14-day period
20. **CLEAR VISION CORNER:** A clear vision corner is that portion of a corner lot closest to the intersection, where obstructions might impair the ability of drivers to see oncoming traffic. The clear vision corner is a triangular area created by a line drawn between two points each being 30 feet from the intersection of the rights-of- way of two intersecting streets.
21. **COMMERCIAL:** This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of service offices or recreation or amusement enterprises, or garage/basement sales operating more than 12 days during any 12- month period.
22. **COMMISSION:** This term, and the term 'Planning Commission,'" shall mean the Flowerfield Township Planning Commission.
23. **COMPOST:** Compost is a light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

24. **COMPOST FACILITIES:** A compost facility is a commercial resource-recovery operation involving the transportation of resource material to the site from off-site locations or resource products from the site that involves the processing of organic material into compost.
25. **CONFINED ANIMAL FEEDING OPERATION (CAFO):** The concentrated confined feeding or holding of animals or poultry including, but not limited to, horse, cattle, sheep, or swine feeding areas; dairy confinement areas; slaughterhouse or shipping terminal holding pens; poultry and egg production facilities; and fur farms in buildings or in pens or lots where the surface has been prepared with concrete, rock, or fibrous material to support animals in wet weather or that have wastewater treatment works. A confined animal feeding operation is any lot, yard, corral, or other area in which livestock are confined, primarily for feeding and growth. The term does not include areas used for raising crops or other vegetation or upon which livestock are allowed to graze. Any agricultural use that contains animal units as defined by the generally accepted agricultural and management practices for site selection and odor control for new and expanding livestock production facilities as authorized by Public Act 261 of 1999, which amended the Michigan Right to Farm Act is considered a CAFO.
26. **CONVALESCENT OR NURSING HOME:** A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three or more persons are cared for. Said home shall also conform to and qualify for license under applicable state laws (even though state Law may provide for different size regulations).
27. **GROUP DAY CARE HOME:** A group day care home is a facility for the care of children or adults for Less than 24 hours. Day care homes do not include state licensed residential facilities, family day care homes, foster-family homes, or adult foster care facilities. (See also institutional care facilities.) A group day care home is further defined as follows:
- a. Group Day Care Home A private home where 7 to 12 children are received for care and supervision. This number shall not include more than two children younger than two years old. A group day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended.
 - b. Adult Day Care (Private Home) Adult day care facilities offer a supervised environment for temporary care of adults 18 years old and older.

28. DWELLING: A building or portion thereof that is occupied wholly as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a tent be considered a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.
- a. Dwelling. One-Family (also known as a single-family dwelling): A detached building containing not more than one dwelling unit designed for residential use, complying with the following standards:
- 1) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
 - 2) The dwelling, if not a mobile home, shall be firmly attached to a permanent foundation constructed on the site in accordance with the Residential Code and the area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Residential Code for single- family dwellings. In the event that the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Residential Code for single- family dwellings or instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.
 - 3) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism (if removable), undercarriage or chassis.

- 4) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- 5) The dwelling contains no additions or rooms or other areas that are not constructed with similar or better quality workmanship and materials as the original structure.
- 6) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. With respect to any mobile home that is not certified with the aforementioned regulations as complying with the above-mentioned construction and safety standards, the applicant shall provide certification from the mobile home manufacturer or other reliable source that the mobile home complies in all material respects with the aforementioned standards. The Planning Commission shall have authority to require the applicant to submit to an inspection of its mobile home by the Township Building Inspector to assist the Commission in its determination.
- 7) The dwelling shall have a minimum width across any front, side or rear elevation of 24 feet through 75% of its length and a length of not less than 40 feet.
- 8) The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be not less than 10% of the square footage of the dwelling or 100 square feet, whichever is left.
- 9) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.

- a. Dwelling, Two-Family (also known as a duplex dwelling): A detached building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth above for “Dwelling, One- Family.”
 - b. Dwelling, Multiple-Family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth above for ‘Dwelling, One-family.’”
 - c. Dwelling Unit: A building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one family, either permanently or transiently. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.
 - d. Efficiency Unit: A dwelling unit located in a multiple-dwelling and consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing the unit has not less than 350 square feet of floor area.
29. **EARTHMOVING:** Earthmoving is the noncommercial removal of such natural resources as sand, gravel, or earth materials, or the alteration of land to prepare or render land suitable for uses allowed in the zoning district in which the land is located. This definition shall not include excavation which, by its nature, is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, etc.
30. **ESSENTIAL SERVICES:** Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith.

Essential services shall not include buildings other than are primarily enclosures or shelters of the above essential service equipment, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare. Notwithstanding any other provision in this Ordinance,

landfill operations, telecommunications towers and antennas, and electrical substations or gas regulator stations services, shall not be regulated or allowed as essential under this Ordinance.

- 31. EXCAVATION: Excavation means the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land or road grade, whichever shall be highest. Excavation shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.
- 32. EXOTIC ANIMALS: Exotic animals are non domestic wild animals including any non game species of mammal, bird, reptile, or amphibian not indigenous or not now commonly found in St. Joseph County such as wolves, bears, lions, tigers, leopards, gorillas, boars, or wolverines.
- 33. FAMILY: A family shall mean “traditional family” or “functional family as defined below:
 - a traditional family — an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and domestic household employees of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling.
 - b functional family— a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit.

A “functional family” shall not include any of the following:

- 1) Any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order.
- 2) Any group of individuals, whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
- 3) Any group of individuals whose association is essentially for convenience or economics, or for the limited duration of their education, training or a similar determinate period of time.

Any person or group of persons seeking the rights and privileges of a “family”

as defined in subparagraph a or b above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either subparagraph a or b above.

34. **FAMILY BUSINESS:** A business activity, other than a home occupation, that is incidental to the principal residential or agricultural use of the subject property and which is owned and operated by persons residing on the same premises.
35. **FAMILY DAY CARE HOME:** A private home in which one to six children are received for care and supervision, including those children less than seven years old in the resident family. This number shall not include more than two children less than twelve months old. A family day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended. A family day-care home shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a Special Land Use permit or procedure different from those required for other dwellings of similar density in the same zone.
36. **FARM:** Any parcel of land that 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.
37. **FARM ANIMALS:** Farm animals are all domesticated animals that are not household pets or exotic animals. Farm animals are limited to such types of animals as horses, pigs, goats, sheep, cattle and chickens.
38. **FARM BUILDINGS:** Any building or structure, other than a dwelling, moved upon, maintained, used, or built on a farm that is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
39. **FARM PRODUCTS:** Farm products are those plants and animals useful to human beings produced by agriculture and include, but are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua culture products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture and, as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981.

40. **FARMING:** Farming is the operation and management of a farm or a condition or activity that occurs at any time, as necessary, on a farm in connection with the commercial production, harvesting, and storage of farm products or any other activity, as determined by the Michigan Commission of Agriculture and as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981. Farming shall include the following activities:
- a. The generation of noise, odors, dust, fumes, and other associated conditions resulting from farming.
 - b. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm dryers.
 - c. Field preparation, ground and aerial seeding, and spraying.
 - d. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides, but not recycled materials.
 - e. The use of alternative pest-management practices.
 - f. The fencing, feeding, watering, sheltering, transportation, treatment, uses, handling, and care of farm animals.
 - g. The management, storage, transport, utilization, and application of farm products, including manure or agricultural wastes.
41. **FENCES AND WALLS:** Fences and walls are accessory structures erected to enclose or screen areas of land. Retaining walls are erected to support an embankment or to prevent erosion or collapse of steep slopes.
42. **FILLING:** Shall mean the depositing or dumping of any material ONTO or INTO the ground, except residuals from common household gardening and general farm care.
43. **FLOOD PLAIN:** All areas adjoining a lake, stream, river, creek, or a channel, which are subject to inundation at the 100-year flood plain level as approved by the Michigan Department of Natural Resources.
44. **FLOOR AREA:** The floor area of a building shall be computed using the following standards:
- a. **Floor Area, Gross (GFA)** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building

(which is what this normally is referred to as) shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement). Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

- b. **Floor Area, Usable (UFA)** The measurement of usable floor area shall include that portion of the total area of all the floors of the building, measured from the measured from the exterior faces of the building, used for or by the principal activity or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage, utility or mechanical equipment, sanitary facilities, stairwells, or otherwise not occupied by people. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of five (5) feet or more (see illustration entitled Floor Area).

- 45. **FREESTANDING SIGN:** Freestanding signs are elevated by supports so that the bottom of the sign is greater than 1½ foot above ground
- 46. **GARAGE:** An accessory building or portion of a main building used primarily for the storage of passenger vehicles.
- 47. **GRADE:** The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
- 48. **GOVERNING BODY:** The Township Board of Flowerfield Township.
- 49. **GROUND SIGN:** Ground signs are attached directly to the ground or have a clear space beneath the sign of less than 1½ foot. Ground signs may have messages on one or more sides.

50. HEALTH DEPARTMENT: The Branch-Hillsdale-St. Joseph Health Department.
51. HISTORIC STRUCTURES: Historic structures are structures that have received state or federal historic designation including centennial farms.
52. HOME OCCUPATIONS: Home occupations are activities carried on in the home being clearly incidental and secondary to the principal residential use. Home occupations shall provide for the use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art.
53. HOUSEHOLD PETS: Any animal kept for companionship, personal enjoyment, and pleasure, and treated with fondness that is customarily kept within a dwelling. Household pets are commonly purchased in a pet store and have been tamed or domesticated and are not likely to bite, attack, or cause death, maiming, or illness or act in a vicious manner toward humans without provocation. Household pets are limited to such animals as dogs, cats, fish, birds, rodents, lizards, non-venomous snakes, and spiders.
54. INOPERABLE VEHICLES: Any vehicle intended for travel on public streets and roads, not capable of operating or not having current license and registration.
55. INSTITUTIONAL CARE FACILITIES: An institutional care facility is a facility for the care of children or adults such as, but not limited to, hospitals, extended-care facilities, and nursing homes. Institutional care facilities do not include state Licensed residential facilities, or adult foster care facilities (see Day Care Facilities). Institutional care facilities can be further defined as follows:
- a. Child Care Center: A facility, other than a private home, where one child or more is received for care and supervision.
 - b. Inter generational Day Care: A day care facility that combines the care of children with the care of adults.
 - c. Child Care Institution: A facility licensed for the care of 12 or more children
 - d. Adult Day Care (Institutional): Adult day care facilities offer a supervised environment for temporary care of adults in an institutional (nonresidential) setting.
 - e. Assisted Living Facilities: Assisted living facilities provide care to elderly individuals as a special combination of housing, personalized supportive services, and health care. Assisted living facilities include independent living facilities, senior housing, or extended-care facilities. Assisted living facilities are not regulated or licensed by state agencies.

- f. Extended-Care Facilities Extended-term care facilities provide inpatient nursing and health related personal care other than in a private home, in which one or more adults who are aged or physically impaired, are received for care and supervision. Extended-term care facilities include nursing homes, hospice facilities, sub acute care facilities, and homes for the aged as regulated by Act No. 368 of 1978 Public Health Code, as amended.
- 56. INSTITUTIONAL OR PUBLIC USE: Churches, schools teaching academic subjects, hospitals, parks, civic centers, Libraries, other public or semipublic uses, and convalescent or nursing homes.
 - 57. JUNK: For the purpose of this Ordinance, junk shall mean any motor vehicles, machinery, appliances, product, and merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition that cannot be used for the purposes for which the product was manufactured.
 - 58. JUNKYARD: For the purpose of this Ordinance, junkyard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap metals.
 - 59. KENNEL: Any lot or premises on which six (6) or more dogs or cats are kept: (1) permanently in a structure, which is not the principal residence, or (2) temporarily boarded for persons other than the owner. Kennels shall comply with all applicable township, county, and state regulations.
 - 60. LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Site condominium units shall be considered lots.
 - a. Lot Depth The depth of a lot is the mean horizontal distance from the center of the front lot line to the center of the rear lot line. In the case of a waterfront lot, it is from the ordinary high water mark to the street right-of-way line. In the case of an acreage parcel, it is from the front lot line to the rear lot line.

- b. Lot, Double Frontage A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
 - c. Lot, Interior An interior lot is a lot other than a corner lot with only one lot line fronting on a street.
61. LOT LINES: Any line dividing one lot from another or from the right-of-way, and thus constitute property lines bounding a lot.
- a. Lot Line, Front: the case of a lot abutting on one street, the front lot line shall mean the street right-of-way. In the case of a corner or double frontage lot, the front lot line shall mean the street right-of-way which is designated as the front street in the plat and/or in the request for a zoning compliance permit as determined by the zoning administrator.
 - b. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission or Zoning Board shall designate the rear lot line.
 - c. Lot Line, Side: Any Lot boundary-line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
62. LOT OF RECORD: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for St. Joseph County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the county and in existence at the time of adoption of this Ordinance.

63. **LOT AREA:** The total horizontal area within the lot lines of a lot, excluding public right-of-way.
64. **LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see illustration entitled Corner, Interior, and Through Lots).
65. **LOT WIDTH:** Lot width is the uninterrupted horizontal distance between the side lot lines, measured at the required front setback line. In the event that a lot has more than one such uninterrupted horizontal distance due to another lot within its interior (as shown in the figure), only the greater of the horizontal distances shall be used to determine lot width and under no circumstances shall the minimum lot width be determined based on more than one horizontal distance.
66. **MOBILE HOME:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a year-round dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.
67. **MANUFACTURED HOUSING COMMUNITY:** For the purpose of this Ordinance, a manufactured housing community means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Person means an individual, partnership, association, trust, or corporation, or any

other legal entity or combination of legal entities

68. **MODULAR, PREFABRICATED, PRECUT, AND SECTIONAL HOMES:** A dwelling unit consisting of two or more transportation factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence, and which complies with all particulars of the Building Code.
69. **NATURAL RESOURCE REMOVAL:** Natural resource removal is the extraction and/or excavation of sand, gravel, topsoil, clay, earth, marl, peat, or any other nonrenewable earth material not regulated in the Mine Reclamation Act, Act 92 of 1970, as amended, in a regular commercial operation by excavating directly from such resources lying exposed in their natural state or by removing any overburden lying above such resources. It does not include excavation or grading preliminary to a construction project that by its very nature is of limited scope and duration and is immediate use and development of the land excavated, such as for the purposes of building construction, septic tanks, swimming pools, etc. (see “Earthmoving”).
70. **NONCONFORMING USE, BUILDING, OR LOT OF RECORD:**
- a. **Nonconforming Use:** A nonconforming use is a use that Lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
 - b. **Nonconforming Building:** A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, Lot coverage, and parking) of this Ordinance in the zoning district in which it is located (see illustration entitled Nonconformance).
 - c. **Nonconforming Lot of Record:** A nonconforming lot of record is a lot or parcel lawfully existing at the effective date of this Ordinance and which does not conform to the provisions of this Ordinance, i.e., area, width.

71. OCCUPIED: The word occupied includes the terms arranged, designed, built, altered, converted to, rent, leased, or intended to be inhabited not necessarily for dwelling purposes.
72. OFF-PREMISES SIGN: An off-premises sign is located on a parcel separate from the parcel that is the focus of the message being displayed and is 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.
73. ORDINARY HIGH-WATER MARK: The ordinary high-water mark is defined by Act No. 346 of 1972, as amended, as the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the Land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a water level established by law, it means the high-established Level.
74. PARKING SPACE: An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.
75. PERSONAL PET FACILITIES: Personal pet facilities are intended for the keeping of household pets on residential property- They include small enclosures and fenced yard areas.
76. POLICE POWERS: The “police powers” invested in the civil state are those powers to establish and enforce laws by which the actions of citizens may be regulated for the protection of public peace, safety, health (and morals) from trespass/injury - thereby protecting individual “lives, liberties and estates’ from aggression.
77. PRIME FARMLAND: Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected

from flooding, Prime farmland soils are published by the Natural Resource Conservation Service in each State's Soil Survey.

78. **PRINCIPAL BUILDING, USE, ACTIVITY, OR STRUCTURE:** The principal use, activity, building, or structure that is the primary structure located on an individual lot or predominant use or activity conducted on the lot upon which it is situated.
79. **PROPERTY OWNER:** The property owner is any individual, partnership, public or private corporation, or any other Legal entity holding an ownership interest in land whether recorded or not. An ownership interest means ownership by one person or by different private entities if the land is owned by joint interest or by members of the same immediate family.
80. **PUBLIC AND INSTITUTIONAL USES:** Public and Institutional uses are churches, public parks, play fields, playgrounds, tennis courts, swimming pools, and nonprofit recreational clubs and recreational uses; municipal, county, state, and federal administration buildings; police and fire stations; charter; trade; public and parochial elementary, intermediate, and high schools (non boarding); public libraries and museums; community centers, civic centers; government-owned facilities, buildings and structures; cemeteries; and/or similar uses providing service necessary to the community.
81. **SITE CONDOMINIUM SUBDIVISION:** A site condominium subdivision is a division of land based on condominium ownership that is subject to the provisions of the Condominium Act, Public Act 59 of 1978.
82. **SITE PLAN:** A Site Plan is a scaled drawing that shows the locations and dimensions of improvements on a parcel of land such as, but not limited to, buildings, driveways, parking facilities, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.
83. **STATE LICENSED RESIDENTIAL FACILITY:** A state licensed residential facility means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Act No. 287, 1972, as amended, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care not related to an adult member of the household. State licensed residential facilities include:
 - a. Foster Family Home: homes in which less than five minor children are received for care and supervision, unattended by a parent or legal guardian.
 - b. Foster Family Group Home: A home in which either five or six minor children are received for care and supervision.

- c. Adult Foster Care Family Home: A home with the approved capacity to receive six or fewer adults to be provided with foster care.
- d. Adult Foster Care Small-Group Home: A home with the approved capacity to receive 12 or fewer adults, but which houses six or fewer.

In order to implement the policy of this state that persons in need of community residential care shall not be excluded by zoning from the benefits of normal residential surroundings, a state licensed residential facility providing supervision or care, or both, to 6 or less persons shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.

State licensed residential facilities shall not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

- 84. **STORAGE SHED**: A storage shed is a small building that may or may not be built from a prepackaged kit. Storage sheds typically do not require a building permit and may or may not be constructed on a concrete slab or be anchored to the ground. Storage sheds are used for outside storage of yard implements and equipment. A storage shed has less than 120 gross square feet.
- 85. **STORY**: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
 - a. Mezzanine: A mezzanine floor may be used in this definition of a full story when it covers more than 50 percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
 - b. Basement: For the purpose of this Ordinance, a basement shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

- c. Half Story: A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area that does not exceed one-half the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least 7 feet and 6 inches.
86. **STREET OR ROAD**: A street or road is the dedicated and accepted public thoroughfare including the right-of-way and roadway.
87. **STRUCTURE**: A structure is anything constructed, erected, or to be moved to or from any premises that is permanently located above, on, or below the ground, including signs and billboards.
88. **SWIMMING POOL**: The term swimming pool shall mean any structure or container, located whether above or below grade, designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum Lot coverage.
89. **TELECOMMUNICATION ANTENNA**: A telecommunication antenna is any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals, excluding satellite dish antenna.
90. **TELECOMMUNICATION TOWER**: A telecommunication tower is a structure designed and constructed primarily for the purpose of supporting antennae and accessory equipment used in receiving or transmitting telecommunication or radio signals from mobile communication sources and transmitting those signals to another wireless site, communication source or receiver or to a central switching computer which connects the mobile unit with land based telephone lines. Examples of such structures include, without limitations, freestanding towers, guy towers, monopole, and lattice towers to transmit or receive radio, television, cellular telephone, or related signals or transmissions.
91. **TEMPORARY SIGN**: Temporary signs are for short-term advertising without permanent in-ground supports.
92. **TENTS**: Tents, as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.
93. **TRAVEL TRAILERS**: A portable vehicular unit primarily designed for travel and/or

recreational usage, which may also contain facilities for overnight lodging, but which does not exceed 8 feet in width or 35 feet in length.

This term also includes folding campers and truck-mounted campers, but not mobile homes.

94. VARIANCE: A variance is a modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause unnecessary hardship or practical difficulties related to the character of the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.
95. VETERINARY CLINIC: A veterinary clinic is a facility for the medical treatment of animals. Keeping animals for limited periods for observation when in the care of a veterinarian does not constitute a kennel.
96. WALLS: See fences and walls.
97. WALL SIGN: Wall signs are attached to a building lying flat against the wall of the building therewith.
98. WATERFRONT LOT: A waterfront lot is any lot or parcel of land on an inland lake or stream. An inland lake or stream is a natural or artificial lake, pond, impoundment, river, stream, creek, or any other water body having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water and has a surface area of 5 acres or more.
99. YARD: An open space, on the same land with a building or group of buildings, which lies in the area between the building and group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. Yard area shall not include building overhangs. (see illustration entitled Yards).
 - a. Front: An open space extending the full width of a lot between the principal building and the front lot line, or right-of-way line.

- b. Rear: An open space extending the full width of a Lot between the principal building and the rear Lot line.
 - c. Side: An open space extending on each side of the lot between the principal building and the respective side lot line.
100. **ZONING ADMINISTRATOR**: The person or persons appointed by the Township Board to administer and enforce this Ordinance.

ARTICLE 4
GENERAL PROVISIONS

4.01 ACCESSORY STRUCTURES AND USES

Except as otherwise provided in this Ordinance, the following requirements shall be met:

1. ALL accessory structures and uses shall meet the front setback requirements in all zoning districts in accordance with this Ordinance. Accessory structures shall be located not Less than 10 feet to the rear or side setback.
2. Accessory structures and uses shall be located at least 20 feet from any easement.
3. No accessory structure shall be used for dwelling purposes.
4. Accessory structures must be Located in the rear or side yards for all parcels of five (5) acres or Less.

4.02 ACCESS TO A PUBLIC STREET

ALL lots must abut on a public street or road for an uninterrupted distance equal to the minimum Lot width as required in this Ordinance. For a Lot abutting the end turnaround area of a cul-de-sac, the minimum road frontage will be 50 feet, provided the Lot width meets the minimum Lot width requirements of the zoning district in which it is located.

4.03 BASEMENT DWELLING

The use of the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zoning districts.

4.04 CHANNELIZATION

There shall be no new channelization on Lakefront properties that would increase the numbers of take users and therefore substantially increase the dangers of polluting or degrade the water quality of the Lake. Any alteration of any shoreline or stream shall conform to all rules and regulations of the Michigan Department of Environmental Quality.

4.05 CLEAR VISION CORNER

No obstructions exceeding 30 inches in height may be placed within the clear vision corner in any zoning district. No sign, fence, structure, or planting over 30 inches in height shall be planted or erected within the area of the clear vision corner.

4.06 CORNER LOTS

Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on both street sides.

4.07 DRIVEWAYS

An approved driveway permit must be obtained from the St. Joseph County Road Commission and Michigan Department of Transportation (for driveways on M-216) and submitted to the Zoning Administrator prior to the issuance of a zoning permit. All driveways must maintain a cleared driving area their entire length to a width of 12 feet and a cleared height of 10 feet. No driveway may have a slope greater than 15%.

4.08 DWELLING REQUIREMENTS

Every one-family dwelling shall:

1. Be located on an individual lot or site condominium unit satisfying the minimum lot size requirements for the zoning district within which it is located and shall comply with the other applicable minimum requirements of this of this Ordinance for the zoning district in which it is located, included living area requirements, area, height, width, and dimension regulations.
2. Be connected to a public sewer and water supply or to such private facilities approved by the Health Department. All drain fields, absorption beds, or seepage pits shall not be closer than 100 feet from any lake, stream, river, or other surface water.

4.09 DWELLINGS — FLOOR AREA REQUIREMENTS

All single-family dwellings shall have a minimum 960 square feet.

Multifamily dwellings shall have the following minimum floor area:

- | | | |
|----|-----------------------------|---|
| 1. | Studio/Efficiency apartment | 480 square feet per unit. |
| 2. | One (1) bedroom | 600 square feet per unit. |
| 3. | Two (2) bedroom | 750 square feet per unit. |
| 4. | Three (3) bedroom | 960 square feet per unit. |
| 5. | Four (4) or more bedrooms | 1,000 square feet per unit plus an additional 100 square feet for every bedroom more than 4 bedrooms. |

4.10 ESSENTIAL SERVICES AND PUBLIC UTILITIES

Essential Services and Public Utilities may be located in any zone. However, essential services and public utilities in any residential zone may be allowed only upon the review and approval of a Site Plan. Before approving such Site Plan the planning commission shall determine that all aspects therein conform to the requirements of this Ordinance and that the physical layout and relationship of the improvement will provide for the convenience, safety and welfare of the general public and will not adversely affect existing or potential, adjacent primary permitted uses. It shall be lawful for public utilities, municipal departments, or commissions to erect, construct, alter, or maintain underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication supply or disposal system, including poles and towers, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police equipment, and accessories in connection therewith, providing such services are below ground or located within a public right-of-way.

4.11 EXCAVATION OF TOPSOIL

Topsoil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises, except: (1) when in connection with construction and grading operations, (2) if the topsoil is in surplus amounts; or (3) as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits. All such activities shall conform to the sedimentation and erosion control regulations enforced by St. Joseph County. Excavation of topsoil, muck, peat, sand, gravel or other mineral deposits affecting areas greater than 20,000 square feet shall require review and approval as a Special Land Use in accordance with this Ordinance. Site Plan Review shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables.

4.12 FARM ANIMALS

No animal or fowl, other than household pets, may be kept in any zoning district on a parcel of land of less than 4 acres, unless Special Land Use approval is granted.

4.13 FLOOD PLAIN

No structure shall be erected in the flood plain areas of lakes, rivers and their branches, and tributaries.

4.14 HEIGHT EXCEPTIONS

The height requirements of all zoning districts may be exceeded for chimneys, silos, farm barns and storage structures, roof-mounted television and radio antennae, cupolas, spires, ornamental projections, water towers, or telecommunication towers.

The height limitations may be exceeded above the height Limitations provided they are Located the same distance as their height from any adjoining property line, and also meet all applicable height restrictions of the FAA

4.15 HOME OCCUPATIONS

Home occupations shall meet the following minimum standards:

1. No person other than immediate members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling for the occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area of the dwelling shall be used in the conduct of home occupations.
3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupations other than one sign, not exceeding 6 square feet in area, non illuminated, and mounted flat against the wall of the principal building.
4. No home occupation shall be conducted in any accessory building.
5. There shall be no sale of products or services except as are produced on the premises by such home occupations.
6. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a front yard.
7. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or causes fluctuation in line voltage off the premises.
8. Outdoor storage of equipment, trucks, machines or supplies is prohibited.
9. Retail sales and machine manufacture of goods from raw materials is not allowed.
10. Bed and breakfast establishments may be located only in single-family dwellings operated by the property owner. There must be one parking space for each guest room. The number of guest rooms shall be Limited to one for each 1,000 square feet of GEA. Meals may be served in a separate room designed for serving meals and only to overnight guests, not the general public.

4.16 HOUSEHOLD PETS

Except in the agricultural zoning district, not more than six (6) household pets of any species may be kept on any parcel. Household pets may not be kept, bred, or maintained for commercial purposes.

4.17 OPEN SPACE PRESERVATION OPTION

Land zoned for residential development may be developed, at the option of the Land owner, with the same number of dwelling units on a portion of the land specified herein, but not more than 50%, that, as determined by the township, could otherwise be developed, under existing ordinances, laws, and rules, on the entire Land area, if all of the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
2. A percentage of the land area specified in the zoning ordinance, but not less than 50%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.
4. The open space preservation option has not previously been exercised with respect to that land.

The development of land under the open space preservation option is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

4.18 OUTDOOR STORAGE

The outdoor storage, collection or placing of discarded material, building materials, semi-trailers, inoperable or unlicensed motor vehicles or refuse is prohibited in all zoning districts.

4.19 PRINCIPAL USE

No lot may contain more than one principal use, structure or building provided that groups of apartment buildings or retail business buildings under single ownership shall be deemed a principal use collectively. A single-family dwelling, other than a farm dwelling, shall constitute a principal use, and only one single-family dwelling shall be allowed on a lot. Farm dwellings may be considered an accessory part of the agricultural principal use of farming.

4.20 PUBLIC AND INSTITUTIONAL USES

Public and institutional uses may be located in any zoning district upon Special Land Use approval by the Planning Commission as provided in this Ordinance.

4.21 RECREATIONAL VEHICLES

Recreational vehicles may not be stored in the front yard. No recreational vehicle shall be located on any lot where there is no principal building.

4.22 REQUIRED AREA OR SPACE

No lot or lots, required setback, 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, unless said lot, yard, parking area, or other space is restricted by deed so that no dwelling can be placed upon it. If already less than the minimum required, it shall not be further divided or reduced. Lots in the same ownership that do not meet the minimum required lot size shall be combined to meet the dimensional standards for the zoning district in which they are located. No portion of an existing lot of record shall be sold if the new lot that is created does not meet the area and dimension requirements of the zoning district in which it is located.

4.23 ROADSIDE STAND

The size of any display at a roadside stand shall not exceed 400 square feet in area and may not be operated for more than 6 months in a calendar year.

4.24 SCREENING REQUIRED

All uses and activities requiring screening must be submitted to the Planning Commission according to the Site Plan Review requirements of this Ordinance. Screening may consist of walls, fences, vegetation, and berming or a combination of any of these as allowed by the Planning Commission.

All uses listed below shall be screened as required in this section.

1. Communication towers.
2. Multifamily dwellings.
3. Outdoor storage areas.
4. Loading and unloading areas.
5. Compost facilities.
6. All other uses specifically identified as having to meet the requirements of this section.

General Screening Requirements:

1. Walls and Fences (the following standards shall apply):
 - a. Walls and fences shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission.
 - b. Walls and fences shall be constructed of durable, weather resistant, rustproof, and easily maintained materials.
 - c. Walls and fences may not be constructed with openings that exceed 20% of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.
 - d. The height of the required fence or wall shall be as follows:

* Wall height shall be minimum of 6'

2. Vegetation (the following standards shall apply):

USE	REQUIRED HEIGHT
Multifamily Dwellings	4' – 6"
Outdoor Storage Areas	6' to 8'*
Off-Street Parking facilities	4'-6"
Loading and Unloading Areas	6'

- a. Vegetation shall consist of upright conifers such as, but not limited to: Blue, Green, White, or Serbian Spruce, Douglas fir, Austrian Pine, Juniper, or Hemlock.

- b. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such green belt shall contain at least one straight or double staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of no less than 12 feet.
 - c. For staggered, double-row plantings, trees shall be planted not more than 15 feet on center. For single row spacing, trees shall be planted not more than 10 feet on center.
 - d. Trees shall not be less than 5 feet in height at the time of planting.
 - e. Trees shall be set back from the property line so that branches do not extend beyond the property line at maturity.
 - f. Existing trees that comply with the standards of this section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.
 - g. All required plant units should be maintained in a healthy, growing condition. Any required plant units that are destroyed, removed, diseased, or die, shall be replaced within 6 months with plant units that meet the requirements of this section. Failure to maintain required plant units in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.
 - h. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas, and shall maintain their density and screening effect throughout the calendar year.
3. Berming (the following standards shall apply):
- a. Berms shall be at least 4 6 in height, constructed with 1 foot of rise for each 3 feet of horizontal distance.
 - b. Berms shall be constructed of clean fill and topsoil, and seeded with perennial rye and an appropriate grass seed, and shall be covered with organic mulch.
 - c. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm, and shall be maintained in a neat and attractive manner.

4. Landscaping (the following standards shall apply):
 - a. Landscaping shall mean, at a minimum, an area constructed of clean fill and topsoil and seeded with perennial rye and an appropriate grass seed with a minimum 30% cover of plant materials and mulch.
 - b. Landscaping may include berms. Berms may include shrubbery and trees to enhance the landscaping effect and aesthetic appearance.
5. Screening of refuse storage areas (the following standards shall apply):
 - a. Trash, garbage, and refuse storage and receiving areas are required to be screened from view. Screening walls or fences for these purposes shall be a minimum of 4 6' in height and shall be of satisfactory height so as to completely screen the appropriate areas from view.
 - b. Screening walls shall have no openings except for gates or doors intended to access said area.
6. Surety, as required by this Ordinance, sufficient to cover the cost of the required screening, may be required and used if the required improvements are not completed within 12 months from the date of approval.

4.25 SEWER AND WATER

In the absence of public sewer and/or water, no building permit shall be issued for any building to be occupied by human beings in whole or in part for residential, commercial, 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 county health department shall accompany the application for a building permit.

4.26 SITE PLAN REVIEW

Whenever required in a zoning district of this Ordinance, a Site Plan must be submitted in accordance with the site plan review requirements of this ordinance.

4.27 STATE LICENSED RESIDENTIAL FACILITIES

At least 45 days before licensing a residential facility, the state licensing agency shall notify the township board of trustees as to where the proposed facility would be located, to review the number of existing or proposed similar State Licensed Residential Facilities whose property lines are within a 1,500 foot radius of the property lines of the location of the applicant. The township board shall, when a proposed facility is to

be located within the township, give appropriate notification of the proposal to license the facility to those residents whose property Lines are within a 1,500-foot radius of the property lines of the proposed facility A state licensing agency shall not license a proposed residential facility when another state licensed residential facility exists within the 1,500 foot radius, of the proposed location or when the issuance of the license would substantially contribute to an excessive concentration of state licensed residential facilities within the township. This shall not apply to state licensed residential facilities caring for 4 or less minors.

4.28 SWIMMING POOLS

Swimming pools may be installed in any zoning district as an accessory use. All pools must meet the following conditions:

1. Pools may be installed in the side or rear yards of a lot in residential and agricultural districts. All yard requirements shall be met, except as provided below.
2. A good quality fence of not less than 5 feet in height shall be required. The support posts thereof shall be constructed in a permanent manner and in such a way as to last for the duration of such pool. Such posts shall be spaced at intervals of not more than 8 feet. The fences shall entirely enclose the pool.
3. Every gate or other opening in the fence shall be designed and maintained to prevent entry of persons except as allowed by the property owner.
4. No pool or pool enclosure shall be erected closer than 5 feet from the rear and side property lines of the lot. For corner lots, the pool shall not be located closer than 20 feet from any property line abutting any street.
5. Pools may not occupy more than 40% of the area of the yard. In computing such area, all other accessory structures shall be excluded.

4.29 TELECOMMUNICATION ANTENNAS

Telecommunication antennas shall be allowed by right on all existing towers or structures in any zoning district subject to the following:

1. An antenna on any existing structure does not exceed more than 30 feet above the highest point of the structure.
2. An existing tower may be modified or rebuilt a single time to a taller height to accommodate a new antenna provided that the tower shall be of the same tower type and that the tower is not more than 30 feet higher than the existing tower to accommodate the co-location of an additional antenna.

4.30 TELECOMMUNICATION TOWERS

Telecommunication towers for commercial radio and television, commercial telecommunications, and for microwave or television are permitted in the Agricultural District as Special Land Uses.

4.31 TEMPORARY STRUCTURES FOR NONRESIDENTIAL PURPOSES

Temporary structures for nonresidential purposes only may be allowed by permit by the Zoning Administrator for the following activities. The permit shall specify the location of the temporary structure and shall cancel 6 months after the date of its issuance. The Zoning Administrator may renew the permit for additional 6-month periods, not to exceed two years, if he finds good cause.

1. Construction Office: 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 zoning administrator for a period of up to 12 months.
2. Subdivision Office: The zoning administrator, 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 12 months.

In any event, the temporary structures and all debris shall be removed within 15 days after completion or abandonment of the work. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

4.32 TEMPORARY DWELLING FOR HARDSHIP

No garage or other accessory structure or mobile home failing to satisfy all of the criteria for a "temporary dwelling" as defined herein, or a basement, partially constructed structure, whether fixed or portable, shall be used for temporary dwelling purposes. The zoning administrator may issue a permit for temporary use of a structure for use as a temporary dwelling (1) for disabled or infirm members of the family occupying a permanent dwelling on the same parcel, or (2) as a temporary Living or working quarters for up to 180 days while a dwelling unit is being constructed on the same premises, or (3) for persons having short-term or temporary employment within the Township, (4) for use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm providing they meet the following requirements:

1. The temporary dwelling must be located within 100 feet of the principal residential dwelling.
2. The temporary dwelling has a water system and septic tank system that meets the requirements of the Health Department. A certificate from said department showing such compliance shall be filed with the building inspector before any use or occupancy is made of said mobile home.

3. The lot area to be associated with the temporary dwelling must be defined, and the yard requirements for a single-family dwelling shall be met.
4. Any mobile home shall have skirting of non corrosive metal or plastic.
5. Provided that the applicant demonstrates the ability and intent to erect, reconstruct, and/or complete a permanent dwelling on the premises.
6. If the temporary dwelling is a manufactured home, all, plumbing, electrical apparatus, insulation and installation and construction within and connected to the mobile home shall be of a type and quality conforming in all material respects to the safety requirements contained in the mobile home construction and safety standards as promulgated by the rules of the U.S. Department of Housing and Urban Development (HUD) specifications for mobile home construction as amended.
7. The time allowed by the temporary dwelling permit shall not exceed 1 year. A temporary housing permit issued under this section may be renewed annually for the same unit or location with the approval of the Zoning Administrator. It shall be the property owner's responsibility to renew a permit. Failure to renew a temporary permit within the specified time shall constitute expiration.

The fee to be paid for the issuance of a temporary dwelling permit for a mobile home shall be established by the Township Board. If a permit is renewed, an additional fee will be collected.

The zoning administrator shall revoke the temporary dwelling permit at any time if the usage violates any of the requirements outlined in this section. If a permit is revoked, the unit must be vacated and removed from the property within 30 days, or it constitutes a violation of the Ordinance and is subject to the penalties outlined in this Ordinance. Temporary dwellings shall be allowed according to the following standards and conditions:

- a. Provided that a zoning permit has been issued for the permanent dwelling. The zoning administrator shall issue the temporary dwelling permit for the mobile home. A reasonable extension may be granted prior to completion of the dwelling,
- b. The use of a recreational vehicle or mobile home. Said permit shall only be valid for one designated site, and no recreational vehicle may be parked in a required front yard.
- c. The applicant must first submit plans for and receive a building permit for the construction or reconstruction of a permanent dwelling upon the premises.

- d. A temporary dwelling shall be connected to a water system and septic tank system that meets the requirements of the Health Department. A certificate from said department showing such compliance shall be filed with the building inspector before any use or occupancy.
- e. The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of the building permit.
- f. The temporary dwelling shall cease to be used as a dwelling upon completion and occupancy of the permanent dwelling upon the premises. A mobile home used, as a temporary dwelling shall be removed within 30 days after the purpose for which the permit was issued no longer exists.

4.33 TRAFFIC VISIBILITY AND CORNER CLEARANCE

On any corner lot in any zone, no fence, structure or planting over 30 inches in height, shall be erected or maintained on the street side of a line drawn between two points each being 30 feet from the intersection of the rights-of-way of two intersecting streets in order to prevent traffic hazards arising from inadequate visibility.

4.34 VEHICLE STORAGE

The unenclosed storage of unlicensed vehicles shall be prohibited in all residential zoning districts. Storage of licensed vehicles with a rated capacity of more than 1-1/4 tons shall be prohibited in all residential zoning districts.

4.35 WALLS AND FENCES

Walls and fences shall be subject to the following conditions:

1. All zoning districts:
 - a. All fences shall be erected with fence posts and supports on the interior side except to fence farm animals and livestock, in which case posts and supports may be on the exterior side but within the property line.
 - b. Under no circumstances shall a fence be constructed of used or unconventional fencing materials including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.

- c. Fences may be Located on the property tine, but may not extend into any right-of-way or onto adjacent property.
- d. Fence heights shall be measured from the surface of the ground immediately below the location of the fence.
- e. Fences for swimming pools shall be allowed as required in this Ordinance.
- f. Fences shall not be Located within 30 feet of the ordinary high-water mark of a lake or stream.
- g. All fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
- h. Retaining walls are exempt from these provisions.

2. Agricultural Districts:

Fences on lots having a lot area greater than 4 acres and not included in the boundaries of a recorded plat or a site condominium subdivision shall only be required to meet the provisions for all zoning districts as stated above, provided that any fences located within 30 feet of a road right-of-way shall meet the following conditions:

- a. Fences not more than 4 feet in height are allowed if they are not more than 25% solid.
- b. Fences not more than 3 feet in height are allowed if they are more than 25% solid.
- c. Fences on lots of 4 acres or less or that are included in the boundaries of a recorded plat or a site condominium subdivision shall meet the requirements below.

3. Residential Districts:

- a. Fences not greater than 6 feet in height are allowed in side or rear yards.
- b. Fences not more than 4 feet in height are allowed in the front yard if they are not more than 25% solid.
- c. Fences not more than 3 feet in height are allowed in the front yard if they are more than 25% solid.

d. Fences on lots having a lot area in excess of 4 acres and not included in the boundaries of a recorded plat or a site condominium subdivision shall only be required to meet the provisions for all zoning districts as stated above, provided that any fence located within 30 feet of a road right-of-way shall meet the following conditions:

- 1) Fences not more than 4 feet in height are allowed if they are not more than 25% solid.
- 2) Fences not more than 3 feet in height are allowed if they are more than 25% solid.

4.36 WATERFRONT LOTS

In order to preserve water quality in lakes, rivers and streams and to prevent deterioration of these resources and their tributaries, it is necessary to regulate the use of adjoining lands. Land uses abutting township lakes, rivers and streams shall conform to the following provisions where applicable:

1. Planting Strips: A strip 25 feet wide, bordering river and stream 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. An opening, not to exceed 5 feet may be made in the planting strip to provide convenient access to the river or stream from each property.
 - b. Trees and shrubs 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. Location of Septic Tank Drain fields: No septic tanks, dry wells, or drain fields may be closer than 100 feet to the ordinary high water mark of any lake, river or stream edge and must be constructed in compliance with all regulations of the County Health Department in placement and design.
3. Uses on Waterfront Lots: On waterfront lots, the water frontage shall be the front yard. In such case, no building is permitted within 25 feet of the adjoining street right-of-way, and side yard requirements shall be met. All uses on waterfront lots, including additions or extensions to existing buildings, shall meet the following requirements:
 - a. All buildings shall be set back at least 65 feet from the ordinary high-water mark, unless the district standard is greater.
 - b. Stairs, walkways, decks, and steps on embankments having a grade exceeding 12% must not, except for support structure, be embedded into the ground.

- c. The use of fertilizer is prohibited within 25 feet of the ordinary high water mark.
- d. There may be one boat dockage for every 25 feet of shoreline, not including wetlands.
- e. Grazing of Livestock shall not be allowed on waterfront lots within 25 feet of the ordinary high-water mark. Livestock may be allowed to water in areas having suitable embankments, providing there is adequate surface preparation to prevent erosion.

4.37 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF

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

4.38 ZONING PERMITS

No building, structure, land, or premises shall hereafter be used or occupied, and no building or structure shall be erected, moved, removed, reconstructed, extended until a zoning permit has been obtained. A zoning permit for a dwelling shall not be issued, where public sewers are not available until a septic system permit has first been obtained from the Health Department.

**ARTICLE 5
CLASSIFICATION OF DISTRICTS**

5.01 ZONING DISTRICTS

For the purpose of this Ordinance, Flowerfield Township is hereby divided into the following zoning districts to be known as:

- AG Agricultural District
- R-1 Single-Family Residential District
- R-2 Single and Multi-Family Residential District
- MHP Manufactured Housing Park District
- WO Waterfront Overlay District
- B-i Local Business District
- M-i Manufacturing District

5.02 PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance, the zoning districts, as provided herein, are bound and defined as shown on a map entitled Official Zoning Map of Flowerfield Township. The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

5.03 INTERPRETATION OF BOUNDARIES

The Zoning Board of Appeals shall determine all questions concerning the exact location of the boundary lines of the districts.

5.04 SCHEDULE OF DISTRICT REGULATIONS

The following regulations regarding lot sizes, yards, setbacks, and densities apply within the zoning districts as indicated, including the regulations contained in the footnotes. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure

existing or intended to exist at the same time.

Table of District Regulations

Zoning District	Minimum Lot Size Per Unit		Maximum Building Height, Footnote 1,2		Minimum Yard Setbacks Required Footnote 3,4			Minimum Floor Area Per Dwelling Unit Footnote 6
	Area	Width	Stories	Feet	Front	Side Footnote 5	Rear	
AG	1 acre	220 feet	2.5	35	50	20	35	960 square feet single story 750 square feet ground floor/2 story
R-1	30,000 SF	160 feet	2.5	35	50	10	35	960 square feet single story 750 square feet ground floor/2 story
R-2	20,000 SF	100 feet	2.5	35	50	10	35	960 square feet single story 750 square feet ground floor/2 story Footnote 7
MHP Foot 8 WO	Foot 9	Foot 9	1.0	20	Footnote 9	Footnote 9	Footnote 9	960 square feet single story
B-1	*	*	2	30	25	20	25	
M-1	*	*	2	30	30	40	25	

* While no specific standards may be included herein, attention is directed to other applicable regulations in this Ordinance for specific intended uses.

5.05 FOOTNOTES TO SCHEDULE OF REGULATIONS

1. Excepting churches, schools, farm buildings and municipal buildings.
2. Permitted Height: No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage Lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected to exceed by no more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than 10 percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
3. In all zoning districts, the required front yard setback shall not be used for off-street parking, Loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives

Except for waterfront lots, all yards abutting upon a public street shall be considered front yards for setback purposes. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than 60 percent of the lots of record on one side of the street in any one block in a single-family residential district, the depth of front yard for any building thereafter erected or replaced on any lot in such block need not be greater than the average depth of front yards of such existing buildings.

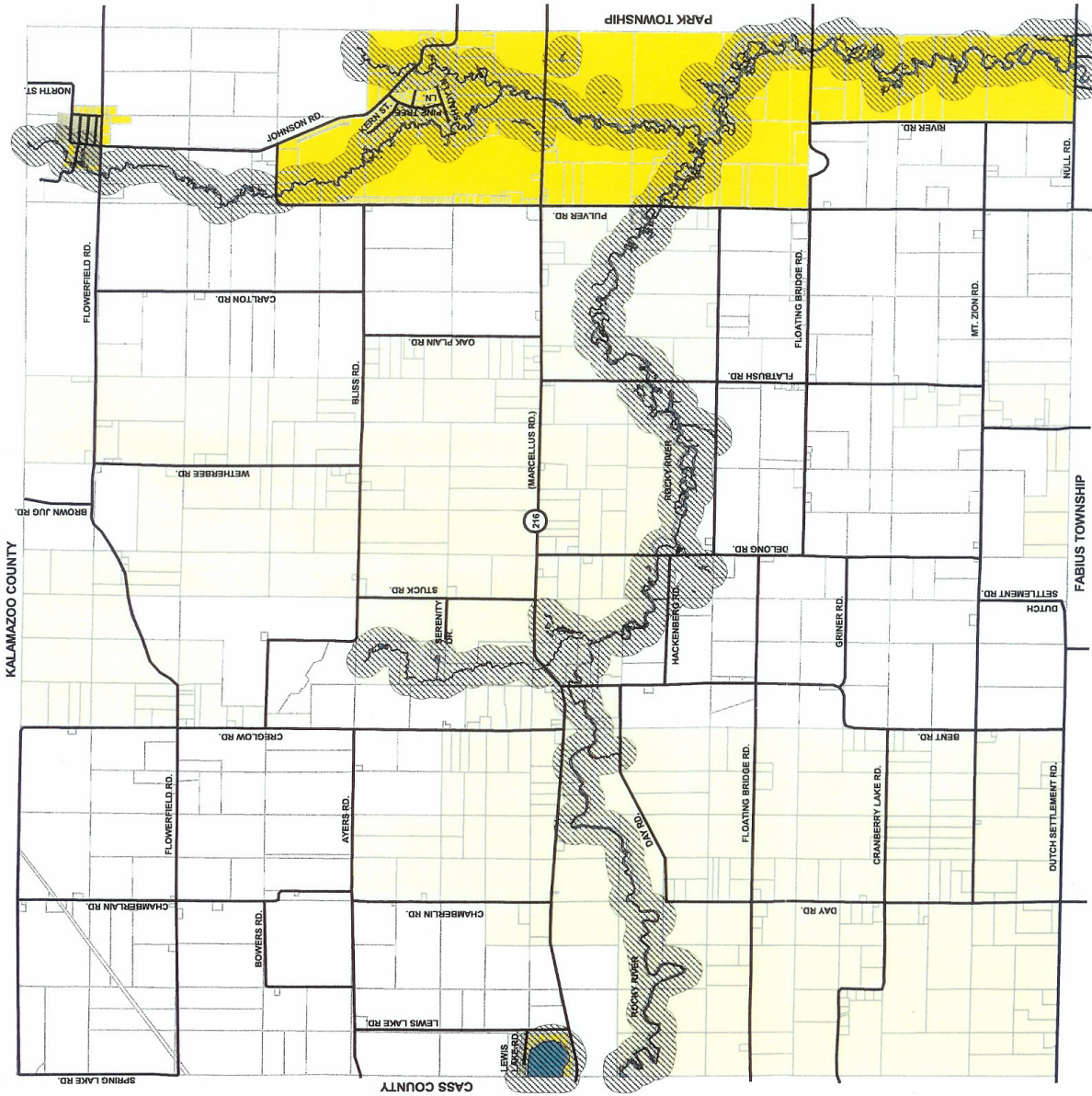
4. Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard and may extend or project into a required front yard or rear yard not more than 3 feet. -
5. An unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed 16 feet.
6. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.

7. Minimum land area required for each dwelling unit in the R-2 District when public sewer are provided shall be:

Dwelling Unit Size	Land Area in Square Feet
	Multiple Family Dwellings
Efficiency or 1-bedroom unit	4,000
2-bedroom unit	4,000
3-bedroom unit	4,900
4 or more bedroom unit	6,300

For sites without public sewer, the maximum density for multiple family dwellings shall not exceed 8 units per acre. Documentation must be submitted which addresses the suitability of the site for the proposed density.

8. No accessory building shall be located closer than 100 feet to a property line that abuts a residential district.
9. All area, bulk, and placement requirements shall be in accordance with the standards set by the Michigan Mobile Home Commission.



AG (AGRICULTURAL) DISTRICT

6.01 STATEMENT OF PURPOSE

Agricultural districts are those open areas of the township where farming, agricultural production dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the township, county, state, and nation.

6.02 ALLOWED USES

1. Farms.
2. Cemeteries.
3. Churches and parish houses, public schools and educational institutions and other municipal buildings, structures, or uses.
4. Community buildings, public parks and recreational areas.
5. Essential services.
6. Single-family dwellings (on lots of record).

6.03 ACCESSORY USES

1. Antennae/satellite dishes.
2. Buildings and uses such as barns, stables, silos, housing for farm labor, and accessory buildings, structures, and uses customarily incidental to any of the foregoing permitted uses customarily associated with agricultural activities.
3. Children's play equipment.
4. Family day care.
5. Garages.
6. Gardens and/or greenhouses.

8. Personal pet facilities, including dog runs.
9. Roadside stands not on permanent foundations for the sale of products grown or produced upon the premises together with incidental products related thereto.
10. State Licensed Residential Facilities for Six Persons or Less. All state licensed residential facilities are considered accessory uses, provided they meet the requirements of this section and Act 287, 1972, as amended. State Licensed residential facilities include foster-family homes, foster-family group homes, adult foster care family homes, and adult foster care small-group homes.
11. Storage sheds.
12. Swimming pools.

6.04 SPECIAL LAND USES

Obtaining a Special Land Use Permit in accordance with this Ordinance may permit the following uses:

1. Adult foster care facilities for seven persons or more.
2. Airports and Landing Strips.
3. Camps and Campgrounds, including Recreational Vehicle Parks.
4. Compost Facilities.
5. Confined Animal Feeding Operations.
6. Family Businesses.
7. Farm Animals (for parcels less than 20 acres)
8. Golf Courses and Country Clubs.
9. Group Day Care Homes.
10. Institutional Care Facilities.
11. Kennels and Veterinary Clinics.
12. Migrant housing.

13. Natural Resource Removal Operations.

14. Public and Institutional Uses.
15. Sawmills.
16. Single-family dwellings (not on lots of record).
17. Telecommunications Towers.

6.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the table in Article 5.

6.06 GENERAL REQUIREMENTS

Single-family dwellings are allowed on lots of record as of the date of this ordinance. Dimensional standards shall be the same as those for dwellings in the R-1 single-family residential zoning district.

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

7.01 STATEMENT OF PURPOSE

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly large lot low-density single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area. This is intended to accommodate moderately large lots that do not require public water and sanitary sewer services.

7.02 ALLOWED USES

1. Private single-family dwellings.
2. Public parks and recreational facilities such as golf courses and parks.
3. Churches.
4. Essential public utility services, excluding buildings and substations and regulator stations.
5. Cemeteries.
6. Farms, excluding Confined Animal Feeding Operations (CAFO)

7.03 ACCESSORY STRUCTURES AND USES

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.
2. Antenna/satellite dishes.
3. Children's play equipment.
4. Family day care homes.
5. Garages.
6. Home occupations.
7. Personal pet facilities, including dog runs.

8. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
9. Roadside stands not on permanent foundations for the sale of produce grown on the premises.
10. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, 1972, as amended. State licensed residential facilities include foster-family homes, foster-family group homes, adult foster care family homes, and adult foster care small-group homes.
11. Storage sheds.
12. Swimming pools.

7.04 SPECIAL LAND USES

1. Adult foster care facilities for seven persons or more.
2. Camps and Campgrounds, including Recreational Vehicle Parks.
3. Essential Services.
4. Family Businesses.
5. Farm Animals
6. Group Day Care Home.
7. Public and Institutional uses.
8. Golf Courses and Country Clubs.
9. Telecommunication Towers.

7.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the table in Article 5.

7.06 GENERAL REQUIREMENTS

Accessory buildings: There may be one accessory building for every acre of land area. The aggregate gross square footage of accessory buildings may not exceed two and a half (2.5) times the gross square footage of the principal structure.

ARTICLE 8

R-2 SINGLE AND MULTI-FAMILY RESIDENTIAL DISTRICT

8.01 STATEMENT OF PURPOSE

This zoning district is designed to permit greater residential density than that provided in the R-1 district classification. It is designed to accommodate single-family dwellings, two-family dwellings, and higher density housing on moderately sized lots that do not require public utility service. This district is designed to permit the greatest density of residential uses allowed within the township, together with other residentially related facilities designed to provide service to the inhabitants of the area.

8.02 ALLOWED USES

1. One-family dwellings.
2. Two-family dwellings.
4. Public golf courses, parks and other municipally owned or operated public recreational facilities.
5. Churches.
6. Essential public utility services, excluding buildings and substations and regulator stations.
7. Cemeteries

8.03 ACCESSORY STRUCTURES AND USES

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.
2. Antennae/satellite dishes.
3. Children's play equipment.
4. Farm Animals
5. Home occupations
6. Personal pet facilities, including dog runs.

7. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
8. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, 1972, as amended. State Licensed residential facilities include foster family homes; foster family group homes, adult foster care family homes, and adult foster care small-group homes.
9. Storage sheds.
10. Swimming pools.

8.04 SPECIAL LAND USES

1. Adult foster care facilities for seven persons or more.
2. Child Care Centers.
3. Essential Services.
4. Farm Animals.
5. Group Day Care Home.
6. Institutional Care Facilities.
7. Multiple Family Dwellings.

8.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the table in Article 5.

8.06 GENERAL REQUIREMENTS

1. Accessory buildings: There may be one accessory building for every 18,000 square feet of Land area. The aggregate gross square footage of accessory buildings may not exceed the gross square footage of the principal structure.
2. Site Plan: A site plan shall be submitted.

3. Maximum density: The maximum density for multiple dwellings shall not exceed B units per acre and 5 townhouses per acre. Documentation must be submitted which addresses the suitability of the site for the proposed density. There shall be a minimum of 4,000 square feet of lot area for each dwelling unit.
4. Landscaping: Screening and buffering is required in accordance with the buffering and landscaping provisions of this Ordinance.
5. No building shall contain more than 12 dwelling units.
6. Every principal entry shall be visible from a public street. No entrance shall be located further than 150 feet of an off-street parking facility.

Where more than one building is located on a lot, the following requirements shall apply:

1. No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
2. A front setback of 35 feet shall be required.
3. No building shall be located in back of another unless separated by a common yard of at least 100 feet.
4. Every group building shall have a green belt of at least 30 feet unobstructed by any accessory structure.
5. No group building shall be located closer than a distance equal to its total height to any other building.

Each unit shall contain complete and separate facilities as required for a single housekeeping unit.

**ARTICLE 9
MHP MANUFACTURED HOUSING PARK DISTRICT**

9.01 STATEMENT OF PURPOSE

In recognition of the growing trend toward manufactured housing and manufactured housing parks and the need for well located and properly developed areas to accommodate them, this district is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same. Such area should also be suitable for residential use and should be so located as not to impede other more conventional residential developments in the vicinity.

9.02 ALLOWED USES

Manufactured housing parks, together with accessory buildings and uses customarily incident thereto, including a residence for the manufactured housing park owner or operator and his family, but excluding any retail sales of manufactured housing unless the same are located upon a developed manufactured housing site; subject, however, to the following conditions and limitations:

1. All manufactured housing parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated there under by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
2. Essential services.
3. Modular Home Parks.

9.03 ACCESSORY STRUCTURES AND USES

1. Home Occupations
2. Clubhouses.
3. Laundry.
4. Manager's office.
5. Parking facilities.

6. Parks, playgrounds, and recreational open spaces.
7. Personal pet facilities, including dog runs.
8. State Licensed residential facilities are considered accessory uses, provided they meet the requirements of this section and Act 287 of 1972, as amended. State licensed residential facilities include foster family homes; foster family group homes, adult foster care family homes, and adult foster care small-group homes.
9. Storage sheds.
10. Swimming pools.
11. Accessory buildings and uses incidental to a manufactured housing park such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities.

9.04 SPECIAL LAND USES

1. Essential Services.

9.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as in the Mobile Home Commission Rules Handbook as amended.

9.06 BASIS FOR APPROVAL

While subordinate to Manufactured Housing Commission Rules, the Planning Commission may consider the following in review and approval of an application:

1. Impact on adjacent land uses and the relationship of the development to the surrounding neighborhood.
2. Location and design of driveways in relation to streets giving access to the site and pedestrian circulation.
3. Traffic circulation and parking facilities.

9.07 SUBMITTAL OF PLANS AND APPROVAL

A completed Preliminary Plan Review application must be received 21 days prior to the Planning Commission meeting at which it will be introduced. Ten copies of the preliminary plan and related information (documents) shall be submitted to the Township together with the Zoning application.

Upon submission of a complete set of documents, the Planning Commission will review the plans in accordance with the conditions specified in this Ordinance including location, Layout and general design. The Planning Commission will provide a written response of approval or disapproval within 60 days following the receipt of a complete application. In the case of disapproval, the Planning Commission will provide the applicant an explanation as to the reasons for disapproval. Failure of the Township to approve a complete set of documents within 60 days shall constitute approval.

The township shall not approve preliminary plans until all of the following are received from the developer and are approved by the department:

1. The fee as specified in the Act.
2. On a form prescribed by the department, an application and required exhibits completely and accurately filled out and executed.

All of the following exhibits shall be submitted with the application:

1. Copies of all existing and proposed easements or dedications, if any. If easements or dedications do not exist, then the developer shall submit a statement to that effect with the application.
2. Evidence of title to the property, such as title insurance, a deed, a land contract, owner's affidavit, or, if the property is not owned by the developer, the owner's affidavit attesting to ownership and the granting of permission to develop the Manufactured Housing Community project. If the developer has an option to purchase the property or is leasing the property, then the developer shall submit a copy of the purchase option or leasing agreement.

9.08 GENERAL REQUIREMENTS

1. Maximum Density

The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. These 5,500 square feet sites may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that otherwise required. The overall density of a Manufactured Housing Community shall not exceed 6 units per gross acre.

2. Layout

The layout of a Manufactured Housing Community, including other facilities intended for

resident use, shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.

3. Signs

There shall be a maximum of one sign that will bear only the name of the establishment; have a maximum area of 32 square feet; may be lighted provided the source of light is not visible and not the flashing or intermittent type, and be located from the street a distance equal to the required setback. As an alternative, there may be two signs, each of which is a maximum of 16 square feet.

4. Commercial Uses Within the Community

The resident, owner or a licensed dealer or broker may sell new or pre-owned manufactured homes, which are to remain on-site in a manufactured housing community, provided the manufactured housing development manager permits the sale. All other commercial uses of any kind are prohibited within the Manufactured Housing Community.

5. Utilities

All public and private utilities shall be located underground. Hookup to public sanitary sewer systems are required in Manufactured Housing Communities if available within 200 feet at the time of preliminary plan approval. If a public system is unavailable, the Manufactured Housing Community shall connect to a state approved sewage system.

6. Vehicular and Sidewalk Illumination

All vehicular and sidewalk systems within a Manufactured Housing Community shall be illuminated as follows:

- a. Access points shall be lighted. If the public thoroughfare is Lighted, then the illuminated level shall not be more than the average illumination level of an adjacent illuminated thoroughfare.
- b. Where all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 foot-candles.
- c. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot-candles.
- d. If a Manufactured Housing Community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot-candles on any entry on the directory.

7. Required Distances Between Homes and Other Structures

A home shall be in compliance with all of the following minimum distances as measured from the wall/support line or foundation line whichever provides the greater distance:

- a. For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
- b. For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
- c. Ten feet from either of the following:
 - 1) A parking space on an adjacent home site.
 - 2) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
- d. Fifty feet from permanent Manufactured Housing Community-owned structures, such as either of the following:
 - 1) Clubhouses.
 - 2) Maintenance and storage facilities.
- e. One hundred feet from a baseball or softball field.
- f. Twenty-five feet from the fence of a swimming POOL.

Attached or detached structures or accessories that are not used for living space shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.

Any part of an accessory, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures, shall be set back the following minimum distances:

- a. Ten feet from the edge of an internal road.
- b. Seven feet from a parking bay off a home site.
- c. Seven feet from a common sidewalk.

- d. Twenty-five feet from a natural or man-made lake or waterway.
- e. For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.

A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:

- a. Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the edge of the internal road or 2 feet or more from the edge of a sidewalk.
- b. Roof overhang shall be set back 2 feet or more from the edge of the internal road.
- c. Steps and their attachments shall not encroach into parking areas more than 3 ½ feet.
- d. The length of a home site may vary; however, the minimum standards pertaining to the distance between homes shall be complied with.
- e. The dividing line between an existing Manufactured Housing Community and an expansion of the Manufactured Housing Community shall be treated as a property line for the purpose of siting homes adjacent to the dividing line.

8. Skirting

All homes must be anchored in accordance with the most current HUD setup and installation standards. Home skirting shall be vented in accordance with the manufacturer's installation instructions. In the absence of instructions, Louvered or similar vents shall have a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of 1 vent shall be placed at the front and rear of the home and 2 at each exposed side. Access panels of sufficient size to allow full access to utility hookups located beneath the home shall be installed. Skirting, if any, shall be an exterior building material. Skirting shall be installed in a manner so as to resist damage under normal weather conditions, including damage caused by freezing and frost, wind, snow, and rain. A certificate of occupancy will not be issued until the mobile home is skirted as required by Manufactured Housing Commission Rule 604.

9. Setbacks From Property Boundary Lines

Homes, permanent buildings and facilities, and other structures abutting a public right-of

way shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

10. Interior Landscaping

AU unpaved ground surfaces shall be covered with grass; trees, shrubs, flowerbeds, wood chips, stones, or other suitable ground cover capable of preventing soil erosion.

11. Screening, Buffering and Fencing

The landscaping shall consist of evergreen trees or shrubs at least three feet in height, which is spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping described above.

12. Speed Limits and Traffic Signs

- a. Speed limits on Manufactured Housing Community internal roads shall not exceed 15 miles per hour, shall be posted, and shall be enforced.
- b. All internal roads shall be clearly marked with appropriate traffic signs. Manufactured Housing Community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
- c. Internal roads shall be named and identified by signs located at all internal road intersections.
- d. Signs bearing the words “Children Playing” shall be appropriately located on all internal roads adjacent to recreational and playground areas.

13. Designated Open Space Requirements

A Manufactured Housing Community that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the Manufactured Housing Community's gross acreage dedicated to designated open space, and not less than 25,000 square feet.

9.09 FINAL CONSTRUCTION PLANS AND DRAWINGS

An architect or engineer who is licensed to practice in this state shall prepare the drawings that constitute the plans. More than 1 architect or engineer licensed in this state may prepare different segments of the same Manufactured Housing Community construction plans. Submissions

for review shall be 24-inch by 36-inch reproductions of original drawings. Each sheet shall contain the name of the Manufactured Housing Community and the name and address of the firm responsible for the preparation of the sheet. Each sheet shall bear a seal and signature of the individual responsible for the preparation of the sheet.

1. Optional Improvements

- a. Optional improvements such as swimming pools, tennis and basketball courts, etc., may be considered as fulfilling part or the entire total designated open space requirement.
- b. Optional improvements shall be in compliance with current state or local building standards pertinent to construction, including the obtaining of the appropriate state or local permits pertinent to the facility or structure being constructed.

2. Compliance Responsibility

The township shall be responsible for ensuring compliance with the spacing requirements in the Act for the installation of homes within the Manufactured Housing Community. A Manufactured Housing Community may file a complaint under the act and these rules against a retailer, installer or service who installs a home that is not in compliance with the requirements of these rules.

9.10 OTHER REQUIREMENTS

All requirements, as regulated by the Mobile Home Commission Act 96 of 1987, as amended, shall be met.

**ARTICLE 10
B-I BUSINESS DISTRICT**

10.01 STATEMENT OF PURPOSE

This district is designed to provide retail sales and commercial service uses catering to the needs of local residents and general public.

10.02 ALLOWED USES

1. Automatic dry cleaning or laundry facilities.
2. Retail sales businesses where no assembling, treatment or manufacturing is required.
3. Offices.
4. Banks, building and loan associations, and other lending institutions.
5. Funeral parlors.
6. Restaurants.
7. Essential public utility services.
8. Indoor theaters.
9. Cleaning and Laundry service customer stations.
10. Barber shops and beauty parlors.
11. Shoe repair shops.
12. Churches.
13. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.
14. Multiple uses of buildings providing alt of the uses are allowed by right.
15. Off-premises Signs.

10.03 ACCESSORY STRUCTURES AND USES

1. Off -street parking and loading requirements in accordance with this ordinance.

10.04 SPECIAL LAND USES

1. Natural Resource Removal Operations.
2. Telecommunication Towers.

10.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the table in Article 5.

10.06 GENERAL REQUIREMENTS

None.

ARTICLE 11
M-1 MANUFACTURING DISTRICT

11.01 STATEMENT OF PURPOSE

This district is designed for manufacturing assembling and fabricating businesses and commercial activities that cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

11.02 ALLOWED USES

1. Industrial manufacturing operations.
2. Off-premises Signs.
3. Operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and that are wholly contained within fully enclosed buildings except for the following permissible outdoor activities:
 - a. Outdoor storage in the rear yard area which must not exceed 50 percent of the square foot area of the principal building upon the premises and which must be screened from adjoining premises of a higher use district classification and from public streets by a solid fence, wall, or natural screening adequate for the purpose.
 - b. Delivery operations to and from said business.
 - c. Such other outdoor storage or activities as may be allowed under a variance permit by the Board of Appeals which may be granted by said Board where, in its discretion, the same would not be a nuisance or annoyance to adjoining property owners and would be in accordance with the purpose of this zoning classification to create an industrial zone for activities which produce a minimum of adverse effect on adjoining premises and are compatible with one another and do not require large land areas for isolation or protection of adjoining premises or activities.
 - d. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.

11.03 ACCESSORY STRUCTURES AND USES

1. Off-street parking and loading requirements in accordance with this ordinance.

11.04 SPECIAL LAND USES

1. Natural Resource Removal Operations.
2. Telecommunication Towers.

11.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the table in Article 5.

11.06 GENERAL REQUIREMENTS

None.

**ARTICLE 12
WO WATERFRONT OVERLAY DISTRICT**

12.01 STATEMENT OF PURPOSE

This district is designed to preserve the safe and healthful conditions on all land within 500 feet of the water's edge of all lakes, ponds, rivers, and their tributary streams, to provide for other unique uses customarily associated with waterfront development; its regulations are drawn to avoid contamination or destruction of streams and lakes and to protect the riparian rights of waterfront property owners.

1. The purpose of the design requirements of this section is to slow the rate of storm water runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering lakes and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve the aesthetic and scenic values of the watershed environment.
2. The Federal Emergency Management Agency (FEMA) requires the designation of 100-year flood plains to determine eligibility for federal floodplain insurance. Most major rivers in the United States have been mapped by the U.S. Army Corps of Engineers or other agencies to determine the limits of the floodplain. In Michigan, the Department of Natural Resources has been assigned the responsibility of monitoring the implementation of these requirements.
3. Location of District: The Zoning Map" shall be used to identify the generalized location of parcels in private and public ownership that are within this defined area.

12.02 ALLOWED USES

All uses allowed in the underlying zoning district.

12.03 ACCESSORY STRUCTURES AND USES

Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.

12.04 SPECIAL LAND USES

All Special Land Uses allowed in the underlying zoning district

12.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

As allowed in the underlying zoning district and further stated in this article.

12.06 GENERAL REQUIREMENTS

In order to minimize the blockage of the waterfront view of existing dwellings on a waterfront lot, the waterfront yard setback from the shoreline upon which a dwelling is to be built shall, as determined by the Zoning Administrator, be the most applicable of the following:

1. Equal to the average of the waterfront yard setbacks of the dwellings already built on both sides of the lot or parcel upon which a dwelling is to be built.
2. Equal to the average of the waterfront yard setback of the existing dwelling with respect to the other adjoining vacant lot built on one side of the lot or parcel upon which a dwelling is to be built, and the required minimum waterfront yard setback of this zoning district.
3. Shall at least meet the required minimum waterfront yard setback of this zoning district, if lots and parcels adjacent on both sides of the lot or parcel upon which a dwelling is to be built upon are vacant.

12.07 PROHIBITED USES

The following uses shall not be permitted within 100 feet of the ordinary high water mark:

1. Confined animal feeding operations (CAFOs).
2. Slaughterhouses.
3. Gas stations.
4. Automobile repair shops.
5. Automobile washes.
6. Oil-change establishments.
7. Industrial uses involved in the manufacturing, compounding, processing, or treating of products.
8. Farm animals.

12.08 DISTRICT STANDARDS

1. Front Setback: The required front setback for non waterfront lots, shall be the same as the underlying zoning district.
2. Side Setback: Shall be the same as the underlying zoning district.
3. Rear Setback: Shall be the same as the underlying zoning district.
4. Lot Area: Shall be the same as the underlying zoning district.
5. Lot Width: Shall be the same as the underlying zoning district.
6. Floor Area: Shall be the same as the underlying zoning district.

12.09 MINIMUM REQUIREMENTS

1. Design Requirements: AU new development, including additions or extensions to existing buildings, shall meet the design requirements of this Section.
 - a. All buildings shall be set back at least 65 feet from the ordinary high water mark.
 - b. Within 35 feet of the ordinary high water mark, a maximum of 400 square feet of land may be covered by impervious surfaces, including all structures and paving for each 100 linear foot of water frontage.
 - c. No unsightly, offensive, or potentially polluting material, including, but not limited to, lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk, appliances, or toxic materials may be dumped or stored within 35 feet of the ordinary high water mark.
 - d. Except for boat dockages, structures that extend more than five feet into the water are prohibited.
 - e. Pump houses that exceed three feet in height or nine feet in total square feet in size are prohibited.
 - f. Accessory structures may not be located within five feet of the ordinary high water mark.
 - g. Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.

2. Natural Vegetative Buffer: A natural vegetative buffer shall provide a planted green belt strip of land or area 25-foot-wide maintained in its natural state. Natural state shall mean native plants, shrubbery, tall grasses, and trees. The natural vegetation strip or area shall be maintained at the shoreline as follows:
 - a. A strip or area of land bordering each bank of a stream, river, lake or pond of one-quarter (1/4) acre or more in surface water area, at least twenty-five (25) feet wide from the established shoreline or ordinary high water mark.
 - b. Removal of vegetation in the natural vegetative buffer shall be limited to no more than 25 percent of the length of this buffer, provided that cutting of this 25 percent shall not create a clear-cut opening greater than 25 feet wide for every 100 feet of shoreline.
 - c. Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
 - d. If the removal of vegetation is required, reestablishment of a compatible native plants, shrubbery, trees and other plant material shall be required when new vegetation is planted.
 - e. Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer.
 - f. These provisions shall not apply to the removal of dead, diseased, or dying trees, at the discretion of the landowner.
3. Drainage of Surface Water: Proper site surface drainage shall be provided so that:
 - a. The removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.
 - b. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system.
 - c. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development.
 - d. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.

- e. Natural drainage courses shall be protected from grading activity.
- f. Where known, groundwater flow patterns shall not be interrupted.
- g. Slopes created by the grading of the site should generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance.

12.10 Additional Requirements

No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Environmental Quality (MDEQ) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the site plan review procedures provided for in this ordinance, and that the floodplain does not encroach upon the Limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDEQ when it is apparent from the "Zoning Map" that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this Section has been documented.

12.11 Site Plan Review Requirements

To the extent not otherwise provided pursuant to the site plan requirements, the Planning Commission shall require, as applicable, submission of the following materials:

1. Plans drawn to a scale of one inch = 100 feet; the nature, location, dimensions, and elevation of the lot; existing or proposed structures; fill; storage of materials; and the relationship of the above to the location of the channel flood way and regulatory flood protection level.
2. A plan (surface view) showing elevations or contours of the ground at 5-foot intervals; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing buildings on the site; location and elevations of streets; photographs or maps showing existing land uses and vegetation; upstream and downstream soil types; and other pertinent information that may be required by the Planning Commission.

ARTICLE 13 NONCONFORMING USES

13.01 DESCRIPTION AND PURPOSE

The purpose of this section is to allow any lawful use existing at the time of the adoption or amendment of this Ordinance. The lawful use of a dwelling, building, or structure and of Land or a premise as existing and lawful at the time of enactment of a zoning ordinance, or, in the case of an amendment of an ordinance, then at the time of the amendment, may be continued although the use does not conform to the ordinance or amendment.

In establishing terms for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses different classes of nonconforming uses may be established in the ordinance with different requirements applicable to each class.

The township may acquire, by purchase, condemnation, or otherwise, private property or interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The township board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

13.02 CONTINUANCE OF NONCONFORMING USE OR STRUCTURE

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued even though such use or structure does not conform to the provisions of this Ordinance. A change in the ownership, tenancy, or occupancy of a building or structure shall not restrict the continuance of its existing nonconforming use.

13.03 EXPANSION OF NONCONFORMING USES

No nonconforming use of any land or structure shall be enlarged or extended. However, a nonconforming use may be expanded throughout the structure in which it is conducted. Nonconforming uses that are not located within a building or structure may not be expanded to land not actually in use at the time of the adoption of this Ordinance or any amendment to these provisions thereto. Nonconforming uses having multiple buildings or structures shall not be expanded by construction of an additional building or structure. Structures, or uses that are nonconforming by reason of height 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.

13.04 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.

13.05 CHANGE OF USE

The use of a nonconforming building may be changed to another nonconforming use if the Zoning Administrator finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use or to waive the other provisions of this article.

13.06 RESTORATION AND REPAIRS

1. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Building Inspector. However, only repairs and maintenance work required to keep a nonconforming structure in sound condition may be made.
2. A nonconforming building or structure damaged by wear and tear, neglect, deterioration, and depreciation to such an extent that the cost of repair and rehabilitation exceeds 50% of its current market value at the time when the repairs or rehabilitation are proposed may be repaired or rehabilitated according to the current requirements of this Ordinance and the Building Code relative to new construction.,
3. A nonconforming building or structure damaged by the elements, fire, collapse, public enemy, act of God, or other casualty may be rebuilt or restored and its use resumed if the cost of such repair does not exceed 75% of the current market value of the building or structure which was damaged. A building damaged to such an extent that the cost of repair exceeds 75% of its current market value may be repaired or reconstructed according to the current requirements of this Ordinance and the Building Code relative to new construction.
4. Current market value will be determined by 1) the mean of two independent appraisals, or 2) by calculating 200% of parcel State Equalized Value, at the discretion of the property owner. Cost of repairs will be determined by the mean estimate of three independent contractors with experience in the type of work required

5. A zoning permit must be secured before repairs, maintenance or reconstruction of a building. The Zoning Administrator shall determine the extent of such destruction, deterioration, or depreciation before issuing a zoning permit. Such repairs and maintenance work as are required to keep a nonconforming building or structure in sound condition may be made. Any such restoration shall be started within a period of 6 months of the time of such damage and diligently prosecuted to completion.
6. Historic structures may be reconstructed even if damaged 100%, provided they do not exceed their previous size or location.

13.07 NONCONFORMING DUE TO RECLASSIFICATION

The foregoing provision of this article shall also apply to the buildings, land, or uses that hereafter become nonconforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

13.08 NONCONFORMING USE DISCONTINUED

If a nonconforming use is discontinued for a period of 1 year, it may not thereafter be continued. No nonconforming use, if changed to a use allowed in the zoning district in which it is located, shall be resumed or changed back to a nonconforming use.

13.09 EXISTING PLATTED LOTS

Any lot platted or created prior to the effective date of this Ordinance that fails to comply with the requirements of its zoning district may be used for a single family dwelling providing one of the following is met:

1. A structure is to be erected or rebuilt on any lot of record where there are existing structures within 250 feet on either side of the subject lot of record, the minimum yard requirements for the proposed structure shall be the average of the respective front, side, and rear yards of the adjacent structures within 250 feet of the side lot lines. In no event shall the front or rear yards be less than 20 feet or side yards be less than 5 feet each. Off-street parking requirements shall be met. If the yard requirements established by the above formula exceed the yard requirements of the zoning district in which the lot is located, the latter shall be the minimum yard requirements.
2. If there are no adjacent nonconforming structures within either side of the subject lot of record, required setbacks of lots of record may be reduced by the same percentage that the area of such lot bears to the requirements of the zoning district. In no event shall the front or rear yards be less than 20 feet or side yards be less than 5 feet each. Off-street parking requirements shall be met.

3. The ZBA may permit single-family dwellings on Lots of record not meeting the above-specified yard dimensions or other requirements of the zoning district in which they are located upon making the following determinations:
 - a. The lots are in single ownership.
 - b. There is no practical possibility of obtaining more land.
 - c. The proposed use reasonably cannot be located on the lot such that the minimum requirements are met.
 - d. The proposed use will not adversely affect adjacent properties or the character of the neighborhood.
 - e. Side yards of at least 5 feet will be provided.
 - f. Off-street parking requirements will be met.

13.10 DETERMINATION OF A LOT OF RECORD

Upon application of any person claiming to be the property owner of the legal or equitable title to a parcel of land that was the subject of a deed or land contract not recorded in the office of the register of deeds on the effective date of the Ordinance, the Zoning Board of Appeals is authorized to determine whether the property owner is entitled to have the parcel treated as a lot of record in accordance with this Ordinance.

2. The Board shall grant a favorable determination when it finds, by a preponderance of the evidence that the instrument under which the premises is being purchased was executed prior to the effective date of this Ordinance or the subject amendment(s) thereto.

3. In making its determination, the Board is authorized to consider all matters it deems relevant including, but not limited to, the tax roll of the Township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.

3. Such a determination shall have only the effect of equating such a property owner with the owner of a lot of record and shall not relieve such property owner from complying with the other conditions set forth in this Ordinance in order that a zoning permit be granted.

**ARTICLE 14
PARKING AND LOADING**

14.01 INTENT AND PURPOSE

In all zoning districts, off-street parking facilities for the parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed.

14.02 MIXED OCCUPANCIES AND USES NOT SPECIFIED

In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately. Parking areas for churches, theaters 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 to the reasonable satisfaction of the Zoning Administrator to ensure that adequate space is available for each function.

14.03 SIZE AND ACCESS

Each off-street parking space shall have an area of not less than 170 square feet exclusive of access drives or aisles and shall be a minimum of 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 paved surfaces with more than three spaces shall have such spaces legibly painted on the surface of the parking area. Parking spaces for disabled persons must meet Americans With Disabilities Act (ADA) requirements.

14.04 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.

14.05 LOCATION OF OFF-STREET PARKING FACILITIES

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

14.06 STANDARDS FOR PARKING AREAS

Except for single dwellings, any person desiring to establish a parking area shall submit plans showing the size, design, landscaping, curb cuts and other features of the parking lot. Every parcel of land, except for single-family dwellings, hereafter established as a parking area shall be developed and maintained in accordance with the following requirements:

1. Parking areas shall be effectively screened on any side that adjoins premises situated in a residential zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid uniformly painted fence or wall. No part of any parking area or access drive shall be closer than 5 feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than 20 feet wide, or closer than 25 feet to any adjacent property or 50 feet to any other drive or intersecting street right-of-way lines. No part of a parking area shall extend into the required front setback area.
2. Every parking area shall be surfaced with an asphalt or similar durable surface approved by the County Road Commission, provided, however, that where access to the parking area is from an unpaved roadway, a durable dustless surface may be permitted. Adequate lighting shall be provided to protect the users of the parking area. Such lighting shall be arranged to reflect the light away from any adjoining residential buildings or streets.
3. All parking areas shall be used solely for the parking of passenger automobiles, and no commercial work, sales or service of any kind shall be conducted thereon. No sign, other than entrance, exit and condition of use signs, shall be maintained and the aggregate area of all such signs shall not exceed 12 square feet. The Zoning Administrator may establish conditions for screening or enclosures and permit noncommercial buses operated by public or semi-public bodies, provided that no such bus is parked within 60 feet of the street line.
4. Parking areas must be approved at the same time and in the same way as approval for the use for which the parking is intended to serve. Where the parking area is on a separate parcel from the use it is intended to serve, the Zoning Administrator shall issue a permit upon receipt of the approved plan.
5. A Site Plan of the parking areas, driveways, signs, lighting, and landscaping shall be provided in this Ordinance for all parking facilities. Parking area, driveways, signs, lighting and landscaping shall be reviewed and approved by the zoning administrator, prior to issuance of a building permit, to ensure its adequacy in relation to ensure compliance with the standards set forth in this section. The Zoning Administrator shall ascertain that the proposed parking area is safely related to traffic, street intersections, buildings and pedestrian walkways and that surrounding properties are fully protected from detrimental effects. Parking areas

containing 10 or more spaces shall be received and approved by the planning commission.

6. At least 5% of all parking areas shall be landscaped. A part thereof shall be located at the intersections of all internal driveways.
7. All parking areas must meet ADA requirements.

14.07 TABLE OF OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following table. The space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section.

USES	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL	
Residential, One-Family, and Two-Family	2 for each dwelling unit
Residential, Multifamily	2 for each dwelling unit
Boarding and Rooming House	1 for each sleeping room
INSTITUTIONAL	
Churches, Temples, or Synagogues	1 for each 3 seats, based on maximum seating capacity in the main unit of worship
Hospitals	1 per 600 square feet of floor area
Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes	1 per 600 feet of floor area
Elementary and Junior High Schools	1 for each teacher and administrator, in addition to the requirements of the auditorium
Senior High Schools	1 for each teacher and administrator and 1 for each 10 students, in addition to the requirements of the auditorium
Private Clubs or Lodge Halls	1 for each 3 persons allowed within the maximum occupancy as established by fire, building, or health codes
Private Golf Clubs, Swimming Pool Clubs, 1 for each 2-member families or individuals Tennis Clubs, or other Similar Uses	1 for each 2-member families or individuals
Golf Courses open to the general public, except miniature or "par 3" courses	6 for each 1 golf hole and 1 for each employee
Auditorium, stadium, sports arena, or similar place of outdoor assembly	1 for each 3 seats or 6 feet of bench

UNIT OF MEASURE

BUSINESS AND COMMERCIAL

Automobile service stations	2 for each Lubrication stall, rack, or pit; and 1 for each employee
Auto wash	1 for each employee
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1-1/2 spaces for each additional chair
Drive-in establishments	1 for each 400 square feet of floor area, with a minimum of 25 parking spaces
Establishments for sale and consumption on the premises of beverages, food, or refreshments	1 for each 200 square feet of floor area
Furniture and appliances; household equipment; repair shops; showroom of a plumber, decorator, electrician or similar trade; shoe repair; and other similar uses	1 for each 800 square feet of floor area
Laundromats and coin-operated dry cleaners	1 for each 2 washing machines
Miniature golf courses	3 for each hole plus 1 for each employee
Mortuary establishments	1 for each 100 square feet of floor area
Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms	1 for each 400 square feet of floor area of sales room
Retail stores, except as otherwise specified herein	1 for each 200 square feet of floor area

OFFICES

Banks, savings, and loan offices	1 for each 200 square feet of floor area
Business offices or professional offices except as indicated in the following item	1 for each 400 square feet of floor area
Medical or dental clinics, professional offices of doctors, dentists, or similar professions	1 for each 200 square feet of floor area

INDUSTRIAL

Industrial or research establishments	1 for every 1-1/2 employee in the largest working shift. One space onsite shall also be provided for each construction worker during periods of plant construction
Wholesale or warehouse establishments	1 for every 1-1/2 employee in the largest working shift, or 1 for every 2,000 square feet of floor area, whichever is greater

Where it can be demonstrated that the parking requirements of this Article would provide an excessive amount of parking area for the needs of a particular use, a Site Plan with lesser area might be approved by the Zoning Board of Appeals provided all the following conditions are present:

1. Said use does not provide services to the general public.
2. The maximum number of employees and visitors during any one 8-hour period can be demonstrated to be less than the parking space requirements this Ordinance provides for.
3. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made a part of the Site Plan.
4. An open landscaped area meeting the required area of this Section is shown reserved for future parking.
5. Said Site Plan approval of lesser requirements shall be valid only for the stated use. An Occupancy Permit for a new use shall not be issued unless a new Site Plan is reviewed and parking arrangements are found to be in accordance with the requirements of this Ordinance.

14.09 BUILDING ADDITIONS

Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to meet the requirements of this Article.

14.10 PERMITS

No parking area may be constructed, enlarged or altered before a zoning permit is obtained. Said permit shall not be issued until the Zoning Administrator has approved the Site Plan. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for a parking area. Whenever the requirements of an approved Site Plan, this Ordinance or any special requirements are not being met, use of a parking area shall cease within 60 days after revocation of an Occupancy Permit.

14.11 REQUIRED OFF-STREET LOADING SPACE

In all districts every building erected which is to be occupied by manufacturing, storage, retail store, wholesale store, warehouse, market, hotel, hospital, mortuary, laundry or uses similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain off-street loading space. Each loading space shall be at least 12 feet in width, 36 feet in length and

have a clearance of 14 feet. Such space may occupy any part of the required side or rear yard but shall comply with the same screening and buffering provisions as those required for parking areas to prevent detrimental effects to adjoining properties.

Such Loading and unloading space shall be provided according to the following schedule:

GFA in Square Feet	Loading and Unloading Spaces Required
0 to 2,000	½ Space
2,000 to 20,000	1 Space
20,000 to 100,000	1 Space, plus 1 space for each 20,000 square feet
100,000 to 500,000	5 spaces, plus 1 space for each 40,000 square feet
over 500,000	15 spaces, plus 1 space for each 80,000 square feet

Off-street loading space area shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

SIGNS

15.01 INTENT AND PURPOSE

The purpose of this section is to permit such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision, or impede traffic safety. Further, it is the purpose of this section to regulate such allowed signs in such a way as to prevent them from causing annoyance or disturbance to the citizens and residents of the Township or to adversely impair property values. All signs shall conform to all codes and ordinances of the Township and, except for 1 Signs” shall require approval and a permit issued by the Township for all signs erected or structurally altered.

15.02 GENERAL STANDARDS:

For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device, containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. A sign contains subject matter relating to the premises on which it is located, or to products, accommodations, services, or activities, on the premises or at an alternate location.

15.03 GENERAL REQUIREMENTS

In all zoning districts the following signs shall be permitted:

1. One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed 64 square feet in total area.
2. One subdivision sign in subdivision developments, not to exceed 32 square feet.
3. A sign or signs aggregating not more than 12 square feet for parking uses where permitted by this ordinance.
4. A sign of not more than 12 square feet identifying the name and activities of a nonresidential use which is permitted in the R-1 single-family zoning district.
5. Customary farm and farm crop signs on active farms.
6. None of the signs permitted in any zoning district 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.

7. Signs within the clear vision corner of any intersection must be ground signs Less than 30 inches in height or freestanding signs with a minimum of 8 feet to the bottom of the sign. Sign supports within clear vision corners must be 6 inches in diameter or less.
8. Signs may not be located within public rights-of-way.
9. No sign shall extend above or exceed the highest roofline of the principal structure nor be more than 20 feet above the average grade level at the base of the sign. No sign shall exceed the height limitation of the zoning district in which it is located.

15.04 SIGNS IN THE R-1 AND R-2 RESIDENTIAL ZONING DISTRICTS

In the R-2 District the same provisions as those for the R-1 single-family zoning district shall apply, except that the professional sign or nameplate, as regulated above, may be increased to a total area of 4 square feet.

15.05 SIGNS IN THE B COMMERCIAL DISTRICT

1. Each parcel is allowed one freestanding or ground sign. In addition, one wall sign is allowed on each parcel.
2. Directional signs up to 3 square feet, designating exits, entrances, parking and loading areas, shipping docks, or similar traffic control signs may be Located 5 feet from the front property line.

Freestanding Signs:

1. Freestanding signs other than off-premises signs shall be allowed anywhere on the property on which the principal use is located, providing the sign is within 100 feet of the principal structure.
2. The total area of such a freestanding sign shall not exceed 75 square feet on each of 2 sides. Freestanding signs having more than two sides shall not exceed 150 square feet for all sides combined.

Wall Signs:

1. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls that face a public street, not higher than 20 feet from sidewalk grade. Where a principal structure has a marquee or canopy, which is an integral part of the structure, the front line of said marquee or canopy shall be at least 8 feet above the walk surface in front of the structure.

2. Wall signs must be attached to the building lying flat against the wall of the building therewith.
3. The maximum size for wall signs is 1 square foot of sign area for each 1 linear foot of building width, except in residential districts where the maximum size is 6 square feet.

Ground Signs:

1. The total area of the allowed ground sign shall not exceed 100 square feet.
2. The highest point of a ground sign shall not exceed 6 feet.

15.06 SIGNS IN THE M-1 MANUFACTURING DISTRICT

1. Each parcel is allowed one freestanding or ground sign. In addition, one wall sign is allowed on each parcel.
2. In industrial zoning districts, directional signs up to 3 square feet, designating exits, entrances, parking and loading areas, shipping docks, or similar traffic control signs may be located 5 feet from the front property line.

Freestanding Signs:

1. Freestanding signs other than off-premises signs shall be allowed anywhere on the property on which the principal use is located, providing the sign is within 100 feet of the principal structure.
2. The total area of such a freestanding sign shall not exceed 75 square feet on each of 2 sides. Freestanding signs having more than two sides shall not exceed 150 square feet for all sides combined.

Wall Signs:

1. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls which face a public street, not higher than 20 feet from sidewalk grade. Where a principal structure has a marquee or canopy which is an integral part of the structure, the front Line of said marquee or canopy shall be at least 8 feet above the walk surface in front of the structure.
2. Wall signs must be attached to the building lying flat against the wall of the building therewith.

3. The maximum size for wall signs is 1 square foot of sign area for each 1 linear foot of building width, except in residential districts where the maximum size is 6 square feet.

Ground Signs:

1. The total area of the allowed ground sign shall not exceed 100 square feet.
2. The highest point of a ground sign shall not exceed 6 feet.

15.07 OFF-PREMISES SIGNS

1. Off-premises freestanding signs must maintain a 10-foot setback from any right-of-way and property line.
2. Off-premises freestanding signs are allowed in all zoning districts.
3. There may be only one off-premises sign per parcel.
4. Off-premises signs in the RI and R-2 zoning districts shall be limited to 12 square feet. Off premises signs in all zoning districts shall be limited to 24 square feet.

15.08 BILLBOARDS

Billboards are permitted on unoccupied lots in commercial and industrial zoning districts provided they do not exceed 250 square feet in area. No billboard shall be erected on a lot with less than 100 feet of frontage. The setback requirements for a principal building shall be met, and no other use or accessory use shall be permitted on a lot with a billboard. Billboards shall not be situated within 1,320 feet of another billboard or on the same parcel as another sign. Parcels containing billboards must have frontage on a state or federal highway.

15.09 TEMPORARY SIGNS

The signs and devices listed in this section shall be allowed on a temporary basis and shall not require a permit.

1. Temporary signs such as “For Rent,” “For Sale,” “Election,” or other noncommercial signs are allowed in all zoning districts. Real estate signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed up to a total area of 6 square feet are allowed in all zoning districts. Such signs shall be removed within 14 days after the sale, rental, or lease.
2. One “For Rent” or “For Sale” sign is allowed for each parcel.

3. Temporary signs shall not be displayed for more than 6 months, except as otherwise provided in this section.
4. Temporary signs may not exceed an area of 6 square feet.
5. Only one sign to advertise a new plat may be erected except where two or more drives provide ingress or egress to or from the plat on to a public highway, in which case a sign may be placed at each entrance. Signs advertising new plats shall not exceed 32 square feet in area and shall be removed when 75% of the platted lots are sold.
6. Construction signs that identify the name of the building, the property owner, architect, engineer, contractor, and other individuals involved with the construction, but not including any advertisement of any product or service during the period of construction, are allowed in all zoning districts. Signs shall have a maximum surface area of 16 square feet, shall be confined to the site of construction, and shall be removed within 14 days following occupancy for the intended use of the project.
7. Election campaign signs, announcing a candidate or issue to be voted on, are allowed but shall be confined to private property.
8. Community or special event signs advertising public entertainment or event, if specially approved by the planning commission and only for locations designated by the planning commission, are allowed during and for 14 days before and 14 days after the event.
9. The planning commission may allow by permit, temporary pennants, flags, or banners in any business or industrial zone for a period of not more than 30 days, provided that they are kept in a state of good repair.
10. Agricultural test plot signs are allowed in the AG agricultural zoning district.

15.10 SIGN ILLUMINATION

1. Illumination shall be so oriented to the sign that it does not produce glare.
2. The source of light must not be visible from adjacent properties or to adjacent rights-of-way.
3. Sign Lighting must not cast Light away from the sign and must be shielded from vehicular traffic.
4. No lighting or sign shall be so placed or designed as to be confused with or appear similar to a safety device.

15.11 MEASURING SIZE OF SIGNS

1. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Round, oval, or odd-shaped signs are measured as though they were rectangular. Size shall be determined as the product of the height and width as measured at the widest and tallest points.
2. Wall signs (or any sign where the Letters are affixed to a large background such as a wall or fence without a defined border) are measured by establishing an artificial rectangle around the perimeter of the sign message.
3. Supports extending around the sign are included in the measurement of the sign.

15.12 EXEMPTED SIGNS

The signs and devices listed in this section are exempted from the restrictions and requirements of this Ordinance and may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Ordinance. The following shall not be included in the application of the regulations herein:

1. Signs not exceeding 1 square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations, and having no letter or symbol exceeding 2 inches in any dimension.
2. Official Flags and insignia of any government when displayed in a manner approved by the government represented.
3. Signs erected or required by governmental bodies or agencies deemed necessary for the protection of the public health, safety, welfare, and morals such as legal notices, identification, informational, or directional signs.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Street numbers and family names on mailboxes and mail box supports.
7. Signs not visible from any public way or from any point off the lot on which they are located

8. Holiday decorations and greetings in season.
9. Signs required by law to be displayed.

15.13 PROHIBITED SIGNS

The signs and devices listed in this section shall not be allowed, erected, or maintained in any zoning district.

1. Flashing and intermittently illuminated signs and signs, which incorporate in any manner of flashing, or moving lights.
2. String lights used in connection with commercial premises for commercial purposes.
3. Any sign that has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.
4. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
5. Signs which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.
6. Signs that obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.
7. Signs that make use of words such as STOP, "tt ! or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

15.14 APPLICATION REQUIREMENTS PERTAINING TO ALL BILLBOARDS AND SIGNS

1. Sign and billboard erection permits: No person shall erect or relocate or cause to be erected or relocated any sign or billboard greater than 6 square feet in size without first obtaining a sign erection permit. No person shall repair, alter, or cause to be repaired or altered any sign or billboard greater than 6 square feet in size without obtaining a sign erection permit if two-thirds of the replacement value of the sign or billboard will be exceeded.
2. Procedure to obtain a permit:
 - a. Application for a sign erection permit shall be submitted on forms provided by the Zoning Administrator and shall contain at least the following:
 - 1) Name, address, and telephone number of the applicant and that of the owner of the premises upon which the sign or billboard is to be erected.
 - 2) Location of the building, structure, or lot to which or upon which the sign or billboard is to be attached or erected.
 - 3) Position of the sign or billboard in relation to nearby buildings, structures, signs, or billboards. A scale drawing containing such information shall be submitted.
 - 4) Two blueprints or ink drawings of the plans and specifications and the method of construction and attachment to a structure or ground.
 - 5) A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot.
 - 6) Name of the person, firm, corporation erecting the sign, or billboard.
 - 7) The written consent of the owner of the structure or land upon which the sign or billboard is to be erected.
 - 8) Any required electrical permit.
 - 9) Each applicant shall pay the appropriate permit fees established by the Township Board.

- b. Prior to submission of the application to the Zoning Administrator, the application for a sign erection permit shall be submitted to the electrical inspector if the sign is to be illuminated. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine whether the same complies with the Building Code and the customary safe practices followed by the electrical profession. The inspector shall approve said permit if the plans and specifications comply with any such code and practices.
- c. The Zoning Administrator shall, upon the filing of an application for a sign erection permit, examine the plans, specifications, other data, and the premises upon which it is proposed to erect such sign or billboard. If the proposed structure complies with the requirements of this Ordinance, the provisions of any Building Code and state law, he shall then issue a sign erection permit. Such permit shall be void if the work authorized under a sign erection permit has not been completed within 6 months from the date of issuance.
- d. Every sign or billboard hereafter erected shall have painted in a conspicuous place thereon in letters not less than 1 inch in height the date of erection, the permit number, and the voltage of any electrical apparatus used in connection therewith.

ARTICLE 16 SITE PLAN REVIEW

16.01 DESCRIPTION AND PURPOSE

This article establishes standards and requirements for the review and approval, by the Planning Commission, of Site Plans. It is the purpose of this article to require Site Plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this article to achieve, through Site Plan Review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this article to delegate certain aspects of Site Plan Review authority to the Planning Commission, within the standards and requirements set forth in this article.

16.02 SITE PLAN AUTHORITY

As used in this article, “Site Plan” includes the documents and drawings, as specified by this article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable Local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

The standards and requirements provided by this article shall be in addition to those required elsewhere in this Ordinance that are applicable to the use or activity under consideration. The intent of this article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of his/her land within the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

16.03 SITE PLAN APPROVAL

A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance and the conditions imposed pursuant to the ordinance, other township planning documents, other applicable ordinances, and state and federal statutes. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the individual or body, which initially approved the site plan.

16.04 USES REQUIRING SITE PLAN APPROVAL

The following buildings, structures, and uses require Site Plan approval by the Planning Commission:

1. All uses allowed in the B-1 Business or M-1 Manufacturing zoning districts.
2. All Special Land Uses.
3. Earthmoving.
4. Parking facilities containing 10 or more parking spaces.
5. Churches.
6. Public parks and recreational facilities such as golf courses and parks.
7. Essential public utility services, excluding buildings and substations and regulator stations.
8. Cemeteries.

16.05 SKETCH PLAN

Sketch Plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to formal Site Plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Township to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs that might be necessary for formal Site Plan approval. Sketch Plans shall include the following:

1. Legal description of the property.
2. Small-scale sketch of properties, streets, and use of land within one-half mile of the area.
3. A generalized map showing any existing or proposed arrangement of:
 - a. Streets.
 - b. Lots.
 - c. Access points.

- d. Other transportation arrangement.
 - e. Buffer strips screening.
 - f. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets.
 - g. Signs, location and lighting.
 - h. Buildings.
4. A narrative describing:
- a. The overall objectives of the proposed development.
 - b. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 - c. Dwelling densities by type.
 - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - e. Proposed method of providing storm drainage.
 - f. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.
5. In addition to the above said applicant shall submit the Sketch Plan Review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

16.06 REVIEW OF SKETCH PLAN

If the applicant chooses to submit a Sketch Plan, the Township Site Plan Review Committee will review it. The Site Plan Review Committee will consist of the chairperson of the Planning Commission, one Township Board representative, and the Zoning administrator/Planning Consultant. Upon review of the Sketch Plan, the Committee will submit their recommendations to the Planning Commission. The Site Plan Review Committee may request comments from other Township officials such as the fire chief, attorney, and assessor, and base their recommendations on those review comments, as well as the purposes, objectives, and requirements in this Ordinance, and specifically, the following considerations when applicable:

1. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency.
2. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
3. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
4. Screening and buffering with reference to type, dimensions, and character.
5. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
6. Required setbacks.
7. General compatibility with adjacent properties.
8. The general purposes and spirit of this Ordinance and the general guidelines of the Township's Master Plan.

16.07 FORMAL SITE PLAN REVIEW

Formal Site Plan Review is mandatory. An application for Formal Site Plan Review along with the Formal Site Plan shall be submitted 21 days prior to the next scheduled Planning Commission meeting. The Township Clerk or zoning administrator will review the application and plans for completeness, and then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration. Formal Site Plans shall contain the following information:

1. The Date, North Arrow, and Scale: The scale shall be sized to appropriately fit on a 24- by 36-inch-sized sheet. The dates of all revisions shall be noted on the plan.
2. The name and firm address of the individual responsible for the preparation of the Site Plan.
3. The name and address of the property owner or applicant.
4. A location sketch drawn to scale showing the relationship of the proposed use to the area within 2,000 feet.

5. All lot and/or property lines and respective zoning districts abutting the subject property, including required setbacks are to be shown and dimensioned.
6. The location and height of all existing structures, drives, sidewalks, curb openings, signs, exterior Lighting, curbing, parking facilities, unloading areas, recreation areas, and other uses, on and within 100 feet of the subject property's boundary.
7. The location and dimensions of all proposed structures, drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking facilities (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose on and within 100 feet of the subject property's boundary.
8. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
9. The location of all landscaping and the location, height, and types of fences and walls.
10. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
11. The location and size of all existing and proposed surface water drainage facilities.
12. Adequate information concerning soils, groundwater, water table, and the impact of the proposed activities on each.
13. Contour intervals shall be shown (2-foot intervals for average slopes of 10% and under, 5-foot intervals for slopes over 10%). Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
 - a. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling.
 - b. The number and location (by code if necessary) of 1-bedroom units, 2-bedroom units, etc.
 - c. The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub areas or staging areas (excluding all existing rights-of-way), and also indicates total square footage of rights- of-way for each sub area or staging area.
 - d. Typical elevation views of the front and side of each type of building

14. A narrative describing the overall objectives of the proposed development, including the following:
 - a. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 - b. Dwelling densities by type.
 - c. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - d. Proposed method of providing storm drainage.
 - e. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.
15. Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare, such as reviews of other local, county, state, and federal agencies.
16. The applicant shall ensure and be able to demonstrate, to the satisfaction of the Township, that all necessary and associated regulations are satisfactorily met, complied with, and completed.

The planning commission may approve a site plan lacking one or more of the site plan informational requirements set forth herein if the planning commission determines, in its sole discretion, that the nature of the proposed use or development, the subject property and/or the neighboring properties makes the provision of such information unnecessary to determine whether the site plan satisfies the standards set forth above.

16.08 REVIEW PROCEDURE

The Site Plan shall be submitted in 10 copies. Upon approval of a Site Plan, at least two copies of the Site Plan as finally approved shall be signed and dated by the chairperson of the Planning Commission. One copy of the signed Site Plan shall be filed in the Townships records and the other returned to the applicant. If available, the applicant should include a single diskette copy of the Site Plan in generic digital format.

16.09 STANDARDS FOR FORMAL SITE PLAN REVIEW

1. The Planning Commission shall review the Site Plan based on the purposes, objectives, and requirements of this Ordinance and on the standards provided by

this article. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties.

2. In reviewing a Site Plan, the Planning Commission shall determine whether the applicant has established that the Site Plan is consistent with this Ordinance and in accord with the adopted plan of the Township and more specifically, in reviewing the Site Plan, the Planning Commission shall specifically consider the following standards, as applicable:
 - a. Vehicular access and parking: The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.
 - b. External effects (general): Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not materially adversely affect adjacent and neighboring properties or uses. The Site Plan is harmonious with existing and future uses in the immediate area. The Site Plan shall be adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.
 - c. Public services and utilities: The location, availability, and compatibility of necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
 - d. Dimensional requirements: The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this Ordinance, or appropriate variances obtained.
 - e. Building arrangement: The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other

uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.

- f. Drainage of surface water: Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
- g. Exterior lighting: All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
- h. Signs: The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to minimize distraction or clutter.
- i. Special features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.
- j. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking facilities.

16.10 REGULATIONS

The following regulations shall apply to all land uses requiring Site Plan approval:

1. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development that requires a Site Plan approval until an approved Site Plan has been signed by the chairman of the Planning Commission.
3. A zoning permit for any use requiring Site Plan approval will not be issued until the chairman of the Planning Commission has signed an approved Site Plan.
4. The building inspector shall not issue a building permit for any use requiring Site Plan approval until the zoning administrator has issued a zoning permit.
5. An occupancy permit for any use requiring a Site Plan approval will not be issued unless the use as constructed conforms to the approved Site Plan.

16.11 CONDITIONS OF APPROVAL

Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this ordinance, other township planning documents, other applicable ordinances, and state and federal statutes.

The Planning Commission may impose reasonable conditions upon the approval of a Site Plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed Land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; or the community as a whole.
2. Be related to the valid exercise of the police power.
3. Be necessary to meet the intent and purpose of the zoning Ordinance, related to the standards established in the Ordinance for the Land use or activity under consideration, and be necessary to ensure compliance with those standards.
4. Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within 300 feet of the proposed use or structure.

16.12 SURETY

1. The Planning Commission may require, as a condition of final approval for a Site Plan, a financial guarantee (surety) acceptable to guarantee the construction of required improvements. "Required improvements" means those features and actions associated with a project which are considered necessary by the planning commission, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval. The nature and duration of the guarantees are structured to achieve this goal without adding unnecessary costs to the applicant.
2. Construction or installation of improvements may not begin until the final Site Plan is approved. However, no further action may be taken by the property owner until all improvements are completed, inspected, and approved to ensure that streets are properly constructed, drainage facilities properly provided, and all other utilities and improvements properly installed. Only when all improvements are completed, inspected, and approved will occupancy permits or buildings permits be issued or property sold.

However, where the applicant has satisfied the surety requirements herein, to ensure that the required improvements will be completed, the above restrictions may be modified.

3. In large projects the surety may be released in stages. The applicant may be allowed to assign a portion of the total to each development stage as part of a complete phasing plan of the overall improvement. Surety for each subsequent phase depends on completion of the required improvements for the preceding phase. Where partial approval is granted, the surety may be released except that portion of improvements not yet approved, but continued adequate financial surety is required before approval of the final phase.
4. Similarly, the surety may be refunded based on completion of improvements. The planning commission may reduce the amount of the performance guarantee when portions of the required improvements have been installed. When the Township has received the required surety, it may be released upon request by the property owner. The Zoning administrator will inspect the project to determine the percent completion of improvements. The Township will release up to 80% of a pro rata portion of the surety based on the percent complete as verified by the Zoning administrator.
5. To insure compliance with the conditions imposed herein, a township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements

associated with a project for which site plan approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.

16.13 PROCEDURES FOR INSPECTING, APPROVING, AND ACCEPTING IMPROVEMENTS

1. Upon completion or substantial completion of all required improvements, the applicant must notify the Township in writing by certified mail, and shall send a copy to the zoning administrator. The zoning administrator will inspect all improvements of which such notice has been given and will file a detailed written report concerning such improvements with a statement of reasons for any rejection. Inspection fees will be charged for each site visit to prevent the engineer's time from being wasted. The cost of any rejected improvements will be set forth.
2. The zoning administrator's report should be the basis for whether the improvement is approved, partially approved, or rejected. The Township will notify the applicant in writing, by certified mail, of the contents of the report and the Township's action, within 120 days after receipt of the applicant's notice that improvements are complete.

16.14 RELEASE OR EXERCISE OF SURETY

1. In case of default of performance, the Township, upon 10-days notice, may undertake the completion of the required improvements, assigning the cost against the amount of the guarantee to be paid by the surety. Notice to the property owner shall be directed to the address given by the owner upon the initial application of the subdivision.
2. Whatever the type of surety used, the guarantee will not be released until the Zoning administrator has certified that the required improvements have been completed according to specifications. A default will be declared upon expiration of the time allowed for completion of all improvements. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township beyond the completion deadline for good cause and upon extension of the financial surety. In case of exercise of the surety, the proceeds from the guarantee will reflect:
 - a. The cost of inflation of the labor and materials needed to complete the improvements.
 - b. The special administrative costs associated with declaring a default, bidding or programming the project, and completing the project.

- c. The unforeseen costs of remedying the damage, deterioration, or faulty workmanship associated with the work already undertaken.

16.15 EXCEPTIONS

When other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, will be required by the Township for such utilities or improvements.

16.16 CHANGES TO SITE PLAN

Changes to a Site Plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

16.17 ENFORCEMENT

A Site Plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the Ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the Site Plan as approved. Any violation of an approved Site Plan shall be grounds for the Township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Township. In addition, a violation of any approved Site Plan or failure to comply with any requirements of this article, including conditions of approval, shall be considered a violation of this Ordinance.

ARTICLE 17 SPECIAL LAND USES

17.01 DESCRIPTION AND PURPOSE

Special Land Uses are those uses of land that are not essentially incompatible with the uses allowed in a zoning district, but possess characteristics or location qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria that shall be met for all Special Land Uses.

17.02 SPECIAL LAND USE STANDARDS

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the township, the Township Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Land Use within the various zoning classifications set forth in the ordinance.

Special Land Uses have been selected because of their unique characteristics which, in the particular zoning district involved, under certain physical circumstances and without proper controls and limitations, might be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, the Township Planning Commission should not permit Special Land Uses within the particular zone in which they are listed unless and until approved by them, under the conditions, controls, limitations, circumstances, and safeguards proposed herein, and/or imposed by the Commission. The Planning Commission must ensure that the proposed Special Land Uses would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use, and would not, in any manner, be detrimental or injurious to the use, development, or enjoyment of adjacent properties, to the occupants therefore, or to the general neighborhood. The Planning Commission should review Special Land Uses in consideration of the public health, safety, morals, and general welfare of the community; the use of lands in accordance with their character and adaptability; and that the standards required for the allowance of such Special Land Uses will, in its judgment, be met by the applicant at all times.

The burden of proof of facts that might establish a right to a Special Land Use Permit under the foregoing standards shall be upon the applicant.

17.03 APPLICATION PROCEDURES

An application for a Special Land Use shall be submitted and acted upon in accordance with the following procedures:

1. All applications for Special Land Use Permits shall be submitted through the Township Clerk and shall include all pertinent information, plans, specifications, as required. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
2. The Planning Commission shall, upon receipt of the application for a Special Land Use shall:
 - a. Advertise for a public hearing
 - b. Hold a public hearing.
 - c. Following such hearing, either grant or deny a permit for such Special Land Use.
3. An application for a Special Land Use shall be accompanied by the following documents and information:
 - a. A Special Land Use application form submitted to the Township that has been completed in full by the applicant.
 - b. A Site Plan as required in this Ordinance.
4. The decision of the Planning Commission on a Special Land Use shall be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the Special Land Use under consideration. Said statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

17.04 BASIS FOR DETERMINATION

Prior to the approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

1. The Planning Commission shall review the particular circumstances of the Special Land Use request under consideration in terms of the following general standards, and shall approve a Special Land Use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

- a. The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of the surrounding area.
 - b. The Special Land Use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, and welfare of persons.
 - c. The Special Land Use shall not place demands on public services and facilities in excess of current capacities.
 - d. The Special Land Use is in general agreement with the Township's Land Use Plan.
2. The Planning Commission may impose conditions, with the approval of a Special Land Use, which are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the Special Land Use and shall be enforced by the Zoning Administrator.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the planning commission and the landowner. The planning commission shall maintain a record of conditions that are changed.

17.05 SPECIAL LAND USES

The following uses shall only be allowed if the zoning district in which they are located specifically lists such use as a Special Land Use.

1. Adult Foster Care Facilities for seven persons or more
2. Airports and Landing Strips
3. Camps and Campgrounds, and Recreational Vehicle Parks
4. Child Care Centers
5. Compost Facilities
6. Confined Animal Feeding Operations
7. Essential Services

8. Family Businesses
9. Farm Animals
10. Golf Courses and Country Clubs
11. Group Day Care Homes
12. Health Services Facilities
13. Institutional Care Facilities
14. Kennels and Veterinary Clinics
15. Migrant Housing
16. Multiple Family Dwellings
17. Natural Resource Removal Operations
18. Public and Institutional Uses
19. Sawmills
20. Single-Family Dwellings (not on lots of record)
21. Telecommunication Towers

17.06 DESIGN STANDARDS

All Special Land Uses shall meet the requirements of the zoning district in which they are located. The following design standards shall be required in addition to the requirements of the zoning district in which they are located:

1. **Adult Foster Care Facilities for Seven Persons or More:** Adult foster care facilities having more than six residents shall have 150 square feet of lawn area and one parking space for each resident.
2. **Airports and Landing Strips:** Airports and landing strips shall be permitted subject to the following procedures and conditions:
 - a. Airports and landing strips must be a minimum total area of at least 10 acres.

- b. No structures may be located closer than 100 feet to any property line. No structure shall be located in the setback area.
 - c. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines.
 - d. No structure shall exceed 15 feet in height.
 - e. The grounds shall be sloped to drain properly and to satisfactorily meet the approval of Local engineering standards.
 - f. The landing strip shall be arranged to satisfactorily and safely accommodate planes, or other similar aircraft.
 - g. There shall be a maximum of one sign which shall bear only the name of the landing strip, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the green belt.
 - h. There shall be permitted a facility for the repair of planes, and other similar facilities provided they are centrally located.
 - i. There shall be no sales or display of aircraft.
 - j. There shall be located, within the landing strip, approved sanitary facilities.
3. **Camps and Campgrounds:** Camps, campgrounds, and recreational vehicle park uses shall be permitted subject to the following procedures and conditions:
- a. Camps and campgrounds must be a minimum total area of at least 10 acres.
 - b. No structures may be located closer than 100 feet to any property line. No campsite or any structure shall be located in the setback area.
 - c. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such green belt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of 12 feet.
 - d. There shall be recreational areas at a ratio of at least 20% of the gross area of the campground. These recreational areas may be located within the 50-foot required yard, but not within the 20-foot green belt.

- e. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at Least 33 feet wide and shall have unrestricted access to or from a public street.
 - f. No structure shall exceed 15 feet in height.
 - g. The grounds shall be sloped to drain property and to satisfactorily meet the approval of local engineering standards.
 - h. Each site shall be arranged to satisfactorily and safely accommodate a travel trailer, camper, or other similar camping apparatus.
 - i. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required yard, but not within the green belt.
 - j. There shall be permitted a facility for the retail sale of groceries, sundries, and other similar commodities provided this facility is centrally located and has hours of operation coincidental with hours of operation of the campground.
 - k. There shall be no sales or display of camping vehicles.
 - l. There shall be located, within the campground, approved sanitary dumping facilities.
 - m. All requirements, as regulated by Act 368 of 1978, as amended, shall be complied with.
4. **Child Care Centers:** Special Land Uses will be issued to properly licensed childcare centers if the proposed facility meets the following specific guidelines:
- a. Is located not closer than 1,500 feet to any of the following:
 - 1) Another childcare center.
 - 2) An adult foster care small-group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - 3) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the

Public Health Code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.

- 4) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
 - b. Has appropriate fencing for the safety of children (see walls and fencing).
 - c. Maintains the property consistent with the visible characteristics of the neighborhood.
 - d. Does not exceed 16 hours of operation during a 24-hour period. The operation of a facility between the hours of 10 p.m. and 6 a.m. must be limited to 2 individuals receiving care and be registered with the Township for that purpose.
 - e. Meets regulations, if any, governing signs used by the facility to identify themselves.
 - f. Meets regulations, if any, requiring off-street parking accommodations for employees.
 - g. The childcare center shall be registered and licensed as required for childcare facility under the Child Care Organizations Act, Act 116 of 1973, as amended.
 - h. All structures, facilities, design elements, and operational requirements of the facility shall be provided or complied with, as determined necessary by the Planning Commission.
 - I. Based on the established capacity of the facility, a minimum of 100 square feet of outdoor open space per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained on the Lot. For purposes of this section, "open space area" means the area located within the side or rear yard of the facility, exclusive of any area occupied by other structures, swimming pool, or required parking facilities. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be completely enclosed by a chain-link or solid fence of at least 4 feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least 5 feet.

5. **Compost Facilities:** Compost facilities may be permitted, provided the Planning Commission finds that the following conditions are met:
- a. The site must be a minimum of 40 acres in size.
 - b. All active resource recovery-processing operations shall be visually screened from all adjacent parcels. The screen shall consist of berming and/or vegetation buffer located within a 500-foot setback.
 - c. Has appropriate fencing to prevent compost material from leaving the site (see wails and fencing).
 - d. Structures shall be permanent and for the storage of equipment only. Furthermore, all equipment associated with this use shall be stored within these structures when not in use.
 - e. Access roads to the site shall be sufficiently engineered to accommodate heavy truck loading and unloading during peak operation periods. This shall include the grading application of base material and graveling or blacktopping of the road. The access road shall be of sufficient length and width to prevent any trucks from backing up or turning around within the public road right-of-way.
 - f. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
 - g. In addition to the requirement set forth herein, applications for such Special Land Use authorization shall include a Site Plan showing the following:
 - 1) The area to be actively used for the preprocessing, mixing, shredding, grinding, watering, and dewatering of the compost material; and, if the same shall be in phases, a design for such phases shall be shown.
 - 2) The area for any loading and unloading, mechanical processing facilities, and settling ponds.
 - 3) An area for treatment facilities and resource storage and stockpiles.
 - 4) An area for overburdened storage.
 - 5) An area for production facilities for resource recovery related activities.

- 6) Areas for and the types of permanent buildings and/or other improvements.
- h. An opinion based on a qualified engineering report as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigation measures shall be submitted.
- i. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
 - 1) The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
 - 2) The amount and source of water to be utilized in processing and the means, location, treatment, and disposal of such water.
 - 3) Hazardous substances as defined by the U.S. Environmental Protection Agency are prohibited. A detailed description of all materials to be processed must be submitted.
 - 4) A detailed description showing the volumes, timing, and methods of processing the material.
- j. All structures, materials, and equipment shall be removed within 6 months after the termination of the use.
- k. The facilities comply with Public Act 141 of 1978, as amended, the St. Joseph County Solid Waste Management Plan, and with all other applicable federal and state laws, rules, and regulations.

6. Confined Animal Feeding Operation (CAFO):

- a. The parcel must be a minimum of 40 acres in size.
- b. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
- c. The Site Plan shall include the following:
 - 1) The area to be actively used for the feeding operation.
 - 2) The area for any loading and unloading, processing facilities, and settling ponds.

- 3) All areas for storage and stockpiles.
 - 4) Areas for waste storage.
 - 5) Permanent buildings and/or other improvements.
- d. An opinion as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigation measures shall be submitted.
 - e. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
 - 1) The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
 - 2) The amount and source of water to be utilized and the means, location, treatment, and disposal of such water.
 - 3) A detailed description showing the volumes, timing, and methods of processing.
 - f. The facilities comply with all other applicable federal and state laws, rules, and regulations.

7. Essential Services

- a. Essential services located above ground and outside of public rights-of-way will be subject to Site Plan review and the following terms and conditions:
 - 1) All buildings or structures must comply with the use, height, area, building, or structure necessary for public convenience and service, provided that such public building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such zoning district, and the advantage of the proposed Location to the utility is not outweighed by the detriment to the locality, and a different suitable Location is not readily available.
 - 2) The facility must be screened from view from adjacent residential properties as much as possible using natural materials. Landscaping is preferred to walls and fences.

- b. Public Utility structures must comply with the setback provisions of the zoning district in which they are located plus 50%. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment.
8. Family Business: A family business is incidental to the principal residential or agricultural use of the property and may take place in accessory buildings in addition to the principal residence. A family business is allowed in agricultural and R-1 zoned districts by Special Land Use subject to the following conditions and limitations:
- a. The business (retail or cottage industry) permitted shall be judged to be consistent with the character of the immediate area.
 - b. No outdoor storage shall be allowed.
 - c. The business shall not operate between the hours of 11 p.m. and 6a.m.
 - d. One sign relating to the business may be permitted on the premises. The sign shall not exceed 24 square feet in area and shall not be lighted.
 - e. There shall be no physical expansion of the business without the approval of the Planning Commission.
 - f. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries from which the business is conducted.
 - g. The business shall be located on the same parcel with the family residence.
 - h. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
 - i. The Planning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specified period of months or years unless an additional permit is granted. The Planning Commission may impose additional conditions and regulations as it deems necessary to adequately

protect adjoining residents and property owners and the values of adjoining properties.

Family Businesses may use accessory buildings provided the following conditions are met:

- a. Accessory buildings containing family businesses must be set back 100 feet from all property lines and may not occur within 300 feet of another dwelling.
- b. The gross floor area (GFA) of family businesses in accessory buildings may not exceed two and a half (2.5) times the GFA of the principal dwelling.
- c. Vehicles, machinery, and equipment used in conjunction with the family business may not be stored or parked outdoors.

9. **Farm Animals:** Farm animals may be kept on parcels of less than 20 acres in AG and R-1 residential zoning districts by Special Land Use subject to the following conditions and limitations:

- a. Buildings used to house farm animals must be set back 50 feet from all property lines.
- b. There may be one animal for every 1 full acre of parcel size over the first 3 acres. The homeowner must provide a protected enclosure. The property must be properly fenced in accordance with this Ordinance.
- c. Farm animals shall not include exotic animals as regulated by St. Joseph County Animal Control.
- d. Temporary permits must be renewed annually.

10. **Golf Courses and Country Clubs:** Golf courses must be a minimum of 40 acres. No structures may be located closer than 100 feet to any property line. Buildings are limited to 10,000 square feet.

11. **Group Day Care Home**

- a. A group day-care home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a Special Land Use permit, if the group day-care home meets the following standards:
 - 1) Is located not closer than 1,500 feet to any of the following:

- (i) Another licensed group day-care home.
 - (ii) Another adult foster care small group home or Large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - (iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
- 2) Has appropriate fencing for the safety of the children in the group day-care home as determined by the planning commission.
 - 3) Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4) Does not exceed 16 hours of operation during a 24-hour period. The planning commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
 - 5) Meets the applicable sign regulations in this ordinance.
 - 6) If the group day-care home has employees, there must be provision for off-street parking accommodations.

12. **Health Services Facilities**

- a. No structures may be located closer than 25 feet to any property line. No structure shall be located in the setback area.
- b. Where a facility is adjacent to a residentially developed property or R-1 or R-2 zoning district, there shall be a greenbelt-planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such greenbelt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of 12 feet.

- c. Vehicular circulation system shall consist of improved drives with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street

13. **Institutional Care Facilities:** Institutional care facilities shall be permitted subject to the following procedures and conditions:

- a. An off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
- b. Based on the established capacity of the institutional care facility, a minimum of 150 square feet of open space area per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained. For purposes of this section, open space area means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be designed in a park-like setting completely screened from any abutting use by vegetation.
- c. All structures must be set back 75 feet from all property lines.
- d. The institutional care facility shall be registered and licensed as required under the Public Health Code, Act 368 of 1978, as amended).

14. **Kennels and Veterinary Clinics:** Structures must be set back 150 feet from all property lines and 600 feet from the nearest dwelling or R-1, R-2 or MHP zoning district. All activities shall be conducted within enclosed structures,

15. **Migrant Housing**

- a. The Planning Commission may permit housing of migrant farm workers and migrant employees in AG Districts as a Special Land Use. No structure may be used for such purposes in the Township, unless the Planning Commission finds all of the following conditions and requirements are met:
 - 1) Migrant housing shall be located on the same parcel of land as the principal structure or use to which they are accessory, and said parcel shall be at least 10 acres in size.

- 2) Migrant housing may be occupied only between the period of May 15 through November 15.
 - 3) Migrant housing may be used only by migrant farm workers and migrant employees.
 - 4) The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers.
 - 5) Migrant housing shall be located at least 200 feet from any public street, at Least 200 feet from any other property line, and 400 feet from any dwelling of an adjacent property owner.
 - 6) No migrant housing shall have more than one story nor accommodate more than one family. No migrant housing shall be closer than 30 feet to another structure.
 - 7) No migrant housing shall be located between the front entry wall of any other migrant housing and a driveway or private roadway serving said other dwelling, and no migrant housing shall be closer than 30 feet to any such drive or roadway.
 - 8) Any other special conditions may be imposed by the Planning Commission to ensure a desirable living environment for the migrant workers, to protect the values and desirability of adjacent properties, and to ensure proper supervision of such workers.
- b. The applicant shall submit a Site Plan pursuant to this Ordinance and approved by the Planning Commission that shall signify the applicants agreement to comply with said plans and all the above conditions and requirements at all times and shall further agree to the following:
- 1) The premises and all migrant housing shall be available for the inspection of the Zoning Administrator.
 - 2) All premises and structures shall be regularly maintained.
 - 3) Any migrant housing that is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within 6 months.

16. Multiple Family Dwellings

Multiple family dwellings may be permitted provided the Planning Commission finds that all of the following conditions are met:

- a. Every principal entry shall be visible from a public street No entrance shall be located further than 150 feet from off-street parking facilities.
- b. Where more than one building is located on a lot, the following requirements apply:
 - 1) No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
 - 2) A front yard of 35 feet shall be required.
 - 3) No building shall be located in back of another unless separated by common yard of at least 100 feet.
 - 4) Each building shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
 - 5) No building shall be located closer than a distance equal to its total height to any other building.
- c. Each building shall contain complete and separate septic system facilities as required by the county health department.

17. Natural Resource Removal Operations

- a. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to strip any topsoil, sand, clay, gravel or similar material, or use lands for filling within the Township without first procuring a Special Land Use permit in accordance with this ordinance.
- b. Application: The Planning Commission shall conduct a public hearing before approving a permit concerning such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Planning Commission and shall contain the following information in 6 copies as a condition precedent to the obligation to consider such request:
 - 1) Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
 - 2) Full legal description of the premises wherein operations are proposed.

- 3) Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - 4) Detailed statement as to exactly what type of deposit is proposed to be removed or deposited.
 - 5) Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
 - 6) Such other information as may be reasonably required by the Planning Commission to determine whether a permit should be issued or not.
- c. Permit Fees: A fee shall be paid according to a fee schedule adopted by the Township Board.
- d. Permit: After reviewing all of the information submitted by the applicant and such other information as required by the Planning Commission, the Commission shall review, approve, or disapprove said application. The permit shall be issued provided the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the citizens of Flowerfield Township.
- 1) It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for natural resource removal operations.
 - 2) No residential structures of a permanent or temporary nature shall be allowed.
 - 3) Part or all of the operation must be screened with a fence or other appropriate screening as determined by the Planning Commission.
 - 4) All truck operations shall be directed away from residential streets, whenever practical.
- e. All parcels proposed for natural resource removal shall have access to a major county thoroughfare as designated by being improved to the standards of the County Road Commission. Such access shall not create unreasonable interference with future or existing adjacent land uses.
- f. The Planning Commission shall find, in its discretion that the proposed operation shall not result in serious consequences in relation to interests the Township is authorized to protect.

- 1) The Planning Commission shall examine the proposed plans and shall note the effect of the proposed use upon the area involved and the relationships between proposed uses and future streets, lots, grades, and waterways.
 - 2) The Planning Commission may approve or disapprove of the proposed use. It may require that special conditions, such as fencing, screening, landscaping, yards, parking, location of structures, and time limitations, be imposed.
- g. The Planning Commission shall consider the following in making its determination, and shall determine the proper disposition of the application following the public hearing.
- 1) The proposed use will be reclaimed for an alternate use within a reasonable period of time.
 - 2) The proposed use will not adversely affect existing or future adjacent land uses substantially.
 - 3) The effect of the proposed use on drainage, surface water, water table, groundwater, etc.
 - 4) The proposed use shall not adversely affect the public health, safety, and general welfare.
- h. The Planning Commission may impose such special conditions, as it deems necessary to carry out the intent of this section prior to granting approval of any application. The Planning Commission may impose a reasonable corporate surety bond to ensure compliance with this section.
- i. Exceptions. A permit to fill or remove soil from an area not to exceed 20,000 square feet may be issued by the zoning administrator, provided information is formally submitted including the following:
- 1) Names and addresses of owners of property, and person or contractor responsible for filling or removing activities.
 - 2) Legal description and plot plan of property showing dimensions of area to be filled or removed from and to what finish elevation proposed.
 - 3) Type of Material to be Deposited: Approved material to include sand, soil, clay, dirt, stone, brick, and concrete provided all such materials to be in a level condition with a minimum of 6-inch, debris-free top cover suitable for the growing of turf within 6 months of date of issuance of permit. The maximum period of time such permit may be valid for is 6 months.

- 4) No permits will be required for excavations or filling for building construction purposes, pursuant to a duly issued building permit under the State of Michigan Residential Building Code or other building regulations as adopted by the Township.

18. **Public and Institutional Uses:** Public and institutional uses may be permitted in any zoning district if the Planning Commission finds that the following conditions are met:

- a. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to, existing and projected future uses in the area.
- b. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
- c. That the proposed use is in accordance with the development policies of Flowerfield Township.
- d. All front, side, and rear yard space shall be a minimum of 50 feet each from adjoining lot lines.

19. **Sawmills**

- a. The minimum area of the site shall be 10,000 square feet.
- b. The minimum street frontage shall be 100 feet.
- c. Where the site abuts property in any R-1, R-2, or MHP zoning district, a buffer of 300 feet shall be provided along the property line.
- d. Exterior lighting shall be hooded or shielded so as to be deflected away from adjacent property.

20. **Single-family Dwellings (not on lots of record)**

- a. The Planning Commission may allow single-family dwellings in the agricultural district if the parcel on which the dwelling is to be located is poorly suited for agricultural production and any two of the following conditions are met:
 - 1) Soil Conditions: No prime agricultural soils may be included in any part of the proposed parcel.
 - 2) Slope: Slopes greater than 12% may be suitable for residential dwellings.

- 3) **High Groundwater Table, Floodplain, or Wetlands:** While these may not be ideal building sites, some circumstances may make them suitable for residential use.
 - 4) **Natural Vegetation:** There exist mature stands of trees or thick brush.
 - 5) **Size, Shape, Orientation, or Physical Features:** It must be demonstrated that existing conditions make the parcel difficult or impractical to farm.
- b. The Planning Commission, in making its determination, may consider factors such as, but not limited to:
- 1) Past and present use of the parcel and adjoining parcels.
 - 2) Past productivity, vegetation, and the difficulty in making the parcel suitable for farming.
 - 3) The Likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
 - 4) The precedent set by allowing the residential use in the circumstances under consideration will not adversely affect the long- term plans and development policies of the Township.
- c. Parcel size may not exceed two (2) acres, unless that portion greater than two acres contains no prime agricultural soils.
- d. Must have proof that the water supply and Septic Systems are approved by the County Health Department.
21. **Telecommunication Towers:** Telecommunication towers for commercial radio and television, commercial telecommunications, and for microwave or television are permitted in the Agricultural District, according to the following standards:
- a. To minimize the proliferation of towers within the Township, no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed transmitting antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers or other structures. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed transmitting antenna might consist of the following:

- 1) No existing towers or structures are Located within the geographic area that meets the applicants engineering requirements.
 - 2) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - 3) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- b. Towers shall be designed and constructed to accommodate both the applicant's equipment and that of a minimum of two other users.
 - c. Available tower space on existing towers will be required to be leased or sold at fair market value.
 - d. Transmitting antennas to be placed on buildings, existing towers or other structures shall be subject to all the requirements of this Section, including the Special Land Use Permit requirements referenced herein.

DESIGN STANDARDS:

All steel towers and antenna supporting structures shall be designed to meet the current structural, standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA - 222 or its successor.

MINIMUM SETBACK DISTANCES:

- 1) Towers shall be setback from the property lines and street rights of way a minimum of the total height of the structure, to include any antennae projecting above the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or street rights of way. When a tower is to be mounted on another structure, the total height shall be combined heights of the structure, tower, and projecting antennas. The Planning Commission shall have authority to approve a tower with a lesser setback if (1) the proposed tower is to be constructed in a manner that would cause the tower in the case of collapse to remain within the boundaries of the property on which it is located and (2) the Planning Commission determines that a reduced setback will not have a material adverse impact upon any neighboring properties.
- 2) Anchorages for guyed towers must be on the same parcel of land as the tower and set back from property lines a minimum of 20 feet.

- 3) Accessory buildings shall be set back in accordance with the requirements of the District in which the property is zoned.

SECURITY FENCING:

The tower base, anchorages for guyed towers and any accessory buildings shall be enclosed by a security fence consisting of a six (6) foot tall chain link fence topped with three strands of barbed wire or an eight (8) foot tall chain link fence.

OBSCURING SCREEN: A seven (7) foot tall obscuring screen of evergreens and shrubs shall be established and maintained to screen the tower base and associated accessory buildings from any neighboring properties.

LIGHTING: Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state agency having authority over a particular tower.

SIGNS: The use of any portion of the tower for signs other than the minimum required for warning or equipment information is prohibited.

REMOVAL OF UNUSED OR ABANDONED TOWERS: Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within 12 months of the cessation of operations, unless the Zoning Board of Appeals has approved an extension of the 12-month period. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relevant documents, such as a signed lease, deed, or land contract. In the event a tower is not removed within the time period stated above, (or as extended by the ZBA), the Township shall remove the tower and associated facilities and the costs of the removal assessed against the real property.

ADDITIONAL REQUIREMENTS: In addition to the information required for Special Land Use permits pursuant to this Ordinance, applicants for Special Land Use permits for a transmitting tower shall submit the following information.

- a. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, land uses and zoning within 500 feet of the parcel on which the tower is located (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from site boundary Lines and elevation drawings of the proposed tower. The Site Plan shall be prepared by or under the supervision of a professional engineer, architect, or architectural engineer licensed or registered by the State of Michigan. The Site Plan shall contain the name and firm address of the professional engineer, architect or architectural engineer responsible for the preparation of the Site Plan and the professional seal and signature of that person.

- b. The legal description and ownership of the parcel on which the tower is proposed to be Located. If the tower is proposed to be located upon just a leased portion of the parcel, the applicant shall also provide a legal description of such leased land.
- c. The setback distances between the proposed tower and the boundaries of the parcel on which the proposed tower is located.
- d. The method of fencing, finishing color of the tower and, if applicable, the method of screening and illumination.
- e. A description of compliance with federal, state and local laws.
- f. Each applicant shall submit a detailed site justification report, including a description of the process that eliminated other potential sites and a map showing the extent of planned coverage, approved locations of all other telecommunication sites, or adjoining municipalities that provide coverage including the applicants location and the location and service area of the proposed telecommunication site.
- g. Using technological evidence, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following analysis and criteria (not listed in any order of priority):
 - 1) Capacity and propagation analysis.
 - 2) Tower height visibility analysis.
 - 3) Antenna separation analysis based on wavelength.
 - 4) Analysis of signal strength and signal thresholds necessary for cell hand-off.
 - 5) Availability of suitable structures for antenna mounting.
 - 6) Topography as it relates to line of sight transmission for optimum service efficiency.
 - 7) Leaseable lands and willing landlords.
 - 8) Screening potential of existing vegetation, structures, and topographic features.
 - 9) Compatibility with adjacent land uses, and preservation of historic views, vistas, buildings, and areas.

- 10) Least number of sites to cover desired area.
 - 11) Greatest coverage consistent with physical requirements.
 - 12) Opportunities to mitigate possible visual impact.
 - 13) Availability of sites not within an established single-family community.
 - 14) Preservation of view corridors, vistas.
 - 15) Potential for preservation of pre-existing character of site.
 - 16) Impact on surrounding residential areas.
 - 17) Availability of road access
 - 18) Availability of electric power.
 - 19) Availability of land based telephone lines or microwave link capability.
- h. The Planning Commission shall consider the following factors in determining whether to approve a telecommunication tower as a Special Land Use:
- 1) Height of the proposed tower.
 - 2) Proximity of the tower to residential structures and residential district boundaries.
 - 3) Nature of uses on adjacent and nearby properties.
 - 4) Surrounding topography.
 - 5) Surrounding tree coverage and foliage.
 - 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - 7) Proposed ingress and egress.
 - 8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
 - 9) Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.

**ARTICLE 18
ADMINISTRATION AND ENFORCEMENT**

18.01 ADMINISTRATION

The Township Board shall designate a Zoning Administrator to act as its officer to effect proper administration of this Ordinance.

18.02 ZONING PERMITS AND PLANS

No building or part thereof shall hereafter be erected, moved, enlarged or altered until the Zoning Administrator has granted a Zoning Permit. The owner or his agent shall file an application and it shall state the intended use of the structure and of the land. The application 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. No Zoning Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Permits shall expire 1 year from their date of issuance.

18.03 FEES

The Township Board is hereby given the authority to establish by resolution, at any regular public meeting, a schedule of fees, rates and charges for the administering of this Ordinance (including, but not limited to, the issuance of permits and the holding of hearings hereunder), provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

18.04 DUTIES OF THE ZONING ADMINISTRATOR

The office of Zoning Administrator is hereby established. This Ordinance shall be enforced by the Zoning Administrator, who shall in no case issue any Zoning Permit where the proposed building, alteration or use would be in violation of any provision of this Ordinance.

1. Violations: The zoning administrator shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall take appropriate action to enforce this ordinance,
2. Inspections: The Zoning Administrator shall inspect all new construction or alterations at the time footings are placed, and such additional inspections he

deems necessary to insure compliance with the provisions of this ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that the requirements of this Ordinance are being complied with.

3. Records: The Zoning Administrator shall keep records of all 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.

18.05 VIOLATION AND SANCTION

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which Flowerfield Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of neither less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each and every day that such violation continues shall be deemed a separate and distinct violation,

**ARTICLE 19
ZONING BOARD OF APPEALS**

19.01 CREATION

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

19.02 MEMBERSHIP

The Zoning Board of Appeals shall be composed of not less than 3 regular members. The first regular member of the Zoning Board of Appeals shall be a member of the township planning commission. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be selected from the electors of the township. The members selected shall be representative of the population distribution and of the various interests present in the township. One regular member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the township board may not serve as a member of the Zoning Board of Appeals.

19.03 REMOVAL

A member of the Zoning Board of Appeals may be removed by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes misconduct in office.

19.04 TERM

Terms shall be for 3 years, except for members serving because of their membership on the planning commission, or township board, whose terms shall be limited to the time they are members of the planning commission, or township board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

A Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the board is present.

19.05 ALTERNATE MEMBERS

A township board may appoint not more than 2 alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 2 or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

19.06 GENERAL GRANT OF POWER

The Zoning 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.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which the board is required to pass under the ordinance, or to grant a variance in the ordinance. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the township, county, or state. In addition, a variance in the ordinance may be applied for and granted pursuant to section 4 of the uniform condemnation procedures act, 1980 PA 87, M.C.L. 213.54, and 1943 PA 184, as amended. The Zoning Board of Appeals shall state the grounds of each determination.

19.07 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.

19.08 MEETINGS

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

19.09 APPEALS

Appeals to the Board may be taken by any party aggrieved by a decision or order of the Zoning Administrator or by an officer or agency of the Township affected by such decision or order. A notice of appeal, specifying the grounds 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, decisions 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.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide the appeal within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the zoning ordinance, the Zoning Board of Appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of the ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals may impose conditions with an affirmative decision pursuant to section 16d(2) of 1943 PA 184, as amended.

19.10 VARIANCES

Subject to the provisions 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 dimension 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 provisions of this ordinance.
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.

19.11 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 5 days after the date of such filing, and shall cause notice of the time and place of the hearing to be given by first class mail or in person to the applicant, and to all owners of record of property within 300 feet of the property to be affected by said appeal or application at least 72 hours prior to said hearing.

19.12 FEES

Upon filing of any appeal or application to the Board, the applicant shall pay a fee as set by the Township Board. Said fee shall be paid to the Township Clerk before any action is taken on said petition. Fees may be changed by the Township Board at any regular meeting.

19.13 VOTE NECESSARY FOR DECISION

The final disposition of any matter of the Board shall require the concurring vote of a majority of its members.

19.14 TIME LIMIT

Subject to the exception set forth below, no variance granted by the Zoning Board of Appeals shall be valid for a period longer than six months unless either, (1) the use or structure made possible by the variance is established within the six month period or (2) a building permit for the construction made possible by the variance is obtained within the six month period and the construction is started and proceeds to completion in accordance with the building permit.

EXCEPTION: Variances granted which render vacant lots that would otherwise be unbuildable under the terms of this ordinance buildable (e.g. variances from lot area, lot width, road frontage, or lot depth-to-width ratio requirements) shall not be subject to the above six month time limitation.

19.15 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 Boards examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

**ARTICLE 20
SEPARABILITY AND REPEALS**

21.01 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.

21.02 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.

21.03 EFFECTIVE DATE

This Ordinance was adopted on 5/3/03

This Ordinance was published on _____

This Ordinance shall take effect on _____

Sally J. Hackenberg
Flowerfield Township Clerk

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

FAX (269) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL
NORTHPORT, MI
OFFICE

December 5, 2002

Sally J. Hackenberg, Clerk
Flowerfield Township
12375 Floating Bridge Road
Marcellus, MI 49067

RE: Notice of Public Hearing; January 16, 2003

Dear Sally:

Enclosed please find a Notice of Public Hearing to be held on January 16, 2003. We have made arrangements for this Notice to be published in the Three Rivers Commercial on Thursday, December 19, 2002, and again on Thursday, January 9, 2003.

A copy of the Zoning Ordinance, including the proposed Zoning Map, should be kept on file at the Township Hall or your residence for viewing by any interested member of the public. If you have any questions or comments, please feel free to contact me.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Zack Pendell, Planning Commission Chairman

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

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JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL
NORTHPORT, MI
OFFICE

December 5, 2002

Via Facsimile: (269) 279-6007
and First-Class Mail

Maureen Willma
Three Rivers Commercial
124 North Main Street
Three Rivers, MI 49093

RE: Flowerfield Township; Notice of Public Hearing on January 16, 2003

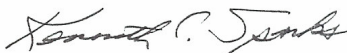
Dear Ms. Willma:

Enclosed is a Notice of Public Hearing which is being sent to you for publication on Thursday, December 19, 2002, and again on Thursday, January 9, 2003.

After publication, please forward two copies of the Affidavit of Publication along with your statement for same to Sally J. Hackenberg, Clerk, Flowerfield Township, 12375 Floating Bridge Road, Marcellus, MI 49067 and forward one copy of the Affidavit of Publication to the undersigned. Thank you for your assistance.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Sally J. Hackenberg, Clerk

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

FAX (269) 382-2040

May 12, 2003

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972

RICHARD L. LANG
OF COUNSEL
NORTHPORT, MI
OFFICE

Sally J. Hackenberg, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Flowerfield Township Ordinance No. 30 (Zoning Ordinance)

Dear Clerk Hackenberg:

Enclosed is a copy of the Notice of Adoption of Ordinance for the new Zoning Ordinance, and a Clerk's Certificate for the Ordinance. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Thursday, May 15, 2003. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

ST. JOSEPH COUNTY, MICHIGAN
NOTICE OF ADOPTION OF ORDINANCE OF
NEW ZONING ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a new Zoning Ordinance regulating the development and use of land has been adopted by the Township Board of the Township of Flowerfield at a meeting held May 5, 2003, at the Flowerfield Township Hall. The new Zoning Ordinance, being Ordinance No. 30, is summarized as set forth below:

ARTICLE 1 SHORT TITLE AND PURPOSE This article sets forth the short title, purpose and scope of the proposed new Flowerfield Township Zoning Ordinance.

ARTICLE 2 CONSTRUCTION OF LANGUAGE This article sets forth various principles construing the language set forth in the Ordinance.

ARTICLE 3 DEFINITIONS This article sets forth various definitions of terms used within the Ordinance.

ARTICLE 4 GENERAL PROVISIONS This article sets forth extensive regulations pertaining to use and development of land within Flowerfield Township.

ARTICLE 5 CLASSIFICATION OF DISTRICTS This article identifies the various zoning districts within Flowerfield Township, incorporates the Official Zoning Map of Flowerfield Township, provides for the Zoning Board of Appeals to address all questions concerning the exact location of district boundary lines, and sets forth an extensive Schedule of District Regulations regulating, among other things, lot sizes, yards, setbacks and densities.

ARTICLE 6 AG AGRICULTURAL DISTRICT This article identifies the uses allowed in the AG Agricultural District and sets forth various regulations pertaining to the same.

ARTICLE 7 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT This article identifies the uses allowed in the R-1 Single Family Residential District and sets forth various regulations pertaining to the same.

ARTICLE 8 R-2 SINGLE AND MULTI-FAMILY RESIDENTIAL DISTRICT This article identifies the uses allowed in the R-2 Single and Multi-Family Residential District and sets forth various regulations pertaining to the same.

ARTICLE 9 MHP MANUFACTURED HOUSING PARK DISTRICT This article identifies the uses allowed in the MHP Manufactured Housing Park District and sets forth various regulations pertaining to the same.

ARTICLE 10 B-1 LOCAL BUSINESS DISTRICT This article identifies the uses allowed in the B-1 Local Business District and sets forth various regulations pertaining to the same.

ARTICLE 11 M-1 MANUFACTURING DISTRICT This article identifies the uses allowed in the M-1 Manufacturing District and sets forth various regulations pertaining to the same.

ARTICLE 12 WO WATERFRONT OVERLAY DISTRICT This article identifies the uses allowed in the WO Waterfront Overlay District and sets forth various limitations on the use and development of land within this overlay district.

ARTICLE 13 NONCONFORMING USES This article sets forth extensive regulations regarding the establishment, continuance and expansion of lawful non-conforming uses, structures and lots.

ARTICLE 14 PARKING AND LOADING SPACES This article sets forth extensive regulations regarding parking and loading spaces within the Township.

ARTICLE 15 SIGNS This article sets forth extensive regulations regarding the establishment of signs and billboards within the Township.

ARTICLE 16 SITE PLAN REVIEW This article sets forth extensive provisions for site plan approval of various specified uses prior to their establishment upon land within the Township.

ARTICLE 17 SPECIAL LAND USES This article sets forth extensive regulations identifying and governing special land uses allowed within various zoning districts within the Township.

ARTICLE 18 ADMINISTRATION AND ENFORCEMENT This article sets forth regulations for the administration and enforcement of this Ordinance, including sanctions for violation of this Ordinance.

ARTICLE 19 ZONING BOARD OF APPEALS This article sets forth extensive provisions regarding the establishment, authority and proceedings of the Flowerfield Township Zoning Board of Appeals

ARTICLE 20 SEPARABILITY AND REPEALS The provisions of this Ordinance are severable. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are repealed. This article further provides for the effective date of this Ordinance to be June 1, 2003.

Please take further notice that a copy of the above-summarized new Zoning Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067
(269) 279-9888

May 15, 2003

PROOF OF PUBLICATION _____

STATE OF MICHIGAN)
COUNTY OF ST. JOSEPH) ss.

and 9.75% percent interest on the second Mortgage, legal costs, Attorneys' fees and also any taxes and insurance that said Mortgagee does pay on or prior to the date of said sale; which said premises are described as follows, to-wit:

NOTICE TO: THE RESIDENTS OF FLOWERFIELD TOWNSHIP OR ANY OTHER INTERESTED PARTY PLEASE TAKE NOTICE that development and use of the Township of Flowerfield Township Hall. The premises are described as set forth below:

ARTICLE 1 SHORT TITLE, purpose and scope of Ordinance.
ARTICLE 2 CONSTRUCTION principles construing the Ordinance.
ARTICLE 3 DEFINITIONS within the Ordinance.
ARTICLE 4 GENERAL PROVISIONS pertaining to use of the Ordinance.
ARTICLE 5 CLASSIFICATION zoning districts within the Township of Flowerfield Township.
ARTICLE 6 SCHEDULES an extensive Schedule of sizes, yards, setbacks and other requirements allowed in the AG Agricultural District.
ARTICLE 7 R-1 SINGLE-FAMILY uses allowed in the Residential District.
ARTICLE 8 R-2 SINGLE-FAMILY uses allowed in the Residential District.
ARTICLE 9 MHP MEDIUM-DENSITY HOUSING uses allowed in the Medium-Density Residential District.
ARTICLE 10 B-1 LOCAL BUSINESS uses allowed in the Local Business District.

Sturgis Bank & Trust Company
112 South Monroe Street
Sturgis, MI 49091

May 8, 15, 22, 29, June 5, 2003

STATE OF MICHIGAN
ST. JOSEPH 45TH JUDICIAL DISTRICT

ORDER FOR SERVICE BY PUBLICATION/POSTING AND NOTICE OF ACTION

CASE NO. 03-242-DO

Court address: 125 W. Main Street, P.O. Box 189, Centreville, MI 49083
Julie Ellen Johnson

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

_____ May 15 _____ A.D. 20 03
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____

Joseph Albertson
 Joseph Albertson
 Subscribed and sworn to before me

this _____ 16th _____ day of
 _____ May _____ A.D. 20 03

Maureen B. Willma
 Maureen B. Willma
 Notary Public in and for St. Joseph County,
 Michigan
 My Commission expires

_____ 11-8-2007 _____

items and much more
 Sat. May 17, 9-2 p.m.
 ANNUAL SALE - we
 be setting up for
 Tamara sale on Fri
 feel free to stop in fr
 10-3 and Sat. 8-4. Br
 name clothes, lots
 young mens, xx lrg. me
 plus womens, baby
 adult clothes, baby item
 20 horse merc. radiale
 saw, electric fish sca
 baby crtb, oil painting
 baseball cards, 27" Ze
 Console TV, living ro
 furniture,
 Tomahawk Ct.
 56

CLERK'S CERTIFICATE

I, Sally J. Hackenberg, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a meeting of the Flowerfield Township Board held on May 5, 2003, at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 30, hereinbefore recorded, to become effective June 1, 2003, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Carroll Parmeter	Yes
Genevieve Wright	Yes
Ronald D. Shaver	Yes
Sally J. Hackenberg	No
Pamela Altimus	No

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 30, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on May 15, 2003; that said Ordinance No. 30 was recorded in the official Ordinance Book on the 18th day of May, 2003; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 22 day of May, 2003.

Dated: 5/22/03

Sally J. Hackenberg
Sally J. Hackenberg, Clerk

FLOWERFIELD TOWNSHIP

ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE No. 31

ADOPTED: MARCH 1, 2004

**EFFECTIVE: IMMEDIATELY UPON PUBLICATION
FOLLOWING ADOPTION**

An Ordinance to establish a Municipal Ordinance Violations Bureau pursuant to Act No.12 of the Public Acts of 1994 for the purpose of accepting civil infraction admissions of responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines for such admissions as prescribed herein; and to repeal all ordinances or parts of ordinances in conflict herewith.

FLOWERFIELD TOWNSHIP

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This Ordinance shall be known and cited as "The Flowerfield Township Municipal Ordinance Violations Bureau Ordinance."

SECTION II
ESTABLISHMENT OF MUNICIPAL ORDINANCE VIOLATIONS BUREAU

The Township of Flowerfield hereby establishes a Municipal Ordinance Violations Bureau pursuant to 1994 P.A. 12 (MCL 600.8396), as it may be amended from time to time, to accept admissions of responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials and to collect and retain civil fines for such admissions as prescribed herein.

SECTION III
CIVIL FINES

Unless a different schedule of civil fines is provided for by any Ordinance, the following schedule of civil fines payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices shall apply:

1 st Offense within 3-year period*	\$150.00
2 nd Offense within 3-year period*	\$325.00
3 rd Offense within 3-year period*	\$500.00
4 th or More Offense within 3-year period*	\$750.00

* Determined on the basis of the date of commission of the offense(s).

SECTION IV
ORDINANCE VIOLATION NOTICE REQUIREMENTS
AND ADMISSION OF RESPONSIBILITY

Any person receiving any municipal ordinance violation notice shall be advised on the notice as to all matters required by law including, at a minimum, the offense, the time within which the person must contact the Municipal Ordinance Violations Bureau for purposes of admitting or denying responsibility, and the consequences for failure to pay the required fine or contact the Bureau within the required time. Such person may admit responsibility for such violation before the Clerk of the Municipal Ordinance Violations Bureau or other designated Township employee(s) within the Bureau. Upon accepting such admission of responsibility, the Clerk or other designated Township employee(s) shall collect from the person the civil fine for such violation as provided in this Ordinance. The Clerk of the Bureau shall be a Township employee and shall be appointed to such position by resolution of the Township Board.

SECTION V
DENIAL OF RESPONSIBILITY

With respect to any person who fails to admit responsibility and pay the required civil fine within the designated time period, the Clerk or other designated Township employee(s) within the Bureau shall advise the complainant to issue and file a municipal civil infraction violation citation for such violation within the Court for Judicial District 3B of the State of Michigan or such other court having jurisdiction of the matter. The citation filed with the court need not comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of 1994 P.A. 12, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violators last know address. The violation shall thereafter be processed as a municipal civil infraction as provide by law.

SECTION VI
ACCOUNTING OF CIVIL FINES

The Municipal Ordinance Violations Bureau Clerk or other designated employee shall retain all municipal ordinance violation notices, shall account to the Township Board once a month concerning the number of admissions and denials of responsibility made concerning municipal civil infractions and the amount of fines collected. The amounts collected in civil fines shall be turned over to the Township Treasurer to be placed in the general fund of the Township.

SECTION VII
AVAILABILITY OF OTHER ENFORCEMENT REMEDIES

Nothing in this Ordinance shall be deemed to obligate the Township to initiate its ordinance enforcement activity through the issuance of a municipal ordinance violation notice. The Township shall have the right to directly proceed with the issuance of a municipal civil infraction citation for any municipal civil infraction or to take such other enforcement action as authorized by law.

SECTION VIII
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof.

SECTION IX
REPEAL OF CONFLICTING ORDINANCES

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

SECTION X
EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication following adoption by the Township Board.

Sally Hackenberg, Clerk
Flowerfield Township

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500
FAX (269) 382-2040

JOHN H. BAUCKHAM
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JAMES W. PORTER
CRAIG A. ROLFE
KENNETH C. SPARKS
ROBERT E. THALL

ROXANNE C. SEEBER
CATHERINE P. KAUFMAN

HARRY F. SMITH
1906-1972

PATRICIA R. MASON
OF COUNSEL

March 12, 2004

Sally J. Hackenberg, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Publication of Notice of Adoption of Ordinance; Ordinance
No. 31 (Municipal Ordinance Violations Bureau Ordinance)

Dear Sally:

Enclosed is a copy of Ordinance No. 31, the Notice of Adoption of Ordinance for Ordinance No. 31 (Municipal Ordinance Violations Bureau Ordinance), and a Clerk's Certificate for the Ordinance. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Thursday, March 18, 2004. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500
FAX (269) 382-2040

JOHN H. BAUCKHAM
JOHN K. LOHRSTORFER
JAMES W. PORTER
CRAIG A. ROLFE
KENNETH C. SPARKS
ROBERT E. THALL
ROXANNE C. SEEBER
CATHERINE P. KAUFMAN

HARRY F. SMITH
1906-1972
PATRICIA R. MASON
OF COUNSEL

March 12, 2004

Via Facsimile: (269) 279-6007

Three Rivers Commercial News
124 N. Main Street
Three Rivers, MI 49093

Attn: Willma & Maureen

RE: Publication of Notice of Adoption of Ordinance; Flowerfield Township
Ordinance No. 31 (Municipal Ordinance Violations Bureau Ordinance)

Dear Ladies:

Please publish the enclosed Notice of Adoption of Ordinance on Thursday, March 18, 2004.

After publication, please forward two copies of the Affidavit of Publication along with your statement for same to Sally J. Hackenberg, Clerk, Flowerfield Township, 13826 M-216, Marcellus, Michigan 49067 and forward one copy of the Affidavit of Publication to the undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Sally J. Hackenberg, Clerk

PROOF OF PUBLICATION _____

STATE OF MICHIGAN)
COUNTY OF ST. JOSEPH) ss.

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held on March 1, 2004, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 31, which is summarized as set forth below.

SECTION I. TITLE. This Ordinance is entitled "The Flowerfield Township Municipal Ordinance Violations Bureau Ordinance".

SECTION II. ESTABLISHMENT OF MUNICIPAL ORDINANCE VIOLATIONS BUREAU. This section establishes a Municipal Ordinance Violations Bureau pursuant to 1994 PA 12, as amended, to accept admissions of responsibility for municipal civil infractions and to collect and retain civil fines for the same.

SECTION III. CIVIL FINES. This section sets forth a schedule of civil fines payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices.

SECTION IV. ORDINANCE VIOLATION NOTICE REQUIREMENTS AND ADMISSION OF RESPONSIBILITY. This section specifies the matters that must be set forth within a municipal ordinance violation notice, provides for the acceptance of admissions of responsibility by the clerk of the Municipal Ordinance Violations Bureau or other designated employee(s), and provides for the collection by such individual(s) of the civil fine for the municipal ordinance violation.

SECTION V. DENIAL OF RESPONSIBILITY. This section sets forth the procedure to follow with respect to any persons who fail to admit responsibility and apply the required civil fine within the designated time period. This procedure includes the issuance and filing of a municipal civil infraction violations citation with the District Court and service of same upon the alleged Ordinance violator.

SECTION VI. ACCOUNTING OF CIVIL FINES. This section provides for a monthly accounting by the Municipal Ordinance Violations Bureau Clerk or other designated employee to the Township Board of the number of admissions and denials of responsibility made concerning municipal civil infractions and the amount of fines collected.

SECTION VII. AVAILABILITY OF OTHER ENFORCEMENT REMEDIES. This section provides that nothing in this Ordinance shall be deemed to obligate the Township to initiate its Ordinance enforcement activity through the issuance of a municipal ordinance violation notice.

SECTION VIII. SEVERABILITY. The provisions of this Ordinance are severable.

SECTION IX. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

SECTION X. EFFECTIVE DATE. This Ordinance shall take effect immediately upon publication following adoption by the Township Board.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216, Marcellus, MI 49067
(269)279-9888

March 18, 2004

Joseph Albertson being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

_____ March 18 _____ A.D. 20 04
_____ A.D. 20 _____
_____ A.D. 20 _____
_____ A.D. 20 _____
_____ A.D. 20 _____
_____ A.D. 20 _____
_____ A.D. 20 _____

Joseph Albertson

Joseph Albertson
Subscribed and sworn to before me

this _____ 24th _____ day of
_____ March _____ A.D. 20 04

Maureen B. Willma

Maureen B. Willma
Notary Public in and for St. Joseph County,
Michigan
My Commission expires

11-8-2007

CLERK'S CERTIFICATE

I, Sally J. Hackenberg, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on March 1, 2004, at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 31, hereinbefore recorded, to become effective immediately following publication of a summary of same, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ronald D. Shaver	Yes
Carroll Parmeter	Yes
Genevieve Wright	Yes
Pam Altimus	No
Sally J. Hackenberg	No

I do further certify that all in accordance with Township Board direction, Ordinance No. 31, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on March 18, 2004; that said Ordinance No. 31 was recorded in the official Ordinance Book on March 23, 2004; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on March 23, 2004.

Dated: 3/23/04

Sally J. Hackenberg
Sally J. Hackenberg, Clerk

TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held on June 6, 2005, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 32, as set forth below.

SECTION I. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Electrical Code, in accordance with Section 8b(6) of 1972 PA 230, the Electrical Code Official of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibility of the Township of Flowerfield under 1972 PA 230, State of Michigan. The Township of Flowerfield assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION II. REPEALS. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION III. PUBLICATION. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
12375 Floating Bridge Road
Marcellus, MI 49067
(269) 244-5689

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

FAX (269) 382-2040

HARRY F. SMITH

1906-1972

JOHN H. BAUCKHAM
JOHN K. LOHRSTORFER
JAMES W. PORTER
CRAIG A. ROLFE
KENNETH C. SPARKS
ROBERT E. THALL
ROXANNE C. SEEBER
CATHERINE P. KAUFMAN

June 28, 2005

Sally J. Hackenberg, Clerk
Flowerfield Township
13826 M-216
Marcellus, MI 49067

RE: Publication of Notice of Adoption of Ordinance No. 32 (Electrical Ordinance)

Dear Sally:

Enclosed is a copy of the Notice of Adoption of Ordinance for Ordinance No. 32 (Electrical Ordinance) and a Clerk's Certificate for the Ordinance. After completing the Certificate with the correct information, please file it in the Ordinance Book with the Ordinance within one week after the publication of the Notice of Adoption of Ordinance. A certified copy of the Ordinance should be filed with the St. Joseph County Clerk's Office at your earliest convenience within that same time period.

We have arranged for the Notice of Adoption of Ordinance to be published in the Three Rivers Commercial News on Thursday, July 7, 2005. You should be receiving an Affidavit of Publication from the newspaper. The Affidavit of Publication should also be filed in the Ordinance Book with the Ordinance.

Should you have any questions, please feel free to call me at your convenience.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Carroll Parmeter, Supervisor

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

FAX (269) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
JOHN K. LOHRSTORFER
JAMES W. PORTER
CRAIG A. ROLFE
KENNETH C. SPARKS
ROBERT E. THALL
ROXANNE C. SEEBER
CATHERINE P. KAUFMAN

June 28, 2005

Via Facsimile: (269) 279-6007
and First-Class Mail

Three Rivers Commercial News
Attn: Maureen Willma
124 N. Main Street
Three Rivers, MI 49093

RE: Publication of Flowerfield Township Notice of Adoption of Ordinance

Dear Ms. Willma:

Please publish the enclosed Notice of Adoption of Ordinance on Thursday, July 7, 2005.

After publication, please forward two copies of the Affidavit of Publication along with your statement for same to Sally J. Hackenberg, Clerk, Flowerfield Township, 12375 Floating Bridge Road, Marcellus, Michigan 49067 and forward one copy of the Affidavit of Publication to the undersigned.

Sincerely,

BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.



Kenneth C. Sparks

KCS/tlm

Enclosure(s)

cc: Carroll Parmeter, Supervisor
Sally J. Hackenberg, Clerk

**TOWNSHIP OF FLOWERFIELD
ST. JOSEPH COUNTY, MICHIGAN
NOTICE OF ADOPTION OF ORDINANCE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at its regular meeting held on June 6, 2005, at the Flowerfield Township Hall, the Township Board of Flowerfield Township adopted the following Ordinance, being Ordinance No. 32, as set forth below.

SECTION I. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Electrical Code, in accordance with Section 8b(6) of 1972 PA 230, the Electrical Code Official of the Township of Flowerfield is hereby designated as the enforcing agency to discharge the responsibility of the Township of Flowerfield under 1972 PA 230, State of Michigan. The Township of Flowerfield assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION II. REPEALS. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION III PUBLICATION. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

PLEASE TAKE FURTHER NOTICE that true copies of the above-summarized Ordinance may from and after the date of publication of this Notice be inspected or purchased at the address set forth below.

Sally J. Hackenberg, Clerk
FLOWERFIELD TOWNSHIP
12375 Floating Bridge Road
Marcellus, MI 49067
(269) 244-5689

July 7, 2005

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ession exp

PROOF OF PUBLICATION _____

STATE OF MICHIGAN)
COUNTY OF ST. JOSEPH) ss.

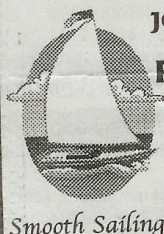
Tammy Chrisman being duly sworn, says, I am Advertising Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial, Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

TOWNSHIP OF ST. JOSEPH CO
NOTICE OF ADOPTION
 TO: THE RESIDENTS AND PROPERTY OWNERS OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN.

PLEASE TAKE NOTICE that at its Flowerfield Township Hall, the Township Board on July 7, 2005, adopted the following Ordinance, being Ordinance No. 32, SECTION I. AGENCY DESIGNATED: Michigan Electrical Code, in accordance with the Michigan Electrical Code Official of the Township of Flowerfield to discharge the responsibility of the Township of Flowerfield assumed by the Township of Flowerfield as a result of the repeal of said Act throughout its corporate limits. SECTION II. REPEALS. All ordinances and resolutions of this Township which are hereby repealed. SECTION III. PUBLICATION. This Ordinance shall be published in the Three Rivers Commercial-News, a daily newspaper published in said county and in accordance with provision of the Michigan Public Access to Information Act. PLEASE TAKE FURTHER NOTICE that the Ordinance may from and after the date of publication be read at the address set forth below.

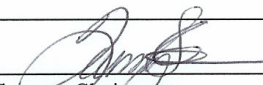
Sally J. Hack
 FLOWERFIELD
 12375 Floatin
 Marcellus,
 (269) 244-1111

July 7, 2005




Smooth Sailing
PERA
 Personnel Plus, Inc.
 16587 Enterprise Dr
 Three Rivers, MI 49081
 (269) 278-1255
 www.perrypersonnelplus.com

JULY 7 _____ A.D. 20 05
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____
 _____ A.D. 20 ____


 Tammy Chrisman
 Subscribed and sworn to before me

this 26th _____ day of
 July _____ A.D. 20 05


 Maureen B. Willma
 Notary Public in and for St. Joseph County,
 Michigan
 My Commission expires
 11-8-2007

CLERK'S CERTIFICATE

I, Sally J. Hackenberg, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on June 6, 2005, at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 32, hereinbefore recorded, to become effective immediately following publication of same, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Carroll Parmeter	Yes
Pam Altimus	Yes
Ronald D. Shaver	Yes
Paul Williams	Yes
Sally J. Hackenberg	Yes

I do further certify that all in accordance with Township Board direction, Ordinance No. 32, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on July 7, 2005; that said Ordinance No. 32 was recorded in the official Ordinance Book on July 9, 2005; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on July 14th, 2005.

Dated: July 14th

Sally J. Hackenberg
Sally J. Hackenberg, Clerk