

**YATES TOWNSHIP, MICHIGAN  
CODE OF ORDINANCES**

**YATES TOWNSHIP  
6437 SOUTH NELSON ROAD IDLEWILD, MI 49642 (231) 745-3940  
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Local legislation current through Ord.15-01  
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**YATES TOWNSHIP, MICHIGAN**

**OFFICIALS**

<b>Supervisor</b>	<b>Ronald Griffin</b>
<b>Clerk</b>	<b>Romayne Hollis-Raines</b>
<b>Treasurer</b>	<b>Jacqueline Patterson</b>
<b>Trustees</b>	<b>Marilyn Burns</b>
	<b>Charles Atkins</b>

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**§ 10.01 HOW CODE DESIGNATED AND CITED.**

This code shall constitute and be designated as the "Yates Township Code."

Statutory reference:

Codification authority, see M.C.L.A. § 117.5b

**§ 10.02 DEFINITIONS.**

(A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CODE.** The Yates Township Code as designated in § 10.01.

**COMPUTATION OF TIME.** The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

**COUNTY.** County of Lake, Michigan.

**JUVENILE.** Any person under 17 years of age.

**MINOR.** A person under 21 years of age.

**MUNICIPAL CIVIL INFRACTION.** An act or omission that is prohibited by this code or any ordinance of the township, but which is not a crime under this code or any other ordinance of the township, and for which civil sanctions, including without limitation, fines, damages, expenses and costs may be ordered, as authorized by Public Act 236 of 1961, Ch. 87, being M.C.L.A. §§ 600.8701 through 600.8735, as amended. A MUNICIPAL CIVIL INFRACTION is not a lesser included offense of any criminal offense in this code.

**OFFICER, DEPARTMENT, BOARD AND THE LIKE.** Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words "of Yates Township, Michigan." Whenever, by the provisions of this code, any officer of the township is assigned any duty or empowered to perform any act or duty, reference to that officer shall mean and include the officer or his or her deputy or authorized subordinate.

**ORDINANCES.** The ordinances of Yates Township, and all amendments thereto.

**PERSON.** Any natural individual, firm, trust, partnership, association or corporation. Whenever the word PERSON is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners, or members thereof, and as applied to corporations the word includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

**STATE.** The term THE STATE or THIS STATE shall be construed to mean the State of Michigan.

#### **§ 10.03 SECTION CATCHLINES AND OTHER HEADINGS.**

(A) The catch lines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of those sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catch lines, are amended or reenacted.

(B) No provision of this code shall be held invalid by reason of deficiency in any such catch line or in any heading or title to any chapter, article or division.

#### **§ 10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.**

Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code.

(A) Promising or guaranteeing the payment of money for the township, or authorizing the issuance of any bonds of the township or any evidence of the township's indebtedness, or any contract or obligations assumed by the township;

(B) Containing any administrative provisions of the Township Board;

(C) Granting any right or franchise;

(D) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like, any street or public way in the township;

(E) Making any appropriation;

(F) Levying or imposing taxes;

(G) Establishing or prescribing grades in the township;

(H) Providing for local improvements and assessing taxes therefore;

(I) Dedicating or accepting any plat or subdivision in the township;

(J) Extending or contracting the boundaries of the township;

(K) Prescribing the number, classification or compensation of any township officers or employees;

(L) Prescribing specific parking restrictions, no-parking zones; specific speed zones; parking meter zones; and specific stop or yield intersections or other traffic ordinances pertaining to specific streets;

(M) Pertaining to rezoning; and/or

(N) Any other ordinance, or part thereof, which is not of a general and permanent nature; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. Those ordinances are on file in the Township Clerk's office.

**§ 10.05 CONTINUATION OF ORDINANCES.**

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of the ordinances and not as new enactments.

**§ 10.06 PRIOR RIGHTS, OFFENSES AND THE LIKE.**

Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this code shall not be affected by the adoption, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the adoption had not been effected.

**§ 10.07 ORDINANCES REPEALED NOT REENACTED.**

No ordinance or part of any ordinance heretofore repealed shall be considered re-ordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

**§ 10.08 AMENDMENTS TO CODE.**

(A) Amendments to any of the provisions of this code shall be made by amending those provisions by specific reference to the section number of this code in the following language: "That section \_\_\_\_\_ of the Yates Township Code, is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

(B) If a new section not heretofore existing in the code is to be added, the following language shall be used: "That the Yates Township Code is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows:..." The new section shall then be set out in full as desired.

**§ 10.09 SUPPLEMENTATION OF CODE.**

(A) By contract or by township personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Township Board. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in the catch lines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

- (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this division” and the like, as the case may be, or to “sections \_\_\_\_\_ to \_\_\_\_\_” (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and
- (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

#### § 10.10 APPEARANCE TICKETS.

The following public servants are hereby authorized to issue and serve appearance tickets with respect to ordinances of the township, as provided by M.C.L.A. § 764.9c, as amended, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a township ordinance:

- (A) Health Officer;
- (B) Building Inspector;
- (C) Fire Marshal; and
- (D) Fire Chief.

#### § 10.11 SEPARABILITY OF PROVISIONS.

Each section, paragraph, sentence, clause and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

#### § 10.99 GENERAL PENALTY.

- (A) Any person violating any provision of this code for which a penalty is not otherwise specified, either in that provision or elsewhere in the code, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine of not more than \$500, or to imprisonment in the county jail for a period of not more than 90 days, or to both the fine and imprisonment in the discretion of the court.
- (B) Provisions of this code prescribing any penalty shall not apply to the failure of any township officer or employee to perform an official duty.
- (C) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Public Act 87 of 1961, Ch. 87, being M.C.L.A. §§ 600.8701 through 600.8735, as amended and other applicable laws.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this code or any ordinance, the civil fine for a violation shall be not less than \$50 nor more than \$500, plus costs and other sanctions, for each infraction. Costs shall include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10 nor more than \$500 be ordered.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this code or any ordinance.

(a) As used in this section, REPEAT OFFENSE means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:

1. Committed by a person within any three-year period (unless some other period is specifically provided by this code or any ordinance); and
2. For which the person admits responsibility or is determined to be responsible.

**(b) Unless otherwise specifically provided by this code or any ordinance for a particular municipal civil infraction violation the increased fine for a repeat offense shall be as follows:**

- 1. The fine for any offense which is a first repeat offense shall be no less than \$150 and no more than \$500, plus costs;**
- 2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500, plus costs; and**
- 3. Repeat offenses are determined on the basis of the date of the commission of the offenses.**

**(D) A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this code or any ordinance; and any omission or failure to act where the act is required by this code or any ordinance.**

**(E) Each act of violation and each day on which any violation of this code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.**

**(F) In addition to any remedies available at law, the township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this code or any township ordinance. The penalty or sanction shall be in addition to the abatement of the violating condition, any injunctive relief, revocation of any permit or license, or other process.**

**(G) The penalties and sanctions provided by this section, unless another penalty or sanction as expressly provided, shall apply to the amendment of any section of this code and/or any addition to this code whether or not the penalty or sanction is reenacted in the amendatory ordinance.**

**Statutory reference:**

**Limitation on penalties, see M.C.L.A. § 41.183  
(Ord. 11-01, passed 6-18-2011)**

## **AMENDMENTS TO STATE CONSTRUCTION CODE (LARA,COPY)**

### **State Amendments to MI Construction Code**

**TITLE III: ADMINISTRATION**

**Chapter**

**30. MUNICIPAL CIVIL INFRACTIONS**

**31. YATES TOWNSHIP TAX EXEMPTION**

**CHAPTER 30: MUNICIPAL CIVIL INFRACTION**

**Section**

**30.01 Definitions**

**§ 30.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** Public Act 236 of 1961, being M.C.L.A. §§ 600.101 et seq., as amended.

**AUTHORIZED TOWNSHIP OFFICIAL.** Township Supervisor, Deputy Supervisor, Zoning Administrator, Code Enforcement Officer or other personnel of the township authorized by ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

**BUREAU.** The Yates Township Municipal Ordinance Violations Bureau as established by this chapter.

**MUNICIPAL CIVIL INFRACTION.** An act or omission that is prohibited by ordinance of the township, but which is not a crime under this chapter or other ordinances, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Public Act 236 of 1961, Ch. 87, being M.C.L.A. §§ 600.8701 through 600.8735, as amended. A municipal civil infraction is not a lesser included offense of a violation of this chapter that is a criminal offense.

**MUNICIPAL CIVIL INFRACTION ACTION.** A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

**MUNICIPAL CIVIL INFRACTION CITATION.** A written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE.** A written notice prepared by an authorized township official, directing a person to appear at the Yates Township Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Township Board, as authorized under M.C.L.A. §§ 600.8396 and 600.8707(6) of the Act.



**CHAPTER 31: YATES TOWNSHIP TAX EXEMPTION-PAYMENT IN LIEU TAXES**

**(PILT)**

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**§ 31.01 PREAMBLE.**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing of its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Section 125.1401 et. seq., MSA Section 116.114 (1) et. seq.). Yates Township is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as Yates Township will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

Yates Township acknowledges that FiveCap, Inc. Limited Dividend Housing Association Limited Partnership (the "Sponsor") has offered subject to receipt of a Mortgage Loan from the Michigan State Housing Development Authority, or other lender, to erect, own and operate a housing development identified as Duvernay Park Apartments on certain property located at and more particularly described as:

Township of Yates, County of Lake, State of Michigan Idlewild No. 1

In the Township of Yates to serve persons of low income, and that the Sponsor has offered to pay the Township on account of this housing development an annual service charge for public services in lieu of all taxes.

Yates Township – Administration

**§ 31.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the clearly indicates or requires a different meaning.

**AUTHORITY** means the Michigan State Housing Development Authority.

**ACT** means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

**ANNUAL SHELTER RENT** means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

**CONTRACT RENTS** are as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended.

**HOUSING DEVELOPMENT** means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines to improve the quality of the development as it relates to housing for persons of low income.

**MORTGAGE LOAN** means a loan to be made by the Authority, or other Lender to the Sponsor for the construction and/or permanent financing of the Housing Development.

**UTILITIES** mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

**SPONSOR** means person(s) or entities which have applied to the Authority, or other Lender for a Mortgage Loan to finance a Housing Development.

### **§31.03 CLASS OF HOUSING DEVELOPMENTS.**

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings which are located in the Township of Yates and which are financed or assisted pursuant to the Act. It is further determined that Duvernay Park Apartments is of this class.

## **Chapter 31: Tax Exemption**

### **§ 31.04 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.**

The Housing Development identified as Duvernay Park Apartments and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The Township of Yates, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a Mortgage Loan from the Authority, or other Lender, to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4 percent of the differences between Annual Shelter Rents actually collected and utilities.

### **§ 31.05 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.**

Notwithstanding Section 4, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development was not tax exempt. The term "low income persons or families" as used herein shall be the same meaning as found in Section 15 (a) (7) of this Act.

### **§ 31.06 PAYMENT OF SERVICE CHARGE.**

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property to the Township of Yates except that the annual payment shall be paid on or before April 15th of each year.

### **§ 31.07 HOUSING PROJECTS CURRENTLY EXEMPT FROM TAXATION.**

Those housing projects which are currently exempt from taxation and are already making payment in lieu of tax (PILOT/PILT) payments shall not be affected nor shall the terms of the tax exemption and PILOT payments for those housing projects be changed by reason of the passage of this Ordinance.

### **§ 31.08 DURATION.**

This Ordinance shall remain in effect and shall not terminate so long as the Housing Development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended; and provided that construction of the Housing Development commences within two years from the effective date of this Ordinance.

§ 31.09 CONTRACTUAL EFFECT OF ORDINANCE.

Notwithstanding the provisions of Section 15(a) (5) of the Act, to the contrary, a contract between the Township of Yates and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.  
(Ord. 02-1 passed 02-18-2002)

Chapter 50. SANITARY SEWAGE DISPOSAL SYSTEM  
51. CEMETARY ORDINANCE

CHAPTER 50: SANITARY SEWAGE DISPOSAL SYSTEM

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§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AVAILABLE PUBLIC SANITARY SEWER.** A public sanitary sewer line located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property or easement to the property and passing not more than 300 feet at the nearest point from a structure in which sanitary sewage originates.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20°C expressed in terms of weight and concentration (milligrams per liter [mg/l]).

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside of walls of the building and conveys to the building sewer, beginning five feet outside inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER.** A sewer receiving both storm water and sewage.

**COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**COMBINED SEWER.** A sewer receiving both storm water and sewage.

**DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the waters of the state.

**DOMESTIC WASTE.** The waste originating mainly from residential sources.

**GARBAGE.** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**GROUND WATER.** The water beneath the surface of the ground, whether or not flowing through known or definite channels.

**HOLDING TANK WASTE.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INDIRECT DISCHARGE.** The discharge or the introduction of non-domestic pollutants from any source, into the public sanitary sewer system (including holding tank waste discharged into the system).

**INDUSTRIAL USER.** A source of industrial waste.

**INDUSTRIAL WASTE.** Liquid waste, solids or semi-solids from industrial processes as distinct from domestic waste.

**INTERFERENCE.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the system, its treatment processes or operations, including without limitation, the use or disposal of treated water or the use or disposal of sludge; or which causes any violation of any requirement of the ground water discharge permit issued pursuant to the Prevention and Abatement of Water Pollution Act, Act 222 of 1949, being M.C.L.A. §§ 323.101 through 323.103, as amended, and the administrative rules promulgated pursuant thereto.

**MAY** is permissive.

**MDEQ.** The Michigan Department of Environmental Quality, or its successor.

**MDPH.** The Michigan Department of Public Health, or its successor.

**MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**OPERATION AND MAINTENANCE.** The satisfactory provision for assuring proper and efficient functioning of the treatment works.

**PERSON.** Any individual, firm, municipality, company, association, society, corporation, partnership or group, including their officers and employees.

**pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

**POLLUTANT.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**POLLUTION.** The human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of foods that have been shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch in any dimension.

**PUBLIC SANITARY SEWER SYSTEM or SYSTEM.** The township sanitary sewage treatment system, including all collection lines, trunk sewers, interceptors, pump stations, lift stations, manholes, the wastewater treatment facility and all appurtenances thereto.

**PUBLIC SEWER.** A sewer owned and controlled by the township.

**REPLACEMENT.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which the works were designed and constructed.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SHALL.** Mandatory.

**STORM SEWER or STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**STORM WATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUSPENDED SOLIDS.** The total suspended matter that floats on the surface or, is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**TOWNSHIP.** The Township of Yates, Lake County, Michigan or where appropriate, Township Board or other duly authorized official representative of the township.

**TREATMENT FACILITY.** The portion of the public sanitary sewer system designed to provide treatment to wastewater.

**SYSTEM.** The public sanitary sewer system.

**USER.** Any person, who contributes, causes or permits the contribution of wastewater into the township's public sanitary sewer system.

**USER CHARGE.** A charge levied on users of treatment works for the cost of operation and maintenance of the works.

**WASTEWATER.** The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions together with any groundwater or surface water that may be present, whether treated or untreated, which is contributed into or permitted to enter the system.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.  
(Ord. 9, passed 9-21-1998)

#### **§ 50.02 ABBREVIATIONS.**

The following abbreviations shall have the designated meaning.

**BOD.** Biochemical oxygen demand.

**SWDA.** Solid Waste Disposal Act; 42 U.S.C. §§ 6901 et seq.

**TSS.** Total suspended solids.

**USC.** United States Code.

(Ord. 98-01, passed 9-21-1998)

### § 50.03 USE OF PUBLIC SEWERS REQUIRED.

Waste deposits. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the township, or in any area under the jurisdiction of the township, any human or animal excrement, garbage or other objectionable waste.

(B) Water pollution. It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural watercourse or artificial watercourse, any sewage or other polluted waters other than storm water or uncontaminated industrial waters as defined in this chapter or to increase an approved use except upon special agreement or arrangement with the township in accordance with rules and procedures of appropriate agencies of the state.

Privies and septic tanks. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage in any area of the township served by the public sanitary sewer system.

(D) Sewer connection required.

The owners of all dwellings, building, structures or properties used for human occupancy, employment, recreation or other purpose (where liquid wastes are produced), situated within the township and abutting on any street, alley or other public right-of-way in which there is now located or may in the future be located an available public sanitary sewer of the township are hereby required, at their expense to install suitable facilities and connect the facilities directly to the proper public sanitary sewer. The connection shall be preceded by proper application for and receipt of a sanitary sewer connection permit required by §50.06(B) below. The township may require any owner, pursuant to the authority conferred upon it by law or ordinance, to make the installations and connections. The connections shall be completed and inspected prior to occupancy.

The connection to an available public sanitary sewer shall be completed promptly, but in no case later than 60 days from the date of occurrence of the last of the following events.

Publication of a notice by the Township Clerk of the availability of the public sanitary sewer system in a newspaper of general circulation in the township. Modification of a structure so as to become a structure in which sanitary sewage originates.

Upon the failure to complete connection where the structure in which sanitary sewer originates has not been connected to an available public sanitary sewer within the 60-day period provided in division (D)(2) above, the township shall require the connection to be made forthwith after notice by first class mail or certified mail or posting on the property to the owners, occupants and persons having control of the property on which the structure is located. The notice shall give the approximate location of the available public sanitary sewer for connection of the structure involved and shall advise those persons of the requirements and the enforcement provisions of this chapter.

If any structure in which sanitary sewage originates is not connected to an available public sanitary sewer within 30 days after the date of mailing or posting of the written notice provided in division (D)(3) above, the township, in addition to the remedies otherwise provided by this chapter, may bring an action for a mandatory injunction or order in the district, municipal or circuit court in the county in which the structure is situated to compel the owner to immediately connect to the available public sanitary sewer. The township in one or more of such actions may join any number of owners of structures to compel each owner to connect to the available public sanitary sewer.

If the owner or occupant of property with a private sewage disposal system fails to connect to an available public sanitary sewer as provided by this section, then the township may take any action necessary to do so, charging all costs of compliance to the property owner or to the occupant of the property, and the charges shall become (and shall be collectible as) a lien on the property.

(Ord. 90-4, passed 9-19-2011)

### § 50.04 PRIVATE SEWAGE DISPOSAL.

Private sewage systems. When a public sanitary sewer is not available under the provision of § 50.02 above, the building sewer shall be connected to a private sewage disposal system constructed in compliance with all applicable laws, rules and regulations including, but not limited to, those of the appropriate agencies of the state and the township.

**Yates Township – Public Works**

**Location of system.** All installations of private sewage disposal systems shall comply with the existing county and state laws and regulation.

**Discontinuance of system.**

If an available public sanitary sewer exists, as defined in § 50.01 above, a property served by a private sewage disposal system and unless established to the contrary, all buildings as described in § 50.02 above shall be required to make proper installation and connection to the available public sanitary sewer in compliance with this chapter.

All connections shall be preceded by a proper application and receipt of a sanitary sewer connection permit as required by § 50.06(b) below.

All component parts of any private sewage disposal system shall be abandoned and filled with suitable material at the owner's expense, in accordance with township regulations. All filling and demolition of abandoned private sewage disposal systems shall be inspected and approved by designated township officials.

**Maintenance.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the township.

**Additional requirements.** No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the township or other authorities with respect to private sewage disposal.

(Ord. 90-4, passed 9-19-2011)

**§ 50.05 OPERATION AND MAINTENANCE OF THE SYSTEM.**

**(A) Management and control.** The construction, operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the township. The township may employ or appoint the person or persons in a capacity or capacities as it deems advisable to carry out the efficient operations and management of the system and may make the rules and regulations as it deems necessary.

**(B) Continuous service.** The township will endeavor to furnish continuous wastewater service to the users of the system, but does not guarantee uninterrupted service and will not be liable for any damage which the users may sustain by reason of the failure of the service, whether caused by accident, acts of God, repairs or otherwise, nor will the township be liable for damages which the consumer may sustain by reason of failure of the system or for damages to persons or property arising, accruing or resulting from a failure of the system.

(Ord. 98-01, passed 9-21-1998)

**§ 50.06 BUILDING SEWERS AND CONNECTIONS.**

**(A) Connection to sewer.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the township or from the official as it may designate.

**(B) Permit required.** All connections with any public sewer shall be made only on written authorization and permits issued by the township and on forms and on payment of fees as shall be established from time to time by the township.

**(C) Cost of building sewer.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of the property. The owner shall indemnify the township from all loss or damage that may directly be occasioned by the installation of the building sewer.



**Application; plans.**

(1) All applicants for sewer connection permits shall first submit plans and specifications of all plumbing construction within the building or premises and the plans and specifications shall meet the requirements of the plumbing code commonly enforced in the township and the township's standards for public sewer construction, and all orders, rules and regulations of the MDPH. The approval of each connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains and sewage treatment plant. When the plans and specifications have been approved by the township, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed and ready for connection to the public sewer.

(2) Final approval will be subject to compliance with all applicable laws, rules, regulations, orders and directives.

**Inspection.**

(1) The applicant for a sanitary sewer connection permit shall notify the township when the building sewer is ready for inspection and connection to the public sewer. The township shall then inspect the building sewer and its connection to the public sewer and if the connection meets the previous requirements as so approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of this chapter.

(2) Upon final approval of any sewer connection, all sewer supports, testing of sewer, backfilling of sewer, including material and other elements contingent on completion of installation shall comply with all applicable laws, rules, regulations, orders and directives, including the township's building codes.

(F) Building sewer maintenance. The costs of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. The owner shall make application for permit to perform the work to the township.

(G) Connections; how made. All connections to existing or new sewers will, at the option of the township, be made or inspected by the township. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if the branch is available at a suitable location.

(H) Excavation precautions. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

(I) Separate connections required. Each building connected to any public sewer shall be connected by means of a separate building sewer. The use of multiple building sewers is prohibited.

**(J) Backfill requirements.**

(1) When connections are to be made with any sewer in any street the trench shall be backfilled with sand or gravel in layers not to exceed eight inches in thickness.

(2) Each layer shall be thoroughly and solidly tamped in place; the backfill shall be finished to the same grade as the original surface and shall be maintained in that condition for a period of one year from the date after which they were installed.

(3) Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. In case of failure to maintain trenches and backfill in that condition, the township is authorized by this subchapter to make the necessary repairs and charge the total cost against the person responsible for the same. No backfill shall be placed until the building sewer and connection has been inspected and approved by the township.

(K) Time limit on open trench. The person or owner causing any excavation or trench to be made in any public street or thoroughfare in the township shall be required to backfill and replace the trench as herein provided within a period of three days after work of excavating has been started unless written permission is granted by the township to allow the trench to be open for a longer period of time. In case of the failure to promptly refill any trenches within a period of three days, the township shall have the right to cause the same to be refilled and the expense shall be charged against the person, or owner responsible therefor.

(L) Barricade requirements. Every person excavating or causing to be excavated any trench in any public street or thoroughfare, for the purpose of making connections with sewer mains shall place or cause to be placed and maintained at and along the trench, proper signals, colored lights and barricades to give warning and prevent accidents, but in no case shall a trench be excavated so as to entirely block any street for travel without the prior written consent of the township. In case of the failure to properly barricade or light the excavations or trenches, the township is authorized to cause the same to be lighted or barricaded and the expense thereof shall be charged against the persons responsible for the opening.

**(M) Sewer connection requirements.**

(1) All sewer connections shall be made with the following approved sewer pipe:

- (a) PVC SDR-35, ASTM D-3034;
- (b) PVC Sch. 80 or 120, ASTM D-1785;
- (c) ABS, Sch. ASTM D-1527; and
- (d) Clay pipe, C700 extra strength ASTM pipe, joint C-425.

(2) Sewer pipe shall not be less than six inches in diameter and at such locations in the public sewers where branches or wyes were placed for that purpose, if any. Where there are no wyes, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of the township; the connection shall be made by saddle device approved by the township. All work for the purpose of making sewer connections shall be done in compliance with the rules, regulations and codes governing plumbing in the township.

**(N) Sewer elevation.**

- (1) Whenever possible the sewer connection shall be brought to the building at an elevation below the basement floor.
  - (2) No sewer connection shall be laid parallel to or within three feet of any bearing wall, which might hereby be weakened.
  - (3) The depth to invert shall be sufficient to afford protection from frost. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by the sewer shall be lifted by approved artificial means and discharged to the sewer connection.
- (Ord. 98-01, passed 9-21-1998) Penalty, see § 50.99

**§ 50.07 USE OF THE PUBLIC SEWERS.**

(A) Unpolluted water. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Storm drainage. Storm water and all other unpolluted drainage shall be discharged to the sewers as are specifically designated as storm sewers, or to a natural outlet approved by the township, and in compliance with rules and procedures of various agencies of the state. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the township to a storm sewer, or natural outlet. The township has the right to exclude industrial or commercial waste in whole or in part, for any reason from storm sewers.

**(C) Prohibited discharges.**

(1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or performance of the system as defined in § 50.01 above. A user may not contribute the following substances to the system:

- (a) Any wastewater having a temperature which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater with a temperature which exceeds 60°C (140°F);
- (b) Any waste which may contain any concentration of any substance beyond the average daily concentration of the following:

Parameter Substance	Parameter Limit (mg/l)
BOD	250
Chemical oxygen demand	600
Chlorine requirement	15
Total suspended solids	250
Fats, grease and oil	50
Cadmium	0.20
Chromium (total)	2.50

Copper	0.30
Cyanide	0.10
Nickel	1
Phenol	0.03
Phosphorus	13
Zinc	2
Arsenic	2
Lead	1
Nitrogen	40
Silver	1
Parameters are expressed and shall be reported as the actual element, radical or ion by atomic or molecular weight.	

(c) Discharges of the following may be permitted only after written application by the person discharging and a determination by the township that the limits of the discharge comply with the standards established by the state and federal governments: aluminum, manganese, antimony, mercury, barium, PCBs, beryllium, selenium, boron, thallium and tin;

(d) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas or pollutant which can create a fire or explosion hazard defined as being greater than 20% of the lower explosive limit (LEL) for the substance;

(e) Any garbage that has not been properly shredded;

(f) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rugs, feathers, tar, plastic, wood, paunch manure or any other solid or viscous substance causing obstruction to the flow in sewers or other interference with the proper operation of the system;

(g) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment, personnel or the system;

(h) Any waters, or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving waters or in the treatment facility;

(i) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle those materials at the treatment facility;

(j) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(k) Any waters or wastes having pH less than 5.0 and greater than 11.0;

(l) Any substance which may cause the system's effluent or any other product of the system such as residues, sludge's or scum's, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (being 42 U.S.C. §§ 6901 et seq.), the Clean Air Act (being 33 U.S.C. §§ 1251 et seq.), the Toxic Substance Control Act (being 15 U.S.C. §§ 2601 et seq.) or state criteria applicable to the sludge management method being used;

(m) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(n) Any pollutants, including oxygen demanding pollutants (BOD and the like) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW;

(o) Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the township in compliance with applicable state or federal regulations;

(p) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(q) Pollutants which result in the presence of toxic gases, vapors or fumes within the treatment facility in a quantity that may cause acute worker health and safety problems;

(r) Any trucked or hauled pollutants; or

(s) Any medical waste.

(2) When the township determines that a user(s) is contributing to the system, any of the above enumerated substances in amounts so as to interfere with the operation of the system, the township shall:

(a) Advise the user(s) of the impact of the contribution on the system;

(b) Develop effluent limitation(s) for the user to correct the interference with the system; and

(c) Set a time limit for compliance with divisions (2)(a) and (b) above.

**(D) Interceptors.**

**(1) Grease, oil, sand interceptors and conventional grease traps shall be provided when, in the opinion of the township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the township and shall be located as to be readily and easily accessible for cleaning and inspection.**

**(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.**

**(E) Interceptor maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times and shall be accessible for inspection by township employees at all reasonable times.**

**(F) Preliminary treatment facilities. The admission into the public sewers of any waters or waste containing any quantity of substances having the characteristics described in division (C) above, or having a daily average flow greater than 5% of the average daily wastewater flow of the township, shall be subject to the review and approval of the township. Where necessary in the opinion of the township, the owner shall provide, at his or her expense, the preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in division (C) above, or control the quantities and rates of discharge of the waters or waste. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the township and/or the MDEQ, and no construction of the facility shall be commenced until the approvals are obtained in writing.**

**(G) Maintenance of preliminary facilities. Where preliminary treatment facilities are provided for any waters or waste, they shall be maintained in satisfactory and effective operation by the owner at his or her expense.**

**(H) Control manholes. The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of waste. The manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the township. The manholes shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.**

**(I) Measurements and test. All measurements, tests and analysis of the characteristics of waters and waste to which reference is made in divisions (C) and (D) above, shall be determined in accordance with the Standard Methods for the Examination of Water and Sewage, latest edition, and shall be determined at the control manhole provided for in division (H) above, or upon suitable samples taken at the control manhole. In the event that no special manhole is available, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.**

**(J) Agreements. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the township for treatment, subject to payment therefor by the industrial concern, provided that payments under that agreement shall at all times be adequate to avoid impairing the rights of the holders of any sewer revenue bonds of the township which may then be outstanding and unredeemed.**

**(Ord. 98-01, passed 9-21-1998) Penalty, see § 50.99**

**§ 50.08 USER RATES AND CHARGES; WASTEWATER DISPOSAL SERVICES.**

Rates and charges for sanitary sewer collection and treatment shall be in amounts as shall be established from time to time by resolution of the Township Board.

(Ord. 98-01, passed 9-21-1998)

**§ 50.09 ANNUAL REVIEW.**

Annually, prior to the adoption of the township's next fiscal year budget, there shall be a review by the township of all rates and charges, including user and connection charges. Upon completion, a report shall be prepared and presented at a meeting of the Township Board summarizing the review and recommending rates and charges which will assure that the costs of service will be recovered from users classed proportionately to the cost of providing service to them.

(Ord. 98-01, passed 9-21-1998)

**§ 50.10 POWERS AND AUTHORITY OF INSPECTORS.**

(A) Inspectors. The township and duly authorized officials or employees of the township, and agents of the MDEQ or MDPH bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing the entry shall be guilty of a violation of this chapter.

(B) Record copying. Inspectors shall have the right to have access to and make copies of any discharge related records of any non-domestic user.

(C) Collecting non-domestic user information. The township shall have the right to request and receive certain specific information from all non-domestic users. This information may include specific additional information which may be used to identify potential hazardous waste sources.

(Ord. 98-01, passed 9-21-1998)

**§ 50.11 APPLICATION FOR SEWER SERVICE AND BILLING PROCEDURES.**

Application for service.

(A) A user desiring to obtain sewer service shall sign the required application form which is available at the township hall. A signed application must be received before new service will be commenced. In the event sewer service at the premises, an application from, the new user (owner)

(B) Responsibility for sewer service bills. The owner of a premises receiving sewer service shall be responsible for the timely payment of the charges for that service, and any unpaid charges shall become a lien on the property in accordance with applicable state law. If, however, a tenant is to be responsible for the payment of sewer charges, the township must be so notified in a writing signed by both the landlord and tenant and including a true copy of the lease of the affected premises, if one exists. In the event of filing of the notice, no further service to the premises will be provided, unless and until a cash deposit in an amount to be determined by resolution of the Township Board, but not less than the estimated bill for three months of sewer service, has been deposited with the township as security for the payment of the charges. In any other case where, in the discretion of the township, the collection of charges for water or sewer disposal service may be difficult or uncertain, the township may require a deposit. The deposits may be applied against any delinquent sewer service charges of the depositor and the application thereof shall not affect the right of the township to turn off the water or sewer service to any premises thereby satisfied.

(C) Return of security deposits. The township shall refund a deposit upon satisfactory payment by the user of all proper charges for sewer service for a period of 12 successive billing

quarters. Payment will be considered satisfactory if made prior to the issuance of any notice of discontinuation of service for nonpayment. Users who have established credit by the satisfactory payment of sewer charges at one premises shall not be required to make deposits at a subsequent premises. A user who has been refunded a deposit shall be required to remake a security deposit in the event that user's service is discontinued for nonpayment before service will be reinstated. Upon termination of service, the deposit shall be credited to the final bill, and the balance, if any, shall be promptly returned to the user. The user shall not be entitled to receive any interest on the deposit.

(D) Sewer service bills. All meters shall be read at least quarterly. Bills for sewer service shall be rendered quarterly. The total amount of the sewer charges shall be the "net" amount of the bill. The township shall keep a record of all meter readings and shall keep accounts of the charges for sewer services furnished to all premises.

(E) Payment of bills. Bills shall be due and payable on the date specified on the bill. There shall be no discount for early payment. All sewer service charges shall be collected by the township and credited to the proper accounts.

(F) Late payment penalty. In the event the bill is not paid by the due date, a 10% penalty will be added to the net amount of the bill, and both shall become immediately due and payable. All payments by mail must be postmarked on or before the due date to prevent imposition of the 10% penalty. When the due date falls on a legal holiday, Saturday or Sunday, the net amount will be accepted on the first business day following. Failure to receive the bill shall not excuse a late payment penalty unless it can be shown from the billing record that the bill was not sent.

(G) Change of address. It shall be the responsibility of the owner and/or user to notify the township of any change in ownership or billing address.

(H) Termination of sewer service for nonpayment.

(1) If payment is not received or satisfactory arrangements have not been made within 30 days of the due date on the bill, a termination of service notice will be sent by first class mail to inform the user that failure to pay the past due amount, including any penalties, within seven days will result in termination of service.

(2) This notice will also inform the user that the user may request a hearing before the Township Board prior to any termination of service.

(3) At the hearing, the user will be given an opportunity to show why service should not be terminated. If payment is not received or satisfactory arrangements have not been made or a hearing has not been requested within seven days after the notice is mailed to the user, the sewer service will be discontinued.

(4) No sewer service that has been discontinued for nonpayment of charges shall be restored until all past due bills and penalties are paid or satisfactory arrangements for the payment are made.

(I) Water shut-off. In addition to other remedies provided, the township shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of sewer rates when due. If the charges are not paid within 30 days after the due date thereof, then water services to the premises shall be discontinued. Water services so discontinued shall not be restored until a time as all charges and penalties are paid. Water shut-off shall be preceded by adequate notification and an opportunity to request a hearing as provided for in division (H) above. Notices and hearings under division (H) above and this division (I) may be combined.

\*(J) Collection of rates. The charges and rates for sewer services provided herein which are made a lien on all premises served thereby, unless notice is given as provided by state statute that a tenant is responsible, are hereby recognized to constitute the lien, and whenever any such charge against any piece of property shall be delinquent for *three* months or more, they shall be certified annually on September 1 of each year to the tax-assessing officer of the township, whereupon the charge shall be entered by him or her upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against the premises as collected, and the lien thereof enforced.

Effective Date. This ordinance has immediate effect on October 20, 2015. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

\*Amended \* See Clerk to view resolution

(K) No free service. No free service shall be rendered by the system to any person, firm or corporation, public or private, or any public agency or instrumentality. The township shall pay for all sewage disposal service furnished to it or to any of its departments at the rates determined by the Township Board from time to time.

(Ord. 98-01, passed 9-21-1998)

**§ 50.12 HEADINGS; RECORDATION.**

(A) Headings. The division headings in this chapter are furnished for convenience of reference only and shall not be considered to be a part of this chapter.

(B) Recordation; publication; effective date. This chapter shall be recorded in the minutes of the meeting of the Township Board at which it was adopted, as soon as practicable after its adoption, which record shall be authenticated by the signatures of the Township Supervisor and Township Clerk, and shall be published once in The Lake County Star, a newspaper of general circulation within the township.

(C) Effective date. This chapter shall take effect 20 days after its adoption.

(Ord. 98-01, passed 9-21-1998)

**§ 50.99 PENALTY.**

**Civil penalties.**

A person who violates or fails to comply with Section 50.03(D) is responsible for a municipal civil infraction and subject to the civil fines set forth below and any other relief that may be imposed by the court. After the original 60-day notice period outlined in Section 50.03(D)(2)-(3), each 30-day period during which a person fails to connect to the public sanitary sewer constitutes a separate violation. The civil fines for this infraction and recurring offenses are as follows:

First instance: \$250

Second instance: \$500

All subsequent instances: \$1000

In addition to this fine, the township may recover actual reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation. The fines outlined in this section are remedies in addition to those outlined elsewhere in this chapter, including but not limited to those outlined in Section 50.03(D) and the remainder of this Section. The township may, in its discretion, simultaneously seek relief under this subsection, as well as other provisions of the Township Code of Ordinances, including but not limited to those outlined in Section 50.03(D) and the remainder of this section.

Any user who violates any order of the township, or who willfully or negligently fails to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereafter, shall be responsible for a municipal civil infraction and fined a sum not less than \$100 or more than \$25,000 per day per violation. In addition to this fine the township may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation of not less than \$9 or more than \$1,000. In addition, should it be determined that the public sanitary sewer system or any connecting sewer lines or lift stations have incurred damage as a result of any violation of this chapter the township shall have the right to recover any and all damages from those parties in violation.

**Falsifying information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of no more than \$500 or by imprisonment for not more than 90 days, or by both.

**Criminal penalty.** Any person determined responsible for a municipal civil infraction under division (A) above, and who violates, disobeys, omits, neglects or refuses to comply with any provision of this chapter after the determination shall, upon conviction, be punished for each offense by a fine of not more than \$500 and costs of prosecution, or by imprisonment for not more than 90 days, or by both fine and imprisonment. Each day that a violation continues shall constitute a separate offense.

(Ord. 90-04, passed 9-19-2011)

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## CHAPTER 51: CEMETERY ORDINANCE

### Section

- 51.01 Definition
- 51.02 Sale of lots or burial spaces
- 51.03 Purchase price and transfer fees
- 51.04 Grave opening charges
- 51.05 Markers or memorials
- 51.06 Ground maintenance
- 51.07 Forfeiture of vacant cemetery
- 51.08 Repurchase of lots or burial spaces
- 51.09 Records
- 51.10 Vault
- 51.11 Cemetery
- 51.12 Winter burials
- 51.13 Penalties
- 51.14 Severability
- 51.15 Effective date

#### § 51.01 DEFINITIONS.

A cemetery lot shall consist of burial space sufficient to accommodate from one to six burial spaces.

An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

An infant or stillborn burial space shall consist of a land area three (3) feet wide and three (3) feet in length in areas set aside specifically for such burials.

A designated "Burial Attendant" shall be responsible for the opening and closing of all burial spaces.

The "Cemetery Sexton" shall be responsible for location of all burial spaces; shall have access to all burial records; and shall receive all burial permits.

The Township Clerk or designee shall maintain all burial records in the township business office.

#### § 51.02 SALE OF LOTS OR BURIAL SPACES.

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of such purchaser or his/her heirs at law or next of kin. No sale shall be made to funeral directors or others for purpose of resale than as heretofore set forth. The Township Clerk or designee, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.

All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk or designee.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial upon the original burial form issued by the Township Clerk or designee, approved by said clerk or designee, and entered upon the official records of said clerk or designee. Upon such assignment, approval and record, said clerk shall issue a new burial form to the assignee and shall cancel and terminate upon such records, the original form thus assigned.

#### § 51.03 PURCHASE PRICE AND TRANSFER FEES.

Each adult burial space shall cost the sum of \$350 for residents, veterans \$200 and \$375 for non-residential.

Each burial space for infants or stillbirths, where located in an area especially set aside for such burials, shall cost \$100.

Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost twenty dollars (\$20).

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the general fund of Yates Township.

**The Township Board by resolution each year in March may review and alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.**



**§ 51.04 GRAVE OPENING CHARGES.**

The opening and closing of any burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable directly to the burial attendant by the Funeral Director on the day of interment.

No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

**§ 51.05 MARKERS OR MEMORIALS.**

All markers or memorials must be of stone or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one monument, marker or memorial shall be permitted per burial space.

The footing or foundation upon which any monument, marker, or memorial must be placed shall be placed, shall be constructed under the direction of the township at cost to the owner of the burial right.

**§ 51.06 GROUND MAINTENANCE.**

No grading, leveling, or excavation upon the burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the township or cemetery sexton.

The Township Board reserved the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem. Surfaces other than earth or sod are prohibited, unless written permission is granted by the township.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower containers must be removed or deposited in containers located within the cemetery.

**§ 51.07 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.**

Cemetery lots or burial spaces sold after the effective date of the Ordinance and remaining vacant forty (40) years from the date their sale, shall automatically revert to the township upon occurrence of the following events:

Notice shall be sent by the Township Clerk by First Class mail to the last known address of the last owner of record informing them of the expiration of the forty (40) year period and that all rights with respect to said lots or spaces will be forfeited if they do not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the within notice their desire to retain said burial rights.

No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces or their heirs or legal representative within sixty (60) days from the date of mailing of said notice.

**§ 51.08 REPURCHASE OF LOTS OR BURIAL SPACES.**

The township will repurchase any cemetery lot or burial space from the owner for the original price paid the township upon written request of said owner or their legal heirs or representatives.

**§ 51.09 RECORDS.**

The Township Clerk shall maintain records concerning all burial, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same be open to public inspection at all reasonable business hours.

**§ 51.10 VAULT.**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

**§ 51.11 CEMETERY HOURS.**

The cemetery shall be open to the general public from the hours of sunrise to sunset each day. No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the Township Board or the sexton of the cemetery.

**§ 51.12 WINTER BURIALS.**

The cemetery shall be closed to the general public and for the purposes of burial beginning with the first winter snow fall of six (6) inches or the first ground freeze of nine (9) inches, whichever comes first; and shall remain closed until the first spring thaw when roads and drives have melted. It shall be the responsibility of the funeral director to store the remains of any person to be buried until the opening of the cemetery in the spring.

**§ 51.13 PENALTIES.**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100 and/or imprisonment for up to ninety (90) days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

**§ 51.14 SEVERABILITY.**

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**§ 51.15 EFFECTIVE DATE.**

This ordinance shall take effect on November 26, 1990. All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
(Ord. 5-90, passed 11-26-1990)

**TITLE VII: TRAFFIC CODE**

[RESERVED]

**COPY OF LAKE COUNTY ORV ORDINANCE NO. 24**

TI

Yates Township – Traffic Code

**TITLE IX: GENERAL REGULATIONS**

**Chapter 90. JUNK VEHICLES**

**91. GENERAL NUISANCES**

**92. OUTDOOR ASSEMBLY**

**93. PARKS AND RECREATION**

**IX: GENERAL REGULATIONS**

**CHAPTER 90: JUNK VEHICLES**

**Section**

**90.01 Definitions**

**90.02 Storage of inoperable or junked vehicles or motor vehicles**

**90.03 Prima facie evidence**

**90.99 Penalty**

**§ 90.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**INOPERABLE VEHICLE or MOTOR VEHICLE.** Any vehicle or motor vehicle which cannot be started or legally or physically operated on city streets or public highways by virtue of lacking the equipment required by the laws of the state or which does not bear valid and current license plates.

**JUNKED VEHICLES or MOTOR VEHICLE.**

) Includes all parts or accessories of vehicles or motor vehicles without which vehicles or motor vehicles cannot be operated in a safe manner on city streets or public highways.

(2) Vehicles or motor vehicles which have been so damaged or dismantled as to be total losses.

**MOTOR VEHICLE.** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from over-head trolley wires, but not operated upon rails.

**TOTAL LOSS.** The cost to repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for the vehicle. Fair market value may be determined by using any nationally recognized appraisal books or method.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon rails or tracks.

(Ord. 73-1, passed 7-18-1973)

**§ 90.02 STORAGE OF INOPERABLE OR JUNKED VEHICLES OR MOTOR VEHICLES.**

No person, firm or corporation shall accumulate, store, place or permit the accumulation, storage or placement of any inoperable or junk vehicle or motor vehicle in the township, for more than 48 hours, unless the inoperable or junk vehicle or motor vehicle is stored in compliance with the Zoning Ordinance of the township or in enclosed garages or other structures.

(Ord. 73-1, passed 7-18-1973) Penalty, see § 90.99

**§ 90.03 PRIMA FACIE EVIDENCE.**

The ownership, occupation or use of land by any person, firm or corporation upon which an inoperable or junked vehicle or motor vehicle are accumulated, stored or placed shall be prima facie evidence that the person, firm or corporation accumulated, stored or placed the inoperable vehicle or motor vehicle upon the land, or permitted the inoperable vehicle or motor vehicle to be accumulated, stored or placed upon the land.

(Ord. 73-1, passed 7-18-1973) Penalty, see § 90.99

**§ 90.99 PENALTY.**

Any person, firm or corporation who shall violate this chapter will be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or not more than \$500, together with court costs, in the discretion of the court. Each day that the violation occurs shall constitute a separate offense.

(Ord. 73-1, passed 7-18-1973)

## CHAPTER 91: GENERAL NUISANCES

### Section

#### Trash and Junk

##### 91.01 Definitions

##### 91.02 Storage of trash or junk

##### 91.10 Noxious weeds and grass ordinance

##### 91.11 Noxious weeds and grass growth prohibited

##### 91.12 Public Notice

##### 91.13 Yates Township platted areas

##### 91.14 Non Compliance right of entry and removal by the township

##### 91.15 Collection from Property owner(s)

##### 91.16 Exemptions

##### 91.17 Penalty

##### 91.18 Enforcement officer

##### 91.19 Severability

##### 91.20 Conflicting Ordinances

##### 91.21 Effective Date

##### 91.99 Penalty

#### TRASH AND JUNK

##### § 91.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PERSON.** Includes any person, firm or corporation.

**TRASH and JUNK.** Used synonymously and each as herein used shall include herein used shall include the following: used articles or used pieces of: iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used timber which may be used as a harborage for rats, ashes, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of all kind, boxes, barrels and all other articles customarily considered trash or junk and which are not housed in a building.  
(Ord. 73-2, passed 7-18-1973)

**NOXIOUS WEEDS.** Noxious weeds shall include Canadian thistle, dodders, mustards, milkweed, wild carrot, perennial sow thistle, hoary alyssum, ragweed, poison ivy, poison sumac, or any other noxious weed as designated by the State Statute, County or Township ordinance.

##### § 91.02 STORAGE OF TRASH OR JUNK.

It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash or junk on premises in the township, except in a lawful sanitary landfill, a lawful junk yard, or not to exceed eight days storage in water-tight storage receptacles designed for the temporary accumulation of trash. The receptacles must have tight-fitting, water-tight covers.

(Ord. 73-2, passed 7-18-1973) Penalty, see § 91.99

**NOXIOUS WEEDS AND GRASS**

**§ 91.10 NOXIOUS WEEDS & GRASS.**

An ordinance to require owners or occupiers of lands for any platted area within Yates Township, Lake County, Michigan to cut grasses in excess of eight inches in height or cause to be cut down and destroy all noxious weeds and grasses growing thereon.

**§ 91.11 NOXIOUS WEED AND GRASS GROWTH PROHIBITED.**

It shall be unlawful for any landowner occupant, or any person in possession of any real estate for any platted area within Yates Township to permit or maintain on any such premises within the territorial jurisdiction of Yates Township, any growth of noxious weeds or grass or other rank vegetation to a greater height than eight (8) inches average on any lot or parcel along any approved street in common usage for a depth of 200 feet by 50 feet wide (200'x50').

**§ 91.12 PUBLIC NOTICE.**

The Township Clerk shall post notice in local newspaper, winter tax statements, and on Yates Township web site.

**§ 91.12 YATES TOWNSHIP PLATTED AREAS.**

Notice to cut and destroy All grasses and noxious weeds in excess of eight (8) inches in height. It shall be the duty of each and every landowner, occupant or any person in possession of any real estate within a platted areas of Yates Township to cut and remove and destroy all grass in excess of eight (8) inches in height. If grass and weeds are not cut within fifteen (15) days and as often thereafter as necessary, the duly authorized individual engaged by the Township may enter upon the land and cause such, weeds and grass to be cut from an individual property and may be served by delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion.

**§ 91.13 NON COMPLIANCE RIGHT OF ENTRY AND REMOVAL BY THE TOWNSHIP.**

If the owner(s) of any premises personally notified pursuant to this ordinance, puts the township in the position of having Public Works or contract labor, cause such weeds or grasses to be cut or destroyed, the Township shall keep accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this chapter and shall make a sworn statement of said account.

**§ 91.14 COLLECTION FROM PROPERTY OWNER(S).**

All expenses incurred in connection with cutting or removal, plus 10 percent (10%), shall be paid by the owner of the property, and shall be a lien against the premises and collected in the manner prescribed by Act No 359 of the Public Acts of 1941 (MCL 247.61 through 247.72), as amended. If the township should elect to cut and remove noxious weeds and grass in the manner that is outlined previously, said action, on the part of the Township does not preclude enforcement of this chapter by the issuance of a township civil infraction.

**§ 91.15 EXEMPTIONS.**

Flower gardens, plots or shrubbery, vegetable gardens and small grain plots are exempt from this section. Such exemption cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such categories.

**§ 91.16 PENALTY.**

In the event that noxious weeds are allowed to grow in a consistent manner that caused the township to have to abate and remove on its own for two (2) consecutive periods, then the township may, in its discretion, request that a civil infraction be filed against the land owner(s). The maximum penalty being \$500 plus all costs.

**§ 91.17 ENFORCEMENT OFFICER.**

The Township Board shall designate an enforcement officer.

**§ 91.18 SEVERABILITY.**

This ordinance and the clauses and parts thereof, are hereby declared to be severable. If any part or clauses thereof is declared or adjudged invalid by present or future legislation or decree of any court of competent jurisdiction, the balance of this ordinance shall not be affected thereby.

**§ 91.19 CONFLICTING ORDINANCES.**

Any conflicting ordinances or provisions thereof that are hereby codified by the Township of Yates are hereby repealed.

**§ 91.20 EFFECTIVE DATE.**

This ordinance shall become effective thirty days after publication of the ordinance or publication of summary of its provisions in local newspaper of general circulation. (7/9/2015)  
(Ord. 15-1, passed 6-16-2015)

**§ 91.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation who shall violate any of the provisions of §§ 91.01 or 91.02 shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed \$500, together with court cost, in the discretion of the court. Each day that the violation occurs shall constitute a separate offense.  
(Ord. 73-2, passed 7-18-1973)

CHAPTER 92: OUTDOOR ASSEMBLY

Section

92.01 Definitions

92.02 License required

92.03 Application for license

92.04 Application requirements

92.05 Forwarding of copies of application

92.06 Assurance of license

92.07 Denial of license

92.08 Contents of license

92.09 Requirements for license

92.10 Revocation

92.11 Violations

92.99 Penalty

§ 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ATTENDANT.** Any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

**LICENSEE.** Any person to whom a license is issued pursuant to this chapter.

**OUTDOOR ASSEMBLY** (hereinafter referred to as **ASSEMBLY**). Any event, attended by more than 500 attendants, all or any part of which includes a theatrical exhibition, public show, display entertainment, amusement or exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gathering, but does not mean:

- (1) An event which is conducted or sponsored by a governmental unit or agency on public owned land or property;
- (2) An event which is conducted or sponsored by any entity qualifying for tax exempt status under I.R.C. § 501(3) of 1954, being 26 U.S.C. § 501(3), as incorporated by reference in § 201 of the Michigan Income Tax Act of 1967, Public Act 1967, being § 206.201 of the Compiled Laws of 1948; or
- (3) An event held entirely within the confines of a permanently enclosed covered structure.

**PERSON.** Any natural person, partnership, corporation, association or organization.

**SPONSOR.** Any person who organizes, promotes, conducts or causes to be conducted an outdoor assembly.

(Ord.73-3, passed 7-18-1973)

§ 92.02 LICENSE REQUIRED.

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

(Ord.73- 3, passed 7-18-1973) Penalty, see § 92.99



**Yates Township – General Regulations**

**§ 92.03 APPLICATION FOR LICENSE.**

(A) Application for a license to conduct an outdoor assembly must be made in writing on the forms and in the manner as prescribed by the Clerk of the township, and shall be made at least 60 days prior to date of the proposed assembly.

(B) Each application shall be accompanied by a non-refundable fee of \$100, and shall include at least the following:

(1) The name, age, residence and mailing address of the person making the application.

(a) Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members.

(b) Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.

(2) A statement of the kind, character and type of proposed assembly;

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

(4) The date or dates and hours during which the proposed assembly is to be conducted; and

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

(Ord. 73-3, passed 7-18-1973)

**§ 92.04 APPLICATION REQUIREMENTS.**

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

(1) Police and fire protection;

(2) Food and water supply and facilities;

(3) Health and sanitation facilities;

(4) Medical facilities and services including emergency vehicles and equipment;

(5) Vehicle access and parking facilities;

(6) Camping and trailer facilities;

(7) Illumination facilities;

(8) Communications facilities;

(9) Noise control and abatement;

(10) Facilities for clean-up and waste disposal; and

(11) Insurance and bonding arrangements.

**Chapter 92: Outdoor Assembly**

**(B) In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.  
(Ord. 73-3, passed 7-18-1973)**

**§ 92.05 FORWARDING OF COPIES OF APPLICATION.**

**(A) On receipt by the Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the county, the State Fire Marshal and to other appropriate public officials as the Clerk deems necessary.**

**(B) The officers shall investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the Township Board.  
(Ord. 73-3, passed 7-18-1973)**

**§ 92.06 ASSURANCE OF LICENSE.**

**Within 30 days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Township Board may require that adequate security of insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within five days of that action, notice thereof must be mailed to the applicant by certified mail, and in the case of denial the reasons therefore shall be stated in the notice.  
(Ord. 73-3, passed 7-18-1973)**

**§ 92.07 DENIAL OF LICENSE.**

**A license may be denied if:**

**(A) The applicant falls to comply with any or all requirements of the ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or**

**(B) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.  
(Ord.73- 3, passed 7-18-1973)**

**§ 92.08 CONTENTS OF LICENSE.**

**A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.  
(Ord.73- 3, passed 7-18-1973)**

**§ 92.09 REQUIREMENTS FOR LICENSE.**

**In processing an application the Township Board shall, at a minimum, require the following:**

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

**Yates Township – General Regulations**

**(B) Water facilities.** The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. The water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located and approved in accordance with M.C.L.A. §§ 324.101 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the County Health Officer.

**(C) Restroom facilities.**

(1) The licensee shall provide separate enclosed flush type water closets and defined in M.C.L.A. §§ 338.3511et seq., and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If the flush-type facilities are not available, the County Health Officer may permit the use of other facilities which are in compliance with M.C.L.A. § 333.12771, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

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

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

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

(4) Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner: facilities male/female shower heads: 1:100/1:100.

(5) All facilities shall be installed, connected and maintained free from obstruction, leaks and defects and shall at all times be in operable condition as determined by the County Health Officer.

**(D) Food service.** If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Public Act 269 of 1966 being M.C.L.A. §§ 408.382 through 408.396, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. If the assembly is distant from food service establishment open to the public, the licensee shall make those food services available on the premises as will adequately feed the attendants.

**(E) Medical facilities.** If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide the facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of the facilities shall be prescribed by the County Health Officer.

## Liquid waste disposal.

(1) The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the County Health Officer. If the rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled Manual of Septic Tank Practice.

(2) If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with M.C.L.A. § 333.12901 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the County Health Officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement shall assure proper, effective and frequent removal or liquid waste from the premises so as to neither create a nuisance nor menace to the public health.

## Solid waste disposal.

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

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

(H) Public bathing beaches. The licensee shall provide or make available or accessible public bathing beaches only in accordance with M.C.L.A. §§ 324.801986, and the rules and regulations adopted pursuant thereto, and in accordance with any other application provision of state or local law.

(I) Public swimming pools. The licensee shall provide or make available public swimming pools only in accordance with M.C.L.A. §§ 333.12521 to 333.12534, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(J) Access and traffic control. The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the state. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

(K) Parking. The license shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he or she provide less than one automobile space for every four attendants.

(L) Camping and trailer parking. A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with M.C.L.A. §§ 554.651 to 554.658, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provisions by state or local law.

**(M) Illumination.** The licensee shall provide electrical illumination of all occupied area sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plans shall be approved by the Building Inspector.

**(N) Insurance.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the state, which insurance shall ensure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of the township in writing at least ten days before the expiration or cancellation of the insurance.

**(O) Bonding.** Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in the state, a corporate surety bond in the amount of \$100,000 in a form to be approved by the Township Attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of the ordinance and all applicable provisions of state or local law, and which shall indemnify the township, its loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash or other waste resultant from the assembly.

**(P) Fire protection.** The licensee shall, at his or her own expense, take adequate steps as determined by the state fire marshal, to ensure fire protection.

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

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

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

**(T) Miscellaneous.** Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

**(Ord. 73-3, passed 7-18-1973)**

#### **§ 92.10 REVOCATION.**

The Township Board may revoke a license whenever the licensee, his or her employee or agent fails, neglects or refuses to fully comply with any and all provisions, regulations, ordinance, statutes or other law incorporated herein by reference.

**(Ord.73- 3, passed 7-18-1973)**

#### **§ 92.11 VIOLATIONS.**

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

**(A) Advertise, promote or sell tickets to, conduct without first obtaining a license as herein provided;**

- (B) Conduct or operate an assembly in such a manner as to create a public or private nuisance;
  - (C) Conduct or permit, with the assembly, any obscene display, exhibition, show, entertainment or amusement event;
  - (D) Permit any person on the premises to cause or create a disturbance in, around or near the assembly by obscene or disorderly conduct;
  - (E) Permit any person to unlawfully consume, sell or possess intoxicating liquor while on the premises; or
  - (F) Permit any person to unlawfully use, sell or possess any controlled narcotics, narcotic drugs, drugs or other substances as defined in M.C.L.A. §§ 801.261 to 801.267, or to otherwise violate that act.
- (Ord. 73-3, passed 7-18-1973) Penalty, see § 92.99

**§ 92.99 PENALTY.**

(A) Any of the above enumerated violations is a separate offense, is a nuisance per se immediately en-joinable in the circuit courts, and, is punishable by a fine of not more than \$500. Each day that the violation occurs shall constitute a separate offense.

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

(Ord. 73-3, passed 7-18-1973) Penalty, see § 92.99

## CHAPTER 93: PARKS AND RECREATION

### Section

#### 93.01 Rules and regulations of Williams Island

##### § 93.01 RULES AND REGULATIONS OF WILLIAMS ISLAND.

The intent of this recreation area is to provide a clean, healthy and safe park.

(B) The following rules are hereby enacted.

1. Alcohol or other illegal substances will not be allowed.

2. Gambling will not be allowed.

3. Pets are to be on a leash and under the control of the owner.

4. Pets will not be allowed in the water.

5. Loud or abusive language or fighting will not be tolerated.

6. Radios, tapes, VCRs and other audio equipment must be kept at a low-volume level so as not to disturb others, whether on or off Williams Island.

7. Litter and trash are to be placed in the containers provided.

8. Parking of vehicles is limited to the designated areas only, not on the grass.

9. Park tables are not to be placed in the water or at the water's edge.

10. Swimming will be allowed at one's own risk. No lifeguards are provided.

11. An assembled group of 12 or more will be required to obtain a permit from the township office. This permit must be approved and obtained at least one week in advance.

12. The hours for this recreation area will be from 9:00 a.m. to 11:00 p.m.

13. The use of this area, outside of these hours, will require a special permit from the township office.

14. Persons seeking such a permit must be at least 21 years of age and must present proof of name, age, phone number and address.

(C) The rules stated in this section will be enforced by the Sheriff's Department and the state police.

(D) The township office will pursue prosecution of persons found in violation of this section.  
(Ord. 93-1, passed 7-16-1993)

**Yates Township – General Regulations**

**TITLE XIII: GENERAL OFFENSES**

**[RESERVED]**

**TITLE XI: BUSINESS REGULATIONS**

**[RESERVED]**



**Yates Township – Business Regulations  
TITLE XV: LAND USAGE**

**Chapter**

**150. RENTAL PROPERTY**

**151. DANGEROUS AND UNSAFE BUILDINGS**

**152. HOUSING AND PROPERTY MAINTENANCE**

**153. CODES ADOPTED**

**154. ZONING CODE**

**CHAPTER 150: RENTAL PROPERTY**

**Section 150.01 Title**

**150.02 Definition**

**150.03 Registration**

**150.04 Inspection and certification**

**150.05 Occupancy**

**150.06 Codes**

**150.07 Fees**

**150.99 Penalty**

**§ 150.01 TITLE.**

**This chapter shall be known as the Yates Township Rental Property Ordinance.  
(Ord. 90-4, passed 9-19-2011)**

**§ 150.02 DEFINITION.**

**(A) Definitions. For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.**

**RENTAL UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for sleeping and/or living, with or without cooking facilities, rented or hired out to be occupied.**

**(B) Terms not defined. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context implies.  
(Ord. 90-4, passed 9-19-2011)**

**§ 150.03 REGISTRATION.**

**The legal owner of record shall, in writing or in person, within 30 days of ownership, notify the Township Building Department, of the address or description of location of each rental unit in the township.  
(Ord. 90-4, passed 9-19-2011)**

**§ 150.04 INSPECTION AND CERTIFICATION.**

**Each rental unit shall be inspected and certified upon registration, and thereafter on or before the occupancy of a new tenant, or every two years of continued residency of the same tenant. Certificates must be posted in each unit. Exclusion: rentals by the day shall be inspected and certified each year.  
(Ord. 90-4, passed 9-19-2011)**

**§ 150.05 OCCUPANCY.**

No rental unit shall be occupied without a current certification, except by the temporary (30 days) approval of the Township Building Department.  
(Ord. 90-4, passed 9-19-2011)

**§ 150.06 CODES.**

Rental units shall be constructed, maintained, inspected and certified under the following:

- (A) 1990 BOCA National Property Maintenance Code;
- (B) 1990 BOCA National Building Code;
- (C) 1990 BOCA National Fire Prevention Code; and
- (D) Upon publication any other codes or ordinances adopted by the Township Board.

**§ 150.07 FEES.**

- (A) Inspection, per unit: \$10;
  - (B) Re-inspection, per unit: \$5; and
  - (C) Certification certificate, per unit: \$10.
- (Ord. 90-4, passed 9-19-2011)

**§ 150.99 PENALTY.**

- (A) Registration or certification, \$100 and/or 90 days imprisonment per offence. Each day that a violation continues after due notice has been served, shall be deemed a separate offence.
  - (B) Codes or ordinances per § 150.06 above, as stated in each code or ordinance.
- (Ord. 90-4, passed 9-19-2011)

## CHAPTER 151: DANGEROUS AND UNSAFE BUILDINGS

### Section

151.01 Maintenance of dangerous buildings

151.02 Definition

151.03 Notices

151.04 Hearings

151.05 Appeal

151.99 Penalty

### § 151.01 MAINTENANCE OF DANGEROUS BUILDINGS.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof in the township which is a "dangerous building" as defined in § 151.02 below. (Ord. 73-4, passed 8-3-1973) Penalty, see § 151.99

### § 151.02 DEFINITION.

As used herein, DANGEROUS BUILDING means any building or structure which has any of the following defects or is in any of the following conditions:

(A) Whenever any door aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the township it shall be considered that the dwelling does not meet the requirements of this act;

(B) Whenever any portion has been damaged by fire, flood, wind or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before the catastrophe and is appreciably less than it was before the catastrophe and is less than the minimum requirement of this chapter or any building code of the township for a new building or similar structure, purpose or location;

(C) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property;

(D) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this chapter or the building code of the township;

(E) Whenever the building or structure or any part, because of dilapidation, deterioration, decay faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting the building or portion thereof, or for other reasons, is likely to partially or completely collapse, or some portion of the foundations or underpinning is likely to fall or give way;

(F) Wherever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is designed;

(G) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable person to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;

**Yates Township - Land Usage**

**(H) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the appropriate health officer, or is likely to work injury to the health, safety or general welfare of those living within; and/or**

**(I) Whenever any building becomes vacant, dilapidated and open at any door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.**

**(Ord.73-4, passed 8-3-1973)**

**§ 151.03 NOTICES.**

**(A) Notwithstanding any other provision of this chapter when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the appropriate Building Inspector shall issue a notice of the dangerous and unsafe condition.**

**(B) The notice shall be directed to the owner agent or lessee or to each owner or party interest in the building in whose name the property appears on the last tax assessment records.**

**(C) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.**

**(D) The hearing officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Building Inspector shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.**

**(E) All notices shall be in writing and shall be served upon the person whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt Yates Township, MI Code of Ordinances 38 requested, addressed to the owner or party interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.**

**(Ord.73-4, passed 11-7-1975)**

**§ 151.04 HEARINGS.**

**(A) The hearing officer shall take testimony of the Building Inspector, the owner of the property if present, and any interested party. The hearing officer shall render his or her decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.**

**(B) If the hearing officer determines that the building or structure should be demolished or otherwise made safe, he or she shall so order, fixing a time in the order for the owner, agent or lessee to comply therein.**

**(C) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his or her findings and a copy of his or her order with the Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed herein.**

## **Dangerous and Unsafe Buildings**

**(D) The Township Board shall fix a date for hearing to review the findings and order of the hearing officer and shall give notice to the owner, agent, lessee in the manner prescribed in § 151.03 above of the time and place of the hearing. At the hearing the owner, agent, lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. The Township Board shall either approve, disapprove or modify the order for the demolition of or making safe the building or structure.**

**(E) The cost incurred by the township for the demolition or making safe the building shall be a lien against the real property and shall be reported to the Township Supervisor who shall assess the cost against the property on which the building or structure is located.**

**(F) The owner or party in interest in whose name the property appears upon the last assessment records shall be notified of the amount of the cost by first class mail at the address shown on the records. If the owner or party in interest fails to pay the same within 30 days after mailing by the supervisor of the notice of the amount thereof, the supervisor shall add the same to the next tax roll of the township and the same shall be collected in the same manner in all aspects as provided by law for the collection of taxes by the township.**

**(Ord. 73-4, passed 8-3-1973)**

### **§ 151.05 APPEAL.**

**An owner aggrieved by any final decision or order of the Township Board under § 151.04 above may appeal from the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.**

**(Ord. 73-4, passed 8-3-1973)**

### **§ 151.99 PENALTY.**

**Upon conviction of a violation of this chapter, violators may be fined not more than \$500. Each day a violation of this chapter continues shall constitute a separate violation.**

**(Ord. 73-4, passed 8-3-1973)**

Section

- 152.01 National Basic Housing Property Maintenance Code, 1975 Edition
- 152.02 Agency designated

§ 152.01 NATIONAL BASIC HOUSING PROPERTY MAINTENANCE CODE, 1975 EDITION.

The National Basic Housing Property Maintenance Code, 1975 Edition, is hereby adopted with the following amendments:

(A) Section H-103.2 shall be deleted and in its place shall be substituted the following sections:

**“H-103.2 Dangerous Buildings.**

If all or part of any billboard or structure (including among others a fence, billboard or sign) or the equipment for the operation thereof including among others the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the building official, to be in an unsafe condition, dangerous to life, limb, or property, he shall proceed to have the same condemned pursuant to the applicable provisions contained in Sections H-103.2.1 through H-103.2.4.

**Section H-103.2(a) Commencement of Proceedings.**

Whenever the Building Official has inspected or caused to be inspected any building is a dangerous building, he shall commence proceedings to cause the repair, vacation, or demolition of the building.

**Section H-103.2.1(b) Notice and Order.**

The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Building Official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section H-103.2 of this Code.
3. A statement of the action required to be taken as determined by the Building Official.

(i) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days from the date of the order) and Yates Township, MI Code of Ordinances 40 completed within such times as the Building Official shall determine is reasonable under all of the circumstances.

(ii) If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated with a time certain from the date of the order as determined by the Building Official to be reasonable.

(iii) If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated (not to exceed 60 days from the date of the order); that all required permits be secured therefore within 60 days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official

will order the building vacated and posted to prevent further occupancy until the work is completed, and

may proceed to cause the work to be done and charge the costs thereof against the property or its owner. If the owner or party in interest fails to pay the same within 30 days after mailing by the supervisor of the notice of the amount thereof, the supervisor shall add the same to the next tax roll of the township and the same shall be collected in the same manner in all aspects as provided by law for the collection of taxes by the township.

5. Statements advising

that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Appeals, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within 30 days from the date of service of such notice and order; and

the failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Section H-103.2.1(c) Service of Notice and Order.

The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property; and one copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section.

Section H-103.2.1(d) Method of Service.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Section. Service by certified mail in the manner herein provided shall be effective on the date of mailing. If methods of service above are unsuccessful, such notice and order may be sent by regular mail to the last known owner of record as listed on the tax rolls and he or she shall be presumed to have received such notice and order within three days from the date of mailing.

Section H-103.2.1(e) Proof of Service.

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

Section H-102.2.2 Recordation of Notice and Order.

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the office of the County Recorder a certificate describing the property and certifying

(i) that the building is a dangerous building and  
(ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

#### Section H-103.2.3 Repair, Vacation and Demolition.

Standards to be followed: The following standards shall be followed by the Building Official (and by the Board of Appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this ordinance shall either be repaired in accordance with the current building code or shall be demolished at the option of the building owner.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

#### Section H-103.2.4 (a) Notice to Vacate. Posting.

Every notice to vacate shall, in addition to being served as provided in Section H-103.2.1(c), be posted at or upon each exit of the building, and shall be in substantially the following form:

**“DO NOT ENTER! UNSAFE TO OCCUPY!**  
**It is a misdemeanor to occupy this building, or to remove or deface this notice.**  
**Building Official Yates Township”**

#### Section H-103.2.4(a) Compliance.

Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued by him under Subsection (b) of Section H-103.2.1, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code. Any person violating this Subsection shall be guilty of a misdemeanor.”

(B) Section H-105.2, Sub-section two (2) shall be deleted. Section H-105.4 entitled Notice of Appeal Hearing and Service shall be added:

“Section H-105.4. Notice of Appeal Hearing and Service.

Any person appealing to the Board of Appeals shall be notified of the time, date and place of the hearing of their appeal and shall be sent notice of such hearing in the same method as notice are sent by Sections H-103.2.1 (c) and (d). Such notices shall be mailed at least thirteen days prior to the hearing date and shall be presumed to be received at least ten days prior to such hearing date.”

(C) Section H-402.3 shall be deleted in its entirety as written and in its place said section shall read as follows: “Every dwelling unit shall contain a minimum gross floor area of not less than eight hundred forty (840) square feet.”



(D) Section 1, Article 6 entitled Recovery of Cost of Demolition is to be added with the following provisions: "Inspector shall keep an itemized account of demolition expenses of any building done pursuant to the provisions of H-103.2.1(6) 3(ii). Upon completion of the work a report containing the following information:

1. The names and addresses of persons entitled thereto under Section H-103.2.1(c).
2. A legal description of the property.
3. An itemized list of the work done and cost thereof.

**Section H-602. Report Transmitted to Township Board - Set for Hearing.**

Upon receipt of the above report, the Clerk shall present same to the Township Board for its consideration. The Board may accept, reject or modify same, and pay the costs of demolition from its general fund or from any special grants received for that purpose. If any assessment of the obligation is to be made against a property owner, then the Board shall set a time, date and place for a hearing on said report and any objections thereto. The Clerk shall publish notice of the hearing in a newspaper of general circulation within said township, and served by certified mail, addressed to the owner of the property as his name and address appear on the last equalized assessment role of the county, or as known to the Clerk. Such notice shall be given at least ten (10) DAYS PRIOR TO THEN HEARING AND SHALL SPECIFY THE DAY, HOUR AND PLACE WHEN THE Board shall pass upon the report and hear any objections thereto.

**Section H-603. Hearing of Protest.**

Upon the day and hour fixed for the hearing, the Board shall pass upon the report and any objections or protests by interested parties. The Board may make such revision, correction or modification as it deems just, and then confirm or reject the report as submitted, corrected, revised or modified.

**Section H-604. Personal Obligation or Assessment.**

The Board may order that the charge shall be a personal obligation or shall be an assessment. If the charge is to be a personal obligation, the Township Counsel shall be so notified and instructed to collect same by any legal means. If the charge is assessed against the property, the Board shall conform the assessment and cause same to be recorded on the assessment roll. Such assessment shall constitute a special assessment against and a lien on the property.

**Section H-605. Authority for Installment Payment of Assessment with Interest.**

The Board, in its discretion, may determine that assessment in amounts of \$500.00 or more shall be payable in not to exceed five (5) annual installments. The allowance of installments and interest thereon shall be by resolution prior to confirmation of the assessment.

**Section H-606. Notice and Collection of Assessment.**

The Board shall cause a copy of the assessment be filed with the Township Supervisor, Township Treasurer and County Treasurer. The assessment shall be collected on the same date and same manner as ordinary taxes and be subject to the same penalties procedure and sale in case of delinquency as ordinary municipal taxes."  
(Ord.75-1 passed 11-7-1975)

**§ 152.02 AGENCY DESIGNATED.**

The Building Official of the Township of Yates is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Yates under this chapter.  
(Ord.75-1 passed 11-13-1975)

**Yates Township- Land Usage  
CHAPTER 153: CODES ADOPTED**

**Section Building Code**

- 153.01 Adoption of Building Code**
- 153.02 Inconsistent ordinances repealed**
- 153.03 Additions, insertions and changes**
- 153.04 Savings clause**
- 153.05 Effective date**

**Property Maintenance Code**

- 153.15 Adoption of Property Maintenance Code**
- 153.16 Inconsistent ordinances repealed**
- 153.17 Additions, insertions and changes**
- 153.18 Savings clause**
- 153.19 Effective date**

**Fire Prevention Code**

- 153.30 Adoption of Fire Prevention Code**
- 153.31 Inconsistent ordinances repealed**
- 153.32 Additions, insertions and changes**
- 153.33 Establishment of limits**
- 153.34 Savings clause**
- 153.35 Effective date**

**Cost Recovery**

- 153.50 Purpose**
- 153.51 Reimbursement Required**
- 153.52 Definitions**
- 153.53 Duties to remove and clean up**
- 153.54 Failure to comply/liability**
- 153.55 Submittal of bill**
- 153.56 Enforcement**
- 153.57 Cost recovery charges**
- 153.58 Exemptions**
- 153.59 Non-exclusive clause**
- 153.60 Multiple property protection**
- 153.61 Severability**
- 153.62 Effective Date**

**Appendix 1**

- 153.70 Purpose**
- 153.71 Cost recovery charges**

**BUILDING CODE**

**§ 153.01 ADOPTION OF BUILDING CODE.**

(A) A certain document, three copies of which are on file in the office of the Township Clerk, being marked and designated as the BOCA National Building Code, Eleventh Edition, 1990 as published by the Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Building Code of the township; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA National Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 153.03 below.

(B) A full copy of the 1990 BOCA National Building Code may be reviewed at the township office.

(Ord. 90-1, passed 1990)

**§ 153.02 INCONSISTENT ORDINANCES REPEALED.**

Any and all other ordinances or parts of ordinances in conflict herewith are hereby repealed by the Township Board.

(Ord. 90-1, passed 1990)

**§ 153.03 ADDITIONS, INSERTIONS AND CHANGES.**

The following sections are hereby revised as follows:

- (A) Section 100.1. Insert: (Township of Yates);
- (B) Section 103.4. Insert: (February 15, 1962);
- (C) Section 114.3.1. Insert: (Attached Schedule of Fees);
- (D) Section 117.4. Insert: (Misdemeanor, \$100.00, 90 days);
- (E) Section 118.2. Insert: (\$10.00, \$100.00 per day); and
- (F) Section 123.3. Insert: (\$20.00 per diem).

(Ord. 90-1, passed 1990)

**§ 153.04 SAVINGS CLAUSE.**

Nothing in this subchapter, or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 153.02 above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this subchapter.

(Ord. 90-1, passed 1990)

**§ 153.05 EFFECTIVE DATE.**

Yates Township, MI Code of Ordinances 45 The Township Clerk shall certify to the adoption of this subchapter and cause the same to be published as required by law; and this subchapter shall take full force and effect 30 days after this date of final passage and approval.

(Ord. 90-1, passed 1990)

**Chapter 153: Codes Adopted**

**PROPERTY MAINTENANCE CODE**

**§ 153.15 ADOPTION OF PROPERTY MAINTENANCE CODE.**

A certain document, three copies of which are on file in the office of the Township Clerk, being marked and designated as the BOCA National Property Maintenance Code, Third Edition, 1990 as published by the Building Officials and Code Administrators International, Inc be and is hereby adopted as the Property Maintenance Code of the township; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA National Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this subchapter, with the additions, insertions, deletions and changes, if any, prescribed in § 153.17 below.

(Ord. 90-2, passed 9-19-2011)

**§ 153.16 INCONSISTENT ORDINANCES REPEALED.**

Any and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 90-2, passed 9-19-2011)

**§ 153.17 ADDITIONS, INSERTIONS AND CHANGES.**

The BOCA National Property Maintenance Code is amended and revised in the following respects:

- (A) Section PM-100.1 (page 1, second line). Insert: (Township of Yates);
- (B) Section PM-109.2 (page 7, third line). Insert: (\$10.00 and \$100.00);
- (C) Section PM-109.2 (page 7, fourth line). Insert: (90 days);
- (D) Section PM-302.12 (page 17, first line). Insert: (May 1st to October 1st);
- (E) Section PM-601.1 (page 27, tenth line). Insert: (September 1st to June 1st); and
- (F) Section PM-601.2 (page 27, second line). Insert: (September 1st to June 1st).

(Ord. 90-2, passed 9-19-2011)

**§ 153.18 SAVINGS CLAUSE.**

Nothing in this subchapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 153.16 above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this subchapter.

(Ord. 90-2, passed 9-19-2011)

**§ 153.19 EFFECTIVE DATE.**

The Township Clerk shall certify to the adoption of this subchapter, and cause the same to be published as required by law; and this subchapter shall take effect and be in force from and after its approval as required by law.

(Ord. 90-2, passed 9-19-2011)

**FIRE PREVENTION CODE**

**§ 153.30 ADOPTION OF FIRE PREVENTION CODE.**

A certain document, three copies of which are on file in the office of the Township Clerk, being marked and designated as the BOCA National Fire Prevention Code, Eighth Edition, 1990, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Fire Prevention Code of the township; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof, as if fully set out in this subchapter with the additions, insertions, deletions and changes, if any, prescribed in § 153.32 below. A full copy of the 1990 BOCA National Building Code may be reviewed at the township office.

(Ord. 90-3, passed 9-19-2011)

**§ 153.31 INCONSISTENT ORDINANCES REPEALED.**

Any and all other ordinances or parts of ordinances in conflict herewith are hereby repealed by the Township Board.

(Ord. 90-3, passed 9-19-2011)

**§ 153.32 ADDITIONS, INSERTIONS AND CHANGES.**

The BOCA National Fire Prevention Code is amended and changed in the following respects: Section F-100.1 (page 1, second line): Insert (Township of Yates).

(Ord. 90-3, passed 9-19-2011)

**§ 153.33 ESTABLISHMENT OF LIMITS.**

The limits referred to in § F-2601.2 of the BOCA National Fire Prevention Code in which the storage of explosives, ammunition and blasting agents is prohibited are hereby established as follows: as specified by the State Fire Marshal's Office.

(Ord. 90-3, passed 9-19-2011)

**§ 153.34 SAVINGS CLAUSE.**

Nothing in this subchapter or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 153.31 above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this subchapter.

(Ord. 90-3, passed 9-19-2011)

**§ 153.35 EFFECTIVE DATE.**

The Township Clerk shall certify to the adoption of this subchapter and cause the same to be published as required by law; and this subchapter shall take full force and effect 30 days after this date of final passage and approval.

(Ord. 90-3, passed 9-19-2011)

**COST RECOVERY**

**§ 153.50 PURPOSE.**

This ordinance is adopted to enable the township to bill for and collect cost recovery charges from those receiving direct benefits from the fire protection and other emergency services provided by the township. It is the further purpose of the ordinance to provide for full funding of the township's fire protection and other emergency services which remain, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the township.

**§ 153.51 REIMBURSEMENT REQUIRED.**

The Township shall be entitled to receive reimbursement from:

Those responsible for owning or controlling property affected by, the leaking, spilling, releasing or allowing certain hazardous substances or materials to escape containment, or for damaged and/or downed power lines, electric service lines, gas mains, gas service conduits, water mains, sanitary sewer mains, storm sewer mains, telephone lines, cable television lines, traffic signals or signs; Thereby requiring the Township and/or its agents, to provide emergency containment, cleaning and/or disposal of hazardous substances or materials, or for the securing and prudent monitoring of the site of an accident or natural disaster, including those involving public or private utilities.

Those responsible for owning or controlling property affected by or involved in an emergency incident including bomb threats, vehicle fires, illegal fires, extrication from vehicles involved in accidents, or accident-related cleanup for which the township or its agents have provided emergency response services.

**§ 153.52 DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ACCIDENT, INCLUDING NATURAL DISASTER.** An unforeseen or unexpected happening or occurrence which of itself causes great harm or damage, or which creates the potential for great harm or damage to individuals and/or property, and which requires immediate and prudent securing and monitoring by the township, an/or agents of the township, to reduce the potential for such damage, but not including emergency incidents.

**BOMB THREAT.** Bomb threat means the verbal or written threat of a bomb or other explosive device which if discharged as threatened would:  
Violate a federal, state, or local law, or  
Cause property damage and/or personal injury or death.

**DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS.** Any substance (including gases or vapors) which, if spilled, leaked, or otherwise released from its container, is dangerous or harmful to the environment or human or animal life, health or safety, or otherwise constitutes a danger, threat or nuisance to the public health, safety or welfare. Hazardous materials shall include, but not be limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum-based products, poisons, biologic agents, flammable combustibles, hazardous wastes, or corrosives. The Fire Chief or the Chief's designee shall have reasonable discretion to determine whether any particular substance constitutes a hazardous material.

**EMERGENCY INCIDENT.** Emergency incident means a bomb threat, vehicle fire, an illegal fire, extrication from vehicles involved in accidents, and accident related clean up.

**EMERGENCY RESPONSE.** The providing of fire rescue services by the township at an emergency incident, an incident involving release of a dangerous or hazardous substance or material, or an accident or a natural disaster.

**EXPENSE OF EMERGENCY RESPONSE.**

The expense for an emergency incident shall be according to a fee schedule adopted by Yates Township Board. (See Appendix 1)

For all other emergency responses, the direct costs incurred by the township in making an appropriate emergency response to an accident or incident, including the costs of providing firefighting and rescue services or the services of other agents of the township, at the scene of an incident or accident. Related administrative costs, accruing after the occurrence of such incident or accident are also included. Such costs and expenses shall include the wages, worker's compensation benefits, and fringe benefits of the personnel responding to the incident or accident and the costs of equipment and materials used.

**ILLEGAL FIRE.** Illegal fire means a fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire, a fire set in violation of a "no burning ban" or order, and/or a fire set without a required permit.

**RESPONSIBLE PARTY.** Responsible party means any individual, firm, corporation, association, commercial entity, consortium, joint venture, government entity, or tenant, occupant, or party in control of real and/or personal property from which, unto which, or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.

**§ 153.53 RESPONSIBILITY TO REMOVE AND CLEAN UP.**

It shall be the duty of any person, firm corporation, public or private utility, or any other entity directly or indirectly causing, contributing to, or allowing the leakage, spillage or any other release of dangerous or hazardous substances or materials, or owning or controlling property affected thereby or requiring the securing and monitoring of sites or locations of accidents and/or natural disasters, including downed power lines and electric service, ruptured gas mains, gas service conduits, water mains, occupancy leads, telephone lines, or cable television lines, to immediately secure, monitor, and clean up the area or location in such a manner that the area or location involved is fully restored to the condition existing prior to such occurrence. The township shall have no duty to contain, clean up or dispose of any release of hazardous substances or materials, or other materials, but in emergency situations the fire chief or his designees shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public including securing and monitoring sites of accidents or providing for or arranging for the containment, removal or clean up of any hazardous substances or material. The township shall have the authority to inspect the site to ensure that cleanup has been fully completed.

**§ 153.54 FAILURE TO COMPLY/LIABILITY.**

Any person or entity failing to comply with Section 3, and/or when a non-emergency incident, emergency response is provided by the township, shall be liable to the township and shall reimburse the township for all costs and expenses, including the costs incurred by the township or any agents the township engages, for the complete abatement, cleanup, restoration and/or securing of the affected area.

**Chapter 153: Codes Adopted**

**§ 153.55 SUBMITTAL OF BILL.**

The township shall, within a reasonable period of time after receiving itemized costs incurred for an emergency response, submit a bill for the same by first-class mail or personal delivery to any responsible parties liable for these expenses. The bill shall require full payment within thirty (30) days from the date of billing.

**§ 153.56 ENFORCEMENT.**

If any person or entity fails to reimburse the township as above provided, the township shall have the right to bring an action to the appropriate court to collect such costs. If such person or entity is the owner of real property affected or partially affected by the release of hazardous material, or requiring emergency securing or monitoring, the township shall have the right to add any and all costs of clean up, restoration and/or of any emergency response, to tax roll of such property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property.

**§ 153.57 COST RECOVERY CHARGES.**

Yates Township Board may from time to time, enact by resolution, a schedule of fees for common services under this ordinance. See Appendix 1

**§ 153.58 EXEMPTIONS.**

The following properties and services are exempt from the foregoing charges;

**False Alarms**

Fires caused by railroad trains, which are the specific statutory responsibility of railroad companies

Fire involving township buildings, grounds and/or property

Fire or other emergency service performed outside the jurisdiction of the township unless the township and other municipalities have each adopted an ordinance to impose fees for fire and emergency service runs within their respective territories under MCL 41.806a

**§ 153.59 NON-EXCLUSIVE CHARGE.**

The foregoing rates and charges are not the only charges that may be made by the township for the costs and expenses of providing fire protection and other emergency services. Charges may additionally be collected by the township through general taxation after a vote of the electorate approving the same or by a special assessment established under the applicable Michigan Statutes. General fund appropriations may also be made to cover such additional costs and expenses of providing fire protection and other emergency services.

**§ 153.60 MULTIPLE PROPERTY PROTECTION.**

When a particular fire protection or other emergency service rendered by the township directly benefits more than one person or property, the owner of each property so benefited, and each person so benefited where property protection is not involved, is liable for the payment of the full charge for such service. The interpretation and application of this section is delegated to the Township Fire Chief, subject only to appeal, within the time limits for payment, to the Township Board and shall be administered so that charges shall only be collected from the recipients of the service.

**§ 153.61 SEVERABILITY.**

If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of the balance of the ordinance is not affected and remains in full force and effect.

**§ 153.62 EFFECTIVE DATE.**

This ordinance has immediate effect. All ordinances or parts of ordinances in conflict with this ordinance are repealed. (Ord.11-4, passed 9-19-2011)

**APPENDIX 1**

**§ 153.70 PURPOSE.**

This ordinance is adopted to enable the township to bill for and collect cost recovery charges from those receiving direct benefits from the fire protection and other emergency services provided by the township. It is the further purpose of the ordinance to provide for full funding of the townships fire protection and other emergency services which remain, in part, an at large governmental expense based upon the general benefits derived by all property owners within the township.

**§ 153.71 COST RECOVERY CHARGES.**

Grass fire	\$500.00	Train fire	\$5000.00
Truck fire	\$2500.00	Automobile fire	\$500.00
Forest fire	\$500.00	House fire	\$500.00
Emergency rescue service	\$500.00	Fire in a commercial establishment	\$1000.00
Down power-line/Hazmat/public utility hazard	\$500.00	Fire in an industrial/manufacturing establishment	2500.00
Other services not specifically listed	\$500.00	Fire in a multiple-family building	\$2500.00
Rubbish fire	\$500.00	Hotel or motel fire	\$2500.00
Aircraft fire	\$3500.00		

(Ord. 11-4, passed 9-19-2011)



## CHAPTER 154: ZONING CODE

### Section

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## GENERAL PROVISIONS

### § 154.001 PURPOSE.

An ordinance to promote the public health, safety, morals and general welfare, to establish zoning districts in the unincorporated portions of the township within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation and additional uses of land, may be encouraged, regulated or prohibited and for the purposes dividing the unincorporated portion of the township into districts of the number, shape and area as deemed best suited to carry out the provisions of this chapter; and for each district designating or limiting the location, the height, number of stories and size of dwellings, buildings and structures that may be altered; and establishing the area of yards, courts and other open spaces, and the sanitary, safety and protective measure for the families which may be housed in buildings, dwellings and structures, hereafter erected or altered.

(Ord. passed 5-2-1972)

### § 154.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY STRUCTURE.** A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An ACCESSORY STRUCTURE attached to a main structure shall be considered part of the main structure.

**ACCESSORY USE.** A use naturally and normally incidental which is subordinate to a principal use and located on the same premises with the principal use.

**ALTERATION OF STRUCTURES.** A change in the supporting members, of a structure, an addition, removal, conversion or moving of a structure from one location to another.

**BASEMENT.** A portion of a building or a portion of a room located wholly or partially below grade.

**BILLBOARD.** Any structure or portion thereof the surface of which exceeds a total area of four square feet and on which lettered figured or pictorial mater is displayed. Signs, as defined below, are excluded.

**BOARDING HOUSE, ROOMING HOUSE.** A dwelling having one kitchen and used to provide room and board for compensation to more than two persons.

**BUILDING.** Any structure having a roof.

**BUILDING, HEIGHT OF.** The elevation at the front of a building measured from the average finished lot grade to the highest point of the roof.

**DWELLING.** A building used as a permanent residence or sleeping place by one or more persons. DWELLING shall include but is not limited to one and two family and multiple dwellings, apartment hotels and boarding and lodging houses, hotels, motels, tourist cabins, trailers, mobile homes or units defined below.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance of public utilities, including gas, electrical, steam, communication systems and sewage disposal systems.

**FAMILY.** Two persons related by blood or marriage living together as a housekeeping unit.

**FLOOR AREA.** The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished, attics, attic floor areas with less than five vertical feet from floor to the finished ceiling, all basements, including walkout basements are excluded.

**GARAGE FOR A PRIVATE HOME.** An accessory building or portion of a main building used for parking or temporary storage of not more than three automobiles, including not more than one truck, used by the occupants, not exceeding a rated capacity of one and one-half tons.

**GARAGE-PUBLIC.** A building used for commercial repair or storage of vehicles.

**GASOLINE SERVICE STATION.** A structure used solely for the sale of the customary automotive or marine supplies and fuel, lubricants, anti-freeze, batteries, tires and similar accessories or the providing of the services as washing, waxing tire repair, light replacement, recharging of batteries and tune-ups. Major repair or refinishing of vehicles or marine equipment shall not be permitted.

**GREENBELT.** A planting or buffer strip at least 25 feet in width composed of deciduous/and/or evergreen trees spaced not more than 30 feet apart and not less than one row of dense evergreen.

**HOTEL.** A building in which transient lodging or boarding and lodging are offered to the public for compensation, boarding houses, motels, motor hotels and apartments are excluded.

**INSTITUTIONAL OR PUBLIC USES.** Churches, schools teaching academic subjects, hospitals, convalescent and nursing homes, parks, civic centers, libraries and governmental structures.

**JUNK YARDS.** A place where discarded or salvage materials are bought, sold, exchanged, stored, baled, cleaned, processed, packed, disassembled or handled, including house-wrecking, structural steel materials salvage and automotive wrecking enterprises. The purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials used in manufacturing are excluded if the uses are carried on in enclosed buildings.

**LOT.** A parcel of land, exclusive of any adjoining street, separated by other parcels by a legal description. The word LOT shall include PLOT or PARCEL.

**LOT, CORNER.** A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 145 degrees.

**LOT COVERAGE.** The percentage of a lot which is covered by structures including porches, arbors, breezeways, patio roofs, (whether open or closed). Fences, walls, hedges and swimming pools are excluded.

**LOT, FRONT.** The side of a lot other than a corner lot abutting on a street or right-of-way. The front of a lot abutting lakes and streams shall be that portion of the lot nearest the water.

**LOT LINES.** The lines bounding any lot.

**LOT, THROUGH.** A lot, other than a corner lot, having frontage on more than one street.

**MOBILE HOME, HOUSE TRAILER.** A prefabricated dwelling or a prefabricated part thereof, which is used as a dwelling unit or as an addition to a dwelling unit. Trailers built primarily for travel purposes are excluded. Pre-fabricated dwellings or parts thereof in excess of 1,000 square feet which are placed over a concrete basement or which are placed upon solid concrete supporting walls located under the exterior walls of the dwelling are excluded.

**MOBILE HOME LOT.** A designated site within a mobile home court for the exclusive use of the occupants of a single mobile home.

**MOBILE HOME PARK.** A parcel of land in single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this chapter and which is intended for the express purpose of providing a satisfying living environment for mobile home residents on a long term occupancy basis.

**MOTEL, TOURIST CABIN, MOTOR HOTEL.** A building or group of buildings which has living or sleeping accommodations used primarily for transient occupancy and individual entrances from outside the building to serve each unit.

**NON-CONFORMING STRUCTURE.** A structure lawfully existing at the time of adoption of this chapter and any amendment thereto and which does not thereafter conform to the regulations of the district in which it is located. A structure which is not licensed pursuant to law, or which violates any law or ordinance, is not a lawful use.

**NON-CONFORMING USE.** A lawful use of a building, structure or lot prior to the adoption of this chapter and any amendment thereto and which does not thereafter conform to the regulations of the district in which it is located, is not a lawful use.

**PRINCIPAL OR MAIN USE.** The primary or predominate use of the premises.

**SEASONAL DWELLING.** A dwelling other than a permanent residence occupied for less than six consecutive months in any one year.

**SIGN.** Any announcement, declaration, illustration or insignia which is accessory to a principal use.

**SITE DEVELOPMENT PLAN.** A scale drawing which shows the location and dimensions of improvements upon a parcel of land including buildings, driveways, parking areas, landscaping, sidewalks signs, sewage systems and drainage facilities.

**SINGLE OWNERSHIP.** A parcel of land of record on or before the effective date of this chapter which is owned by one or more persons having no legal rights in adjacent property.

**STABLE, PRIVATE.** A parcel of land of record on or before the effective date of this chapter, which is owned by one or more persons having no legal rights in adjacent property.

**STABLE, PUBLIC.** All stables other than private stables.

**STORY.** The portion of a building between the surface of any floor at grade level and the surface of the floor next above it, or if there be no floor above it, then the space between the floor, and the ceiling above it.

**STORY, HALF.** The portion of a building between the eaves and ridge lines of a pitched roof whether or not used for dwelling purposes

**STREET.** A dedicated and accepted public thoroughfare including the right-of-way and roadway.

**STRUCTURE.** Anything constructed, erected or to be moved to or from any premises which is permanently located above, on or below the ground, including signs and billboards.

**SWIMMING POOL.** A structure used to hold water for swimming and aquatic recreation. Plastic, canvas or rubber portable pools temporarily erected upon the ground with less than two feet of water excluded.

**TERMS.** The present tense shall include the future, the singular shall include the plural, and the plural, the singular. The word **SHALL** is always mandatory. The words **ZONE** and **DISTRICT** are the same. Reference to a whole shall include any part thereof.

**THEATER, INDOOR.** Any building used for the presentation of dramatic spectacles, shows movies, or other entertainment which has a roof, completely sheltering actors and patrons and which is open to the public with or without charge.

**THEATER, OUTDOOR.** Any place used for the presentation of dramatic spectacles, shows, movies or other entertainment open to the public with or without charge other than indoor theaters.

**YARD.** An open space on a lot, except as otherwise provided in this chapter. All measurements shall be made between the nearest point of the lot line or right-of-way line and the nearest point of a structure located thereon.

**YARD, FRONT.** A yard extending across the full width of the front of the lot.

**YARD, REAR.** A yard extending across the full width of the rear of the lot.

**YARD, SIDE.** A yard between the principal structure and the side lot line and between the front and rear yards.  
(Ord.72-1 passed 5-2-1972)

#### **§ 154.003 ZONING MAPS.**

A zoning map of the township has been adopted by the Township Board, but has not been published. The map and Zoning Ordinance are available for examination at the Clerk's office in the Township Hall Monday, Tuesday, Wednesday and Friday between the hours of 10:00 a.m. and 2:00 p.m.  
(Ord.72-1 passed 5-2-1972)

#### **§ 154.004 ACCESSORY STRUCTURES AND BUILDINGS.**

The following requirements shall be met:

- (A) No accessory structure may be built on any lot on which there is no principal building;
  - (B) Accessory buildings are prohibited in front yards except as otherwise provided in this chapter;
  - (C) Accessory buildings in side yards shall meet side yard provisions;
  - (D) Accessory buildings in rear yards must be at least three feet from any lot line and must meet the side yard requirements wherever a rear lot line abuts the side lot line of an adjacent lot; and
  - (E) No accessory building may be closer than ten feet to another accessory building or principal building.
- (Ord. 72-1passed 5-2-1972)

#### **§ 154.005 AREA OR SPACE REQUIRED.**

- (A) No lot, yard, court, parking area or other space shall be reduced to less than the minimum required under this chapter.
  - (B) No lot or other area shall be further reduced if already less than the minimum.
- (Ord. 72-1passed 5-2-1972) Penalty, see § 154.999

#### **§ 154.006 BASEMENT DWELLINGS.**

The use of any basement as a dwelling is prohibited.  
(Ord. 72-1passed 5-2-1972) Penalty, see § 154.999

#### **§ 154.007 BOUNDARIES OF DISTRICTS.**

- (A) The zoning map is a part of this chapter.
  - (B) District boundary lines follow lot lines, section lines, fractional section lines or the centerlines of streets or alleys as they existed at the time of the adoption of this chapter.
  - (C) Where a district boundary line divides a lot, the least restricted use shall not extend beyond the line.
- (Ord. 72-1passed 5-2-1972)

**§ 154.008 CATEGORIES OF BUSINESSES NOT DESIGNATED.**

(A) Generally. When the district into which a business belongs is not stated in this chapter, the Building Inspector may request the Planning Commission to make that determination at its next regular meeting or at a special meeting called for the purpose of making the determination.

(B) Procedure of Planning Commission.

(1) The Secretary of the Planning Commission shall cause notices stating the time, place and object of the hearing to be served personally or by mail at least 72 hours prior to the day of the hearing. Notice shall be given to all property owners shown by the records of the Township Treasurer's office to be within 300 feet of the premises involved. Notice shall be given by regular U.S. mail, postage prepaid, addressed to the last known address of the property owner.

(2) Any interested party may appear personally or by agent or attorney. The Planning Commission shall take into consideration the nature of the business and the category into which similar businesses have been placed.

(3) The determination of the Planning Commission shall contain its reasons and shall be in writing, signed, dated and sent to the Township Clerk. The decision of the Planning Commission shall be final unless appealed from by any interested party within ten days thereof. Appeals shall be to the Board of Appeals.

(Ord.72-1 passed 5-2-1972)

**§ 154.009 DAMAGED BUILDINGS.**

(A) A building damaged by fire, collapse or an act of God to such an extent that the cost of repair and reconstruction exceeds 50% of its assessed valuation for taxes at the time when the repairs or rehabilitation are proposed to be made shall be repaired or rehabilitated according to the provisions of this chapter and the building code relative to new construction.

(B) A building damaged by wear and tear, deterioration and depreciation to such an extent that the cost of repair and rehabilitation exceeds 50% of its assessed valuation taxed at the time when the repairs or rehabilitation are proposed to be made shall be repaired or rehabilitated according to the provisions of this chapter and the Building Code relative to new construction.

(C) A building permit must be secured before reconstruction of a building shall be commenced. The Building Inspector shall determine the extent of the destruction, deterioration or depreciation before issuing a building permit.

(Ord. 72-1passed 5-2-1972) Penalty, see § 154.999

Yates Township - Land Usage

**§ 154.010 DOMESTIC ANIMALS AND FOWL.**

(A) Residential districts. No animals or fowl other than customary household pets, shall be housed in residential districts, within 50 feet of any adjoining property. The animals shall be kept under sanitary conditions and in sanitary enclosures.

(B) Required permits. No animal or fowl, other than customary household pets, may be kept in any district on parcels of land of less than four acres unless a permit for the keeping is first obtained from the Building Inspector. The Building Inspector shall not issue a permit unless the premises upon which the animals are to be kept are found to be sanitary.

(C) Revocation. The Building Inspector may inspect the premises at any reasonable time. The Building Inspector may revoke the permit if he or she is not permitted to inspect the premises or if the premises become unsanitary or if objectionable odors emanate from the premises.

(D) Restoration of permit. The Building Inspector may upon application, restore a revoked permit if he or she determines that the premises have been made unsanitary.

(Ord. 72-1passed 5-2-1972) Penalty, see § 154.999

**§ 154.011 DRIVEWAYS.**

An approved driveway permit shall be obtained from the State Highway Department or the County Road Commission and submitted to the Building Inspector prior to the issuance of a building permit.

(Ord.72-1 passed 5-2-1972)

**§ 154.012 ESSENTIAL SERVICES.**

(A) Underground essential services or the customary placing of utility poles in public rights-of-way may be installed in any district upon approval by the Township Board.

(B) Essential services which require the erection or construction of other above ground structures may be permitted as exceptional uses by the Board of Appeals under special conditions as are deemed necessary by the Board to preserve the value of adjacent uses and to preserve and ensure an attractive environment for the surrounding area.

(Ord.72-1 passed 5-2-1972)

**§ 154.013 EXISTING PLATTED LOTS.**

(A) A one-family dwelling is permitted upon an existing residentially zoned platted lot of an area of not less than 90% of the requirements of the district in which it is located. However in all cases, the side yard requirements of the district must be met.

(B) An existing platted residentially-zoned lot in single ownership of less than 90% of the requirements of the district in which it is located may be utilized for a one-family use. The required side yards may be reduced by the same percentage that area of the lot bears to the requirements of the district. Side yards shall be at least five feet each. Off-street parking requirements shall be met.

(C) Two or more adjacent lots in a single ownership upon the adoption of this chapter of less than 90% of the requirements of the district shall be combined to meet the requirements of this chapter.

(D) In any case, the Board of Appeals may permit the use of existing residentially-zoned platted lots not meeting the area requirements of the district in which they are located upon making all of the following determinations:

- (1) The lots are in single ownership;
- (2) There is no practical possibility of obtaining more land;
- (3) The proposed use will not adversely affect the character of the neighborhood;
- (4) Side yards of at least five feet will be provided; and
- (5) Off-street parking requirements will be met.

(Ord.72-1 passed 5-2-1972)

**§ 154.014 FLOOR AREA.**

(A) There shall be a minimum floor area of 840\* square feet for each new one-story single family dwelling erected, other than mobile homes. Any two levels of bi-level, tri-level or split-level single family dwellings shall be considered as one-story dwellings. The combined levels shall be not less than 1,200 square feet.

(B) Mobile homes shall provide a minimum floor area of 840\* square feet.

(C) Multiple family dwellings shall have a minimum average floor area of 840\* square feet per dwelling unit but, in no case shall a single dwelling unit contain less than 420 square feet.

(D) Seasonal dwellings shall have a minimum floor area of 720 square feet.

(Ord.72-1 passed 5-2-1972) \*Amended 2004.

**§ 154.015 YARD REQUIREMENTS; BASIS OF DETERMINING.**

Front yards shall be measured from the proposed right-of-way line, as indicated by the County Road Commission, to the nearest portion of the structure. However, measurements of yard requirements on waterfront lots shall be made from the high water mark to the nearest portion of the structure.

(Ord.72-1 passed 5-2-1972)



**§ 154.016 GASOLINE SERVICE STATION ON OTHER THAN CORNER LOCATIONS.**

No permit shall be granted for the construction or operation of a gasoline service station unless the land upon which the station is situated has a minimum street frontage of 150 feet on all contiguous streets.

(Ord.72-1 passed 5-2-1972)

**§ 154.017 GRADE LEVELS.**

(A) All dwellings and business places shall conform to all established and determined grade levels, except as provided in division (B), and except in the R-L District where the natural terrain shall determine the grade's level. In areas where there are two or more structures in any block, the average grade level thereof shall determine the grade level for that block.

(B) A grade level shall first be determined by the County Road Commission in all areas where no grade level has been determined or established by buildings before any building or structure shall be erected.

(C) The foundation or basement walls of structures shall not be more than 24 inches above the established or determined grade level.

(D) In all cases, the established grade level may be raised in the proportion of one foot of grade level for each additional 15 feet of front yard for buildings exceeding the required front yard.

(Ord.72-1 passed 5-2-1972)

**§ 154.018 GREENBELTS.**

(A) A greenbelt shall be required in the side and/or rear yards of any commercial or industrial use which abuts a residential district.

(B) The greenbelt may be a part of the side or rear yard. Adjacent residential property owners may request a fence in place of the greenbelt. The requests shall be in writing.

(Ord.72-1 passed 5-2-1972)

**§ 154.019 HOME OCCUPATIONS.**

(A) Home occupations are permitted in residential districts.

(B) A home occupation is any use which meets all of the following requirements:

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(1) Is conducted entirely within a dwelling without being evident from the street or from neighboring premises;

(2) Does not change the character of the building in which it is conducted;

(3) Is carried on only by the residents of the dwelling plus not more than one non-resident;

(4) Employs only mechanical equipment which is similar in power and type to that used for household purposes and which does not affect the insurance rates on the premises;

(5) Small signs which relate to such home occupations may be displayed;

(6) Devotes not more than 25% of the floor area of one floor to the home occupation; and

(7) Does not involve keeping a stock in trade, the sale of commodities on the premises, and does not constitute a retail business.

(Ord.72-1 passed 5-2-1972)

**§ 154.020 HEIGHT EXCEPTIONS.**

(A) All districts. The heights requirements of all districts, may be exceeded by parapet walls not more than four feet in height, chimneys, silos and barns for farm usage, and storages, roof-mounted television antennas, cupolas, spires, ornamental projections or water towers.

(B) Industrial districts. In the industrial districts, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other accessory necessary structures are permitted provided they are adjoining property.

(Ord.72-1 passed 5-2-1972)

§ 154.021 INSTITUTIONAL USES.

(A) The Planning Commission shall review and approve a site development plan prior to the issuance of building permits.

(B) Institutional uses may be located in any district if a site development plan is approved.

(Ord.72-1 passed 5-2-1972)

§ 154.022 MOBILE HOMES, HOUSE TRAILERS AND CAMPERS.

(A) Unlawful. It shall be unlawful for any person to park or cause to be parked any mobile home, house trailer, motor home, travel trailer, truck camper, camping trailer, tent or a similar unit on any street or public place or to use the same as a dwelling, either temporarily or permanently, or for overnight stops outside a licensed mobile home court, except as provided in divisions (B) and (C) below.

(B) Guest permits. Except in licensed and approved mobile home courts, no unit specified in division (A) shall be used for dwelling purposes for more than seven consecutive days in any one year without a permit therefore from the Building Inspector. A permit shall be issued only after submission of proof satisfactory to the Building Inspector showing that a proper toilet and sanitary facilities are available for use of the occupants, no fire hazard will be created and that no overcrowding will result from the use at the proposed location. The permit shall be valid only for the location designated thereon and for a period of not to exceed 14 days. A fee of \$5 for each unit shall be paid at the time of application for the permit. The permit may be revoked by the Building Inspector if the above requirements are not maintained.

1.) *Owner camping(travel trailers) permits on your own land.* Permits for recreational purposes can be issued, but not as a dwelling. A permit shall be issued only after submission of proof satisfactory to the Enforcement Officer showing that a proper toilet and sanitary facilities are available for use of the occupants, no fire hazard will be created and that no overcrowding will result from the use at the proposed location. The permit shall be valid only for the location designated thereon and for a period of not to exceed 120 days in one calendar year. You may use the 120 days all at one time, or break up the placements so as not to exceed 120 days. You may not store your camper on your property. If you have a permanent dwelling on said property, no more that 2 travel trailers may be stored on that property, in compliance with all zoning ordinances. The fee is \$50.00 for the first camper and \$25.00 for each additional camper. No accessory structures with permits (shed, out houses, garages, etc). *Your site must have not less than 10,000 square feet.*\*

\*Eff date 05.2004

(C) Limited permit while building. Units, other than tents, specified in division (A) may be used for dwelling purposes during construction of a dwelling only after a permit therefore has been secured from the Building Inspector. No permit shall be issued until plans and specifications have been submitted to the Building Inspector evidencing the intention of the applicant to build a dwelling and a building permit has been issued therefore. The applicant shall comply with all of the requirements of this section. The duration of the temporary dwelling authorization shall be at the discretion of the Building Inspector.

(1) All units 20 feet or more in length used for dwellings purposes shall have two exits spaced a sufficient distance apart to ensure a means of escape in case of fire.

(2) No unit may be used for dwelling or sleeping purposes by a greater number of persons than it is designed to safely accommodate.

(3) No unit shall be parked in the front yard of any lot. Any unit parked in a side or rear yard shall observe the yard requirements of this chapter.

(4) Except in mobile home courts or where permitted by this section, the units described in division (A) are neither dwelling units nor accessory uses.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

§ 154.023 MOVING OF STRUCTURES.

The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. A performance bond of \$1,000 may be required by the Township Board prior to the moving.

(Ord. 72-1passed 5-2-1972)

**§ 154.024 MULTIPLE USES OF BUILDING.**

Where any part of any building is used for residential purposes and the remainder thereof is used for any non-residential purposes, the part occupied as a dwelling shall conform to all requirements of the R-L district. Land or buildings used for non-residential purposes shall be excluded in determining whether the requirements for the residential use are met.

(Ord.72-1 passed 5-2-1972)

**§ 154.025 PARKING VEHICLES.**

Parking or storage of commercial vehicles exceeding a rated capacity of one and one-half tons is prohibited in all residential districts.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.026 PRINCIPAL USE.**

Only one principal use shall be made of a lot except as otherwise permitted.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.027 RAZING OF BUILDINGS.**

No building shall be razed until a permit has been issued by the Building Inspector. A performance bond in an amount not to exceed \$1,000 for each 1,000 square feet of floor area or fraction thereof may be required. The applicant shall complete the razing within a reasonable time which shall be prescribed in the permit. The applicant shall comply with such reasonable conditions as to health and safety as the Building Inspector may require. Those conditions shall include, but are not limited to, the filling of holes and the proper disconnection of utilities.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.028 REAR DWELLINGS PROHIBITED AS RESIDENCES.**

No building in the rear of a principal building on the same premises shall be used for residential purposes.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.029 ROW HOUSES.**

Attached single-family dwellings may not be erected and sold as individual alley units.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.030 SITE DEVELOPMENT PLAN.**

(A) The general and intensive use of the automobile requires careful study of the relationships between buildings, areas for parking, driveways, streets, alleys, pedestrian walkways, traffic movements and obstructions caused by uses which generate or attract traffic or which requires parking.

(B) To ensure the safety, convenience and well-being of the residents of the township and the public, the Planning Commission shall prior to the granting of a building permit, review a site development plan for all uses other than farms and one- or two-family homes.

(C) Approval of a plan shall be subject to the following:

(1) The Planning Commission shall determine that the proposed development is arranged:

(a) To provide convenient and safe traffic circulation and parking in relation to streets, walkways and joining properties or parking areas;

(b) To ensure adequate visual sight distance;

(c) To minimize conflicts of traffic on streets and the property involved; and

(d) To protect the reasonable use of adjacent properties and to advance the safety, convenience and well being of adjoining property owners and the residents of the township.

(2) The Planning Commission shall approve the designation of entries and exits, the direction of traffic flow on off-street parking areas and drives, the number and location of drives onto a public street and the use of existing drives on adjacent properties to decrease traffic congestion on streets.

(3) Upon approval of the plan the Chairperson shall sign three copies thereof.

One shall be kept by the Board, one by the Building Inspector and the third shall be returned to the applicant.

(Ord.72-1 passed 5-2-1972)

#### § 154.031 SIGNS AND BILLBOARDS.

(A) Permitted signs and billboards.

(1) All districts.

(a) Directional and other official signs are permitted in all districts.

(b) The signs shall include, but are not limited to signs pertaining to natural wonders, scenic and historical attractions which are required or authorized by law, and which comply with the requirements of this chapter.

(c) Temporary signs are permitted for a maximum of 70 consecutive days per sign, and a total of no more than 140 days per year. A temporary sign is a sign designed to be moved easily and not permanently affixed to the ground, structure, building, including but not limited to signs attached to or painted on vehicles parked and visible from the public right-of-way, and signs affixed to the ground by use of wires or posts that are not intended for permanent use. Temporary signs do not include real estate signs, which are signs indicated that the property upon which the sign is located is for sale, rent or lease.

(2) Commercial and industrial districts. One sign pertaining to the permitted use.

(a) The total area of each sign shall not exceed 15% of the area of the face of the building to which it is attached. No sign shall be wider than 90% of the width of that face of the building.

(b) Signs attached to buildings shall be flush with the wall thereof.

(c) That portion of a free standing sign used for advertisements shall be at least eight feet above ground level.

(d) The Board of Appeals shall approve the type, height and location of all pylon signs in the interests of the public health, safety and general welfare.

(e) Flashing signs are prohibited. Lighting shall be shielded from vehicular traffic.

(3) Residential districts.

(a) One free standing sign identifying each residential area and listing the names of its residents. All those signs must be approved by the Board of Appeals upon recommendation of the Planning Commission.

(b) House number, name plaques and "for rent" or "for sale".

(c) Newly-platted areas.

(d) One sign advertising a new plat may be erected thereon. The sign shall not exceed 70 square feet. It shall be removed when 75% of the lots in the plat are sold.

(e) In addition, two signs advertising a new plat, may be erected where two or more streets within the plat enter a public street. The signs shall be removed when 75% of the lots in the plat are sold.

(f) No more than three signs advertising a pat shall be erected. All signs shall be maintained in good condition.

(g) No electrical signs are permitted. All signs must be located at least 20 feet from any front line.

(h) Billboards shall be permitted along an interstate or federal aid primary highway as defined in M.C.L.A. §§ 252.301 et seq., under the following conditions:

(4) Billboards. Billboards shall be permitted along an interstate or federal aid primary highway as defined in M.C.L.A. §§ 252.301 et seq., under the following conditions.

(a) Billboards are allowed only in districts in which they are a permitted use.

(b) All billboards shall have a minimum size of 54 square feet and a maximum size of 300 feet (square). Border, trim and uprights are excluded in computing the size.

(c) No billboard shall be lighted by flashing or intermittent illumination. Lighting sources shall be shielded from vehicular traffic.

(d) No billboard shall be located within 1,320 feet of another billboard or sign on the same side of a highway.

(e) Billboards shall meet all height and area requirements of the district in which they are located.

(f) No billboard shall be within 30 feet of the boundary line of property on which dwelling is located unless written approval of the owner of the property is obtained.

(g) Billboards shall not be stacked or placed one above the other. Only one billboard shall be permitted on a single location. Double-faced billboards are also permitted.

(B) Application requirements pertaining to all billboards and signs.

(1) Sign and billboard erected or relocated any sign or billboard without first obtaining a sign erection permit. No person shall repair, alter or cause to be repaired or altered any sign or billboard 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 made upon forms provided by the Building Inspector 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 that information shall be submitted.

4. Two blueprints or ink drawings of the plan and specification 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. A certificate of insurance as required in division (B)(2)(g) of this section.

10. Payment of the appropriate fee.

(b) Illuminated signs and billboards. Prior to submission of the application to the Building Inspector, 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 any Township Building Code and the customary safe practices followed by the electrical profession. He or she shall approve the permit if the plans and specifications comply with any such code and practices.

(c) Issuance of permit. The Building Inspector 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 the sign or billboard. If the proposed structure complies with the requirements of this chapter, the provisions of any Township Building Code and state law, he or she shall then issue a sign erection permit. The permit shall be void if the work authorized under a sign erection permit has not been completed within six months from the date of issuance.

(d) Permit fees. Each applicant shall pay permit fees established by the Township Board.

(e) Information to be included on signs. Every sign or billboard hereafter erected shall have painted in a conspicuous place thereon in letters not less than one inch in height the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

(f) Paint. The owner of any sign or billboard shall paint all parts of the sign at least once every two years unless the same are galvanized or otherwise treated to prevent rust or deterioration.

(g) Insurance requirement.

1. Every applicant for a sign erection permit shall file with the application for permit a certificate of insurance, certifying that the applicant is insured against casualties to person or property arising out of the erection, maintenance, repair and replacement of the sign.

2. The insurance shall be in the following amounts:

(A) Bodily injury: \$100,000 each person, \$300,000 each accident; and

(B) Property damage: \$50,000.

(C) Certificate of insurance. A current certificate of insurance meeting the above requirements shall be filed with the Township Board as long as the sign or signs are in existence. The certificate shall provide that the township shall receive ten days written notice in case of cancellation of the policy.

(Ord. 72-1passed 5-2-1972) Penalty, see § 154.999

**§ 154.032 SWIMMING POOLS.**

Swimming pools may be installed in any district as an accessory use. All pools must meet the following conditions.

(A) Pools may be installed in the side or rear yards of a lot in residential and agricultural districts. Motels and hotels may install pools in the front yard in addition. All yard requirements shall be met, except as provided in division (D) below.

Every swimming pool in the township shall be completely surrounded by a fence or wall not less than six feet in height, which shall be constructed as to not have openings, holes, or gaps larger than four inches in any dimension, except for doors and gates; and if a picket fence is erected and maintained, the horizontal dimension shall not exceed four inches. A dwelling house or accessory building may be used as part of the enclosure. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door or any dwelling which forms part of the enclosure need not be so equipped. This requirement shall be applicable to all new swimming pools which have a depth of 18 inches or more of water at any point and shall apply to all existing pools which have a depth of 18 inches or more of water at any point. No person in possession of land within the township, either as owner, proprietor, possessor, lessee, tenant, licensee, or renter, upon which is situated a swimming pool having a depth of 18 inches or more of water at any point shall fail to provide and maintain the fence or wall as herein provided within 20 days after the effective date of this subchapter.

(C) Every gate or other opening in the fence shall be designed and maintained to prevent entry of persons except as permitted by the owner.

(D) Pools shall not be erected closer than five feet from the rear and side property lines of the lot. In the case of corner lots, the pool shall not be located closer than ten feet from any property line abutting any street.

(E) Pools may not occupy more than 40% of the area of the yard. In computing the area, all other accessory structures shall be excluded.

(F) If a public water supply system is available, only public water shall be used to supply water for the pool.

(G) The inlet of the water supply system shall be above the overflow level of the pool and fitted with an anti-siphon device.

(H) The pool shall be chemically treated in a manner sufficient to maintain bacterial standards established by the provisions of the Department of Health relating to public swimming pools.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.033 TEMPORARY BUILDINGS.**

Temporary buildings for use incidental to construction work and all debris shall be removed within 15 days after completion or abandonment of the work.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.034 TRAFFIC VISIBILITY ACROSS CORNERS.**

No fence, structure or planting over 30 inches in height shall be planted or erected on the street side of a line drawn between two points each being 20 feet from the intersection of the rights-of-way of two intersecting streets.

(Ord.72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.035 TRANSITIONAL ZONING.**

The first lot or lots in single ownership or the first 150 feet thereof, whichever is the lesser may be utilized for offices or retail businesses on premises in a residential or agricultural district where the side yard thereof adjoins a commercial or industrial district if the following requirements are met:

(A) Yards must meet the requirements of the district in which the lot is located;

(B) The building must conform to the residential character of the neighborhood;

(C) A site development plan shall be required;

(D) Sign requirements of the district in which the use is to be located may be doubled;

(E) Greenbelts shall screen the structures and parking areas from the adjacent residential property; and

The first lot or lots in single ownership or the first 150 feet thereof may be utilized for off-street parking provided that greenbelts screen parking areas from adjacent residential property. (Ord. 72-1 passed 5-2-1972) Penalty, see § 154.999

**§ 154.036 WALLS AND FENCES.**

Fences not more than three feet in height and retaining walls are permitted in the yards of all zones except as provided in § 154.032(B), provided the fences are not more than 60% solid.

(B) Solid non-retaining walls and solid fences of not more than six feet in height are permitted only in side or rear yards in any district.

(C) A well-maintained wire protective fence is permitted in the front yard in the C-H and I districts.

(Ord. 72-1 passed 5-2-1972) Penalty, see § 154.999

**NON-CONFORMING USES AND STRUCTURES**

**§ 154.050 BUILDINGS UNDER CONSTRUCTION.**

A structure lawfully under construction immediately prior to the times of the adoption of this chapter or any amendment thereto may be completed.

(Ord. 72-1 passed 5-2-1972)

**§ 154.051 CHANGE OF NON-CONFORMING USE.**

(A) Whenever a district is amended, any lawful use may be continued, notwithstanding the fact that the use becomes non-conforming provided all other requirements are met.

(B) Whenever a non-conforming use is changed to a more restricted or conforming use, the use shall not thereafter revert to a non-conforming use.

(Ord. 72-1 passed 5-2-1972)

**§ 154.052 CONTINUATION OF USE.**

The lawful use of any premises existing at the time of the adoption of this chapter may be continued. If a non-conforming use is discontinued for a period of one year, it may not thereafter be continued.

(Ord. 72-1 passed 5-2-1972)

**§ 154.053 EXPANSION.**

(A) Parking:

(1) Only parking and loading facilities may be extended, enlarged, modernized or otherwise altered with respect to uses non-conforming as to height or area;

(2) No alteration shall be made unless the Building Inspector determines that the alteration will not substantially extend the life of any non-conforming structure; and

(3) Upon alteration of the parking or loading facilities as provided in subsection (1), no further enlargement or extension of the principal use shall be permitted.

(B) A non-conforming use may be expanded throughout the structure which it is conducted.

(1) Non-conforming uses which 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 chapter or any amendment thereto.

(2) Non-conforming uses having multiple buildings or structure shall not be expanded by construction or an additional building or structure.

(3) Non-conforming buildings or structures lawfully in the process of completion at the time of the adoption of this chapter may be completed.

(4) The term "process of completion" includes the completed construction of footings and the pouring of concrete therefore. The preparation of architectural plans and drawings; purchase of land, leases or materials, or the moving of earth are excluded from that

term. The Board of Appeals shall determine procedures specified in § 154.085.

(C) No structural alterations shall be made unless required by law or in furtherance of the public health, safety and general welfare.

(Ord. 72-1 passed 5-2-1972)

**§ 154.054 RESTORATION AND REPAIR.**

(A) Only repairs and maintenance work required to keep non-conforming structures in sound condition may be made.

(B) Structure damaged by the elements, public enemy or other casualty may be rebuilt or restored. The cost of rebuilding may not exceed one-half the value of the structure, before damage. The Building Inspector and Township Supervisor shall make the determination.

(C) No non-conforming structure shall be rebuilt or reconstructed if the cost thereof exceeds the formula established in division (B) until the Board of Appeals has made the following determination:

(1) The rebuilding or restoration will not substantially extend the probable duration of the non-conforming use; or

(2) The circumstances are such that the structure previously occupied by the non-conforming use cannot then be advantageously used for a use permitted in the district in which it is situated.

All repairs shall be commenced within one year from the time of the casualty.

A building permit shall be first obtained.

(Ord.72-1 passed 5-2-1972)



## DISTRICTS; REGULATIONS

### § 154.065 A AGRICULTURAL DISTRICT.

(A) Description and purpose. This district is intended for agricultural uses, low-density single-family residential uses and specialized rural uses requiring large areas of land.

(B) Uses permitted:

- (1) One-family homes;
- (2) General and specialized farming, together with dwellings and structures accessory thereto;
- (3) Fisheries and hatcheries;
- (4) Roadside stands for the sale of produce grown on the premises;
- (5) Country clubs, golf courses and riding stables; and
- (6) Mobile home courts as an exceptional use and as regulated in §154.072(K).

(C) Height regulations. No building shall exceed a height of two and one-half stories or 35 feet, whichever is lesser.

(1) Front yard. The front yard shall be at least 40 feet determined according to the procedures set forth in § 154.015. Accessory structures for agricultural uses, country clubs, golf courses and private recreational uses shall be at least 60 feet from any street.

(2) Side yard. There shall be two side yards of not less than 20 feet each.

(3) Rear yard. There shall be a rear yard of not less than 100 feet.

(4) Lot area. There shall be a lot area of at least two acres for any one-family dwelling.

(5) Lot width. Every lot shall have an average width of at least 150 feet.

(D) Minimum floor area. Residential uses shall meet the minimum floor areas set forth in § 154.014.

(Ord.72-1 passed 5-2-1972)

### § 154.066 R RURAL RESIDENTIAL DISTRICT.

(A) Description and purpose. This district is intended for low-density residential use.

(B) Uses permitted. The following uses are permitted:

- (1) One-family homes;
- (2) General and specialized farming, together with dwelling and customary accessory structures; and
- (3) Essential services and institutional or public uses as otherwise regulated by this chapter.

(C) Height and area. The following requirements shall be met:

(1) Height. No principal building shall exceed a height of two and one-half stories or 35 feet, whichever is lesser. No accessory building shall exceed a height of 16 feet.

(2) Front yard. There shall be a front yard of at least 40 feet for a dwelling.

For other permitted uses a front yard of not less than 60 feet shall be required.

(3) Side yard. There shall be two side yards of not less than 20 feet each. No non-residential structure shall be closer to a side lot line than a distance equal to its height.

(4) Rear yard. There shall be a rear yard of at least 60 feet.

(5) Lot area. There shall be a lot area of not less than 32,000 square feet, for residential uses. For all other uses, there shall be a lot area of not less than 64,000 square feet.

(6) Lot width. Every lot shall have an average width of not less than 150 feet.

(D) Minimum floor area. Residential uses shall meet the minimum floor areas set forth in § 154.014.

(Ord. 72-1 passed 5-2-1972)

### § 154.067 R-L LAKE RESIDENTIAL DISTRICT.

(A) Description and purpose. This district is intended to:

- (1) Encourage the proper development of land abutting lakes and waterways;
- (2) Avoid pollution; and
- (3) Preserve the recreational values and natural features of lakes and waterways.

(B) Uses permitted. The following uses are permitted: one-family dwellings and seasonal dwellings.

(C) Height and area.

(1) Height. No principal building shall exceed a height of two and one-half stories or 35 feet, whichever is lesser. No accessory building shall exceed a height of 16 feet.

(2) Front yard. There shall be a front yard of at least 20 feet. Accessory garages, sewage disposal systems and storage structures may be located in front of a principal building provided the structures are at least 20 feet from a street right-of-way.

(3) Side yard. There shall be two side yards of not less than ten feet each.

(4) Rear yard. There shall be a rear yard of at least 20 feet.

(5) Lot size.

(a) A one-family dwelling without public sewer and public water shall be located on a lot containing not less than 7,500 square feet. The average width of the lot shall be at least 75 feet.

(b) No private sewage disposal system, drain field, septic tank or similar device for the disposal of household or human wastes shall be located or used in any side yard or between the principal structure and the waterfront unless a completely enclosed water-tight container permitting no discharge of wastes into the surrounding soil or water seepage into the container is used.

(c) Accessory structures located between the waterfront and the principal structure shall meet the side yard provisions for the principal structure. Seasonal docks, boat-houses, boat landings and similar structures in lakes or ponds shall not be longer than is required to reach a water depth of four and one-half feet. The structures located in rivers or streams shall not be longer than 10% of the width of the stream or river measured at the point of location of the structure.

(d) No tree or trees shall be removed from a building site unless the removal thereof is necessary for the erection of a building thereon.

(Ord. 72-1 passed 5-2-1972)

#### § 154.068 R-C COMMUNITY RESIDENTIAL DISTRICT.

(A) Uses permitted. The following uses are permitted:

(1) Agricultural uses;

(2) One-family dwellings; and

(3) Two-family and multiple dwellings are permitted as an exceptional use and as regulated in § 154.072(L).

(B) Height and area. The following requirements shall be met.

(1) Height. No principal building shall exceed a height of 35 feet or two and one-half stories, whichever is lesser. Accessory structures shall not exceed a height of 15 feet.

(2) Front yard. There shall be a front yard of at least 35 feet. Accessory structures for agricultural uses shall be at least 50 feet from any street.

(3) Side yard. There shall be two side yards of not less than six feet each. In addition, no non-residential structure shall be closer to a side lot line than a distance equal to its height.

(4) Rear yard. There shall be a rear yard of at least 30 feet.

(5) Lot area. There shall be a lot area of at least 7,500 square feet for each one and two-family dwelling and at least four acres for farms.

(6) Lot width. Every one-family dwelling shall be located on a lot with an average width of at least 50 feet. Every two-family dwelling shall be located on a lot with an average width of at least 60 feet. Parcels of land of four or more acres shall have an average width of at least 250 feet.

(7) Site plan. A site development plan is required for all uses containing more than four parking spaces.

(Ord. 72-1 passed 5-2-1972)

#### § 154.069 C-N NEIGHBORHOOD COMMERCIAL DISTRICT.

(A) Description and purpose. A business district designed to serve the retail business needs of the township.

(B) Uses permitted. The following uses are permitted:

(1) Retail stores selling goods such as bakeries, drug stores, clothing stores, jewelry stores and appliance stores; and

(2) Personal services such as banks, barbers, restaurant, photographers, laundry and dry-cleaning, professional offices, indoor theaters and gasoline service stations.

(C) Required conditions.

(1) General. All business shall be conducted within completely enclosed buildings.

(2) Yards.

(a) Front yards. All new buildings or additions to existing buildings shall be so located as to provide a front yard of not less than ten feet.

(b) Side yard. No side yard is required except as follows:

1. A minimum side yard of ten feet will be required for fire protection purposes; and
  2. Where the district abuts residential property on the side, a side yard of at least 25 feet shall be required.
- (c) Rear yard. A rear yard of at least 20 feet shall be required.
- (3) Greenbelt. A greenbelt may be required as provided in § 154.018.
- (4) Site plan. A site development of the proposed uses shall be presented to the Planning Commission before an application for a building permit may be made. The plan shall include the following, in addition to those requirements of § 154.030:
- (a) Location of streets and highways;
  - (b) A sketch showing the relationship of the proposed uses to the area within 2,000 feet thereof;
  - (c) Parking facilities. The use shall provide adequate off-street parking facilities;
  - (d) Loading zones;
  - (e) Driveways to streets;
  - (f) Location and dimensions of buildings and structures;
  - (g) Surface drainage facilities;
  - (h) Location of sewage disposal facilities, a description of the method of disposing of sanitary waste and soil tests;
  - (i) All landscaping; and
  - (j) Additional information as the Building Inspector may deem necessary to protect the public health, safety and the general welfare.
- (5) Height regulations No structure shall exceed a height of 30 feet or two stories, whichever is lesser.
- (Ord. 72-1 passed 5-2-1972)

**§ 154.070 C-H HIGHWAY COMMERCIAL DISTRICT.**

- (A) Description and purpose. A business district designed to serve the general business and service needs of the township, the surrounding area and the motoring public.
- (B) Uses permitted. The following uses are permitted:
- (1) Those uses permitted in the C-N district;
  - (2) Vehicle sale, servicing and rentals;
  - (3) Printing, construction, wholesale and storage enterprises;
  - (4) General office buildings, motels and hotels;
  - (5) Kennels and animal hospitals; and
  - (6) New and used merchandise may be sold.
- (C) Required conditions.
- (1) Front yard. All buildings shall have a front yard of not less than 80 feet.
  - (2) Side yard. There shall be two side yards and no side yard shall be less than 15 feet.
  - (3) Rear yard. There shall be a rear yard of at least 20 feet and no principal or accessory building shall be closer to a residential or agricultural district than a distance equal to its height.
  - (4) Rear yard; footage. There shall be a rear yard of at least 24,000 square feet unless the Building Inspector determines that a larger lot area is required to meet sewage disposal and water supply needs. In that case a lot area of at least 60,000 square feet shall be required.
  - (5) Lot width. Every lot shall have an average width of at least 100 feet.
- (D) Special conditions. More than one principal building may be permitted on a lot provided the buildings are owned by the same person and are part of an approved site development plan for a planned business development. Each like building shall provide required yards individually as though separated by a lot line.
- (Ord.72-1 passed 5-2-1972)

**§ 154.071 I INDUSTRIAL DISTRICT.**

- (A) Description and purpose. A district for industrial uses meeting the performance standards of division (D) of this section.
- (B) Use regulations. The following uses are permitted:
- (1) Enclosed manufacturing enterprises, including planned industrial complexes;
  - (2) Assembly, compounding packaging, processing of materials;
  - (3) Fuel distributors, storage and transportation facilities;
  - (4) Vehicle repair shops;

(5) Billboards as provided in § 154.031; and

(6) Junkyards as provided in § 154.072(M).

(C) Required conditions.

(1) Screening. All operations and storage shall be conducted within buildings

or behind solid screening fences or walls of a height equal to the height of the proposed use. However, natural resources and new equipment may be stored in side or rear yards without the screening.

(2) Height. No structure shall exceed a height of 40 feet.

(3) Yards.

(a) A front yard of at least 60 feet is required.

(b) Side and rear yards shall be at least 20 feet each.

(c) Where a lot abuts a residential district or dwelling, no structure shall be closer than twice its height to the district or dwelling.

4) Lot size. A logoff at least two acres in area and 200 feet in width at the street is required.

(5) Parking. Parking is permitted in all yards.

(6) Landscaping and outdoor storage. Unpaved areas shall be landscaped to avoid dust and erosion. Storage areas shall be maintained in dust-free condition if not paved or landscaped.

(7) Site plan. A site development plan is required.

(D) Performance standards. The applicant shall sign a written agreement guaranteeing that the use will meet the following standards before a building permit or certificate of occupancy may be issued.

(1) Fire and explosion hazards. All uses shall meet applicable building codes and fire ordinances.

(2) Smoke and nuisance factors. No radiation, fumes, gas, dust, odors or other atmospheric pollutants causing property damage, hazards to health or interference with property rights shall be emitted.

(3) Liquid or solid wastes. No wastes shall be discharged into any body of water, county and state disposal and treatment requirements shall be met.

(4) Vibration, noise and glare. No noise, vibration or glare is permitted to pass beyond the boundaries of premises.

(Ord. 72-1 passed 5-2-1972)

#### § 154.072 EXCEPTIONAL USES.

(A) Removal of natural resources. The removal of natural resources as sand, gravel or minerals or the alteration of land is permitted to prepare or render land suitable for uses permitted in the district in which the land is located.

(1) The following provisions shall be met.

(2) Procedure for permit: no building permit shall be issued until an

application for a temporary occupancy permit has been approved by the Board of Appeals. The application shall include the following:

(a) A fee of \$5 for each acre of land to be affected;

(b) A map of the land to be altered depicting all buildings, streets,

drainage and natural features within 300 feet of the property involved. The map shall depict contour elevations at five-foot intervals of the property;

(c) A two-foot interval contour map of the proposed final elevations,

the location of temporary structures, drives, parking areas, loading equipment, drainage facilities and the extent of the first year's operations; and

(d) A written statement describing the equipment to be used, the

processes involved, and estimate of the time the removal will require and a description of the proposed use of the premises after the alteration.

(B) Required conditions.

(1) Final grades shall be harmonious with surrounding grades and shall not

exceed 5% unless necessary for the ultimate proposed use of the land. No top soil shall be

removed unless necessary for the ultimate proposed use. All top soil shall be properly

redistributed upon termination of the building permit. The Board of Appeals may require the applicant to post a corporate surety bond to insure that final grades and the requirements will be met upon the expiration of any building permit.

(2) Mechanical processing shall be permitted in any R or C district if the use would be detrimental to adjacent uses.

(3) The creation or enlargement of a body of water shall only be permitted when the following is presented.

(a) Engineering and geological studies indicating that such water will not become stagnant or polluted.

(b) A plan for the future use of the lake.

- (c) Approval of the Department of Natural Resources and the County Drain Commissioner.
- (4) The alteration of any body of water shall be approved by the Township Board and the Department of Natural Resources and the County Drain Commissioner.
- (5) No removal, storage, structure, drive or loading shall be closer than 50 feet to an adjoining principal structure. All roads and unpaved areas shall regularly be maintained in a dust-free condition.
- (6) Trucks shall travel only on roads approved by the County Road Commission and the Township Board.
- (7) All structures, materials and equipment shall be removed within six months after termination of the use. All land shall be graded to final elevations and re-seeded.
- (C) Determination by Planning Commission. The Planning Commission shall render a report and recommendations on all plans before the Board of Appeals holds a public hearing.
- (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, lot, grades and waterways.
- (2) The Planning Commission may recommend approval or disapproval of the proposed use to the Board of Appeals. He or she may recommend that the special conditions and fencing, screening, landscaping, yards, parking, location of structures and time limitations be imposed.
- (E) Determination by the Board of Appeals.
- (1) The Board of Appeals shall determine the proper disposition of the application following the receipt of the recommendations of the Zoning Board and the public hearing.
- (2) The Board of Appeals shall consider the following in making its determination:
- The proposed use should prepare the premises for ultimate use within a reasonable period of time;
  - The proposed use may not adversely affect existing uses;
  - The proposed use shall meet all provisions of this section; and
  - The proposed use shall not adversely affect the public health, safety or general welfare.
- (F) Special conditions. The Board of Appeals may impose the special conditions as it deems necessary to carry out the intent of this chapter prior to granting approval of any application. The recommendations impose a reasonable corporate surety bond to ensure compliance with this section.
- (G) Authorization. Upon approval of the application the Building Inspector shall issue permits for a one-year period.
- (H) Renewal of permits.
- (1) The Board of Appeals may renew any permit if it finds at a public hearing that all conditions and plans have been met.
- (2) The procedure for a new application shall be followed in any application or a renewal permit in which any new area is to be developed.
- (3) An occupancy permit may be renewed for three years or for the duration of an approved bond, whichever is the lesser.
- (I) Revocation of permit. The Building Inspector may recode an occupancy or use permit if operations do not conform to approved plans. In that case, operations shall cease 14 days after notice by certified mail has been received by the violator if the condition has not been corrected. A new application and approval thereof shall be required to reinstate a revoked permit.
- (J) Sanitary landfills. Sanitary landfills for the deposit of rubbish, garbage or wastes are permitted if the use will prepared land for an ultimate use. Application for sanitary landfills shall be approved by the appropriate county authorities and meet all county and state requirements.
- (K) Mobile home courts. Mobile home courts may be permitted in the district provided the Board of Appeals finds that all of the following conditions are met.
- Each mobile home court shall be in single ownership and shall consist of at least 50 mobile home sites.
  - A 50-foot landscaped front yard shall be provided and maintained.
  - A 30-foot greenbelt shall be provided on side and rear yards.
  - Common sewer and water facilities shall be provided for each mobile home site. The Board of Appeals may permit the use of a lagoon treatment plant, or a mechanical treatment plant meeting state and county standards, the use of drain fields, septic tank systems or similar disposal systems are prohibited.
  - All utility services shall be located underground.
  - All mobile home sites shall face on internal paved streets approved by the Township Board. The mobile home court shall have two paved accesses to a major arterial street and not have an access on a minor residential street.
  - No mobile home site shall be less than 4,000 square feet in area. No mobile home site shall be less than 45 feet in average width.
  - Mobile homes shall be located upon an approved mobile home site. Mobile homes shall be at least 15 feet from the front and rear width. No side yard shall be less than five feet in width.
  - Mobile homes shall have at least 840 square feet of floor area.
  - Structures permitted in this district shall be subject to the height limitations of the A district.

(11) The mobile home court shall be landscaped and regularly maintained and shall conform to all state regulations. At least 10% of the mobile home court shall be devoted to not more than two landscaped parks for the residents of the court. No required yard shall be computed as part of the landscaped park.

(12) Sites for transient trailers, mobile homes, or camping accommodations may be provided within a mobile home court for temporary stays not to exceed two consecutive weeks. The requirements of subsections (7) and (9) above shall not apply to the trailers, with common restrooms and water supply. Common sewage facilities shall be provided for sewage wastes.

(13) The sale of new or used mobile homes is permitted only upon an approved mobile home site.

(14) In carrying out the provisions of this section, the Planning Commission shall ascertain that the location and arrangement of sites and improvements will provide safe and desirable living accommodations for the occupant.

(15) Site development plan. A site development plan is required in accordance with § 154.030.

(16) Building permits for mobile home courts shall only be issued for sites to be constructed within 12 months from the date of issuance of the building permit.

(17) Where a mobile home court abuts an R district or dwelling an additional 20 feet of landscaped side and rear yards adjacent to the district or dwelling is required in addition to the minimum side and rear yard requirements set forth in this section.

(L) Apartments.

(1) Apartments may be permitted in the R-C district provided the Board of Appeals finds that all of the following conditions are met.

(a) No apartment building shall contain more than 12 dwelling units.

(b) Every apartment shall be connected to a common sanitary sewer service and water supply.

(c) Every principal entry shall be visible from a public street. No entrance shall be located more than 300 feet from a street. Every building shall be located within 150 feet of an off-street parking area.

(d) Group buildings: groups of apartment buildings shall be in single ownership and shall be located on one parcel of land. Where more than one building is located on a lot, no building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 40 feet. A front yard of 35 feet shall be required. No building shall be located in back of another unless separated by a common yard of at least 100 feet. Every group building shall have a greenbelt of at least 30 feet unobstructed by any accessory structure. No group building shall be located closer than a distance equal to its total height to any other building.

(2) Height and area:

(a) Floor area. Apartment buildings shall have an average minimum floor area of 600 square feet dwelling unit. No dwelling unit may be less than 400 square feet;

(b) Density. There shall be at least 4,000 square feet of lot area for each dwelling unit exclusive of streets; and

(c) Other requirements: See § 154.068(B).

(M) Junk and salvage yards.

Junkyards may be permitted by the Board of Appeals in the I-1 district, if it finds that the use is not less than 1,000 feet from any residential use. The Board of Appeals may impose any reasonable restrictions in the interest of the public health, safety and general welfare in addition to those set forth in § 154.070(C) and (D).

(Ord.72-1 passed 5-2-1972)

#### § 154.073 OFF-STREET PARKING AND LOADING.

(A) Off-street parking. Residential off-street parking shall be on the same lot with the principal building. Off-street parking for commercial and industrial uses shall be on the same lot or within 300 feet thereof.

(B) Requirements. The Planning Commission shall determine that there is adequate parking area before any building permit is issued or before any premises are used for commercial or industrial purposes. Parking area shall conform to the approved plan before any premises are used. The Board of Appeals may include reasonable conditions to safeguard the public health, safety or general welfare.

#### District Required Parking

A 1 space for each dwelling unit

R-R 1 space for each dwelling unit

R-L 1 space for each dwelling unit

R-C 1 space for each dwelling unit

C-N 1 square foot per square foot of floor area

C-H 3 square feet per square foot of floor area

I 3 square feet per square foot of floor area

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(C) Mixed occupancies and joint usage. The total parking area proposed for two joint uses or two distinct uses shall be that proposed for the use generating the greater parking requirement. Before a building permit is issued for the use, the Board of Appeals shall approve agreements between the parties involved to ensure that adequate parking will be available for both uses.

(D) Size and access.

(1) The following provisions shall apply.

(2) Except for one- and two-family dwellings each off-street parking area shall be connected to a driveway at least 20 feet in width.

(3) Each off-street parking space shall be at least nine feet in width and 18 feet in length.

(4) All paved parking spaces shall be legibly marked.

(5) In non-residential districts, driveways shall connect adjacent properties in the same district to provide safe and harmonious traffic circulation and to limit the number of driveways onto streets.

(6) Driveways opening into major streets shall not be closer than 60 feet to an intersection. No driveway shall be closer than 25 feet to any minor street corner. No driveway shall be wider than 24 feet.

(7) No parking or loading space shall be directly accessible to a street except by an approved driveway.

(E) Parking in non-residential districts. Every parking area in a C or I district shall meet the following requirements.

(1) Parking areas shall be effectively screened on any side which adjoins a residential district by a greenbelt. No parking area shall be closer than 25 feet to any residential property in a residential district or closer than ten feet to any street.

(2) Every driveway and parking area shall be surfaced with asphalt or similar durable material. It shall be graded and drained so that all surface water flows to the nearest drain or drainage ditch. No lighting shall shine toward dwellings or streets. All drainage plans shall be approved by the County Road Commission or Drain Commissioner.

(3) A site development plan of the parking area, driveways, signs, lighting and landscaping shall be approved by the Planning Commission as provided in § 154.030.

(4) At least 5% of all parking areas shall be landscaped. A part thereof shall be located at the intersections of all internal driveways.

(F) Parking in residential and agricultural districts. Parking areas for more than four automobiles in residential and agricultural districts shall be permitted if the following conditions are met.

(1) All parking areas shall be landscaped, screened, surfaced and drained as provided in division (E)(2) above. No parking area shall be closer than five feet to an adjacent property or extend into the front yard. All areas not occupied by parking areas or driveways shall be landscaped.

(2) All parking areas shall be used solely for the parking of automobiles.

(3) An approved site development plan shall be submitted.

(4) Each entrance and exit shall be 20 feet in width.

(G) Off-street loading. In C and I districts, paved off-street loading spaces shall be provided to accommodate the needs of the use. The spaces shall be part of an off-street parking area and shall meet the requirements thereof.

(H) Off-street loading. The Planning Commission may approve a site development plan with a lesser area if the following are shown:

(1) The parking requirement is shown to be excessive;

(2) The use does not attract or provide services for the general public;

(3) The maximum number of employees is shown on the site development plan;

(4) The signed agreement to provide additional parking when necessary is presented;

(5) The paved or improved parking area will be sufficient to accommodate one automobile for each employee or visitor plus 10% more parking than the number; and

(6) An open landscaped area encompassing the additional required area is reserved for future parking use.

(I) Permits. The following permits are required for all parking areas.

(1) A building permit shall be obtained before a parking area may be constructed or enlarged. A site development plan approved by the Planning Commission in accordance with the provisions of § 154.030 shall be submitted to the Building Inspector before issuance of a building permit.

(2) A certificate of occupancy shall be obtained before any parking area is used or upon revocation of the permit. The Building Inspector may revoke a certificate of occupancy whenever the conditions of this chapter are violated. The use shall cease within 60 days following the revocation.

(3) The Building Inspector may issue a temporary occupancy permit when the full development of a parking area would not be warranted due to adverse weather, settling ground or for other reasonable grounds.

(Ord. 72-1 passed 5-2-1972)

(A) Generally. The Board of Appeals shall consist of three members.

**(1) The first member shall be the Chairperson of the Planning Commission, the second shall be a member of the Township Board. The third shall be selected and appointed annually by the first two members from among the electors residing in the township. No elected officer of the township or employee of the township may serve simultaneously as the third member of the Board of Appeals.**

(2) The total amount allowed on the Board in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be provided in advance by the Township Board.

(3) Members of the Board shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

(B) Powers of the Board. The Board shall act upon all questions as they may arise in the administration of the ordinance, including the interpretation of the zoning map. The Board may reverse or affirm, wholly or partly, or may modify any 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 from whom the appeal was taken. It may issue or direct the issuance of a permit. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(C) Meetings and attendance. Meetings of the Board shall be held at the call of the chair and at such other times as the Board may specify. The Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall maintain a public record of the proceedings of the Board which shall be filed in the office of the Township Clerk.

(D) Appeals and procedure. Appeals may be taken to the Board by any party aggrieved by a decision or order of the Building Inspector where it is alleged that there is error or misinterpretation in any order, requirement, decision made by the Building Inspector or other administrative agency in the carrying out of the provisions of this chapter.

(1) A notice of appeal specifying the grounds thereof shall be filed with the Secretary of the Board within ten days after the date of the action appealed from. A copy of the notice shall promptly be served by the Secretary upon the officer from whom the appeal is taken. The officer shall promptly transmit all records to the Board.

(2) An appeal shall stay all proceedings, decisions or orders unless the officer certifies to the Board that a stay would, in his or her opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except upon a restraining order by the Board or the circuit court.

(E) Hearings. Procedure for scheduling public hearings.

(1) When application for hearing or appeal has been filed in proper form and the required fee paid, the Secretary of the Board shall immediately place the same upon the calendar for hearing and serve required notices.

(2) Notice shall be published once in a newspaper of general circulation in the township at least five days prior to the hearing.

(3) Copies of the notice shall be served upon the applicant and the Building Inspector or other administrative officer from which the appeal is taken. Service shall be made as provided in the following division.

(4) A like notice shall be sent at least five days prior to the hearing to all owners of property within 300 feet of the premises involved by regular U.S. mail, with proof of posting, postage prepaid, and addressed to the last known address of the owners as determined by township records.

(5) Any interested party may appear and be heard at the hearing in person or by agent or attorney.

(6) Upon the date for hearing of any application or appeal, the Board may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information or to cause further notices to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of the hearing unless the Board decides otherwise.

(7) Decisions:

(a) The Secretary shall record the grounds for each decision. The Board shall render its decision upon any matter within 60 days after the matter is heard;

(b) Two members shall constitute a quorum. The concurring vote of two members shall be required to reverse the determination appealed from;

(c) The Secretary shall keep minutes of the Board's proceedings. He or she shall record the vote of each member. He or she shall record the grounds for the decision of the Board; and

(d) A copy of each decision shall be sent to the Building Inspector, Planning Commission and the application. No building permit shall be issued by the Building Inspector until he or she has received the decision.

(F) Variances. The Board, after public hearing, shall have the power to decide applications for variances as follows.

(1) Where the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship by reason of the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary situation of the premises or of the use of the premises immediately adjoining the premises in question.



(2) Where there is practical difficulty or unnecessary hardship in meeting the strict letter of the ordinance so that the spirit of the ordinance may be observed, public safety secured and substantial justice done.

(3) The condition or situation of the property or the intended use is not of so general or recurrent a nature as to make reasonably practical an amendment of the ordinance.

(G) Variances prohibited. No variance shall be authorized unless the Board finds from reasonable evidence that purposes of the ordinance or the public health, safety and general welfare, and that two of the following facts and conditions exist:

(1) There are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the district affected.

(2) The variance is necessary for the preservation and enjoyment of substantial property right similar to that possessed by other properties in the district. Financial gain alone shall not be deemed sufficient to warrant the granting of a variance.

(3) The condition or situation of the property or the intended use is not of so general or recurrent a nature as to make reasonably practical an amendment of the ordinance.

(H) Exceptional uses.

(1) The Board shall determine whether the proposed exceptional use would be hazardous, harmful or a nuisance to the surrounding neighborhood by reason of increased noise, atmospheric or other pollution, vibration, glare, fire hazard, parking, traffic, aesthetic effect, devaluation of property values or psychological effects.

(2) For that purpose, the Board may suggest to the applicant that he or she enlist experts to aid in its determinations. The Board may impose additional requirements and conditions necessary to preserve the intent of this chapter.

(I) Fees.

(1) The required fee of \$20 for a Board of Appeals hearing is part of any building permit and is in addition to other building permit fees.

(2) The fee shall be paid to the Township Clerk before any action shall be taken on the petition. The fee shall be retained regardless of the decision of the Board.

(J) Time limit.

(1) The necessary permit shall be secured and the authorized action begun within three months after the date a variance is granted. Authorized action shall be completed within 12 months after the date a variance is granted.

(2) The Board may, after a public hearing, extend those periods for good cause shown. (Ord. 72-1 passed 5-2-1972)

#### § 154.086 GENERAL ADMINISTRATION AND ENFORCEMENT.

(A) Building permit required.

(1) No person shall commence construction of any building or structure or make structural changes in any existing structure without first obtaining a building permit from the Building Inspector.

(2) The Building Inspector shall not issue a building permit for the construction, alteration or remodeling of any structure until an application has been submitted showing that the proposed construction complies with the Building Code.

(B) Administrative officials. Except as otherwise provided, the Building Inspector shall administer and enforce this chapter.

(C) Application. Every application for a building permit shall be made as required by the Building Code and shall designate the existing or intended use of the structure.

(1) The application shall be attached to two permanent scale drawings showing the actual lines, angles and dimensions of the lot to be used and the size and location upon the lot of all existing and proposed structures. The application shall contain such other information with respect to the proposed structure, the lot and adjoining property as may be required by the Building Inspector.

(2) One copy of plans and specifications shall be retained by the Building Inspector. The other copy shall be delivered to the applicant upon issuance of a building permit.

(3) The Building Inspector may, upon approval of the Planning Commission, waive portions of the foregoing requirements which are not necessary under the particular circumstances for compliance with this chapter.

(4) Any building permits shall be displayed within 24 hours of issuance by placing the same face out in a conspicuous place on the premises facing the nearest street. The permit shall be displayed until all work is completed or the term for which the permit is issued expires.

The Building Inspector shall send a copy of the permit to the Clerk.

(D) Certificate of occupancy. No land shall be used and no structure erected or altered until a certificate of occupancy is obtained from the Building Inspector. A record of all the certificates shall be kept by the Building Inspector. A copy of all the certificates shall be sent to the Township Clerk.

(Ord. 72-1 passed 5-2-1972)

**§ 154.087 AMENDMENT AND ADOPTIONS.**

**(A) Procedure.** Any interested person or public body may request the Planning Commission to schedule a public hearing for amendments of this chapter.

**(B) Notices.**

**(1)** The Planning Commission shall authorize the publication of the proposed amendment upon payment of the required fees.

**(2)** The Planning Commission shall set a time and place for at least one public hearing notice of which shall be given as provided by law.

**(C) Decision.**

**(1)** The Planning Commission shall forward its decision and the proposed amendment to the County Planning Department and the Township Board with its recommendation for approval or denial.

**(2) Determination:**

**(a)** The Township Board shall set a date for the consideration of the proposed amendment upon receipt of the decision of the County Planning Department or upon the expiration of 30 days from the date the amendment was forwarded to the body; and

**(b)** If the Township Board shall deem any amendments advisable as to the proposed text, it shall refer the same to the Planning Commission or a report thereon within the time specified by the Township Board.

**(D) Adoption.**

**(1)** The Township Board may adopt the amendment at any regular meeting or at any special meeting called for that purpose with or without amendments that have been previously considered by the Planning Commission at a public hearing.

**(2)** A majority vote of the members of the Township Board shall be required to adopt any amendment.

**(3)** Amendments shall be effective upon adoption by the Township Board and shall be published in a newspaper of general circulation in the township within ten days after adoption.

**(Ord. 72-1 passed 5-2-1972)**

**PLANNING COMMISSION**

**§ 154.088 SCOPE, PURPOSE AND INTENT.**

This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, and Michigan Zoning Enabling Act, to establish a planning commission with the powers, duties and limitations provided by those acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Yates Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, of the Yates Township Planning Commission formerly established under the Township Planning Act to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

**§ ESTABLISHMENT.**

The Yates Township Board hereby confirms the establishment under the Michigan Planning Enabling Act of the Yates Township Planning Commission formerly established under the Township Planning Act. The Yates Township Planning Commission shall have nine (9) members. Members of the Yates Township Planning Commission as of the effective date of this ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his/her term on the township board, continue to serve the remainder of the existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Zoning Enabling Act 33 §§ 125.3801 of the act.

**§ 154.090 APPOINTMENTS AND TERMS.**

The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member. The planning commission members, other than an ex officio member, shall serve for terms of three (3) years each. A planning commission member shall hold office until his/her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be;

Qualified electors of the township with exception of one commission member may be an individual who is not a qualified elector of the township.

Representative of important segments of the community, such as the economic, governmental, educational, and social development of the township.

In accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.

Representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member.

**§ 154.091 REMOVAL.**

The Yates Township Board may remove a member of the planning commission as an ex officio member.

**§ 154.092 CONFLICT OF INTEREST.**

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest as required by this ordinance constitutes malfeasance in office. For the purposes of this section, the planning commission shall define conflict of interest in its bylaws.

**§ 154.093 COMPENSATION.**

The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

**§ 154.094 OFFICERS AND COMMITTEES.**

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as any officer. The term of each office shall be one (1) year, with opportunity for reelection as specified in the planning commission bylaws. The planning commission may also appoint advisory committees whose members are not members of the planning commission.

**§ 154.095 BYLAWS, MEETINGS AND RECORDS.**

The planning commission shall adopt bylaws for the transaction of business. The planning commission shall hold at least four (4) regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission members at least 48 hours before the meeting held in compliance with the Open Meeting Act. The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act.

**§ 154.096 ANNUAL REPORT.**

The planning commission shall make an annual written report to the Yates Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

**§ 154.097 AUTHORITY TO MAKE MASTER PLAN.**

Under the authority of the Michigan Planning Enabling Act, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan. Unless rescinded by the township, any plan adopted or amended under the Yates Township Planning Act, need not be readopted under the Michigan Planning Act.

**§ 154.098 ZONING POWERS.**

The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, the Michigan Zoning Enabling Act, or other applicable zoning statutes to the Yates Township Planning Commission formerly established under the Township Planning Act.

**§ 154.099 SUBDIVISION/LAND DIVISION RECOMMENDATIONS.**

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township. The planning commission shall review and make recommendations on a proposed plat before action thereon by the township board under the Land Division Act. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of hearing shall be sent. Not less than fifteen (15) days before the date of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of the land immediately adjoining the proposed platted land.

**§ 154.100 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.

**§ 154.101 REPEAL.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Yates Township Planning Act is hereby repealed.

**§ 154.102 EFFECTIVE DATE.**

This ordinance takes effect on the date of its publication.  
(Ord. 11-4, passed 6-28-2011)

**§ 154.999 PENALTY.**

(A) Any person who violates, disobeys, omits, neglects or refuses to comply with this chapter shall be fined not more than \$500, or imprisoned for not more than 90 days, or by both the fine and imprisonment in the discretions of the court, together with court costs.

(B) Each day the violation exists constitutes a separate offense.

(Ord. 72-1 passed 5-2-1972)

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**RESOLUTION TO GIVE CODIFIED ORDINANCES AN ADOPTED DATE**

**WHEREAS, the purpose of this resolution is to give the following ordinances that were codified an adopted date,**

**WHEREAS, all ordinances require an adopted date and the following ordinances need to have an adopted date:**

**ORDINANCE NO: CHAPTER DESCRIPTION**

90-2 153.15 Adoption of property maintenance code  
153.16 Inconsistent ordinance repealed  
153.17 Paragraph F  
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90.4 50.01 —150.07 Rental Propert  
  
150.99 Penalty

**NOW, THEREFORE, BE IT RESOLVED this resolution to be adopted this day, Monday, September 19, 2011, at the Board Meeting located at Yates Township Offices, 6437 South Nelson Road, Idlewild, Michigan.**

Moved by board member \_\_\_\_\_ Willie Ross \_\_\_\_\_  
Seconded by board member \_\_\_\_\_ Ronald White \_\_\_\_\_  
    \_\_y\_\_ George Walker, Supervisor  
    \_\_y\_\_ Marian Cadwell, Clerk  
    \_\_y\_\_ Jacqueline Patterson, Treasurer  
    \_\_y\_\_ Willie Ross, Trustee  
    \_\_y\_\_ Ronald White, Trustee

**Adopted the 19th day of September 2011 by the Yates Township Board  
Marian Cadwell, Clerk**

**Addendum**

I, Marian Cadwell, the duly elected and acting Clerk of Yates Township, hereby certify that the foregoing resolution was adopted by the Township Board by a roll call vote at a duly-noticed special meeting of the Board held on October 30, 2012, at which meeting a quorum was present; and that this resolution was ordered to take immediate effect.

Marian Cadwell, Clerk

Ordinance 11-3 reaffirmed and reenacted Ordinances 90-2, 90-3, and 90-4 and was adopted on September 19, 2011. The motion was made by Willie Ross, and seconded by Ronald White.

Roll Call Vote: Walker — Yes, Cadwell — Yes, Patterson — Yes, Ross — Yes, White — Yes.

Motion Carried.

**Summary for Publication**

**NOTICE OF ORDINANCE  
YATES TOWNSHIP**

**At its September 19, 2011 meeting, Yates Township's Township Board enacted Ordinance No. 11-3.**

**The Ordinance reaffirmed and reenacted certain ordinances which were part of the Township's code of ordinances, but for which there was not a date or record of adoption within the Township's records. These ordinances were:**

**Ordinance 90-2, located in the Township Code of Ordinances, Sections 153.15-.19, all relating to the township's property maintenance code.**

**Ordinance 90-3, located in the Township Code of Ordinances, Sections 153.30-.35, all relating to the township's fire prevention code.**

**Ordinance 90-4, located in the Township Code of Ordinances, Sections 150.01-.07 and 150.99, pertaining to rental property regulations.**

**A copy of the ordinance is available at the office of Yates Township Clerk, 6437 South Nelson Road, Idlewild, MI, phone: 231-745-3940, extension 4.**

# YATES TOWNSHIP OFFICES

Telephone Number 231-745-3940  
6437 S NELSON ROAD, IDLEWILD, MI 49642

## APPLICATION FOR USE OF BUILDING

**Directions:** Complete all pertinent information and return to Yates Township Offices for approval.

1. Application on behalf of \_\_\_\_\_  
(Name of Organization)

For use of \_\_\_\_\_ with \_\_\_\_\_ people attending.  
(Specify Portion of Building)

2. Purpose of \_\_\_\_\_  
(Describe Fully)

3. (a) FOR A SINGLE MEETING: Date \_\_\_\_\_ Hours \_\_\_\_\_ to \_\_\_\_\_

(b) FOR A SERIES OF MEETINGS: Days of Week \_\_\_\_\_ Time \_\_\_\_\_ to \_\_\_\_\_  
Beginning \_\_\_\_\_ Ending \_\_\_\_\_  
(Date of First Meeting) (Date of Last Meeting)

4. Acting on behalf of the above named organization, the undersigned being eighteen (18) years of age or over, agrees that he/she will be responsible to Yates Township Offices for the use and care of the Township property. He/she further agrees to leave the building in the same condition in which he/she found it and will be responsible for and all breakage occurring during the time of this application.

Acting on behalf of the above named organization, I hereby certify that this organization does not discriminate against persons on the basis of race, religion, color or national origin.

\_\_\_\_\_  
Signature of Person in Charge

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
City, State and Zip

### NOT TO BE FILLED IN BY APPLICANT

Date Received \_\_\_\_\_ Charge \$ \_\_\_\_\_ Custodian Charge \$ \_\_\_\_\_ Total Charges \$ \_\_\_\_\_

Remarks \_\_\_\_\_

Date beginning \_\_\_\_\_ Date Ending \_\_\_\_\_ Hours \_\_\_\_\_ to \_\_\_\_\_

### APPROVED BY:

\_\_\_\_\_  
Yates Township Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Yates Township Officer

\_\_\_\_\_  
Date

**YATES TOWNSHIP  
 PERMIT APPLICATION FOR A  
 SANITARY SEWER CONNECTION eff. 01.01.16**

Date received \_\_\_\_\_

Location of Property \_\_\_\_\_

Parcel I.D. number 43-15- \_\_\_\_\_

Property Owner & billing address \_\_\_\_\_

\_\_\_\_\_ Phone number \_\_\_\_\_

Email \_\_\_\_\_

Contractor(s) performing installation & connection \_\_\_\_\_

Contractor's phone number \_\_\_\_\_

Yates Township Connection fee \$250

Township Zoning Inspection fee \$ 50

\$300

- Contact the Township Zoning Administrator, 231.598.0850, before project begins and at time of inspection.
- Contact Lake County Building Department, with this permit before project begins.
- Contact our Sewer Department if you need to locate Township sewer mains and laterals.
- Township Ordinance 92.01&02 governs sewer connections.
- It is illegal to discharge any storm water, surface water or roof runoff to the sanitary sewer. No footing drain pumps or sump pump shall be connected to sanitary sewer.
- It is the property owner's responsibility to pay the sewer bill. Non receipt of your bill does not negate your responsibility to pay your bill on time.
- It is your responsibility to notify the Sewer Department and Township of a new mailing address, and /or transfer of ownership of property. As long as we have your name and address on file, you are responsible for payment.
- Delinquent sewer bills of 6 months or more, will be placed on your property tax bill as a lein, and will be collected in the same manner as your tax bill.

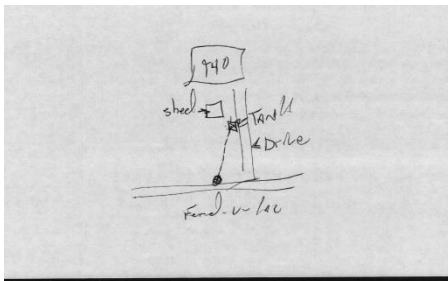
Date sewer connection permit issued \_\_\_\_\_ Date of sewer inspection by township

\_\_\_\_\_ Person performing the inspection \_\_\_\_\_

\_\_\_\_\_  
 Sewer Department Manager

\_\_\_\_\_  
 Ordinance Officer

**Sewer connection drawing**

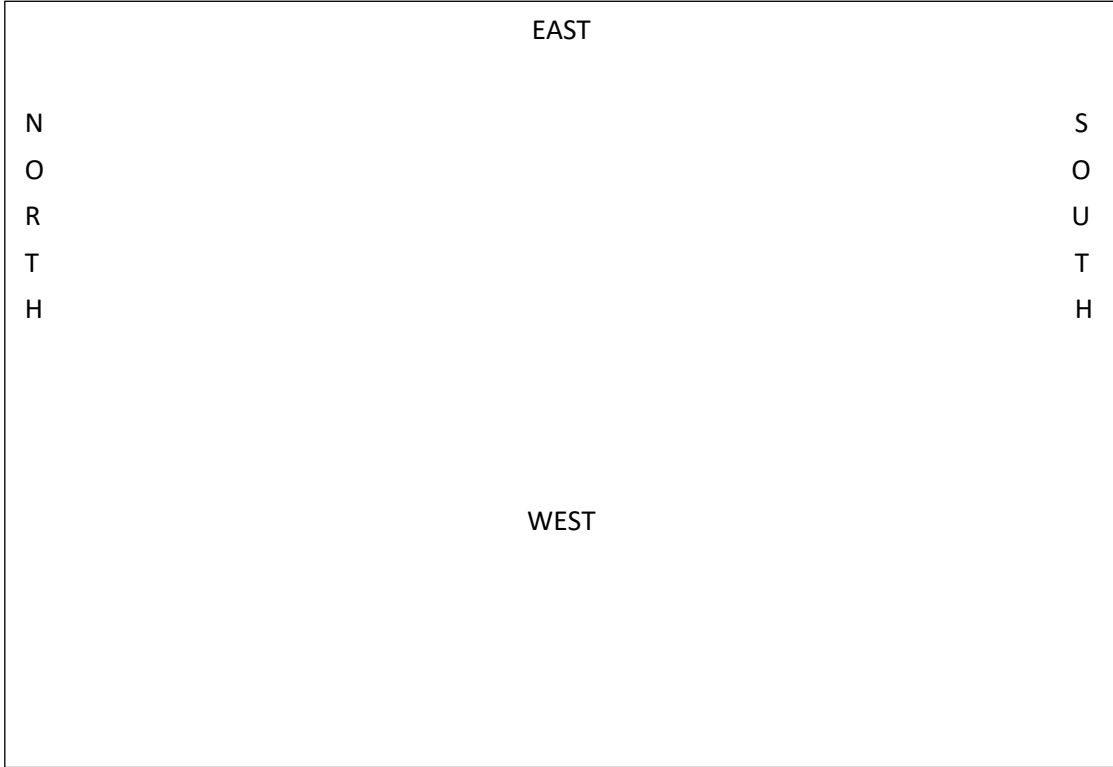


NW

SAMPLE

SW

**PLEASE INDICATE SEPTIC TANK POSITION, AND THAT IT IS DESTROYED WITH AN 'X'. NEXT, INDICATE THE MANHOLE POSITION AND LATERAL FOR BEGINNING OF CONNECTION AND THE RESIDENCE. FINALLY SHOW WHERE CONNECTION IS AT THE RESIDENCE.**



YATES TOWNSHIP LAND USE PERMIT APPLICATION Supervisor Ronald Griffin  
6437 S. NELSON RD., IDLEWILD MI 49642 Enforcement Officer John Barnette  
231.745.3940 231.580.0850

Land Use Permit \_\_\_\_ Special Use Permit \_\_\_\_ PERMIT NUMBER \_\_\_\_\_ Fee: \_\_\_\_\_  
Applicant: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Date: \_\_\_\_\_ Yates Township Section: \_\_\_\_\_ Parcel ID #4315- \_\_\_\_\_  
Legal Description of Parcel \_\_\_\_\_  
Size of Lot: \_\_\_\_\_ Size of Building: Height \_\_\_\_\_ Width \_\_\_\_\_ Length \_\_\_\_\_ Sq. Ft. \_\_\_\_\_  
Distance of Building from Lake or Stream: \_\_\_\_\_ within 500 ft. \_\_\_\_\_ not within 500 ft. \_\_\_\_\_  
Soil Erosion Permit: is Required \_\_\_\_\_ Is not Required \_\_\_\_\_  
Construction Start Date: \_\_\_\_\_ Approximate End Date: \_\_\_\_\_  
Special Consideration: \_\_\_\_\_

I hereby certify that all uses for this application is made, will comply and conform to the requirements of the Yates Township Zoning Ordinance.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*TURNOVER TIME UP TO 14 DAYS FOR APPROVAL\*\*\*\*\*

This permit expires 12 months from date of issuance unless said land use or construction has been diligently pursued for 30 days prior to expiration date.

Permission is hereby : APPROVED NOT APPROVED RECOMMENDED NOT RECOMMENDED

To the above named applicant for this Land/Special Use Permit.

Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Township Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Stipulation Notes (if any): \_\_\_\_\_

\*\*\*\*\*DOCUMENT MUST BE DISPLAYED ON JOB SITE VISIBLE FROM THE ROAD\*\*\*\*\*

Office Use Only

\$\$\$ Received \_\_\_\_\_ Cash/Check/M.O By \_\_\_\_\_ Date \_\_\_\_\_



# YATES TOWNSHIP CAMPER REGISTRATION PERMIT

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Emergency Phone \_\_\_\_\_  
Email \_\_\_\_\_

Property Address or Location \_\_\_\_\_

Camper #1 Description	Make _____	Model _____	\$50.00
Camper #2 Description	Make _____	Model _____	\$25.00
Camper #3 Description	Make _____	Model _____	\$25.00
Camper #4 Description	Make _____	Model _____	\$25.00

- 1-Shall not be used for dwelling purposes
- 2- Proper toilet and sanitary facilities are available
- 3- No fire hazard will be created, must follow all fire codes
- 4- Shall follow all zoning ordinance codes
- 5- No accessory structures without permits, (shed, garages, etc)-
- 6- No overcrowding
- 7- Shall be valid for the location designated
- 8- Thereon and for a period of not to exceed 120 days in a calendar year and shall be removed from property after the 120 days are used.
- 9-All campers shall have permits before moving onto site and site shall have at least 10,000 square feet.
- 10-The permit may be revoked by Zoning Enforcement Officer, if the above requirements are not maintained.

UNLAWFULL – IT SHALL BE UNLAWFULL FOR ANY PERSON TO PARK OR CAUSE TO BE PARKED, ANY CAMPER ON ANY STREET OR PUBLIC PLACE OR IN THE RIGHT OF WAYS.

Applicant Signature \_\_\_\_\_

Zoning Enforcement Officer \_\_\_\_\_

Issued by: Enforcement Officer John Barnette, Fire Chief 231.745.2911

Yates Township 6437 S. Nelson Rd., Idlewild, MI 49642 - 231.745.3940

[www.yatestownship.com](http://www.yatestownship.com)

Treasurer@yatestownship.com E-Mail

How Many Campers \_\_\_\_\_ How much enclosed/paid \$ \_\_\_\_\_

MCL 41-181