

BLOOMINGDALE TOWNSHIP LAND DIVISION ORDINANCE NO. 5-97

County of Van Buren, State of Michigan

BLOOMINGDALE TOWNSHIP ORDAINS:

SECTION I. Title

This ordinance shall be known and cited as the Bloomingdale Township Land Division Ordinance.

SECTION II. Purpose

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III. Definitions

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.
- C. "Exempt split" or "exempt divisions" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provided such access.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the legislative body of a municipal board of a township.

SECTION IV. Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the municipal assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the Township's Subdivision Control Ordinance and the State Land Division Act.

B. A lot in a recorded plat proposed to be divided in accordance with the Township's Subdivision Control Ordinance and the State Land Division Act.

C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Act.

SECTION V. Application for Land Division Approval

An applicant shall file all of the following with the municipal Clerk or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A. A completed application form on such form as may be provided by the Township.

B. Proof of fee ownership of the land proposed to be divided.

C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map at the applicant's option, the applicant may submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a

final application under Section V.

The governing body of the Township or its designated agent delegated such authority by the governing body, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be

required.

D. Proof that all standards of the State Land Division Act and this Ordinance have been met. (See checklist accompanying this Ordinance.)

E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.

F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

G. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VII of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited there from, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public

water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.

H. The fee as may from time to time be established by resolution of the governing body of the Township for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of the Ordinance and the State Land Division Act.

SECTION VI. Procedure for Review of Applications for Land Division Approval

A. Upon receipt of a land division application package, the Township Clerk or other official designated by the governing body shall forthwith submit the same to the municipal assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land divisions applied for within 30 days after receipt of the application package conforming to this Ordinance's requirements, and shall

promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to the Ordinance requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.

B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing board of the Township or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

C. A decision approving a land division is effective for 180 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.

D. The municipal assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

E. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

F. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII. Standards for Approval of Land Divisions

A proposed land division shall be approved if the following criteria are met:

A. All parcels created by the proposed division(s) have a minimum width of 150 feet as measured at the front setback line, unless otherwise provided for in an applicable zoning ordinance and all such parcels shall contain a minimum area of 32,000 square feet unless otherwise provided for in an applicable zoning ordinance.

B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.

C. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles, not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance of this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create 4 or more parcels.

D. The ration of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section VIII of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio. The permissible depth of a parcel less than 10 acres created by a land division shall be measured within the boundaries of each parcel from the abutting road right of way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

E. All parcels created by a land division shall comply with the minimum standards set forth in Section 1001.20 (Size of Premises) of the Ordinance and respective districts of the Township of Bloomingdale.

SECTION VIII. Consequences of Noncompliance with Land Division Approval Requirement

Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this Ordinance, and as may otherwise be provided by law.

SECTION X. Penalties and Enforcement

Any person who sells or agrees to sell any lot, piece, or parcel of land without first having recorded a plat thereof when required by this act is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 180 days, or both. For each offense under this subsection after a first offense under this subsection, the person shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 1 year, or both. Agreement to sell under this section does not include an option to buy extended from the seller for a money consideration to the prospective buyer. Any person who violates Section 108, 109, 109B, or the exempt split provision of Section 103(l) and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than \$1,000.00 for each parcel sold. A default in the payment of a civil fine or costs ordered under this subsection or an installment of the fine or costs may be remedied by any means authorized under the revised Judicature Act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.

SECTION IX. Severability

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

SECTION X. Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, the Township Subdivision Control Ordinance, or the Township Building Code.

SECTION XI

Effective Date: This Ordinance shall take effect 30 days following its publication after adoption.

ADOPTED ON AUGUST 13, 1997.

MOTION BY HASSING, SECONDED BY MILLER THAT ORDINANCE #5-97 -
LAND DIVISION ORDINANCE AMENDMENTS BE ADOPTED.

AYES: Bly, Hassing, Miller, Stange and Scamehorn

NAYS: None

ABSENT: None D

ORDINANCE #5-97 - LAIW DIVISION ORDINANCE AMENDMENTS A

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BLOOMINGDALE TOWNSHIP SUBDIVISION AND SITE CONDOMINIUM ORDINANCE

Township of Bloomingdale, County of Van Buren, State of Michigan

Ordinance No. 10-98 Adopted: October 21, 1998

An Ordinance to regulate the division of land in Bloomingdale Township, Van Buren County, Michigan; to require and regulate the preparation and presentation of preliminary and final plats and site condominium projects, to establish minimum standards which must be met or guaranteed by the proprietor, to set forth a procedure to be followed by the Township in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this Ordinance.

The Township of Bloomingdale, Van Buren County, Michigan ordains:

SECTION 1.01

This Ordinance shall be known as the Bloomingdale Township Subdivision and Site Condominium Ordinance.

SECTION 1.02 PURPOSE

The purpose of this ordinance is to regulate and control the divisions of land within the township in order to promote the public safety, health and general welfare.

SECTION 1.03 WELFARE

This Ordinance is enacted pursuant to the authority granted by Public Act 288 of 1967, as

amended which authorizes township boards to adopt ordinances to secure the public health, safety and general welfare, and Public Act 59 of 1978, as may be amended from time to time.

SECTION 2.0 SUBMISSION OF PRELIMINARY PLAT AND SITE CONDOMINIUM PLAN FOR TENTATIVE APPROVAL

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat or site condominium plan to the Township Planning Commission and the Township Board for tentative approval shall submit not less than four (4) or no more than ten (10) legible copies of said proposed plat or plan. Said copies must contain a minimum of the following information and fees:

- A. Show relief of area proposed to be platted or divided with two (2) foot contour intervals.
- B. Indicate road layout.
- C. Indicate lot layout, showing size and shape of proposed lots with square foot calculations.
- D. Indicate whether proposed plat or plan will be served by sanitary sewer and/ or municipal water.
- E. Indicate the general location and size of any floodplain possibly located within the area to be platted or divided.
- F. Indicate, specifically, the methods and design proposed for storm water disposal.
- G. When the proprietor owns or plans to acquire and anticipates platting or dividing adjoining land, he/she shall submit, with the preliminary plat or plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
- H. The proprietor shall provide title documents.
- I. A fee may from time to time be established by the Township Board to cover the cost of review.

SECTION 3.0 TOWNSHIP BOARD REVIEW PRELIMINARY PLAT OR PLAN FOR TENTATIVE APPROVAL

Upon receipt of copies of said proposed plat or plan for tentative approval, the Township shall examine the proposed plat or plan with such assistance and review of an engineer or attorney, if required and approved by the Township Supervisor. If the fee for this service exceeds the amount determined by the current fee resolution, the additional actual costs shall be paid by the proprietor. The Township Board shall determine whether said proposed plat or plan complies with all Township Ordinances and State Statutes as well as make adequate provision of the following:

A. Streets

- 1. Compliance with a major street thoroughfare plan adopted by the Township or Van Buren County Road Commission, if any.

2. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision. t

3. Where adjoining areas are not subdivided, the arrangement of streets in the proposed plat or plan shall be extended to the boundary line of the tract to make provision for the future projection of streets into

adjoining areas; provided, however, that minor streets within the plat or plan shall be so laid out that their use through traffic will be discouraged.

4. Where the proposed plat or plan abuts or contains a county primary road and major thoroughfare, the Township may require marginal access streets approximately parallel to the right-of-way of the primary

road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

5. Street names should be unique. Commonly used names such as Oak Street, Pine Street, Elm Street, etc., should be avoided to eliminate confusion.

6. Streets should intersect at 90 degrees or closely thereto and no case be less than 89 degrees.

7. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.

8. The minimum length allowed for residential blocks shall be 1,000 feet.

9. All right-of-way within or abutting such plats or plans shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited. Exceptions may be granted by the

Township Board only where the topographic of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.

10. A plat or extension of an existing plat or a site condominium plan or extension of an existing plan creating a total of 50 or more lots must be developed so as to provide two (2) or more access streets.

B. Lots

I. Corner lots generally should have extra width to permit appropriate building setback from both streets.

C. General Provisions

I. Privately held reserve strips controlling access to streets shall be prohibited.

2. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.

3. Lands subject to flooding or otherwise determined to be unsuitable for development by the Township Board should not be divided for residential, commercial or industrial purposes. Such lands within a plat

or site condominium plan may be set aside for other purposes such as parks, open space or common elements.

4. The Township Board shall review maps of existing and/or proposed electrical or gas utility easements, on record with the Township, which are within 500 feet of the boundary of the proposed plat or plan.

5. Elevation contours shall not be altered more than two (2) feet as shown on the preliminary plan for any building site unless a licensed professional engineer certifies that the elevation change will not adversely affect the drainage plan for the plat or plan. All roads and drainage infrastructure shall be built in accordance with a licensed professional engineer's stamped profile.

If the Township Board determines that the proposed plat complies with all applicable ordinances and statutes and the provisions set forth above, tentative approval of the preliminary plat shall be granted. Said approval shall confer upon the proprietor for a period of one (1) year from the date of approval.

If the Township Board determines that the site condominium plan as submitted complies with all applicable ordinance and statutes and provisions set forth above, final plan approval shall be granted subject to the following:

A. Submission for review to Van Buren County Board of Road Commissioners, Van Buren County Planning Director, Van Buren County Drain Commissioner and the Van Buren County Health Department.

B. Copy of review recommendations with approval/non-approval from the names county offices.

C. Copy of the Master Deed.

D. A copy of the restrictive covenants, if any.

E. A Mylar 'as built' drawing at a scale of 1" = 200' or less for Township use.

F. Compliance with section subsection A through F inclusive, if required by the Township Board.

SECTION 4.0 SUBMISSION OF PRELIMINARY PLAT FOR FINAL APPROVAL; MONUMENTATION FOR SITECONDOMINIUMS

Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat to the Township Board for final approval shall submit all outlined relevant data:

A. Evidence that all requirements imposed by the Township Board at the time of granting tentative preliminary approval have been incorporated into the proposed plan.

B. Evidence that all governmental reviewing bodies have granted tentative preliminary approval.

C. A copy of the restrictive covenants.

D. Drawing showing monuments as outlined below:

1. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the plat or plan, if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

**SECTION 5.0 TOWNSHIP BOARD REVIEW PRELIMINARY PLAT, FINAL APPROVAL;
REQUIREMENTS FOR SITE CONDOMINIUM PROJECTS, IF REQUESTED**

Upon receipt of all required copies of the preliminary plat for final approval, the Township Board shall examine the same with such assistance and review by an engineer or attorney if required and approved by the Township Supervisor. If the fee for this service exceeds the amount determined by the current fee resolution of this Ordinance, the additional actual costs shall be paid by the proprietor. Upon completing its review, the Township Board shall determine whether said. proposed preliminary plat complies with the requirements imposed by the Township at the time of tentative approval; has obtained the required statutory approval of other governmental agencies; and meets any or all of the following requirements as requested at tentative preliminary review:

- A. Connection to sanitary sewers and/or water mains, if required by the Township Board, when it is determined that the services are reasonably available to the project site.

- B. The proprietor shall make arrangements for all distribution lines for telephone, electric, cablevision and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such services companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. Private easements for underground utilities shall be shown on the preliminary plat or plan.

- C. Storm water disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.

- D. No land within the subdivision may be isolated from a public thoroughfare thereby creating land-locked parcels.

- E. Street lighting will be required by the Township Board for public health, safety and welfare.

- F. Sidewalks may be required by the Township Board when it is determined that the sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete, four (4) feet in width, four (4) inches in depth upon a two (2) inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete, six (6) inches in depth.

If the Township Board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two (2) year period may be

extended in the discretion of the Township Board upon application by the proprietor.

SECTION 6.0 SUBMISSION OF FINAL PLAT FOR FINAL APPROVAL

Every person, firm or corporation which shall hereafter submit a proposed final plat to the Township Board for final approval shall also submit the following relevant data:

A. A title insurance policy showing merchantable title in the proprietor of the land to be subdivided.

B. Evidence that all other governmental reviewing agencies have approved the final plat.

SECTION 6.01 REVIEW BY THE TOWNSHIP BOARD FOR FINAL PLAT APPROVAL

A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made the Township of Bloomingdale and Deposit Agreement executed by the proprietors.

B. All roads, streets, bridges, culverts, waterways or lagoons have been completed and approved or a cash or equivalent deposit has been placed with the property County agency.

C. All utilities serving the plat or plan have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the Township, sufficient in the amount to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.

D. All underground utility installations, including lines for street lighting systems which traverse privately-owned property, shall be protected by easements granted by the proprietor approved by the public utility company. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, six (6) feet dedicated from each lot or parcel, except side lot easements three (3) feet wide granted for street lighting drop-outs. These easements shall be direct and continuous from block-to-block.

E. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.

F. The proposed final plat complies with all applicable site statutes and Township ordinances and has received the requisite statutory approval of other governmental agencies.

G. That the dedication is executed by all required owners.

H. Actual costs incurred by the Township over the fee described in the current fee resolution have been paid.

SECTION 7.0 PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT

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

SECTION 8.0 SUBDIVISION LOT DIVISION

After a subdivision has been recorded, platted lots may thereafter be partitioned or devised in accordance with the Michigan Subdivision Contract Act of 1967 as amended. Resulting lots intended to be building sites shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lot.

SECTION 9.0 VARIANCE PROCEDURE

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board shall have authority to grant variances so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

SECTION 10.0 ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than ninety (90) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township Board or public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or Public Act 288 of 1967, as amended, or Public Act 59 of 1978, as amended.

MOTION BY BLY SECONDED BY MILLER TO ADOPT SUBDIVISION SITE

CONDO ORDINANCE # 10-98 . ROLL CALL VOTE . MOTION CARRIED

YEAS BLY STANGE , SCAMEHORN , HASSING, MILLER

NAYS NONE

ADOPTED 10-21-98

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TOWNSHIP OF BLOOMINGDALE, COUNTY OF VAN BUREN, STATE OF MICHIGAN

BLOOMINGDALE TOWNSHIP ORDINANCE NO. 6-05

ADOPTED: June 15, 2005 EFFECTIVE: June 25, 2005

AMENDMENT OF CELLULAR TOWER ORDINANCE No. 1-99

An Ordinance to amend the Bloomingdale Township Cellular Tower Ordinance (Ordinance No. 1-99) adopted January 13, 1999, with respect to the maximum permissible tower height.

THE TOWNSHIP OF BLOOMINGDALE, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION I AMENDMENT OF SECTION 3A PERTAINING TO MAXIMUM TOWER HEIGHT

Section 3.A of Ordinance No. 1-99 is hereby amended to read as follows:

"The maximum height shall not exceed 175 feet, measured from the grade of the base of the tower, if the tower is intended to accommodate an antenna array of only one telecommunications provider. The maximum height may exceed 175 feet if the Township Board determines all of the following standards are met:

(1) The tower is designed and intended to accommodate antenna array of more than one telecommunications provider.

(2) The proposed increase in the maximum height is not more than an additional 25 feet for each additional telecommunications provider for which the tower is designed and intended; subject to an

absolute maximum of 300 feet, measured from the grade of the base of the tower.

(3) The applicant certifies that it will allow the number of other telecommunications providers for which the tower is designed and intended to co-locate antenna array on the tower.

(4) The additional tower height will not be detrimental to any adjoining property, or adversely affect the health, safety or welfare of the general public in any manner."

SECTION II. EFFECTIVE DATE

This Ordinance shall take effect on the day after publication as required by law.

Linda M. Strange, Clerk

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BLOOMINGDALE TOWNSHIP, County of Van Buren, State of Michigan

HAZARDOUS WASTE MATERIAL RELEASE ORDINANCE Ordinance No. 99-2

Adopted: February 17, 1999 _ Effective: March 29, 1999

HAZARDOUS WASTE MATERIAL RELEASE ORDINANCE

An Ordinance to establish charges for Fire Department response to emergencies arising out of and/or related to the release and/or threatened release of hazardous materials under Act 102 of the Public Acts of 1990. As amended (MCL 4.1806a; MSA 5.2640(6a)); to define hazardous materials and to provide for collection of emergency response costs.

Section 1 Purpose

This Ordinance is adopted to defray a portion of the expenses of the Bloomingdale Fire Department resulting from the Fire Department's response with emergency equipment and personnel to a hazardous materials release or threatened release which requires emergency response for the health, safety and general welfare of the public and to provide that persons responsible for the hazardous materials release or threatened release pay the cost of such emergency response services. It is not the purpose of this Ordinance to provide funding for Fire Department operation for services not related to a hazardous

materials release or threatened release.

Section 2 Definitions

For the purpose of this Ordinance, the following definitions will be applied;

"Hazardous Substances" means explosives, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, radioactive material, corrosive material, liquefied petroleum gas and other materials customarily considered dangerous to living beings or contaminating to the environment.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing of hazardous materials into the environment.

"Responsible Party" means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other group or organization of any kind whatsoever that causes a release of hazardous substances, or whose action threatens the release of hazardous substances; or who is an owner, tenant, occupant party in interest or other party who has an ownership interest and/or who is in control of the premises onto which or from which hazardous substances are released or threatened to be released.

"Fire Department" means the Bloomingdale Fire Department.

Section 3. Charges Imposed Upon a Responsible Party or Parties

When the Fire Department responds to a release of hazardous substances or a threatened Release of hazardous substances, the Responsible Party or Parties shall be liable to the Township for the following costs incident to the Fire Department's response:

- a. All costs of Fire Department personnel attending charged at each firefighter's current hourly rate or salary times the length of time in attendance together with fringe benefits for the time devoted to the response-related activities have ceased.
- b. The cost per hour times the length of time in attendance for each piece of Fire Department apparatus involved in the response which costs shall be set from time-to-time by Resolution of the Township Board.
- c. Any other expenses incurred by the Fire Department, including, but not limited to, rental or purchase of additional machinery or equipment; retention of consultants; medical and hospitalization costs; replacement costs related to disposable personnel; protective equipment - required to be disposed of; extinguishing chemicals; supplies and water purchased from water systems and any other expenses related to the Fire Department's response. _
- d. Administrative fee for the compilation, billing and collection of the charges referred to above in an amount equal to percent (%) of the costs referred to above.

Section 4. Billing Procedures

Following a response to the release or threatened release of hazardous substances, the Fire Chief shall submit to the Township Treasurer a list of all expenses then known to be incurred in response. The Township Treasurer shall invoice the Responsible Party of all known expenses at that time. The invoice shall be paid in full within 45 days of receipt. .

Any additional expenses that become known shall be billed in the same manner. Any amounts which remain due and unpaid after 45 days shall be subject to a late fee of one percent (1%) per month or a fraction thereof until paid in full.

Section 5. Collection

Any amounts which remain due and unpaid after 45 days of receipt by the Responsible Party(ies) may be collected in any manner permitted by law including, but not limited to, suit in a court of competent jurisdiction. Payment of any charges under this Ordinance shall not be deemed to limit any other liability of the Responsible Party(ies) under any other Ordinance, state or federal law, rule or regulation.

Section 6.

The charges referred to herein shall not be exclusive of any other charges made by the Township for the costs and expenses of maintaining a Fire Department but shall only be supplemental thereto.

Section 7. Severability

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court or competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

Section 8. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed and shall be of further force or effect upon the effective date of this Ordinance.

Section 9. Effective Date

This Ordinance shall take effect on March 29, 1999. _

MOTION BY HASSING SECONDED BY STANGE TO ADOPT THE HAZARDOUS

WASTE MATERIAL RELEASE ORDINANCE NO. 99-2.

ROLL CALL VOTE YEAS BLY I HASS ING I MILLER I SCAMEHORN I STANGE

NAYS NONE

LINDA STANGE, CLERK

RESOLUTION ESTABLISHING FEE'S FOR CERTAIN FIRE FIGHTING OPERATIONS

WHEREAS, the Bloomingdale Fire Department provides a wide range of emergency services and should change for certain tire operations.

NOW, THEREFORE, BE IT RESOLVED BY THE BLOOMINGDALE TOWNSHIP BOARD, BLOOMINGDALE, MICHIGAN that the following conditions for fire service fee's be as follows:

Arson and Intentionally Set Fires (charged to arsonist)

Unintentional False Alarms (over four per year)

Intentional and Malicious False Alarms

Hazardous Materials Incidents

Aid given to Communities for which there is no Mutual Aid Agreement

BE IT FURTHER RESOLVED that the following charges be established:

Supplies At Replacement Cost

Pumper \$50.00 initial response then \$150.00 per hour

Tanker \$50.00 initial response then \$100.00 per hour

Grass Truck \$50.00 initial response then \$75.00 per hour

Draft Truck \$50.00 initial response then \$75.00 per hour

Equipment Vehicle \$50.00 initial response then \$75.00 per hour

Jaws Rescue Tool \$200.00 per vehicle

BE IT FURTHER RESOLVED that this take effect as of October 25, 2001.

Bloomingtondale Township Board motion by Bly seconded by Stange to approve fees as presented.

Ayes: Bly, Stange, Richardson, Miller, Burleson

Nays: None

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**BLOOMINGDALE TOWNSHIP- Township of Bloomingdale, County of Van Buren, State of Michigan
PLACEMENT/CONSTRUCTION OF SINGLE FAMILY RESIDENCE Ordinance No. 8-99**

Adopted: August 18, 1999 Revised: September 15, 1999

The Township of Bloomingdale, Van Buren County, Michigan ordains:

SECTION 1. MINIMUM FLOOR AREA

That from and after October 1, 1999 all site-built homes constructed and all mobile and modular homes located within Bloomingdale Township for single-family residences shall have a floor area of no less than 720 square feet and width or length dimension of no less than 14 feet, except when located in a Mobile Home Park.. All single-family dwelling units, including site built homes, mobile and modular homes, to be constructed or located in Bloomingdale Township shall conform to these standards. These standards shall apply to all single-family

residences built or brought into the Township. Those whose location is changed within the Township or on a lot and those dwellings, mobile or modular homes which replace an existing mobile or modular home or dwelling.

SECTION 2 SQUARE FOOTAGE DETERMINATION

In determining the square footage referred to in Section 1 above, any additions or attempted additional shall not be considered or permitted in an effort to meet the minimum requirements. Two or more mobile homes may not be tied together nor may a mobile home be added to an existing mobile home. No mobile home may be installed as an addition to an existing conventionally constructed home, nor may a stick construction home be added to a mobile home.

SECTION 3. SANITARY PERMIT

Prior to commencing construction or prior to placement of any mobile or modular home there shall be obtained a sanitary permit from the Van Buren County Health Department.

SECTION 4. USED MOBILE HOME

Used mobile and modular homes must pass Township inspection prior to being placed in Bloomingdale Township and must have a HUD sticker. No mobile or modular home needing repairs may be placed upon a building site until the necessary repairs are made and the Township building and electrical inspectors have approved the repairs.

SECTION 5 MOBILE AND MODULAR HOME MINIMUM

FOUNDATION REQUIREMENTS

All such mobile or modular homes shall be set on a permanent foundation which shall consist of a full cement slab, or other sub-surface construction which complies with the building code, same length and width as mobile or modular home. All foundations shall conform to the Michigan State Building Code as adopted by Bloomingdale Township.

SECTION 6 SET UP

In the event the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instruction, which setup installation specification shall, at a minimum, comply with the Michigan Mobile Home Commission Rules, as promulgated under the Mobile Home Commission Act, being Act 96 of Michigan Public Acts of 1987, as amended. Said mobile home shall be secured to the

premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. Said mobile home shall also be installed with the wheels and towing mechanism removed, and shall have perimeter wall or skirting for protection against the dangers of fire and rodents. Such skirting shall be constructed of metal, fiberglass, wood, vinyl siding, concrete, brick, cement block or stone, and in the event said skirting is wood or metal, same shall be painted or colored to match or compliment the color of the mobile home and to prevent deterioration.

SECTION 7 MOBILE HOMES AS ACCESSORY BUILDINGS

1. An unoccupied and non-maintained mobile home without proper Township permits shall not be parked or stand in excess of nine (9) months.
2. No mobile home, double-wide home, or HUD home will be allowed for use for other than its intended purpose.

SECTION 8.OCCUPANCY

Occupancy may not occur in a site built, mobile or modular home until all construction has been completed in accordance with Township Building Codes and Ordinances and has been inspected and approved.

SECTION 9. PENALTY

Any person, firm, corporation or organization which violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision, shall be punishable by a fine of not more than \$100.00 or imprisonment for more than 90 days in the Van Buren County Jail or by both such fine and imprisonment. Each and every day during which an illegal erection, alteration, maintenance or use continues, shall be deemed a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy violation of this Ordinance. The

imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

ADOPTED: August 18, 1999

EFFECTIVE: October 1, 1999

MOTION BY: Scamehom

SUPPORTED BY: Stange

AYES: Bly, Scamehom, Stange, Hassing

NAYS: None

ABSENT: Miller

BLOOMINGDALE TOWNSHIP BUILDING OR PLACEMENT OF STRUCTURE UPON A LOT OF RECORD

ORDINANCE # 4-02

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the placement of one dwelling structure upon a single lot of record.

TOWNSHIP OF BLOOMINGDALE, COUNTY OF VAN BUREN, MICHIGAN ORDAINS:

Every single-family dwelling shall be located upon a lot of record, being a premises or parcel of real estate, the description of the boundaries of which is on record at the office of the REGISTER OF DEEDS of VAN BUREN COUNTY, MICHIGAN, and no more than one such structure shall be erected upon a lot of record.

Motion by Bly seconded by Stange to approve the ordinance of building or placement of structure upon a lot of record.

YEAS: Richardson, Burleson, Bly, Miller, Stange

NAYS: None

DATE: APRIL 17, 2002

EFFECTIVE DATE: 30 days after printing in Courier Leader

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BLOOMINGDALE TOWNSHIP, VAN BUREN COUNTY, MICHIGAN

ANTI-BLIGHT/ANTI-JUNK ORDINANCE Ordinance No. Q2 -05

The Bloomingdale Township Board, Van Buren County, Michigan, in order to further the public health, peace, safety and environmental quality of the Township, makes this Ordinance to prevent, reduce, or eliminate blight, blighting factors or causes of blight, and to limit and restrict the unreasonable accumulation of junk within the Township of Bloomingdale, Van Buren County, Michigan, and provide

penalties for the violation hereof.

THE TOWNSHIP OF BLOOMINGDALE, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

1. PURPOSE: Consistent with the letter and spirit of Act #344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight, and to limit and restrict the unreasonable accumulation of junk in the Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may exist in the future exist in Bloomingdale Township.

2. CAUSE OF BLIGHT OR BLIGHTING FACTORS / DEFINITIONS; It is hereby determined that the

following uses, structures, definitions and activities are causes of blight, junk, or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance, no person, no firm, or corporation of any kind shall maintain or permit to be maintained any of these items, causes of blight or blighting factors upon any property in the Township owned, leased, rented or occupied by such person, firm or corporation.

- a. In any area, the storage upon any property of one or more junk automobiles, road tractor, trailer or semi-trailer, except in a completely enclosed building. For the purposes of this Ordinance, the term "junk" automobile shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, for a period in excess of sixty (60) days and shall also include, whether so licensed or not, any motor vehicle which is inoperable, unused, dilapidated, or disassembled. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair, or other cause, for any reason for a period in excess of sixty (60) days.
- b. Any farm equipment or machinery, including but not limited to farm tractors, plows, drags, compactors, mowers, hay loaders, or any other equipment of similar nature heretofore, now or in the future, used by farmers, full or part-time, in agricultural pursuit, if the same has not been used for ten (10) consecutive years.
- c. In any area, the storage or accumulation of junk, trash, rubbish, building material, tile or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period of not to exceed thirty (30) days. The term "junk" shall include bottles, cans, garbage, rubbish, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal, or other materials and/ or building materials, or other cast-off material of any kind whether or not the same

- could be put to good use, unless part of a stock of merchandise for sale in the ordinary course of business.
- d. In any area, the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, as a dwelling, nor legally occupiable pursuant to township zoning, building or township regulations, nor useful for any other purpose for which it may have been intended.
 - e. In any area, the existence of any vacant dwelling, garage, or other out-buildings not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
 - f. In any area, the existence of any partially completed structure, unless such structure is in the course of construction in compliance with a valid building permit issued by the Township and said construction is completed within a reasonable time.
 - g. In any area, the storage upon any property of one or more junk watercraft, except in a completely enclosed building. For the purposes of this Ordinance, the term "junk" watercraft shall include any boats, pontoon boats, watercraft or devices designed for water recreational purposes which are not registered with the State of Michigan for a period in excess of sixty (60) days and shall also include, whether so registered or not, any boats, pontoon boats, watercraft or devices designed for water recreational purposes which are inoperable for any reason for a period in excess of sixty (60) days. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause.
 - h. In any area, the storage upon any property of building materials kept in other than reasonable quantities, and in other than a neat and orderly manner unless there is in force a valid building permit issued by the Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include, but not be limited to wood, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other material used in constructing any structure. This provision is not intended to prohibit outdoor storage of any and all such building materials absent a building permit, but rather to assure that building materials stored absent a building permit are kept in reasonable quantities, and in a neat and orderly fashion.
 - i. It shall be prohibited and no person within Bloomingdale Township shall store or permit to be stored, place or permit to be placed, lie or permit to lie, any junk herein defined, outside of a fully enclosed building or structure, except within the confines of a licensed junk yard, or in the case of farm machinery and equipment and building materials within the confines of an established area which has for one of its main purposes the sale of wholesale or retail farm equipment and machinery, or building supplies or tiles, etc.

3. ENFORCEMENT AND PENALTIES:

- a. The owner, if possible, and the occupant of any property upon which any of the causes of blight, junk accumulation, or blighting factors set forth above is found to exist shall be notified in writing of said violation and instructed to remove or eliminate such causes of blight, junk accumulation, or blighting factors from such property within ten (10) days after service of the notice upon him/ her/ them. Such notice may be served personally or by certified mail, return receipt requested, or by leaving the same with an adult person on the premises, or by affixing the same on two prominent places on the premises, in which latter case, a copy of said notice shall be sent to the owner or occupant at his last known address by regular mail with proof of mailing. Additional time may be granted by the Enforcement Officer where bona fide efforts to remove or eliminate such causes of blight, junk accumulation, or blighting factors are in progress.
- b. Failure to comply with such notice within the time allowed by the owner and/ or occupant shall constitute a violation of this Ordinance.
- c. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed \$500.00 or by

imprisonment not exceeding ninety three (93) days or both such fine and imprisonment at the discretion of the Court.

d. The Township Board, Planning Commission, Board of Appeals or the Township Attorney may institute an injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said blight, junk accumulation, or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by-law.

4. SEVERABILITY: Should any section, clause, or provision of this Ordinance be declared invalid, the same shall not affect the validity of the Ordinance as to whole, or part thereof, other than the part so declared to be invalid.

5. INCONSISTENT ORDINANCES: Any prior Township Ordinances and any other Ordinances or parts of Ordinances in conflict herewith are hereby repealed. .

6. EFFECTIVE DATE: This Ordinance shall be effective on the 16th

day of MARCH , 2005, and a copy of this Ordinance shall be published in the Van Buren County Advertiser at least prior to the effective date, and after the effective date, a copy shall be filed with the County Clerk for the County of Van Buren, according to the statues in such case made and provided.

ADOPTED: FEBRUARY 1 6, 2005

EFFECTIVE: MARCH 16, 2005

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BLOOMINGDALE TOWNSHIP

ORDINANCE # 7-00 MOBILE HOME PARK DISTRICT

SECTION I. INTENT. The regulations of this ordinance are intended to provide adequate space and facilities for healthful living conditions for the occupants of such mobile home parks. Mobile home parks should be serviced by municipal services or by systems, approved by the appropriate State, County and Township agencies. All mobile home districts should have access to a public thoroughfare for easy accessibility. Locations which would tie into existing sewer mains or laterals would receive primary considerations.

SECTION II PERMITTED PRINCIPAL USES.

Mobile Home Parks

SECTION III REQUIREMENTS OF MOBILE HOME PARK DEVELOPMENT

The following requirements shall apply to mobile home parks:

I. Prior to the development of a mobile home park, site plan approval shall be received. The park plan shall specifically locate the uses intended, the layout and location of other improvements, mobile home sites, traffic circulation, adequate lighting, traffic ingress and egress from the maj or road system, setback from lot lines, methods of disposing of storm water and sewage, water supply, time scheduled for development and the specific uses intended.

2. Availability of adequate schools, utilities, fire, and police protection and road access and other public services. Mobile home parks shall be subject to all the rules and requirements as established and

regulated by the state laws of Michigan including by way of example, Act No. 96 of the Public Acts of 1987 and the Mobile Home Code and, in addition, shall satisfy the following minimum requirements:

a. Screening: All mobile home parks shall be screened from adjacent land use by a planted landscaped greenbelt or berm. Such screening is encouraged to be constructed around the entire park where not specifically required. The Township may waive such screening, notwithstanding the foregoing requirement, in special situations where the Township Board finds that adequate natural screening exists or no useful purpose will be served by the screening.

b. Roads: All streets and driveways in every mobile home park shall be constructed and maintained with an all weather road surface in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO) which affords ready means of ingress and egress to the

park. All streets or driveways shall have a minimum pavement width of thirteen (13) feet for one way streets and twenty-four (24) feet for two way streets.

Driveways shall have a minimum paved width of ten (10) feet. The above minimum street and pavement widths do not include any portion thereof used for or allowed to be used by off-street parking. Any bays, areas of streets, or rights-of-way allowing off-street parking or sidewalks shall be in addition to the above

specified widths. All streets and driveways shall be adequately drained.

c. Access: The main entrance of the park shall be directly on a public thoroughfare.

d. Open Space: All mobile home parks having fifty (50) or more mobile home sites shall have at least one easily accessible open space area containing not less than 25,000 square feet. The total amount of land dedicated for open space shall not be less than two (2) percent of the mobile home park's gross acreage. Such land area shall be generally central and accessible to tracts intended to be served and shall be well drained, and usable.

e. Minimum Site Size and Density: The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be

dedicated as open space, but in no case shall the open and distance requirements be less than that required under RI 25.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code. Notwithstanding the foregoing, density shall not exceed 6.5 mobile home units per acre.

Parking;

1. Shall be provided at the rate of two (2) car spaces for each mobile home site. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served.

2. No unlicensed vehicle of any type shall be parked within this district at any time except within a covered building.

3. All group off-street parking facilities shall be adequately lighted during hours of darkness.
 4. Nothing in this Ordinance shall permit the storage or parking of any vehicle or a non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on an improved driveway located on private property shall not be prohibited
 5. Notwithstanding anything to the contrary contained in the Ordinance, owners, Tenants, and/or users of property shall be prohibited from outdoor storage on said parcels of the following item:
 - a. No semi-trailer shall be stored or parked for more than seventy-two (72) hours on any lot or parcel, nor shall any such unit have removed from its undercarriage the axles and the unit then used for storage, garage, office or any other purpose in any such district, except in those used in connection with construction projects as determined by the Township.
 - b. Railroad cars, semi trailers, buses and similar converted structures shall not be used as accessory structures or for any use other than its intended purpose.
- G. Building Permit: No mobile home shall be permitted to be placed in a mobile home park until a permit shall have been granted from the Township Building Inspector. All mobile home parks shall be constructed only after a permit to construct shall have been obtained from the Michigan Department of Commerce, Mobile Home Division.

SECTION IV; MOBILE HOMES AND TRAVEL TRAILERS.

- A. No mobile home shall be used other than as a single family dwelling.
- B. No travel trailer shall be used as a dwelling.

SECTION V; VISIBILITY AT INTERSECTIONS

On any corner lot no fence, wall, hedge, screen, sign, structure, vegetation or Planting shall be allowed to impede vision between a height of three (3) feet and Eight (8) feet above the center line grades within the triangular area formed by the intersecting streets.

SECTION VI; AREA, DENSITY, HEIGHT AND YARD REQUIREMENTS.

1. Minimum Lot Area for total site: ten (10) acres.
2. Minimum Lot Width for total site: three hundred (300) feet.
3. Minimum Yards Setbacks for total site:
 - Front: 10 feet.
 - Side: At least one: ten (10) feet.
 - Side, Total Two: Twenty five (25) feet
 - Rear: twenty (20) feet.

Provided that no permanent building, facility or mobile home in the park shall be closer than fifty (50) feet to any public right-of-way.

A mobile home shall be a minimum of:

- a. Each lot in a mobile home subdivision shall have a front yard not less than thirty-five (35) feet.
 - b. Each lot in a mobile home subdivision shall have two (2) side yards and the least width of either yard shall not be less than ten (10) feet, but the sum of the two (2) side yards shall not be less than twenty-five (25) feet.
 - c. Each lot in a mobile home subdivision shall have a rear yard of not less than twenty (20) feet.
 - d. No accessory building or structure, or part thereof, shall be erected to a height exceeding twelve (12) feet.
 - e. Twenty (20) feet from any part of another mobile home.
 - f. Ten (10) feet from any detached structure or on-site parking of an adjacent mobile home site.
 - f. Fifty (50) feet from a permanent building.
 - h.. Ten (10) feet from a natural or man-made lake, waterway
 - i. Seven (7) feet from pedestrian walkways and sidewalks.
 - j. Fifty (50) feet from any public right-of-way.
4. Minimum Floor Area Per Dwelling Unit: 720 Square Feet.

SECTION VII. SITE PLAN APPROVAL REQUIRED. A site plan approval shall be required for all principal and special approval uses permitted in this District..

SECTION VIII. ENVIRONMENTAL IMPACT STUDY. An environmental impact study may be required by the Township Board .

SECTION XI. PERMITTED ACCESSORY USES.

1. Private garage not to exceed the greater of eight hundred (800) square feet or Fifty (50%) percent of the total floor area of a mobile home dwelling unit, up to a maximum of twelve hundred (1200) square feet.
2. Home occupation complying with the following conditions:
 - a. The occupation must be clearly incidental to the use of the dwelling as a residence.
 - b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.

c. There shall be no visible evidence that the residence is being operated as a home occupation, except for the permitted sign.

d. No persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation.

e. Off street parking shall be provided on the premises.

f. A home occupation use shall not generate nuisances such as traffic, on- street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

3. Any use customarily incidental to the permitted principal use.

4. No commercial, industrial, or agricultural equipment, including but not limited to earthmovers, semi-trailers, bulldozers, backhoes, combines, heavy duty trucks, in excess of 10,000 pounds gross vehicle weight shall be stored outside anywhere on the premises.

SECTION X USES PERMITTED AFTER SPECIAL APPROVAL. The following uses shall be permitted only after special approval is granted by the Township Board in accordance with the procedures, requirements and standards set forth in the Section and subject to any conditions imposed by the Township Board. Any of the following uses located within a Mobile Home Park shall be subject to the governing setback, distance and other regulations in the General Rules of the Mobile Home Commission:

I. Houses of worship, convents, parish homes, and similar uses.

a. All ingress to and egress from the site shall be directly to a major thoroughfare, having an existing or planned right-of-way width of at least sixty (60) feet.

b. No Building shall be closer than seventy five (75) feet from any property line.

c. Off street parking shall be provided on the site in a ratio of one (1) space for each

Six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.

2. Public, parochial and private schools, not operated for profit.

a. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. All ingress and egress to the lot shall be directly onto said thoroughfare.

b. Any building used in whole or in part for school purposes shall be located not less than seventy-five (75) feet from any adjacent property line.

c. Parking areas shall be screened on all sides abutting a residential district.

d. All lighting shall be shielded away from public right-of-way and neighboring residential lots.

e. Parking shall be provided as required under Article III of this Ordinance.

3. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and community centers.

a. All vehicular access shall be from a major thoroughfare with sixty (60) feet right-of-way, or detailed traffic studies may be required showing to the satisfaction of the Board that no sufficient adverse impact upon surrounding uses results.

b. No outside storage shall be permitted.

c. Barbed wire, industrial-type fences and site features which adversely impact residential quality are prohibited.

4. Municipal, state or federal uses, public libraries, public museums, provided that no outside service or storage yards shall be permitted.

5. Essential services building, telephone exchange building, electric transformer stations and substations, and gas regulator stations.

a. Such uses shall be permitted only when location in residential areas is required to serve the immediate vicinity.

b. No outside service or storage yards shall be permitted.

c. All structures shall be at a scale and have an exterior appearance compatible with a residential area.

d. All lines serving such sites shall be underground. Overhead transmission lines and tower structures are expressly prohibited.

6. Nursery schools, child care center, day nurseries.

a. No dormitory facilities are permitted.

b. The outdoor play area shall be fenced and screened by a heavily planted Greenbelt from any abutting residential uses.

c. All lighting shall be shielded away from public right-of-way and abutting residences.

d. Off-street waiting and drop-off space shall be provided at one (1) space per six (6) children which can be accommodated in the school. Such spaces shall be ten (10) feet wide by twenty four (24) feet long.

7. Functional Equivalent Family: Additional Persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstrated need by the applicant of all of the following;

a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises .

b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.

- c. There shall be a minimum of 125 square feet of usable floor space per person on the premises.
- d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the Township Board to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

SECTION XI PENALTY

Any person, firm, corporation or organization which violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision, shall be punishable by a fine of not more than \$500.00 or imprisonment for more than 90 days in the Van Buren County Jail or by both such fine and imprisonment. Each and every day during which an illegal erection, alteration, maintenance or use continues, shall be deemed a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy violation of this Ordinance. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

ADOPTED 7-10-00

EFFECTIVE 8-19-00

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BLOOMINGDALE TOWNSHIP ORDINANCE NO. 11-00 SPECIAL LOCAL WATERCRAFT CONTROL

Regulation No. 80 - Van Buren County

WC - 80 - 00- 001 Great Bear Lake, Channel: **SLOW -- NO WAKE SPEED**

On the waters of the channel between the two lake basins of Great Bear Lake in section 19, town 1

south, range 14 west, Bloomingdale township, Van Buren county, state of Michigan, it is unlawful for the operator of a vessel to exceed a slow -- no wake speed.

The boundaries of the area described immediately above shall be marked with signs and with buoys. All buoys must be placed as provided in a permit issued by the Department of Natural Resources and be in conformance with the State Uniform Waterway Marking System.

ADOPTED: NOVEMBER 15, 2000

MOTION BY: HASSING

SECONDED BY: STAN GE

YES: BLY, HASSING, STAN GE

NAYS: NONE

ABSENT: SCAMEHORN, MILLER

MICHIGAN DEPARTMENT OF NATURAL RESOURCES LAW ENFORCEMENT DIVISION

SPECIAL LOCAL WATERCRAFT CONTROL

Regulation No. 80 Van Buren County

WC - 80 - 00 - 001 Great Bear Lake, Channel: SLOW-- NO WAKE SPEED

On the waters of the channel between the two lake basins of Great Bear Lake in section 19, town 1 south, range 14 west, Bloomingdale township, Van Buren county, state of Michigan, it is unlawful for the operator of a vessel to exceed a slow--no wake speed.

The boundaries of the area described immediately above shall be marked with signs and with buoys. All buoys must be placed as provided in a permit issued by the Department of Natural Resources and be in conformance with the State Uniform Waterway Marking System.

Effective date: November 24, 2000

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AMENDED BLOOMINGDALE TOWNSHIP ORDINANCE NO. 8A-90 VEHICLE SALVAGE YARD

An Ordinance to require the licensing and regulations of Vehicle Salvage Yards within Bloomingdale Township.

THE TOWNSHIP BOARD OF BLOOMINGDALE TOWNSHIP ORDAINS:

That all vehicle salvage yards within Bloomingdale Township shall be subject to the following:

Section 1. Be required to obtain an annual license from Bloomingdale Township and pay an annual fee of Twenty-five and 00/100 (\$25.00) Dollars.

Section 2. Comply with all rules, regulations and conditions set-forth herein which will best protect the public health, safety, interest and general welfare of Bloomingdale Township.

Sections 3. Said Licensee shall at least once a month prepare and mail to the Commissioner of the Department of Public Safety at East Lansing, Michigan a sworn statement of all purchases made by said licensee.

Section 4. A Licensee shall not establish, expand or maintain a Vehicle Salvage Yard, any portion of which is within 1,000 feet of the nearest edge of the right of way of any state or township road or highway. Further, no Vehicle Salvage Yard shall be established within Bloomingdale Township unless it is located on a parcel of land at least forty (40) acres in size. No portion of a Vehicle Salvage Yard shall be located within 300 feet of the nearest edge of the parcel that does not abut a state or township road or highway.

Section 5. Definitions. As used in this ordinance, the term "vehicle salvage yard" shall mean any lot or place that is exposed to the weather, upon which more than three motor vehicles of any kind, incapable

of being operated, are placed. The term "vehicle" shall include automobiles, trucks, trailers, mobile homes,

campers, manufactured homes, farm machinery, recreational vehicles, buses, motorcycles, go-carts, construction equipment, dune buggies, boats, personal water craft, and any other motorized or wheeled means of transportation.

Section 6. Fences required. A vehicle salvage yard shall be entirely enclosed by a fence eight feet in height, which shall be kept neatly painted and in good repair at all times, and which shall be constructed of plank board or corrugated iron, so as to exclude such yard from public view. A period of fifteen days from the date of the passage of this ordinance is allowed the operators of such yards to construct the fence or fences required by this ordinance.

Section 7. Advertisements on fences. The fence enclosing a vehicle salvage yard shall not be used for billpostings or other advertising purposes, except that a space not larger than six feet by twelve feet may be used for the advertisement of the business of the owner thereof. Where such yard fronts on more than one street, the use of space for advertisement herein permitted shall extend to each street on which the yard abuts.

Section 8. Contents not to extend above height of fences. The contents of a vehicle salvage yard shall not be placed or deposited to a height greater than the height of the fence surrounding it.

Section 9. Time for demolishing and wrecking vehicles. Work in connection with the demolishing or wrecking of vehicles shall be permitted only on weekdays between the hours of seven a.m. and six p.m.

Section 10. Open fire. No open fire for the burning of rubbish, trash, vehicles, or any part thereof, or other waste matter, shall be permitted.

Section 11. Rubbish and waste matter. A vehicle salvage yard shall, as far as practicable, be kept clear and clean of all rubbish or waste matter.

Section 12. Fluids to be drained from vehicles. All vehicles shall be kept thoroughly drained of all fluids and gases, including gasoline, coolants, transmission fluids, and any other fluids or gases (including Freon) that could cause air, ground or water pollution within the Township. All batteries shall also be removed from the vehicles. The Licensee shall properly dispose of such batteries, fluids and gases, in a manner that is environmentally safe.

Section 13. Police officers to have access for inspection. All vehicle salvage yards, together with the books required by this article shall be at all times open for inspection to all Officers of the Township having Police power, and the Zoning Officer.

Section 14. Time when purchases by operator permitted. No purchaser operating or maintaining a vehicle salvage yard shall purchase any vehicles, or parts or accessories thereof, except between the hours of sunrise and ten p.m.

Section 15. Records. Any person maintaining or operating a vehicle salvage yard shall keep at his/her place of business a book in which a record shall be kept of the day and time of day of each purchase, the name, residence, and description of the person selling and actually delivering the vehicle, parts, or accessories purchased, the amount of the purchase price, the make, state license number, motor number, body number, style, seating capacity of the vehicle purchased, the make and identifying number of the radiator, speedometer, and magnetos purchased, together with any other information concerning said property as may be necessary to prove ownership or identity of such vehicles or of such vehicle part or accessories purchased.

Section 16. Buying, selling, etc. -vehicles or parts from which identification marks have been removed: Notice to police. No purchaser shall knowingly buy, sell, receive, dispose of, conceal or have in his/her possession any motor vehicle, part or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the vehicle part or accessory. Every person to whom is offered for sale any motor vehicle, part, or accessory from which has been removed, defaced, covered, altered or destroyed the manufacturer's serial number or any number or identification mark shall immediately notify the Chief of Police.

Section 17. Sales to minors. No licensee under this ordinance shall purchase any auto or auto part or any article whatever from any minor without the written consent of the minor's parent or guardian.

Section 18. Permit required. No person shall maintain or operate a vehicle salvage yard without first having obtained a permit therefore. Application for a permit shall be made to the Township Clerk, and shall contain the name and address of the applicant and the location of the premises where the business is to be carried on. A fee of (\$ 100.00) shall be charged.

Section 19. Fire extinguisher. Each auto salvage yard shall have on hand at least one fire extinguisher of a type recommended by the manufacturer to put out gasoline fires and fires in vehicles. Such fire extinguisher shall be in plain sight in an easily accessible location, and shall be kept charged. Each employee shall be informed of the location of the Fire extinguisher and of the manufacturer's instructions for using it.

Section 20. Penalty. Any person violating any provision of this ordinance shall be fined not more than two hundred dollars (\$200.00) and/or imprisonment for not more than ninety (90) days in the Van Buren County Jail or by both such fine and imprisonment; and a separate offense shall be deemed to be committed on each day during or on which a violation shall continue.

ADOPTED: August 15, 1990

EFFECTIVE: August 16, 1990

AMENDED: 4-16-2001

Effective: Immediately

AMENDMENT TO ORDINANCE #8A-90 DECLARED ADOPTED.

BLOOMINGDALE TOWNSHIP ORDINANCE # 7-01 WEAPONS AND! OR FIREARMS

No person, while in possession of any weapon or firearms shall be permitted to enter the Bloomingdale Township Hall located at 109 E. Kalamazoo Street, Bloomingdale, MI 49026, or the Public Library located at 109 E. Kalamazoo Street, Bloomingdale, MI 49026, with the exception of the ceremonial weapons stored in the building. A Violation of the provision of this Ordinance or failure to comply with any of its

requirements including violations of conditions and safeguards established shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 93 days or both. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the Township for taking such other lawful action as is necessary to prevent or remedy violation of this Ordinance through Circuit Court action or any other court which may be available.

Motion by Richardson seconded by Bly to pass the Weapons and/or Firearms as presented.

Yeas: Bly, Richardson, Burleson, Miller, Stange

Nays: None

Adopted: July 18, 2001

Effective: Immediately

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TOWNSHIP OF BLOOMINGDALE, COUNTY OF VAN BUREN, MICHIGAN

RESOLUTION RE: REPEAL OF ORDINANCE #7-01 WEAPONS AND/OR FIREARMS

Minutes of a regular meeting of the Township Board of the Township of Bloomingdale,

Van Buren County, Michigan, held at the Township Hall, on the 23rd day of July, 2003 at

7:00 p.m.

PRESENT: Members: David E. Bly, Linda Stange, Robert Richardson, Doug Burleson, Bernie Miller

ABSENT: None

The following resolution was offered by Supervisor Bly and supported:

WHEREAS, the Township Board has reviewed recent State Legislation that renders Ordinance # 7-01 pertaining to Weapons and/or Firearms as preempted;

WHEREAS, there no longer exists a need for the Ordinance and the Ordinance would now be preempted by State Law and is unenforceable;

NOW, THEREFORE, BE IT HERBY RESOLVED AS FOLLOWS: That the Bloomingdale Township Ordinance #7-01 Weapons and/or Firearms is repealed

Effective immediately.

YEAS: BLY, STANGE, RICHARDSON, BURLESON, MILLER

NAYS: NONE

ABSTAIN: NONE

RESOLUTION DECLARED ADOPTED.

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BLOOMINGDALE TOWNSHIP COST RECOVERY ORDINANCE

ORDINANCE NO. 05-02-2

An Ordinance to bring an action for the cost of enforcement and prosecution expenses

Upon a person(s) that has violated a township ordinance.

THE TOWNSHIP OF BLOOMINGDALE ORDAINS:

In addition to all other penalties the municipality of Bloomingdale Township may bring an action for costs of enforcement and prosecution expense upon person(s) that have violated the Bloomingdale Township Ordinances.

Such action shall be a civil action in a court of competent jurisdiction. The action shall be entitled in the name of the municipality and shall be against the person that has allegedly violated the ordinance of the municipality.

Should the municipality receive a Judgment and should the Judgment not be satisfied within 60 days of service upon the defendant, the Township may, upon 30 days written notice, submit a copy of the Judgment to the Township and County Treasurers for the costs to be added to the tax roll of the defendant.

The cost of enforcement and prosecution shall include, but is not limited to, the actual amount of attorney fees for enforcement of the ordinance. An itemized list given under oath shall be prima facia evidence of the attorney fees.

MOTION BY: RICHARDSON, SECONDED: STANGE

YEAS: BLY,BURLESON,STANGE,RICHARDSON,MILLER

NAYS: NONE

ADOPTED: MAY 15, 2002

LINDA STANGE, CLERK

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BLOOMINGDLE TOWNSHIP, VAN BUREN COUNTY, MICHIGAN

ADULT ENTERTAINMENT ORDINANCE Ordinance No. 128

The Bloomingdale Township Board, Van Buren County, Michigan. in order to regulate adult entertainment within the Township of Bloomingdale, Van Buren County, Michigan, and provide penalties for the violation hereof

THE TOWNSHIP OF BLOOMINGDALE, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated:

(A) "Adult bookstore" - An establishment that has as a substantial portion of its stock-in trade and offers for sale, for any form of consideration, any one or more of the following:

(1) books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas, or

(2) instruments, devices, or paraphernalia designed for use as part of, or in connection with, specified sexual activities.

(B) "Adult cabaret" means a nightclub, restaurant, or other establishment which regularly features or displays:

(1) Live performances predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity; or

(2) Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media predominantly characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area.

(C) "Adult merchandise store " means an establishment that emphasizes merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area. An establishment emphasizes merchandise that is predominantly distinguished by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area U any one or more of the following applies to the establishment:

(1) At least 25% of the establishment's retail floor space (i.e., excluding bathrooms, office areas, fitting rooms, eating areas, storage rooms/closets, etc.) is used for the sale of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing

or relating to any specified sexual activity or any specified anatomical area.

(2) At least 25% of the establishment's visible inventory is comprised of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.

(3) 25% of the establishment's gross revenues are generated by the sale or rental of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.

(4) The establishment is operated consistent with its being an adult entertainment business (e. g., advertising is directed to an "adults only" market; the establishment self imposes [or imposes consistent with state or federal law] prohibitions on minors being present in the establishment; segregated areas of the business are devoted predominantly to the sale or rental of such merchandise; etc.),

(5) The establishment displays merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area such that that merchandise is visible to patrons in the store and without cover (as opposed to a situation where a de minimus amount of such merchandise, (while available for sale or rental, is covered or otherwise shielded from the view of patrons).

(6) A comparison between (a) the establishment's ratio of general product to merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual

activity or any specified anatomical area, and (b) other retail establishments' ratio of general product to merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, indicates that the establishment emphasizes merchandise depicting, describing or relating to any specified sexual activity or any specified anatomical area.

(7) An Establishment with a segment or section devoted to the sale or display of Adult Entertainment Merchandise.

(D) "Adult motel" means a hotel, motel or similar establishment that:

(1) Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area; or

(2) Offers a sleeping room for rent, or allows a tenant or occupant of a sleeping room to sub rent the room, for a period of time that is less than ten (10) hours, if the rental of such rooms accounts for more than ten percent (10%) of the establishments gross revenues.

(E) "Adult entertainment business" means a business or commercial establishment engaging in one or more of the following enterprises:

(1) adult cabaret; (2) adult merchandise store; (3) adult motel; (4) adult theater; (5) escort agency; (6) nude model studio; (7)sexual encounter center; or (8) adult bookstore.

(1*) adult theater" means a theater, concert hall, auditorium, or similar establishment which regularly features live performances predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity or which regularly or primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media predominantly characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area. This definition includes, without limitation, establishments which offer individual viewing booths.

(G) "Escort" means a person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(H) "Escort agency " means a person or entity which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An escort agency is deemed to be operated in the location where (1) a request for an escort is received, or (2) the escort and the person requesting the escort are together.

(I) "Materials " means anything tangible, whether through the medium of reading, observation, sound or in any other manner, including, but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audio disk, computer tape, holographic images, or any other medium used to electronically produce or reproduce images, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent. This definition is intended to include material which is the product of any technology, whether that technology is available on the effective date of this Ordinance or becomes available after that date.

(J) "Merchandise " means material and novelties.

(K) "Novelty" means any instrument, device, or paraphernalia which depicts or describes any specific anatomical area or any specific sexual act, or which is designed for use, or commonly used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products.

(L) "Nude model studio" means any place where a person displays any specified anatomical area is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by any other person who pays money or any form of consideration.

(M) "Sexual encounter center" means an establishment, except that which is part of the practice of and under the supervision and control of a physician, psychologist, or psychiatrist licensed to practice in Michigan that offers:

(1) Activities between male and female persons and/or persons of the same sex when one or more of the persons exposes or displays any specified anatomical area; or

(2) The matching and/or exchanging of persons for any specified sexual activities.

(N) "Specified anatomical area" means any one or more of the following:

(1) Less than completely and opaquely covered human genitals, anus, or female breast at or below the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(O) "Specified sexual activity" means any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or

(2) A sex act, actual or simulated, including intercourse, oral copulation, or sodomy; or

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of activities set forth in (1), (2) or (3) above; or

(5) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.

(P) "Substantial portion " means a use or activity accounting for more than twenty (25%) percent of any one or more of the following: stock-in-trade, display, space, floor space, or viewing time, movie display time, or entertainment time measured per month.

Section 2. General Requirements for Adult Entertainment Businesses.

All adult entertainment businesses shall comply with the following:

(4) No person under the age of 18 years shall enter or be on the premises of an adult entertainment business at any time the adult entertainment business is open, nor shall any owner, partner, performer, contractor, or employee of an adult entertainment business sell or provide goods, merchandise, or services to persons under the age of 18.

(B) No adult entertainment business may be established, operated, or maintained within 500 feet of a church, state licensed day care facility, public library, public park, pre-school, elementary school, middle school, or high school.

(C) No adult entertainment business may be established, operated or maintained within 500 feet of any other adult entertainment business.

(D) Distance limitations shall be measured in a straight line from the parcel or lot lines of both the subject parcel and the parcels occupied by uses specified above.

(E) No owner, employee or patron of an adult entertainment establishment shall promote, offer, solicit, allow or engage in acts of prostitution on the premises. Any adult entertainment business that is in violation of this subsection will be immediately shut-down from operation. No criminal charge need be brought for the closing of the premises. The acts described in this subsection may be proved by a preponderance of the evidence.

(F) The following shall not be visible or audible to a person outside the building in which an adult entertainment business is operated, whether through a window or doorway or otherwise:

(1) Any depiction or description in any material of any specified sexual activity or any specified anatomical area; or

(2) Any novelty; or

(3) Any person engaging in any specified sexual activity or exposing any specified anatomical area. .

(G) No person or establishment shall operate an adult entertainment business:

(1) Before 8:00 a.m. or after 1:00 a.m. Monday through Saturday; or

(2) On any Sunday or legal holiday. .

(H) No adult entertainment business shall engage in business unless each of the following are satisfied:

(1) At least two employees, excluding entertainers, are on the premises of the business at all times the business is open; and

(2) The business is equipped with operational security cameras which shall be used at all times the business is open.

(I) Any booth, room, or cubicle, located in any adult entertainment business, used by patrons for

the viewing of merchandise or any other entertainment must comply with all of the following requirements:

(1) It must be unobstructed by any door, lock, or other entrance and exit control device;

(2) One side must be totally open to a public, lighted aisle so that there is an unobstructed

view at all times from the adjoining aisle of any occupant;

(3) It must be illuminated such that a person of normal visual acuity looking into the booth,

room, or cubicle from the entrance adjoining the public lighted aisle can clearly determine the

number of people within; and

(4) There shall be no holes or openings in any side or rear wall not relating to utility, ventilation, or temperature control services or otherwise required by any governmental code or authority.

(J) No sign or advertising for an adult entertainment business may include any photographs, silhouettes, drawings, or other representations of any specified anatomical area or any specified sexual activity.

(K) All adult entertainment businesses shall be open to inspection by the Township ordinance enforcement officer, the building inspector any public safety officer, any police officer, any Sheriff's deputy, or any Michigan State Police trooper for the purpose of ensuring compliance with the law at any time the establishment is occupied or open for business.

(L) Each escort agency shall maintain permanent records on the premises showing the name, address, and telephone number of every person for whom an escort is provided, the fee paid, the name of the escort or escorts so provided, and the location where the escort and the person requesting the escort initially meet. These records shall be made available, upon demand and without prior notice, to any Township official inspecting the premises pursuant to this Ordinance.

(M) All adult entertainment businesses shall maintain a level of illumination in all common areas that will allow a clear determination of the number of people within that area.

(N) All adult entertainment businesses shall be maintained a clean and sanitary manner at all times.

(O) All adult entertainment businesses' register of employees shall be available immediately for inspection by police or other authorized Township authorities upon demand.

Section 3. Additional Requirements for Adult Entertainment Businesses Offering Live Entertainment.

Live entertainment means for the purpose of this Ordinance any live performance predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity.

(A) Any adult entertainment business offering live entertainment shall provide all of the following:

(1) A dressing room for performers with direct access between the dressing area and the performance area or stage so that the performer may enter the performance area or stage without entering the area from which patrons will view the performance;

(2) That the access, performance area, or stage and dressing room is handicapped accessible to the extent required by the Americans With Disabilities Act and the Elliott Larsen Civil Rights Act;

(3) That all performances shall occur on a stage elevated at least 18 inches above the immediate floor level and removed at least six feet from the nearest employee or patron; and

(4) That the dressing area for performers be separate and not freely accessible from areas of the business accessible to patrons, and that the dressing area contains hot and cold running water and toilet facilities.

(B) There shall be no physical contact between any performer and any other performer or between any performer and any owner, independent contractor, employee, patron or other person during or for at least 15 minutes following such performance. "Physical contact" for purposes of this subsection includes, but is not limited to, any contact in which any part of the body or clothing of one person touches any part of the body or clothing of the other person or if a person causes anything under that persons direct control to touch any part of the body or clothing of another person. No specified sexual activity within its definition in this ordinance shall occur at any time at any establishment offering live entertainment within this section.

(C) No alcohol shall be served in any adult entertainment business offering live nude entertainment. Live nude entertainment means for the purpose of this Ordinance any live performance in which any pubic area of the performer is exposed in any way to patrons or employees.

Section 4. Registration.

Each adult entertainment business shall register its existence with the Township Clerk and will be subject to inspection by authorized Township authorities prior to commencing business. The registration shall provide the following information:

(A) The name including aliases, residence address and business address, telephone number, date of birth, last four digits of social security number, Michigan or other valid state vehicle operator 's license number of the applicant and manager. U the applicant is a partnership, limited liability company, corporation, or similar business entity, the name and residence address of each of the officers, directors, managers, and each of the owners, partners, or shareholders owning 10% interest or more, either directly or beneficially, shall also be provided.

(B) The name, address, and telephone number of the owner of the building where the business will be conducted; also, the name, address, and telephone number of the building manager (if different from the owner).

(C) The location, mailing address, and all telephone numbers where the business is to be conducted.

(D) A description of the adult entertainment to be provided by the business, hours of operations, proof of alcohol license K applicable, and proof of any permit required by local or county regulations.

Section. 5. Prohibited Conduct.

(4) Except on a stage or other area of performance as specified in Section 3, no person within an adult entertainment business shall display to the view of any other person any specified anatomical area.

(B) No person shall engage in any specified sexual activity on the premises of an adult entertainment business.

Section 6. Violations.

The following shall be a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500) and cost of prosecution or by imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the court:

(4) A violation of any provision of this Ordinance; or

(B) Permitting, allowing, encouraging, or promoting any violation of any provision of this Ordinance, including by any owner, manager, employee, patron, customer, officer, partner or other person; or

(C) Aiding, assisting, or abetting the violation of any provision of this Ordinance.

A violation of any provision of this Ordinance shall also be a nuisance per se and the Township may seek an injunction against the violation.

Section 7. Title.

This Ordinance shall be known as the Bloomingdale Township Adult Entertainment Ordinance.

Section 8. Severability.

The phrases, sentences, sections, and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 9. Effective Date.

This Ordinance shall become effective upon publication in a newspaper of general circulation in the Township.

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TOWNSHIP OF BLOOMINGDALE, VAN BUREN COUNTY, MICHIGAN

November 16, 2005

SOCIAL SECURITY NUMBER PRIVACY POLICY ORDINANCE

1. PURPOSE.

The Township of Bloomingdale is required by the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, MLC 445.81 et. seq., (the "Act") to create a privacy policy concerning the Social Security numbers that it possesses or obtains. Pursuant to the Act, the privacy must at least:

- a. Ensure to the extent practicable the confidentiality of the Social Security numbers.
- b. Prohibit unlawful disclosure of the Social Security numbers.
- c. Limit who has access to information or documents that contain the Social Security numbers.
- d. Describe how to properly dispose of documents that contain the Social Security numbers.
- e. Establish penalties for violation of the privacy policy.

This Privacy Policy sets forth the Township's policies and procedures regarding how Social Security numbers are obtained, stored, transferred, used, disclosed and disposed.

2. POLICY.

It is the policy of the Township to protect the confidentiality of Social Security numbers obtained in the ordinary course of township business from employees, vendors, contractors, customers or others. No person shall knowingly obtain, store, transfer, use, disclose, or dispose of a Social Security number that the Township obtains or possesses except in accordance with the Act and this Privacy Policy.

3. PROCEDURE.

a. **Obtaining Social Security Numbers.** Social Security numbers should be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this Privacy Policy. Legitimate reasons for collecting a Social Security number include, but are not limited to:

Applicants may be required to provide a Social Security number for purposes of a Pre-employment background check.

Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.

Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting or for purposes of enrollment in any Township employee benefit plans.

Social Security numbers may be obtained from creditors or vendors for tax reporting purposes.

b. **PUBLIC DISPLAY.** All or more than four sequential digits of a Social Security number shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses or any other materials or documents designed for public display. Documents, materials or computer screens that display all or more than four sequential digits of Social Security number shall be kept out of public view at all times.

c. **ACCOUNT NUMBERS.** All or more than four sequential digits of a Social Security number shall not be used as a primary account number for an individual.

d. **COMPUTER TRANSMISSION.** All or more than four sequential digits of a Social Security number shall not be used or transmitted on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.

e. **MAILED DOCUMENTS.** Township documents containing all or more than four sequential digits of a Social Security number shall only be sent in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document. Documents containing all or more than four sequential digits of a Social Security number, that are sent through the mail, shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

f. **FREEDOM OF INFORMATION ACT.** Where all or more than four sequential digits of a Social Security number are contained within a document subject to release under the Freedom of Information Act, the Social Security number shall be redacted or otherwise rendered unreadable before the document or copy of a document is disclosed.

g. **STORAGE.** All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security number shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

h. **ACCESS TO SOCIAL SECURITY NUMBERS.** Only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers.

The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in the Township's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

i. **DISPOSAL.** Documents containing Social Security numbers will be retained in accordance with the requirements of state and federal laws. At such time as documents containing Social Security numbers may be

disposed of such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding.

j. UNAUTHORIZED USE OR DISCLOSURE OF SOCIAL SECURITY NUMBERS.

The Township shall take reasonable measures to enforce this Privacy and to correct and prevent the reoccurrence of any known violations. Any employee, who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this privacy policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil sanctions. The Township will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses Social Security numbers through the Township for unlawful purposes.

ADOPTED: NOVEMBER 16, 2005

Linda Stange, Clerk

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VAN BUREN COUNTY DRAIN COMMISSIONER

SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

Preamble

An Ordinance to provide for the administration of a soil erosion and sedimentation control

program for those areas within Van Buren County except for those of the county where a Part 91

Municipal Enforcement Agency program or Authorized Public Agency program is in effect, in order to encourage and regulate the proper use and protection of natural resources, to provide for administration and enforcement, to establish civil penalties for violations, and to provide for reimbursement of costs incurred by the County Enforcing Agency pursuant to this Ordinance and to Part 91, Act 451 of 1994, as amended.

Whereas, after careful study of the proposed Soil Erosion and Sedimentation Control (SESC) Ordinance, The Committee of the Whole has recommended adoption of the Ordinance to the Van Buren County Board of Commissioners.

Therefore, pursuant to the authority set forth in MCL 46.11(j) and MCL 324.9105(3), the Board of Commissioners of the County of Van Buren, Michigan, ordains:

Article 1. Short Title

This Ordinance shall be known, and may be cited, as the "Van Buren County Soil Erosion and Sedimentation Control Ordinance". All Articles, Sections, and other topical headings are for reference only and shall not be construed to be part of this Ordinance.

Article 2. Intent and Purpose

2.1. Intent

The Van Buren County SESC Ordinance is based upon and incorporates the provisions of Part 91 of the Natural Resources and Environmental Protection Act, being Public Act 451 of 1994, as amended (MCL 324.9101 through 324.9123a), and its attendant rules, hereinafter referred to as "Part 91". Van Buren County assumes responsibility for the administration and enforcement of Part 91 within its political boundaries, except for those areas of the county where a Part 91 Municipal Enforcement Agency program or Authorized Public Agency program is in effect.

2.2. Purpose

The purpose of this Ordinance is to protect the surface water resources within Van Buren

County by providing for the administration and enforcement of the Van Buren County SESC Ordinance. All earth change activity described or defined in Part 91 shall be regulated under this Ordinance. No person shall maintain or undertake an earth change governed by this Ordinance, except in compliance with this Ordinance, and pursuant to a SESC permit issued by the County Enforcing Agency if required.

2.3. Right to Farm

Plowing and tilling of land for the purpose of crop production or the harvesting of crops does not require a permit under Article 5. The Van Buren County Drain Commissioner may, on his own volition, pursue separate legal action against an agricultural operator for sediment discharges to a county or inter-county drain from the plowing and tilling of land under Public Act 40 of 1956, as amended, to protect a county or inter-county drain.

Article 3. Administration and Enforcement

3.1. County Enforcing Agency

The Van Buren County Drain Commissioner is the County Enforcing Agency responsible for administering and enforcing this ordinance.

3.2. Relief from Personal Responsibility

The County Enforcing Agency, or any other county employee or officer charged with duties and responsibilities pursuant to this Ordinance, while acting within the scope of their authority, are hereby relieved from all personal liability for damages to persons or property resulting from the exercise or discharge of their duties. Any civil or criminal action brought against an officer or employee of the county, while acting within the scope of authority granted under this Ordinance, may be defended by the legal representative of the County until final termination of proceedings. If a judgment for damages is awarded against the above mentioned officers or employees as a result of a civil action for personal injury or property damage caused while acting within the scope of the individual's employment or while acting within the scope of authority of this Ordinance, the County of Van Buren may pay, or compromise, the judgment.

3.3. Duties of the County Enforcing Agency

It shall be the responsibility of the County Enforcing Agency to enforce the provisions of this Ordinance, and in doing so, to perform the following duties:

3.3.1. Issue Permits and Certificates: Applications for permits required by this Ordinance shall be submitted to the County Enforcing Agency, which shall issue SESC Permits and Certificates of Completion when applicable provisions of this Ordinance have been fulfilled.

3.3.2. Maintain Records: Records for active SESC permits shall be available for public inspection during regular business hours. Upon written request, copies of documents may be furnished at cost to any person consistent with policy of the Board of Commissioners.

3.3.3. Mitigation: It shall be the responsibility of the County Enforcing Agency to conduct such activity as is deemed necessary to remove an immediate threat to environmental resources, property or public safety.

3.3.4. Prepare Invoices and Record Liens: Invoices for mitigation expense shall be mailed by certified mail to the owner(s) of the land on which the violation occurred. Property liens against the land in violation shall be recorded at the Van Buren County Register of Deeds for all invoices remaining unpaid thirty (30) days after mailing. The owner of the land shall be responsible for all costs associated with the recording and subsequent release of a lien.

3.3.5. Legal Remedy: The County Enforcing Agency may issue a Notice of Violation and/or a municipal civil infraction citation to the property owner, contractor, or individual who is not the property owner and who violates this ordinance. The County Enforcing Agency may also take other legal action deemed appropriate against an individual or the owner of a property in violation.

3.3.6. Official Copies: The County Enforcing Agency shall maintain one official copy of this Ordinance, which shall be available for public inspection during regular office hours.

3.3.7. Inspections: The County Enforcing Agency is empowered to conduct inspections of property undergoing earth change in order to properly carry out the enforcement of this Ordinance.

3.3.8 Document Retention: Permits, plans and associated documents for all projects, permitted under this ordinance, may be disposed of three years after the project is completed.

3.4. Interpretation. The County Enforcing Agency shall have full authority to make interpretations as to the scope and applicability of this Ordinance, including but not limited to determinations of violations, acceptability of plans and sureties, necessity for mitigation, and substantial completion. All such determinations by the County Enforcing Agency are considered final.

3.5. Fees, Fines and Sureties

3.5.1. Fees and Fines. The County Board of Commissioners shall periodically adopt a schedule of fees and fines to cover the cost of administration and enforcement of this Ordinance. Adjustment of the schedule of fees and fines will not invalidate other provisions of this Ordinance.

3.5.2. Sureties. Financial surety in form acceptable to the County Enforcing Agency may be required as a condition of a SESC Permit. The amount required may be periodically adjusted by the Board of Commissioners in conjunction with scheduled review of other administrative fees.

Surety is required for all of the following:

3.5.2.1. The area impacted by any earth change exceeding three (3) acres.

3.5.2.2. Mass clearing or land balancing greater than one (1) acre of disturbance.

3.5.2.3. A single or multiple family detached dwelling if final grading and seeding is not part of the builders contract.

3.5.2.4. The property owner, contractor or individual who failed to immediately correct an earlier violation issued pursuant to this Ordinance.

3.5.3. Return of Surety Unused portion of sureties shall be returned upon successful completion of a permitted activity.

Article 4. Rules and Definitions

4.1. Rules Adopted. The County of Van Buren adopts by reference the rules promulgated by the Department of Environmental Quality pursuant to Part 91, as they currently exist and as they may be amended. Said rules shall be available for public distribution at a reasonable charge and will be available for public inspection at the Office of the County Clerk and the County Enforcing Agency.

4.2. Definitions. The County hereby adopts by reference the definitions contained in Part 91. In addition, the following definitions shall apply in the interpretation and enforcement of this ordinance:

- 3.1. **Cease and Desist Order.** An order that stops that portion of the work relative to a project that is causing a violation of this Ordinance or Part 91 until said violation is corrected.
- 3.2. **Certification of Completion.** A signed written statement by the County Enforcing Agency, indicating that specific construction has been completed, inspected and found to be in compliance with all aspects of this Ordinance and Part 91.
- 3.3. **Van Buren County Drain Commissioner.** The County Agency responsible for administration and enforcement of this ordinance in the name of the County of Van Buren, and including agents acting on behalf of or appointed by the Drain Commissioner for administration and enforcement of this Ordinance.
- 3.4. **Mitigation.** Actions taken by the County Enforcing Agency to temporarily or permanently bring a parcel of land into compliance with this ordinance.
- 3.5. **Notice of Intent to File Lien.** Written notice to the owner of a property of intent to file a property lien to secure repayment of mitigation expense, including legal expense associated with a particular mitigation effort. Outstanding liens on property will be collected according to Article 7.
- 3.6. **Notice of Intent to Mitigate.** Legal notice to the owner of a property in violation of this Ordinance of intent to conduct mitigation to remove an immediate threat to natural resources, property or public safety.
- 3.7. **Notice of Taking Action.** Legal notice to the owner of a property in violation of this Ordinance of action already taken to remove an immediate threat to natural resources, property or public safety.

- 3.8. **Notice of Violation.** Written notice to the owner of a property that activity at that site is in violation of the Soil Erosion and Sedimentation Control Act and this Ordinance. Corrective action is required within 5 calendar days.

- 3.9. **SESC.** Abbreviation for "Soil Erosion and Sedimentation Control".

- 3.10. **Stop Work Order.** An order that stops all work on a project until any and all violations of this Ordinance or Part 91 are corrected, except for remedial measures to correct the violation.
- 3.11. **Waters of the state.** The Great Lakes and their connecting waters, inland lakes, streams and wetlands as defined in this ordinance.

- 9.1 **"Lake"** means the Great Lakes and all natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is equal to, or greater than, 1 acre. "Lake" does not include sediment basins and basins constructed for the sole purpose of storm water retention, cooling water, or treating polluted water.
- 9.2 **"Stream"** means a river, creek, or other surface watercourse which may or may not be serving as a drain as defined in Act No. 40 of the public Acts of 1956, as amended, being §280.1 et seq. of the Michigan Compiled Laws, and which has definite banks, a bed, and visible evidence of the continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.
- 9.3. **"Wetland"** means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:
- a. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
 - b. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size.
 - c. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the State has so notified the owner.

Article 5. Application and Permit

5.1. Application and Permit

A person shall not maintain or undertake an earth change governed by this Ordinance, except in compliance with Part 91 and this Ordinance. The SESC Permit Application form and SESC Permit form shall contain all information required by Part 91 and this Ordinance. An Application, together with instructive information as deemed appropriate, shall be provided at no cost to each applicant by the County Enforcing Agency. The County Enforcing Agency shall approve or deny an application for a SESC permit within 30 days after the filing of a complete application for a SESC permit and the payment of the appropriate fees and sureties.

5.1.1 Permits Required:

A landowner or designated agent who contracts for, allows, or engages in, an earth change within the jurisdiction of the Van Buren County Enforcing Agency shall obtain a SESC Permit from the County Enforcing Agency before

commencing an earth change which disturbs 1 or more acres of land or which is within 500 feet of the water's edge of a lake, stream, or other waters of the state unless exempted in 5.1.2.

An earth change activity that does not require a permit under 5.1.2 of this ordinance is not exempt from enforcement procedures under part 91 or this ordinance, if the activity exempted by 5.1.2 of this ordinance causes or results in a violation of part 91 or this ordinance.

5.1.2 Permit Exemptions:

5.1.2.1 A SESC Permit is not required for any of the following:

- a. A beach nourishment project permitted under part 325 of Act No. 451 of the Public Acts of 1994, as amended, being § 324.32501 et seq. of the Michigan Compiled Laws.
- b. Normal road and driveway maintenance, such as grading or leveling, that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.
- c. An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes or streams.
- d. Installation of oil, gas, and mineral wells under permit from the state if the owner-operator is found by the state to be in compliance with the conditions of part 91.

5.1.2.2 The County Enforcing Agency may grant a SESC Permit waiver for an earth change after receiving a signed affidavit from the landowner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes or streams.

5.1.2.3 An exemption provided for in 5.1.2.1 and 5.1.2.2 may be subject to enforcement procedures under this ordinance, if the activity causes or results in a violation of part 91 or this ordinance.

5.1.2.4 Logging, mining, or land plowing or tilling; permit exemptions.

5.1.2.4.1 Subject to 5.1.2.4.2, a person engaged in the logging industry, the mining industry, or the plowing or tilling of land for the purpose of crop production or the harvesting of crops is not required to obtain a permit under this part. However, all earth changes associated with the activities listed in this section shall conform to the same standards as if they required a permit under this part. The exemption from obtaining a permit under this subsection does not include either of the following:

- (a) Access roads to and from the site where active mining or logging is taking place.
- (b) Ancillary activities associated with logging and mining.

5.1.2.4.2 This part does not apply to a metallic mineral mining activity that is regulated under a mining and reclamation plan that contains soil erosion and sedimentation control provisions and that are approved by the State.

5.1.2.4.3 A person is not required to obtain a permit from a county enforcing agency or a municipal enforcing agency for earth changes associated with well locations, surface facilities, flow lines, or access roads relating to oil or gas exploration and development activities regulated under part 615, if the application for a permit to drill and operate under part 615 contains a soil erosion and sedimentation control plan that is approved by the department under part 615. However, those earth changes shall conform to the same standards as required for a permit under this part. This subsection does not apply to a multisource commercial hazardous waste disposal well as defined in section 62506a.

5.1.2.4.4 As used in this section, "mining" does not include the removal of clay, gravel, sand, peat, or topsoil.

5.2. Permit Termination

5.2.1. Expiration: SESC Permits shall expire on the date indicated on the permit. The holder of a valid permit may request an extension of coverage.

5.2.2. Construction Not Begun: SESC Permit coverage will automatically terminate if construction has not commenced within four (4) months of the date of issuance. A new plan and application, with fees, are required to obtain a SESC Permit for any site where a permit has been terminated for any reason.

5.3. Permit Suspended/Revoked

A SESC permit issued under this Ordinance may be revoked or suspended at the discretion of the County Enforcing Agency for any of the following reasons:

- 5.3.1. A violation of a condition of the SESC Permit.
- 5.3.2. Misrepresentation or failure to fully disclose relevant facts in the application or plan.
- 5.3.3. A change in land ownership.
- 5.3.4. Work already in progress is abandoned or suspended for a period of four months.

Article 6. Enforcement

6.1. Enforcement

This Ordinance shall be enforced by the County Enforcing Agency. The County Enforcing Agency may issue Notices of Violation, citations, stop work orders, cease and desist orders, or may revoke a SESC Permit upon finding that there is a violation of Part 91 or this Ordinance, and may pursue such legal action as may be necessary to correct a violation.

6.2. Municipal Civil Infractions; Authorized Enforcement Officials; Violation Bureau.

6.2.1. Municipal Civil Infractions. Violation of this Ordinance shall be a municipal civil infraction, as authorized under Chapter 87 of 1961 PA 23 6, as amended, and other applicable laws. A violation includes any act that is prohibited or made or declared to be unlawful, and any omission or failure to act where the act is required by this Ordinance. Each day that a violation exists constitutes a separate infraction. .

6.2.2. Authorized Enforcement Officials. The Van Buren County Drain Commissioner, the County Enforcing Agent (CEA), agents appointed by or acting on behalf of the CEA or Drain Commissioner, deputies of the Van Buren County Sheriffs Office, and other persons specifically designated by this Ordinance are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

6.2.3. Municipal Civil Infractions Violations Bureau. The Municipal Civil infractions Violations Bureau, for disposition of violation notices issued under this Ordinance, shall be located at the Van Buren County Drain Commissioners Office, 219 E. Paw Paw Street, Suite 301, Paw Paw, MI 49079. .

6.3. Violations and Penalties; Injunction

6.3.1. A person who violates this Ordinance is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not less than \$250.00, and not more than \$2,500.00, plus costs of enforcement.

6.3.2. A person who knowingly makes a false statement in an Application or in a SESC plan is responsible for a civil fine of up to \$10,000.00 for each day of violation, plus costs of enforcement.

6.3.3. A person who knowingly continues to violate this Ordinance after receiving a Notice of Violation is responsible for payment of a civil fine of not less than \$2,500.00 nor more than \$25,000.00 for each day the violation continues to exist, plus costs of enforcement.

6.3.4. A default in payment of a civil fine or costs ordered under this section may be remedied by any means authorized under the Revised Judicature Act of 1961, as amended, being sections 600.101 to 600.9948 of the Michigan Compiled Laws as amended.

6.3.5. In addition to any fines and costs assessed under this section, a person who violates this Ordinance is liable to the State of Michigan for any damages for injury to, destruction of or loss of natural resources resulting from the violation.

6.3.6. Notwithstanding the existence or pursuit of any other remedy, the County may maintain an action in a court of competent jurisdiction for money damages and may request an injunction or other process against a person to restrain or prevent violations of this Ordinance.

6.4. Enforcement and Fines

6.4.1. Costs of Enforcement. The County Enforcing Agency shall maintain a record of all expenses relative to the enforcement of this Ordinance.

6.4.2. Fines. Fines levied and paid pursuant to legal action undertaken by the County Enforcing Agency shall be deposited with the county, and shall be used for enforcement of this Ordinance. Landowners, individuals and contractors undertaking an earth change in violation of this Ordinance or Part 91 are subject to the penalties prescribed herein.

Article 7. Reimbursement for Expense

7.1. Reports. It shall be the duty of the County Enforcing Agency to report to the Board of Commissioners, no later than the last Wednesday in September of each year, all unpaid property liens filed in conjunction with this Ordinance.

7.2. Assessment. It shall be the duty of the County Treasurer to place on the winter tax statement of each property for which there is an amount outstanding the full amount of the outstanding lien.

Article 8. Severability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Article 9. Repeal

All ordinances in conflict are repealed only to the extent necessary to give this Ordinance full force and effect.

Article 10. Savings Clause.

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent if this Ordinance had not been adopted.

Article 11. Effective Date 1-9-07

