

VILLAGE OF CLARKSVILLE, MICHIGAN

CODE OF ORDINANCES

2021 S-5 Supplement contains:
Local legislation current through Ordinance 76, passed 3-1-2021

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

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CHARTER

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Editor's note:

The amendments of Res. 2007-03 to Chapters II, III, IV and V were voted on and passed on August 5, 2008.

CHARTER OF THE VILLAGE OF CLARKSVILLE, IONIA COUNTY MICHIGAN

PREAMBLE

The electors of the Village of Clarksville, County of Ionia, and State of Michigan, under the authority and pursuant to the provisions of the Constitution and laws of the State of Michigan relating to the incorporation of Villages and the creating of Charters therefor, do hereby ordain and establish the following as the Charter of the Village of Clarksville, in the County of Ionia and State of Michigan.

Whenever the word "Council" is used in this Charter it shall mean "The Common Council of the Village of Clarksville and Legislative body thereof."

CHAPTER I.

ORGANIZATION AND GENERAL POWERS.

Section 1. The following described territory shall constitute a body politic and corporate under the name of the Village of Clarksville, with power and authority to hereinafter change said boundaries in the manner prescribed by law.

Section 2. That all that tract of country situated in the Township of Campbell, County of Ionia, and State of Michigan and designated as follows, viz: Beginning at a point eighty (80) rods west of the southeast corner of the northeast quarter (1/4) of Section number ten (10), in Township five (5) north of range eight (8) west, Ionia County, Michigan, on the quarter line of said section: thence from said point running due north on the north and south eighth (1/8) line of the east and west quarter line of section number three (3), township and range aforesaid, and at a point eighty (80) rods east of the southwest corner of the northeast quarter (1/4) of said section three (3): thence west on the east and west quarter line of section three (3), one hundred and sixty (160) rods; thence due south on the eighth (1/8) line of sections three (3) and ten (10), three hundred and twenty (320) rods to the east and west quarter line of section ten (10), and at a point eighty (80) rods west of the southeast corner of the northwest quarter (1/4) of said section ten (10); thence from said point due east on the quarter line of said section ten (10) to place of beginning.

Section 3. All legislative power conferred on the Village shall rest in and be exercised by a President and six trustees, who together shall be known and designated as the Common Council.

CHAPTER II.

OFFICERS

Section 1. The following officers shall be elected. viz: A President, six Trustees, one Clerk, one Treasurer who shall be ex officio collector; and one Assessor. The President and Trustees shall constitute the Common Council.

Section 2. The President shall, by and with the consent of the Council, appoint a Village Marshal and a street commissioner, and such other officers as shall be provided for by resolution or ordinance of the Council, and the Council may, from time to time, provide by ordinance or resolution for the appointment of such other officers, whose election or appointment is not herein specially provided for, as they shall deem necessary for the execution of the powers granted by this Charter, and the powers and duties of such officers shall be prescribed by the Council; PROVIDED, that the Marshal may also be appointed as Street Commissioner.

Section 3. Appointments to office, excepting appointments to fill vacancies, shall be made on the second Monday in April in each year, unless a different time shall be prescribed in the Ordinance or resolution creating the office; but appointments which, for any cause, shall not be made on that day, or

on the day provided in the ordinance or resolution creating the office, may be made at any subsequent regular or special meeting of the Council.

Section 4. The Clerk, and Treasurer shall hold their respective offices for the term of four years, and President two years from the second Tuesday after the November General Election of the even year when elected, and until their successors are elected and qualified and enter upon the duties of their offices. The Clerk's current term shall end in 2008 and every four years thereafter and the Treasurer's current term shall end in 2010 and every four years thereafter.

Section 5. The Trustees shall hold their offices for the term of four years from the second Tuesday after the November even year General Election when elected, and until their successors are qualified and enter upon the duties of their offices. Three Trustees shall be elected for the term of four years every two years.

Section 6. All appointive officers, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the second Tuesday after the even year November General Election next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this act, or in the ordinance or resolution creating the office. Officers appointed to fill vacancies in elected offices shall hold their office until the next even year General election and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filing the requisite security, if any is required of them.

Section 7. No person shall be elected or appointed to any office unless he/she shall be an elector of the Village. And no person shall be elected or appointed to any office in the Village who has been or is a defaulter to the Village or to any board of officers thereof, or to any school district, county or other municipal corporation of the State. All votes for or any appointment of any such defaulter shall be void. All officers of the Village, elected or appointed, shall take and subscribe the oath of office prescribed by the Constitution of the State, and file the same with the Clerk, and in case of failure to do so, within ten days after receiving notice of their election or appointment, shall be deemed to have declined the office.

Section 8. Every officer elected or appointed in the Village, before entering upon the duties of his/her office, and within the time prescribed for filing his/her official oath, shall file with the Village Clerk such bond or security as may be required by law, or by any ordinance or resolution of the Council, conditioned for the due performance of the duties of his/her office, except that the bond or security given by the Clerk shall be deposited with the Treasurer.

Section 9. The Council may, at any time, require any officer to execute and file with the Clerk additional or new official bonds, with such new or further sureties as said Council shall deem requisite for the interest of the Corporation. Any failure to comply with such requirement within fifteen days shall subject the officer to immediate removal from office by the Council.

VACANCIES IN OFFICE.

Section 10. Resignations of officers shall be made to the Council.

Section 11. If any officer shall cease to be a resident of the Village during his/her term of office, the office shall be thereby vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

Section 12. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his/her office, within the time herein limited therefor, the Council may declare the office vacant, unless previously thereto he/she shall file the oath and give the requisite bond or security.

Section 13. Any vacancy occurring in the office of President, Trustees or any elective office, shall be filled by appointment by the Council, and such appointee shall hold his/her office until the next even year November general election thereafter. All vacancies in any other office shall be filled by the President, by and with the consent of the Council.

Section 14. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his/her sureties from any liability incurred by him/her or them.

Section 15. Whenever any officer shall resign or be removed from office, or the term for which he/she shall have been elected or appointed shall expire, he/she shall, on demand, deliver over to his/her successor in office, all the books, papers, moneys and effects in his/her custody as such officer, and in any way appertaining to his/her office; and every person willfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this state, now or hereafter in force and applicable thereto; and every officer appointed or elected shall be deemed as officer within the meaning and provisions of such general laws of the State.

(Res. 2007-01, passed 3-3-2008)

CHAPTER III.

ELECTIONS.

Section 1. After the first elections the election of officers shall be held at the even-year November general election to be conducted in accordance with State law.

Section 2. Special elections may be appointed by resolution of the Council, and held at such times as they shall determine, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Section 3. The President and Clerk, and two of the Trustees, or any four of the Trustees, to be appointed by the Council, shall be the inspectors of election. The President, when present, shall be

chairperson of the board of election inspectors, and the Clerk, if present, shall act as Clerk of the election, and the inspectors shall appoint one of their number to act as second Clerk. In case four of the inspectors do not attend at the opening of the polls, or shall not remain in attendance, such vacancy shall be filled as provided by the general election laws of the State, and in case either the President or Clerk, or both of them, are absent, the inspectors shall designate from their number a chairman and a Clerk. Each inspector of election shall receive as compensation two dollars per day.

Section 4. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk, at least eight days before such election, by posting such notices in three public places in the Village, and by publishing a copy thereof in a newspaper in the Village, if any is published therein, the same length of time before the election; and in case of special election, the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Section 5. The Council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such Village for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties. The Council shall also provide and cause to be kept by the Clerk, for use at all elections, suitable ballot-boxes of the kind required by law to be kept and used in townships.

Section 6. On the day of elections, the polls shall be opened at seven o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes, and fifteen minutes, respectively, before closing thereof.

Section 7. All elections in said Village shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State. If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.

Section 8. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the results, and shall on the same day or the next day make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of election, or the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots in office of the Village Clerk. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at general elections held in this State, and the inspectors

shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at general elections.

Section 9. The council shall convene on thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the Clerk shall make duplicate certificates of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificate he/she shall file in the office of the County Clerk of the County of Ionia, and the other shall be filed in the office of the Village Clerk.

Section 10. If there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the Council shall at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Section 11. It shall be the duty of the Clerk within five days after the meeting and determination of the Council, as provided in this chapter, to notify each person elected, in writing, of his/her election; and he/she shall also, within five days after the appointment of any person to any office, in like manner notify such person of the appointment.

Section 12. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the Clerk shall report in writing to the Council the names of all persons elected or appointed to any office, who shall have neglected to file such oath or bond.
(Res. 2007-01, passed 3-3-2008)

CHAPTER IV.

DUTIES OF OFFICERS

PRESIDENT

Section 1. The President shall be the Chief Executive officer of the Village. He/She shall preside at the meetings of the Council, but shall have no right to vote upon any question except in case of a tie, in which case he/she shall give the deciding vote. He/She shall from time to time give the Council information concerning the affairs of the corporation, and recommend such measures, as he/she may deem expedient. It shall be his/her duty to exercise supervision over the affairs of the Village and over the public property belonging thereto, see that the laws relating to the Village and the ordinances and regulations of the Council are enforced.

Section 2. The President shall be a conservator of the peace, and may exercise within the Village the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the Council, and to suppress riot and disorderly conduct.

Section 3. The President may remove any officer appointed by him/her at any time when he/she shall deem it for the public interest and may suspend any police officer for neglect of duty. He/She shall have authority at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the Village.

Section 4. In the absence or disability of the President, the President pro tempore of the Council shall perform the duties of the President.

CLERK.

Section 5. The Clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the Village, not by this act or the ordinances of the Village entrusted to some other officer; he/she shall be clerk of the Council, and shall attend the meetings. In case of the absence of the Clerk, or if from any cause he/she shall be unable to discharge, or be disqualified from performing the duties required of him/her, then the Council may appoint one of their own number, or some other person, to perform the duties of the Clerk for the time being. The Clerk shall record all the proceedings and resolutions of the Council, and shall record or cause to be recorded all the ordinances of the Village. He/She shall countersign and register all licenses granted: he/she shall, when required, make and certify, under the seal of the Village, copies of the papers and records filed and kept in his/her office: and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He/She shall possess and exercise the powers of the Township Clerk so far as the same are required to be performed within the Village, except as to the filing of chattel mortgages: and he/she shall have authority to administer oaths and affirmations.

Section 6. The Clerk shall be the general accountant of the Village: and all claims against the corporation shall be filed with him/her for adjustment. After examination thereof, he/she shall report the same, with all accompanying vouchers and counter-claims of the Village, and the true balance, as found by him/her, to the Council for allowance, and when allowed shall draw his/her warrant upon the Treasurer for the payment thereof; designating thereon the fund from which payment is to be made, and take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the Clerk shall report the amount thereof to the Village Treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

Section 7. The Clerk shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he/she shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the Village, and of all its debts and liabilities; he/she shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he/she shall also keep an account with the Treasurer, in which he/she shall charge him/her with all the moneys received for each of the several funds in the Village, and credit him/her with all warrants drawn thereon, keeping an account with each fund.

Section 8. The Clerk shall report to the Council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the Village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his/her office as the Council may require.

TREASURER.

Section 9. The Treasurer shall have the custody of all moneys, bonds other than official, mortgages, notes, leases and evidences of value belonging to the Village; he/she shall receive all moneys belonging to, and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he/she shall pay no money out of the treasury, except in pursuance of, and by authority of law, and upon warrants signed by the Clerk and President, which shall specify the purpose for which the amounts thereof are to be paid; he/she shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued.

Section 10. The Treasurer shall render to the Clerk on the first Monday of every month, if required, a report of the amounts paid out by him/her from each fund during the preceding month, and the amount of money remaining in each fund on the day of his/her report. He/She shall exhibit to the Council annually on the first Monday in March, and as often and for such period as the Council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his/her last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund; which account shall be filed in the office of the Clerk, and shall be published in one of the newspapers of the Village, if any be published therein.

Section 11. Said Treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers upon settlement with the proper officers of the Village shall be surrendered and filed with the Clerk.

Section 12. The Treasurer shall keep all moneys in his/her hands belonging to the Village separate and distinct from his/her own moneys, and he/she is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt in his/her custody or keeping, for his/her own use of benefit, or that of any other person; any violation of the provisions of this section shall work a forfeiture of his/her office, and the Council, on proof of the fact, are authorized to declare the office vacant and appoint his/her successor for the remainder of his/her term.

MARSHAL.

Section 13. The Marshal shall be the Chief of Police of the Village. As police officer he/she shall be subject to the direction of the President and Council. It shall be his/her duty to see that all the ordinances and regulations of the Council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the Village, are promptly enforced. As peace officer he/she

shall, within said Village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He/she shall have power to serve and execute all process directed or delivered to him/her, in all proceedings for violations of the ordinances of the Village. Such process may be served anywhere within the County of Ionia.

Section 14. The Marshal may collect and receive the same fees for services performed by him/her as are allowed to Constables for like services.

STREET COMMISSIONER.

Section 15. It shall be the duty of the Street Commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the Village, as the Council shall direct to be done by or under his/her supervision; and to oversee and do whatever may be required of him/her in relation thereto by the Council.

Section 16. he/she shall make a report to the Council, in writing and on oath once in each month giving an exact statement of all labor performed by him/her or under his/her supervision and the charges therefor; the amount of material used and the expenses thereof and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since his/her last preceding report.

ASSESSOR.

Section 17. The Assessor shall perform such duties in relation to assessing Property and levying taxes in the Village as are prescribed by this act.

COMPENSATION.

Section 18. The Council shall by resolution fix compensation for the President and Trustees for meetings attended. The Council may by motion reimburse Trustees or the President for reasonable expenses incurred in connection with the performance of their duties. All other officers except where other provision is made herein or by law regulating fees for services shall receive such compensation as the Council shall prescribe.

Res. 2007-01, passed 3-3-2008)

CHAPTER V.

VILLAGE COUNCIL.

Section 1. The legislative authority of the Village shall be vested in a Council consisting of the President and Trustees.

Section 2. The President shall be President of the Council and preside at the meetings thereof.

Section 3. On the first Monday in December in each year, or as soon thereafter as may be, the Council shall appoint one of their number President pro tempore of the Council, who in the absence of the President shall preside at the meetings thereof, and exercise the powers and duties of President. In the absence of the President and President pro tem., the Council shall appoint one of their number to preside.

Section 4. The Council shall hold regular stated meetings for the transaction of business, at such times as it shall prescribe, not less than one of which shall be held in each month. The President or any three members of the Council may appoint special meetings thereof, notice of which, in writing, shall be given to each Trustee, or be left at his/her place of residence at least six hours before the meeting; PROVIDED, That is all the members of the Council shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived.

Section 5. The Council shall prescribe the rules of its own proceedings, and shall keep a record thereof. All meetings and sessions of the Council shall be public. A majority of the Trustees shall be a quorum for the transaction of business; a less number may adjourn from time to time and compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished nor any tax or assessment be imposed; street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold, or disposed of, or any public improvement ordered, unless by a concurring vote of two-thirds of all Trustees elect, which vote shall be taken by yeas and nays, and entered upon the journal; no money shall be appropriated except by ordinance or resolution of the Council, nor shall any such ordinance be passed, nor any resolution appropriating money be adopted, except by a concurring yeas and nays vote of two-thirds of all the Trustees elect.

Section 6. Subject to the provision of 1968 PA 317, as amended, M.C.L.A. §§ 15.321 et seq., which regulates contracts of public officials with the Village, no member of the Council, nor any officer of the corporation, shall be directly or indirectly interested in any contract or service made by, or to be performed for the corporation; PROVIDED, that this shall not prevent officers receiving compensation authorized by this charter or as otherwise authorized by the Village Council. Any violation of the provision of this section shall work forfeiture of the office, and on proof thereof the Council may declare the office vacant.

Section 7. The Council shall audit and allow all accounts chargeable against the Village; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he/she verily believes that the services therein charged have been actually performed or the property delivered for the Village, that the sums charged therefor are reasonable and just, and that to the best of his/her knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any motion or proceeding for the collection of any demand or claim against the Village for personal injuries or otherwise that it has never been presented, certified to or verified as aforesaid, to the Council for allowance; or if such claim is founded on contract, that the same was

presented without the certificate or affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the Council had a reasonable time to investigate and pass upon it.
(Res. 2007-01, passed 3-3-2008)

CHAPTER VI

ORDINANCES

Section 1. The style of all ordinances shall be; "The Village of Clarksville ordains." All ordinances except as herein otherwise provide shall require, for their passage, the concurrence of a majority of the Council. No ordinance imposing a penalty shall take effect in less than twenty days after its passage.

Section 2. All ordinances, when regularly enacted, shall be recorded by the Clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the President and Clerk to authenticate the same by their official signature upon such record.

Section 3. Within one week after the passage of any ordinance, the same shall be published in a newspaper printed in the Village, if any is published therein, otherwise copies of the ordinance shall, within the same time, be posted in three of the most public places in the Village; and the Clerk shall, immediately after such publication or posting, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and places of such publication or posting. Such certificate shall be prima facie evidence of the due publication and posting of the ordinance.

Section 4. Whenever it shall be necessary to prove any of the laws, regulations, or ordinances of any Village, or any resolution adopted by the council thereof, the same may be read in all courts of Justice and in all proceedings,

First, From a record thereof kept by the Clerk;

Second, From a copy of the ordinance, or of the record thereof, certified by the Clerk under the corporate seal of the Village;

Third, From any volume or ordinances purporting to have been written or printed by authority of the Council.

Section 5. Prosecutions for violation of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the Village, or in the Township in which the Village, or some part thereof, is located. Any Justice of the Peace of the Village or of the Township in which the Village or some part of it, is situated, shall have the authority to hear, try and determine all causes and suits arising under the ordinances of the Village, and to inflict punishment for violations thereof as provided in the Ordinances.

Section 6. Whenever a penalty shall be incurred for violation of any of the ordinances of the Village of Clarksville, the proceedings for the punishment or collection of penalty shall be governed by and conform as nearly as possible, to the provisions of law regulating proceedings in criminal causes cognizable by Justices of the Peace.

Section 7. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance, to set forth said ordinance or any provisions thereof, in any complaint, warrant, process or pleadings therein, but the same shall be deemed sufficiently set forth by reciting its title and the date of its passing or approval. In all prosecutions for violation of any of the ordinances the accused may demand a Jury trial and the proceedings shall be conducted in the same manner as near as may be as trials are conducted before Justice of the Peace of the State of Michigan, and the accused may appeal, or bring certiorari in like cases as prosecutions under the general laws of the State, which shall in all things apply to such trials and appeals for violation of the ordinances of the Village.

Section 8. The Council may provide for a Village jail or prison, as may be necessary for the confinement of offenders may be sentenced either to said Village jail or to the County jail of the County of Ionia.

Section 9. All fines collected for violation of the ordinances of said Village shall be turned over to the village Treasurer and credited to the General Fund of the Village.

CHAPTER VII

POWERS OF COUNCIL

Section 1. The Village of Clarksville shall, in addition to such other powers as are expressly conferred and stated, have the general power and authority granted in this chapter, and the Council may pass such Ordinances in relation thereto as it may deem proper, namely:

First, To restrain and prevent vice and immorality;

Second, To punish vagrants, disorderly persons and common prostitutes;

Third; To abate nuisances and preserve the public health;

Fourth, To prohibit and suppress disorderly and gaming houses;

Fifth, To regulate, license, or suppress billard tables and ball alleys;

Sixth, To suppress gaming;

Seventh, To regulate and license public shows and exhibitions;

Eighth, To licence auctioneers, licence and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law; and also to require transient traders and dealers to take out licenses before engaging in business, and may regulate by Ordinance the terms and conditions or issuing the same;

Ninth, To license and regulate hacks, automobiles and other public vehicles;

Tenth, To provide for and regulate the inspection of provisions;

Eleventh; To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by Venders;

Twelfth, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the Village;

Thirteenth, To regulate or prohibit the selling, storing or transportation of combustible or explosive substances of materials within the Village, and to regulate and restrain the making of fires in the streets and other open spaces in the Village.

Fourteenth, To make ordinances for the organization and regulation of the Fire Department and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits.

Fifteenth, To licence and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, automobiles, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Sixteenth, To require horses, mules, or other animals attached to any vehicle, or standing in any or the streets, lanes or alleys in the Village to be securely fastened, hitched, watched or held;

Seventeenth, To prevent and punish horse-racing and immoderate driving in any street, park or alley , and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, park or alley in the Village;

Eighteenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large, in violation of any Ordinance of the Village;

Nineteenth, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend;

Twentieth, to prevent the erection and provide for the removal of all buildings deemed unsafe.

Twenty-first, To regulate the placing and provide for the preservation of horse or hitching posts;

Twenty-second, To declare and define the powers and duties of the Officers of the Village, whose powers and duties are not specifically prescribed in this act;

Twenty-third, To require the Treasurer, Marshal and such other officers of the Village as the Council shall deem proper, to give bonds for the discharge of their official duties;

Twenty-fourth, To see that the several officers of the Village perform their duties faithfully and that proper measures are taken to punish neglect of duty on the part of any of such officers;

Twenty-fifth, To provide for the care, custody and preservation of the public property of the Village;

Twenty-sixth, To adopt such other Ordinances and make such other regulations for the safety and good government of the Village and the general welfare of its inhabitants as are not inconsistent with the general laws of this State.

LICENSES.

Section 2. The Council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as shall be reasonable and proper. The person receiving the license shall, if required by the Council or Ordinance of the Village, before the issuing thereof, execute a bond to the corporation in such sum as the Council may prescribe, with one or more sufficient sureties, conditioned for a faithful performance of the laws relating to the corporation and the ordinances of the Council, and otherwise conditioned as the Council may prescribe. Every license shall be revocable by the Council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any Ordinance or regulation passed or authorized by the Council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license. And the Council may provide for punishment, by fine or imprisonment, or both, of any person, who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any Ordinance or regulation of the Council. The Council of the Village may make such provisions as they shall deem expedient for the support and relief of poor persons residing in the Village; and for that purpose may provide, by Ordinance or resolution, for the appointment of a director of the poor for the Village, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

POUNDS.

Section 3. The Council may provide and maintain one or more pounds within the Village, and may appoint pound masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the Village; and if there shall be no pound or pound master they may provide for the impounding of such beasts and fowls by the Village Marshal, in some suitable place, under his immediate care and inspection and may confer on him the powers and duties of pound master. The Council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to

be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or fowl impounded.

PUBLIC BUILDINGS, GROUNDS AND PARKS

Section 4. Any Village may acquire, purchase, and erect such public buildings, as may be required for the use of the corporation, and may purchase, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and for the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold at public sale, or leased, as occasion may require; PROVIDED, HOWEVER, That no public parks shall be sold without the consent of a majority of the qualified electors of the Village.

Section 5. When the Council shall deem it for the public interest, grounds and buildings for the Village prison, hospital and post-house, may be purchased, erected and maintained beyond the corporate limits of the Village; and in such cases the Council shall have authority to enforce beyond the corporate limits of the Village, and over such lands, buildings and property, in the same manner and to the same extent as if they were within the Village, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, post-house or hospital.

Section 6. The Council shall have authority to lay out, establish, or vacate and discontinue public parks and grounds within the Village, and to improve, light and ornament the same, and to regulate the use thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment and injury.

STREETS AND SIDEWALKS

Section 7. The Council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the Village, and shall have the like authority over the same as is given by the general laws of the State. No Village subject to the provisions of the act shall be liable in damages sustained by any person in such Village, either to his person or property, by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in such Village unless such person shall serve or cause to be served within sixty days after such injury shall have occurred a notice in writing upon the Clerk or deputy of the Village, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold such Village liable for such damages as may have been sustained by him; PROVIDED, That the bridges within the limits of any Village incorporated under this act in the highways leading into or through the said Village which have been laid out or shall hereafter be laid out by the commissioner of highways of the Township of Campbell, or laid out by any other authority other than that of said Village, shall be built, controlled and kept in repair by said Township of Campbell, the same as if said Village were not incorporated and the fact that any such highways are laid out and used

as such at the time of such incorporation of said Village shall be deemed sufficient to make the same Township highways, and the Township of Campbell liable as aforesaid, and all other bridges in said Village shall be build, controlled and kept in repair by said Village.

Section 8. The Council shall have control of all sidewalks in the public streets and alleys of the Village, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and cross walks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks. The Council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the Council shall, by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the Council may by a two-thirds vote of all the Trustees elect pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund, or from the street district fund of any street district in which such walk may be located.

Section 9. The Council shall also have power either by ordinance or resolution to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances; PROVIDED, That the Council may, by a two-thirds vote of all the Trustees elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the Village, and for the removing of all ice and snow therefrom, and for keeping the same free from incumbrances, and pay the expense thereof from the general street fund, or from the street district fund of any street district in which such sidewalk may be located.

Section 10. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last section, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the Council in respect to such sidewalks, within such time and such manner as the Council shall require, the Council may cause the same to be done, and such sidewalk to be constructed or repaired, at the expense of such owner or occupant, and the Council may cause the amount of all expenses incurred thereby, together with a penalty of ten percent in addition thereto, to be reported to the Board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalks, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessments provided for this act; and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the Council shall order the assessor of the Village to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other Village taxes; or the Village may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with cost of suit.

Section 11. The Council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

Section 12. The Council shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate or abolish any highway, street, lane, alley, sidewalk, sewer, drain, water course, bridge, or culvert in the Village whenever they shall deem the same a public improvement, or necessary for the public convenience; and if in so doing shall be necessary to take or use private property, the same may be taken in the manner provided in this act. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments, or in the discretion of the Council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the General Highway Fund.

Section 13. When the Council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto: notice of such meeting, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Council may be filed with the Clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a vote of two-thirds of the Trustees elect.

Section 14. The Council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the Clerk in a book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, or accepted and confirmed by them to be recorded in like manner, and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

Section 15. The Council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the Village, and to require improvements and buildings, adjacent to, or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade; and the Council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the Clerk.

Section 16. Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be charged without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided

in chapter thirteen of this act or said damages may be ascertained and agreed upon by and between the Village and the owner or occupant of such premises.

PAVING AND IMPROVEMENTS

Section 17. The Council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the Village.

Section 18. The expense of constructing and maintaining bridges, and the whole, or such part as the Council shall determine, of the expense of improving and working, including grading and graveling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the Village; or, the Village may be divided into street districts, and a part of the whole expense of improving and working the streets, in each district may be paid from a street district fund, to be raised by a tax upon the property in the district. The expense of grading, paving, graveling and planking any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street; or a part of such expense may be so paid and the remainder may be paid from the general highway fund, or from the street district fund, as the Council may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The term paving shall include curbing and the construction of cross walks in the paved streets.

Section 19. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the Village, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement as in the opinion of the Council or board of assessors making the special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the Council or Board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

Section 20. The Council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets and alleys of the Village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

Section 21. The Council may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the village, and for the protection thereof, and the trimming

of all trees in or that overhang such highway, streets or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamps and lamp posts therein and protect the same.

Section 22. The Council may regulate the making of all openings in and removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the Council, and at such times and upon such terms and regulations as they may prescribe.

Section 23. The Council may regulate the use of public highways, streets, avenues and alleys of the Village, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements, banners, awnings, posts, poles or lamps in or over the streets; to regulate or prohibit all such sports, amusement proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the Village, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them for the creation or maintenance thereof, and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the Council shall have the same authority and powers over and in respect to the public streets of the Village as are conferred by law upon highway commissioners in townships.

SEWERS, DRAINS AND WATER-COURSES.

Section 24. The Council of the Village may establish, construct and maintain sewers, drains and water-courses whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the Village; and private property, or the use thereof, may be taken therefor in the manner provided by this act for taking private property for public use. But in all cases where the Council shall deem it practicable, such sewer, drain and water-courses shall be constructed in the public streets and grounds.

Section 25. Before proceeding to the construction of any sewer, drain or water-course, the expense or any part of the expense of which is to be defrayed by special assessment, the Council shall cause a map to be made of those lands and premises which in their opinion will be benefited by the drainage, and which they intend to assess for the cost of the sewer or drain. Said lands shall constitute a sewer district; and said map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the sewer through the same; also its depth, grade and dimensions. Said map, with an estimate of the cost of the proposed work, shall be deposited with the Clerk, and notice shall be given by publication in a newspaper of the Village for two weeks or by posting copies of such notice for the same length of time, in three public places in the Village, of the intention to

construct the sewer or drain, and where the map and estimates aforesaid can be found, and appointing a time when the Council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

Section 26. When the Council shall determine to construct any such sewer, drain or water-course, they shall declare by resolution, designating the lands or district to be assessed, and describing, by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade and dimensions of the work, and shall state in the same resolution what part of the expense if any, is to be paid by general tax, and what part by special assessment, according to the benefits; such map and diagram as adopted shall be filed with the Clerk.

Section 27. Special assessments for the purposes aforesaid shall be made in the manner provided in chapter eighth of this act.

Section 28. Whenever the Council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements, the Council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Section 29. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the Council shall prescribe.

Section 30. The Council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon.

Section 31. Such part of the expense of providing ditches and improving water-courses, as the Council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Section 32. The expense of repairing public sewers, ditches and water-courses may be paid by general tax. The expenses of reconstructing public sewers may be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Section 33. The Council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to the drainage of the Village.

PARTITION FENCES

Section 35. The Council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the Village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the Council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the Village.

POLICE.

Section 36. The Council of the Village may provide for and establish a police force, and may authorize the President to appoint, by and with the consent of the Council, from time to time, such number of policemen and night watchmen as they shall deem expedient for the good government of the Village, and for the protection of the persons and property of the inhabitants, and they may authorize the President of the Village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgment the occasion may require.

Section 37. The Village Marshal shall be the chief of the police, and subject to the President, shall have the direction of the police of the Village. For the preservation of the peace, the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State, or violating the ordinances of the Village in any manner involving a breach of the peace, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinance of the Council; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the Council for the good government of the Village.

PUBLIC HEALTH

Section 38. The Council of any Village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof; and to prevent the introduction of malignant, infectious, or contagious diseases within the Village or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the Village as the Council may prescribe and the public safety may require.

Section 39. The Council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the Village; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause

of disease may be found, to remove or abate the same upon such notice, and within such time and in such manner as the Council may by ordinance or resolution direct.

Section 40. If any cellar, vault, lot, sewer, drain, place or premises within the Village, shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the Council may cause the same to be drained, filled up, cleansed or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the Council may cause the same to be done by any officer of the Village.

Section 41. If the owner or occupant of any lot or premises, when required by the Council or board of health to remove any unsafe building or structure, or to cleanse, purify or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the Council shall incur any expense in causing the same to be done, such expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the Village in an action of debt or assumpsit against the owner or occupant of any such lot or premises.

Section 42. The Council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places for the exercise of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned or in any other place in the Village, shall become hurtful and dangerous to the health of the neighborhood, the Council may prohibit the further exercise of such business or employment at such place.

Section 43. The Council may provide for the appointment of the necessary officers and employees for the management of the Village hospital and for the care and treatment therein of such sick and diseased persons as to the Council or board of health of the Village shall deem proper; and by direction of the Council or board, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the Council may provide such restraints and punishments as may be necessary to prevent any such persons from departing from such hospital until duly discharged.

Section 44. The Council shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

Section 45. When the Council shall deem it necessary they may establish a board of health for the Village, and appoint officers therefor, and make rules for its government, and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

CHAPTER VIII

Section 1. The cost and expense of the following improvements, including the necessary lands therefor, viz., for public buildings and offices for the use of the Village officers, engine houses, and structures for the fire department, for water works, for lighting purposes, cemeteries, and parks, watch-houses, village prisons, shall be paid from the proper general funds of the Village. When, by the provisions of this law, the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

Section 2. There shall be a board of assessors in the Village, consisting of three members, who shall be freeholders and electors in the Village, to be appointed annually by the President by and with the consent of the Council, whose duty it shall be to make all special assessments. They shall take the constitutional oath of office. Their compensation shall be prescribed by the Council. Special assessments, authorized by this act, shall be made by such board. If a member of the board shall be interested in any special assessment directed by the Council, there shall be appointed some other person to act in his stead in making the assessment, who, for the purposes of that assessment, shall be a member of the board.

Section 3. When the Council shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, the Council shall cause estimates of the expense thereof to or from street district funds, and shall designate the district or lands and premeises upon which the special assessments shall be levied.

Section 4. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the Council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the Clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed by publication for two weeks at least in one of the newspapers of the Village, if any be published therein, or if not, by posting notices in three public places in the Village, and of the time when the Council will meet and consider any objections thereto.

Section 5. The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of survey, plans, assessments, and costs of construction. In no case shall the whole amount to be so levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed in the last preceding tax roll. Any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the Village.

Section 6. Special assessments, to defray the estimated cost of any improvement shall be levied or collected before the making of the improvement.

Section 7. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to the frontage or benefits, or both, the Council shall by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether

according to frontage or benefits, or both, and describe or designate the lots and premises, or locality constituting the district to be assessed. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the Council and the provisions of this act, applicable to the assessment, and when such assessment is completed they shall report the same to the Council. If the assessment is required to be according to the frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvements bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Section 8. When any special assessment shall be reported by the board of assessors to the Council, as in this chapter directed, the same shall be filed in the office of the Clerk, and numbered. Before adopting the assessment, the Council shall cause notice to be published for two weeks at least in some newspaper of the Village, if any be published therein, or if not, to be posted in three public places for the same length of time, of the filing of the same with the Clerk, and designating a time and place when and where the Council and board of assessors will meet to review the assessment and to hear any objections thereto.

Section 9. At the time appointed for that purpose as aforesaid, the Council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment and hear any objections thereto; and the Council shall correct the same if necessary, and confirm it as reported or as corrected; or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the Clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation.

Section 10. When any special assessment shall be confirmed by the Council, it shall be final and conclusive.

Section 11. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Section 12. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, to Council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary the excess shall be refunded ratably to those by whom it was paid.

Section 13. Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall

adjudge such assessment to be illegal, the Council shall, whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

Section 14. When any special assessment shall be confirmed and be payable as hereinbefore provided, the Council may direct the assessment so made in the special assessment roll to be collected; and thereupon, the Village Clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

Section 15. Upon receiving said assessment roll and warrant, the Treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the Treasurer shall seize and levy upon any personal property found within the Village or elsewhere within the County, or within any adjoining county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the Village or Township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Section 16. The Marshall shall pay the moneys, and all percentage collected by him, into the Village treasury, and take the Treasurer's receipt therefor and file the same with the Clerk. The Treasurer shall also make return of said assessment roll and warrant to the Clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and promises upon which the assessments remain unpaid, and the amount unpaid on each.

Section 17. Said warrant may be renewed from time to time by the Clerk, if the Council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the Treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the Treasurer unpaid, as aforesaid, the same may be transferred to end reassessed in the next annual village tax roll, in a column headed "special assessments," with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment, and be collected and paid in all respects as provided for collecting the Village taxes.

Section 18. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the Village, against the person assessed, in an action of assumpsit, in any court

having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the Village to recover judgement therefor.

Section 19. When any expense shall be incurred by the Village upon or in respect to any separate or single lot, parcel of land, or premises, which, by the provisions of this act, the Council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or persons performing the labor or services, with a description of the lot or premises upon on in respect to which the expense was incurred, and the name of the owner or persons chargeable therewith, shall be reported to the council in such manner as the Council shall prescribe.

Section 20. The Council shall determine what amount or part of every such expense shall be charged, and the persons, if known, agaist whom, and the premises upon which the same shall be levied, as a special assessment; and as often as the Council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively to be reported by the Clerk to the board of assessers for assessment.

Section 21. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them and against the person chargeable therewith, if known, the whole amount of amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the Council, and thereupon the same proceedings shall be had, and with like effect as is provided in this chapter in other cases of special assessments.

Section 22. Special assessment rolls to defray the cost of street paving shall be made in five parts, each part to contain a list of the lots or parcels constituting the special assessment district with the names of the owners or occupants of each lot or parcel, and one-fifth of the cost or expense of the work shall be assessed upon each one of said five parts. Such parts of the assessment roll shall be numbered one, two, three, four and five, respectively, and any person so electing may pay part one and have an extension of time for the payment of parts two, three, four and five of one, two, three and four years respectively. If part one is not paid on or before the same shall become due, the whole amount of the assessment against any lot or parcel shall be due and no extension of time shall be granted thereon. Deferred payments shall draw interest at the rate of six per cent per annuim, and if any default shall be made in the payment of an installment or of the interest thereon, the whole amount of the assessment then remaining unpaid shall mature and become due and payable, and thereupon the same proceedings shall be had for the collection of the amount still due as are authorized by this act in case the owners or occupants have not elected to pay in installments. The Village Council shall have power to issue bonds of the Village bearing not to exceed six per cent interest to the amount of the deferred payments, and pledging the faith and credit of the Village for the payment of said bonds out of the deferred payments when collected. Said bonds shall run for one, two, three and four years, and all payments made on the deferred installments shall be paid into and constitute a sinking fund for the payment of said vonds at maturity. Owners and occupants electing to pay by installments shall pay the full amount of the interest

on each installment down to the maturity thereof, but may pay the principal and such interest into the Village treasury before maturity. Contractors for the laying of street paving may be required to take their pay in street paving bonds, and such bonds shall in no event be sold, or otherwise disposed of, at less than their par value. The Village Council may issue similar bonds to defray that portion of the cost and expense of any street paving chargeable to street intersections, or to lands belonging to the Village, school buildings or other public buildings or grounds, including such portion of said cost or expense as the Village Council may have decided to pay from the general highway fund or the street district fund.

CHAPTER IX

FINANCE AND TAXATION.

Section 1. The Council shall have authority to raise, by general tax upon the real and personal property liable to taxation in said Village (exclusive of taxes for highway and street purposes and not otherwise provided for in this Charter), such sum not exceeding in any one year one and one-fourth of one per cent of the assessed value of such property, as they shall deem necessary for the purpose of defraying the general expenses and liabilities of the corporation, and to carry into effect the powers in this Charter granted. The moneys so raised shall constitute a "general fund."

Section 2. The Council shall also have power to raise, by general tax upon all real estate and personal property aforesaid, such sum not exceeding one-half of one per cent of the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a "general highway fund," and shall be expended exclusively for working and improving the highways, streets, lanes and alleys of the Village and for the construction and repair of bridges therein.

Section 3. The Council shall have power to levy and cause to be collected, in each year, a poll-tax of one dollar upon every male inhabitant of the Village between the ages of twenty-one and fifty years, excepting active members of the fire department, and such other persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the general highway fund.

Section 4. The council may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the district in proportion to frontage or benefits, such sums as they shall deem necessary to defray the costs of such improvements, but not to exceed in any one year five per cent of the assessed value of the property in the district chargeable with such expense. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys borrowed therefor.

Section 5. The Council may also raise annually such further sum, not exceeding five mills on the dollar of the assessed value of the property in the village, as may be needed for an interest and sinking fund to pay the funded debt of the Village, if any, and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

Section 6. Within two weeks next preceding any annual Village election, the Council shall audit and settle the accounts of the Treasurer and other officers of the Village, and so far as practicable, of all persons having claims against the Village, and so far as practicable, of all persons having claims against the Village, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the year for all purposes, and the amount raised for each fund; the amount levied by special assessment, and the amount collected on each; also the items and amounts received from all other sources during the year, also the several items of all expenditures made during the year, and the objects thereof, classifying the same for each purpose separately, and containing such other information as shall be necessary to a full understanding of the financial concerns of the Village. Said statement, signed by the President and Clerk, shall be filed in the office of the Clerk, and a copy thereof published in a newspaper of the Village at least seven days previous to the next annual Village election, if one is published therein.

Section 7. The assessor of the Village subject to the provisions of this Charter shall, in each year, at and within the same time as required by the general laws of this State for the assessment of property in the Townships of this State, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the Village, and the name of the owner, agent or person liable to pay taxes therein if known, and the names of all persons liable to pay poll tax in the Village, and shall set down in such roll the valuation of such property, at its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing supervisors of Township performing like services, unless other wise in this charter provided: PROVIDED, That whenever in any year it shall not be necessary to raise any money by taxation in the Village, the Council of the Village may so determine by resolution, and when so determined by the Council they shall certify such determination to the assessor, and such assessor shall not make any assessment of property in the Village for such year; AND PROVIDED FURTHER, That the Council of the Village subject to the provisions of this Charter may, by resolution, direct the assessor to take the assessment and make an assessment roll on or before such date as shall be deemed to be for the best interests of the Village not later than the first day of May in each year.

Section 8. Immediately after the completion of such assessment roll, the assessor shall give notice thereof, and of the time and place in the Village, when and where the assessment will be reviewed, and that any persons deeming themselves aggrieved by the assessment may then be heard. Such notice shall be given by posting copies thereof in six public places in the Village, not less than seven days before the day of review, and by publishing the same in a newspaper of the Village, if any, the same length of time.

Section 9. The assessor and two qualified freeholders and electors of the Village, to be annually appointed by the Council, shall constitute a board of review of the assessments. At the time appointed for the review, the board shall meet at the place designated in the notice and continue in session two days, for the purpose of reviewing and correcting such assessments; and for such purpose the board of review shall have the same powers, and perform like duties in all respects, as are conferred upon and required of boards of review in Townships, in reviewing assessments in Townships. They shall hear the complaints of all persons considering themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the board shall correct the roll in such manner as they shall deem just: PROVIDED; That the Council of the Village may by resolution

passes at least seven days before the meeting of the board, determine that the board shall remain in session but one day, until such time as the population of the Village exceeds one thousand inhabitants.

Section 10. Said board of review shall make a record of all changes made in the roll, which record shall be signed by them and deposited with the Clerk.

Section 11. Immediately after the review of the assessment roll as aforesaid, the board of review shall certify the roll under their hands to the Council.

Section 12. The Council, after an examination of the assessment roll, shall certify the same to the assessor, together with the amount which they require to be raised by general tax, for highway purposes; and all amounts of special assessments which they require to be reassessed upon any lands, premises, or against any person, with a particular description of the lands and property to be reassessed, and the amounts to be reassessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with such tax, which certificate, endorsed upon or annexed to the roll, shall be signed by the President and Clerk.

Section 13. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding section, the assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes, in one column; the general highway taxes in another column; the street district taxes, if any, in a third column; all special assessment taxes in a fourth column; and shall also set down in another column on the roll one dollar opposite the name of every person liable to pay a poll-tax in the Village; and the total of all taxes assessed to each valuation shall be carried into the last column of the roll. The assessor shall also foot up the amounts carried to the last column, as aforesaid, and certify upon the roll the aggregate amounts of the taxes levied therein.

Section 14. After extending the taxes aforesaid, and not later than the third Monday of June in each year or in case the Council shall have fixed by resolution in accordance with the provide in section seven of this chapter, not later than the first Monday in May the assessor shall cause said assessment roll, certified under his hand, to be delivered to the Treasurer, with the warrant of the President of the Village annexed thereto, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods, and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein to be named, not less than thirty nor more than fifty days from the date of said warrant. The President may renew said warrant from time to time, by order of the Council and for such time as the Council shall direct: PROVIDED, That the time shall not be extended later than the third Monday of October in any year.

Section 15. Immediately upon receiving the tax roll, with the warrant thereto annexed, as provided in section fifteen, the Treasurer shall proceed to collect the taxes levied therein according to the direction

of said warrant, together with such percentage thereon for collection fees as shall be authorized by the Council.

Section 16. In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the Treasurer shall levy the same by distress and sale of the goods and chattels of the said person liable to pay the same, wherever such goods and chattels may be found, either in said Village or elsewhere in the County where the Village is located, to-wit: the County of Ionia, or in any adjoining County, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers, and for such purpose and for the collection of the taxes aforesaid, the Treasurer may bring suit therefor, and shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of Township Treasurers, in the collection of taxes levied in Townships.

Section 17. Within one week after the expiration of the time limited in the warrant for the collection of the taxes levied in said roll, or within one week after the time to which said warrant may have been renewed or extended, if the Treasurer has been unable to collect any of the taxes on his roll on real property, it shall be his duty to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returns by Township Treasurers. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and amount of charges shall be collected thereon, and all taxes upon lands so returned upon lands as delinquent shall be and remain a lien thereon until paid; PROVIDED; That the County Treasurer shall at the time that he makes his return to the auditor general of delinquent taxes assessed under the general tax laws, also make a return of all Village taxes that were returned delinquent to his office and remaining unpaid on the first day of March of the year in which the return is made.

Section 18. Moneys received for such sale shall be paid over to the Village Treasurer. All of the provisions of the general tax law relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this act.

Section 19. Whenever the Treasurer shall be unable to collect any tax assessed upon personal property in the Village it shall be lawful for the Treasurer of the Village to bring suit, in the name of the Village, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means provided by law for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, brought by Township Treasurers in the name of their Township for such purposes shall apply.

Section 20. The Council shall borrow, in any year, in anticipation of the collection of taxes for the same year, such sum, not exceeding one-fourth of the tax, as may be necessary to defray current expenses. The money so borrowed shall be repaid from such tax when collected. And they may in like manner borrow, in anticipation of the collection of special assessments actually made for any local improvement, such sum, not exceeding the assessment as may be necessary for the prosecution or

completion of the improvement; and the assessment, when collected, shall be applied in payment of the loan.

Section 21. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings, or for other necessary corporate purposes, than can be raised by the Council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a two-thirds vote of the electors voting upon the question at an annual or special Village election. The amount that may be voted or raised, in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the Village, as shown by the last preceding tax roll made therein.

Section 22. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the Council, distinctly stating the purpose of the expenditure for which said money is required, the amount proposed to be raised therefor, and whether by tax or loan, and appointing the time when the vote will be taken. Such ordinance or resolution shall be published at least twice in a newspaper in the Village, if any is printed therein, and copies of the resolution or ordinance shall be posted in six of the most public places in the Village at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot: the contents of the ballots shall be prescribed in the ordinance or resolution submitting the proposition to the electors.

Section 23. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the Council, and upon the warrant of the Clerk, countersigned by the President. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the Village.

Section 24. No loans shall be made by the Council, or by its authority in any year, exceeding the amounts prescribed in this chapter. For any loans lawfully made, the bonds of the Village may be issued bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the Clerk. When deemed necessary by the Council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the Village. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Section 25. Every bond issued by the Village, shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such Village to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the Court.

Section 26. The Village of Clarksville shall have no power to levy or collect taxes for municipal purposes at a rate in excess of two per cent per annum of the assessed value of all the real and personal property in the Village.

Section 27. The Village shall not issue any bonds without creating a sinking fund for the payment of the same, except such assessment bonds which are a charge upon a special district created for the payment thereof, and serial bonds payable annually.

Section 28. The Village shall not incur any indebtedness by the issuing of bonds or otherwise, in any sum which, including existing indebtedness shall exceed eight per centum of the assessed valuation of the real and personal property within the Village, subject to taxation as shown by the last preceding assessment roll of the Village. Money on hand in sinking fund limited to the payment of indebtedness may be treated as a reduction of such indebtedness to that extent: PROVIDED, That in the case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the Village, or for the repairing or rebuilding of any of its municipal buildings, works, bridges or streets, the legislative body of the Village may borrow money due in not more than three years and in an amount not exceeding one-fourth of one percentum of the assessed valuation of the Village, notwithstanding such loan may increase the indebtedness of the Village beyond the limitations fixed by its Charter or the laws of the State of Michigan.

Section 29. All Village taxes shall be due and payable at the office of the Village Clerk from July 1st. to July 31st. inclusive in each year, and collections shall be made and enforced as provided in the general laws of the State of Michigan governing such matters, except as to time of collection, and all Village taxes shall be due and payable to the Village Treasurer at his office or place which may be designated by him in notice to the taxpayers either published or posted, from July 1st. to July 31st. inclusive, from nine A.M. to four P.M., Sundays and Holidays excepted, and if paid before July 31st. no penalty or collection fee shall be added, but if not paid until after July 31st. then a penalty or collection fee of five per cent shall be added.

Section 30. The fiscal year of the Village shall commence on the second Monday after election in march of each year.

Section 31. The revunues raised by general taxation on all the property of the Village, or by bonds or loans to be repaid by such tax, shall be divided into the following funds and suich other funds as the Council may by resolution establish;

First; Salary Fund - To pay the salaries of the various Village officials.

Second; Fire Department Fund - To take care of the expenses of the Fire Department.

Third; Lighting Fund - For the construction, purchase and maintenance of the public lights of the Village, or the payment of the rental to such persons as may furnish lights for the Village.

Fourth; Streets and Walks Fund - For the grading, graveling, improving, repairing and cleaning streets and alleys, and for the construction and repair of crosswalks and sidewalks, and the care of same.

Fifth; Water Fund - For maintaining, operating and extending a system of water works for the Village, for constructing reservoirs, cisterns or wells and providing and furnishing to the inhabitants of the Village a sufficient supply of pure water.

Sixth; Interest and Bond Fund - For paying interest and principal on bonds.

Seventh; Printing Fund - For the payment of official Village printing.

Eighth; Contingent Fund - To take care of contingents and such other expenses as are not provided for by other funds.

Section 32. All revenues received from special assessment shall be kept in special assessment funds and shall be used for no other purpose except that for which they were raised.

CHAPTER X.

FIRES AND FIRE DEPARTMENT.

Section 1. The Council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom: and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to appoint and employ firemen; to make and establish rules and regulations for the government of the department, the employees, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department.

Section 2. The Council may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the Village, and make all necessary provisions for a convenient supply of water for the use of the department.

Section 3. The Council may also provide or erect all necessary buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Section 4. The Council may provide by ordinance or resolution for the appointment of a chief of the fire department, who shall be subject to the direction of the President and the regulations of the council; shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property.

Section 5. When the population of the Village shall be five hundred or more the Council may prescribe by ordinance, the limits or districts within the Village, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such district, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

Section 6. The Council of the Village may prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the Council, the danger or hazard from fire is thereby increased. They may regulate the storing of gunpowder, oil, gasoline, kerosene, and other combustible and explosive substances, and the use of lights in buildings, and generally may pass such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Section 7. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the Council.

Section 8. The officers and members of the fire department shall receive such compensation as the Council may, from time to time, determine by resolution.

CHAPTER XI

WATER WORKS.

Section 1. Whenever the Village shall have a resident population of five hundred or over, it shall have authority to purchase or construct and maintain water works for the introduction of water into the Village, and supplying the Village and inhabitants thereof with pure and wholesome water: for the extinguishment of fires; the ordinary and extraordinary use of the inhabitants thereof; and for such other purposes as the Council may prescribe.

Section 2. Whenever the Council shall deem it for the public interest, and such population shall exceed five hundred as hereinbefore stated, such water works may be purchased or constructed and maintained beyond the corporate limits of the Village; and in such case the Council shall have full authority to enforce beyond the corporate limits of the Village, within the County of Ionia, in which the Village is situated, and over the buildings, machinery and other property connected with such water works, in the same manner and to the same extent as if they or it were within the Village, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof, and may likewise pass all such ordinances, and adopt such resolutions, as may be necessary for the care, protection and control of the water works, and all appurtenances thereto, in every instance whether erected or maintained wholly within the Village or beyond.

Section 3. If it shall be necessary, in the judgement of the Council to appropriate private property for the construction, maintenance and operation of the water works, such property may be acquired by proper condemnation proceedings under the general laws of the State of Michigan, as provided in other cases for the taking of private property for public use.

Section 4. The Council may construct from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such Village and the inhabitants thereof, with water, upon such terms and conditions as may be agreed; and

may grant to such person, persons, or corporation the right to the use of the streets, alleys and public grounds of such Village as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of the Village, and the inhabitants thereof, upon such terms and conditions as shall be specified in such contracts.

CHAPTER XII

LIGHTING.

Section 1. It shall be lawful for the Village of Clarksville when it shall have reached a resident population or not less than five hundred inhabitants, to acquire by purchase or to construct, operate and maintain either independently or in connection with the water works of the Village, either within or without the Village, works for the purpose of supplying such Village and the inhabitants thereof, or either with gas, electric or other lights, at such times and on such terms and conditions as the Council of the Village shall direct.

Section 2. Whenever the Council of the Village shall, by resolution, declare that it is expedient for the Village to acquire by purchase, or to construct as the case may be, works for the purpose of supplying the Village and the inhabitants thereof, or either, with gas electric or other lights, then the Council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

Section 3. In case the Council shall declare that it is expedient for the Village to acquire by purchase or to construct, as the case may be, works for the purpose of supplying the Village and the inhabitants thereof, or either, with electric or other lights, then the Council shall cause to be made and recorded in their proceedings an estimate of the expense thereof and the question of raising the amount required for such purpose shall be submitted to the electors of the Village at its annual election, or at special election called for that purpose by the Council as provided in this Charter, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

Section 4. It shall be lawful for any such Village to borrow any sum of money not exceeding five per cent of the assessed value of the the property in the Village as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The Council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the Village therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: PROVIDED, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense therefor provided for in section three of this chapter.

Section 5. After lighting works have been purchased or constructed as aforesaid, in the Village, the Council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the Village: PROVIDED, That the sum to be so raised, in any one year, shall be included in and shall not increase

the total amount which, by the provisions of section one of chapter nine of this charter, the Council is authorised to raise.

Section 6. The Council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of the Village with lights.

Section 7. The Council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of the Village or the inhabitants thereof, or both, with gas, electric or other lights, upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys, and public grounds of the Village as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

Section 8. The Council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

CHAPTER XIII.

APPROPRIATION OF THE PRIVATE PROPERTY.

Section 1. Private property may be taken and appropriated for public use in the Village of Clarksville for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces: for sewers, drains and ditches, for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Section 2. If it shall become necessary to take and appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the Village either in the manner, and with like effect, as provided by the general laws of this State relating to taking of private property for public use in cities and Villages.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

Section 1. The term Village, whenever used in this Charter, shall be construed to mean the Village of Clarksville, and whenever the word Act is referred to herein, it shall mean this Charter.

Section 2. Whenever the governing body of the Village of Clarksville is herein described or referred to as the board of trustees, the trustees, or Common Council, it shall be construed to mean the body herein described and referred to as the Village Council of the Village of Clarksville.

Section 3. When, by the provisions of this Charter, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same when required to be by posting, shall be prima facie evidence of the facts therein contained: PROVIDED, That same be filed with the Village Clerk within six months from the date of the last publication thereof, or of posting the same.

Section 4. Whenever any judgement or decree of any court shall be rendered or decreed against the Village, and the Village shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the Council of said Village to issue the bonds of such Village to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such times and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the Council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by said Council.

Section 5. No lands or premises shall hereafter be laid out, divided and platted into lots, streets, and alleys, within any such Village, except by permission and approval of the Council by resolution passed for that purpose; nor until the proprietor shall file with the Village Clerk a correct survey, plan, and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the Council, and made to their satisfaction: showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the Village; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of register of deeds of the County in which the Village is located, to-wit; the County of Ionia, until a certificate has been endorsed thereon by the Clerk of the Village, under the seal of the Village, showing that such plat and dedication has been approved by the Council; nor shall the Village, by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys excepting such as the Council shall accept and confirm by ordinance or resolution.

Section 6. The President or any members of the Board of Trustees of the Village of Clarksville, may administer an oath or affirmation to any person required to make a statement or called upon for testimony concerning any matter pending before the Council, or any officer of the Village, and any person testifying falsely, or making false statement under such oath, shall be subject to the pains and penalty of perjury.

Section 7. If in any case it becomes necessary for the Village to appeal to any of the Courts of this State, no appeal bonds shall be required on behalf of the Village, but in case the Village be defeated, the judgment against the Village, if any, and costs, if any, shall be collected in the manner provided by law.

Section 8. Offices shall become vacant upon the occurrence of any of the following:

- (a) Death of incumbent.
- (b) Resignation of incumbent.
- (c) Permanent disability of incumbent.
- (d) Removal of incumbent from office.
- (e) Removal of incumbent from Village.
- (f) By such other means as may be provided by law.

Resignation shall be to the Council in writing, and shall be subject to its approval and acceptance.

Section 9. Should any portion of this Charter be declared void, illegal or unconstitutional, such findings shall not invalidate the remainder of the Charter.

Section 10. The Council is hereby authorized to pass and put in force any and all ordinances which may be found necessary to carry into effect any of the provisions of this Charter, wherein the method of carrying into effect any of said provisions has not been set forth in detail; and no section or provision of this Charter shall be held inoperative by reason of a lack of sufficient detail to carry the same into effect, but the detail thereof may be supplied by proper ordinance passed by the Council.

Section 11. There shall be but one election district in the Village of Clarksville until such time as the population shall exceed one thousand persons. All elections shall be held at the Hall in said Village.

Section 12. The Clerk of the Village of Clarksville shall obtain a proper book for the registration of the electors of said Village, and all persons desiring to vote at any annual or special election held after the adoption of this Charter shall have their names properly registered in said book of registration at least twenty days prior to the second Monday in March in each year.

Section 13. All sessions of the legislative body of the Village and all records of the municipality shall be open to the examination of the public.

Section 14. All accounts shall be kept in a systematic manner and shall conform to any uniform system required by law.

Section 15. At the first election held under this Charter, which shall be at the same time as the submission thereof to the electors of said Village, voting upon the question of its adoption, there shall be elected a President, one Clerk, one Treasurer, and one Assessor and six Trustees, three of whom shall hold office from the date of their election until the second Monday in March, 1926, and three of whom shall hold office until the second Monday in March, 1927, and at the regular election held on the second Monday in March, 1926, there shall be elected three Trustees for a period of two years, and at each

annual election thereafter three Trustees shall be elected for a period of two years, as hereinbefore provided in this Charter.

Section 16. Candidates for the Village officers to be elected at the first election, under the provisions of this Charter, shall be nominated by caucus of the several political parties now recognized in the State of Michigan as having a standing as political parties, or by a non-partisan caucus or caucuses to be held on the _____ day of May, 1925, at 2:00 in the afternoon of such day, and to be held at _____ Hall.

Section 17. This Charter shall be submitted to the qualified voters residing within the territorial limits of the Village of Clarksville for adoption at a special election hereby called to be held in said Village of Clarksville on Monday, the fifteenth day of June, 1925, to be held at Nash Hall in said Village, at which time the polls will be open at seven o'clock in the morning, and held open until five o'clock P.M. of said day. Central standard time, and at the same time of voting upon the question of adopting this Charter, the elective officers hereinbefore provided for will be voted on and elected.

Section 18. The Charter Commission framing this Charter hereby designate and appoint the following persons as inspectors of the first election held under this Charter and voting upon the adoption thereof to-wit: and a canvassing board of three electors of said Village to canvass the votes cast at such election and declare the results, to-wit: and if the said Charter be adopted then the said persons so elected as Village officers shall take the constitutional oath of office before any person authorized to administer oaths, and at once enter upon the discharge of their official duties for the respective term as hereinbefore provided.

We, the undersigned Charter Commissioners of the Village of Clarksville, Ionia County, Michigan, hereby submit the above as the Charter for the Village of Clarksville.

Dated, _____, 1925

Signed:

Milo T. Norcutt

Marvin A. Harvey

Frank E. Brooks

Claude E. Scoville

Clarence E. Marvin

Approved, May 5th, 1925

Alex J. Gosebeck, Governor

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 How code designated and cited
- 10.02 Definitions
- 10.03 Section catchlines and other headings
- 10.04 Certain ordinances not affected by code
- 10.05 Continuation of ordinances
- 10.06 Prior rights, offenses, and the like
- 10.07 Ordinances repealed not reenacted
- 10.08 Amendments to code
- 10.09 Supplementation of code
- 10.10 Separability of provisions

- 10.99 General penalty

§ 10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the Clarksville Code.

Statutory reference:

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

§ 10.02 DEFINITIONS.

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

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

COUNCIL. The Council of the Village of Clarksville, Michigan.

CODE. The Clarksville Code as designated in § 10.01.

COMPUTATION OF TIME. The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by

excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

COUNTY. County of Ionia, Michigan.

JUVENILE. Any person under 17 years of age.

MINOR. A person under 21 years of age.

MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by this code or any ordinance of the village, but which is not a crime under this code or any other ordinance of the village, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered, as authorized by Public Act 236 of 1961, Ch. 87, being M.C.L.A. §§ 600.8801 through 600.8835. A **MUNICIPAL CIVIL INFRACTION** is not a lesser included offense of any criminal offense in this code.

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

ORDINANCES. The ordinances of Clarksville and all amendments thereto.

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

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

TRUSTEE. The Trustees of the Village of Clarksville.

VILLAGE. The Village of Clarksville, Michigan.

VILLAGE COUNCIL or **COUNCIL.** The Council of Clarksville, Michigan.

§ 10.03 SECTION CATCHLINES AND OTHER HEADINGS.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of the sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted. No provision of this code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, subchapter, or division.

§ 10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(A) Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. The ordinances are on file in the Village Clerk's office.

(B) (1) Promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness, or any contract or obligations assumed by the village;

(2) Containing any administrative provisions of the Village Board;

(3) Granting any right or franchise;

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

(5) Making any appropriation;

(6) Levying or imposing taxes;

(7) Establishing or prescribing grades in the village;

(8) Providing for local improvements and assessing taxes therefor;

(9) Dedicating or accepting any plat or subdivision in the village;

(10) Extending or contracting the boundaries of the village;

(11) Prescribing the number, classification, or compensation of any village officers or employees;

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

(13) Pertaining to rezoning; and

(14) Any other ordinance, or part thereof, which is not of a general and permanent nature.

§ 10.05 CONTINUATION OF ORDINANCES.

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

§ 10.06 PRIOR RIGHTS, OFFENSES, AND THE LIKE.

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

§ 10.07 ORDINANCES REPEALED NOT REENACTED.

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

§ 10.08 AMENDMENTS TO CODE.

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

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

§ 10.09 SUPPLEMENTATION OF CODE.

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

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

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

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in the catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this subchapter,” “this division,” and the like, as the case may be, or to “sections _____ to _____” (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

§ 10.10 SEPARABILITY OF PROVISIONS.

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

§ 10.99 PENALTY.

(A) *General penalty.* Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both the fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, the greater penalty shall control. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not the penalty is re-enacted in the amendatory ordinance.

(B) *Civil infraction.*

(1) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. Act. No. 236 of the Public Acts of 1961, as amended.

AUTHORIZED OFFICIAL. Any public officer, agent or personnel authorized by the village Charter, a village ordinance, or a village resolution to issue municipal civil infractions and/or any police officer having jurisdiction within the village.

MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by any ordinance, but which is not a crime, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act. No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this division that is a criminal offense.

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

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

(2) *General penalties and sanctions for violations of ordinances; continuing violations; injunctive relief.*

(a) Unless a violation of an ordinance is specifically designated in the ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(b) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this division, plus any cost, damages, expenses, and other sanctions, as

authorized under Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws.

1. Unless otherwise specifically provided for, the civil fine for a particular municipal civil infraction violation shall be not less than \$100, plus costs and other sanctions, for each infraction.

2. Increased civil fines may be imposed for repeated violations by a person of any ordinance provision. As used in this section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within any 12-month period, unless some other period is specifically provided by ordinance and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

A. The fine for any offense which is a first repeat offense shall be no less than \$250, plus costs.

B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500, plus costs.

C. A violation includes any act which is prohibited by any ordinance or any omission or failure to act where the act is required by any ordinance.

D. Each day on which any violation of any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

E. In addition to any remedies available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the ordinance. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation of this division.

(3) *Action: commencement.* A municipal civil infraction action may be commenced upon the issuance by an authorized official of a municipal civil infraction citation directing the alleged violator to appear in court.

(4) *Citations; issuance and service.* Municipal civil infraction citations shall be issued and served by authorized officials as follows:

(a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(b) The place for appearance specified in a citation shall be the District Court.

(c) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the

citation shall be retained by the authorized official and issued to the alleged violator as provided by Section 8705 of the Act.

(d) A citation for a municipal civil infraction signed by an authorized official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief".

(e) An authorized official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(f) An authorized official may issue a citation to a person if:

1. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

2. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the municipal attorney approves in writing the issuance of the citation.

(g) Municipal civil infraction citations shall be served by an authorized official as follows:

1. Except as provided by subsection 2. below, an authorized official shall personally serve a copy of the citation upon the alleged violator.

2. If the municipal civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy of the citation or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

(5) *Contents.*

(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(b) Further, the citation shall inform the alleged violator that he or she may do one of the following:

1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

2. Admit responsibility for the municipal civil infraction with explanation by mail by the time specified for appearance or, in person, or by representation.

3. Deny responsibility for the municipal civil infraction by doing either of the following:

A. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the authorized official or municipal attorney.

B. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

1. That if the alleged violator desires to admit responsibility with explanation in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

2. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

3. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the authorized official acting on behalf of the village.

4. That at an informal hearing, the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

5. That at a formal hearing, the alleged violator must appear in person before a judge and shall have the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

(Ord. 44, passed 3-7-2011)

TITLE III: ADMINISTRATION

Chapter

- 30. VILLAGE ORGANIZATIONS**
- 31. VILLAGE OFFICIALS**
- 32. EMERGENCY MANAGEMENT**
- 33. FINANCES**
- 34. VILLAGE POLICIES**
- 35. VILLAGE COUNCIL**

CHAPTER 30: VILLAGE ORGANIZATIONS

Section

Planning Commission

- 30.01 Creation
- 30.02 Membership; appointment; terms
- 30.03 Meetings
- 30.04 Powers and duties
- 30.05 Staff
- 30.06 Approval, ratification, and reconfirmation
- 30.07 Effective date

Editor's note:

The resolution or ordinance establishing the previous Village Planning Commission under the Municipal Planning Act, Public Act 285 of 1931, being M.C.L.A. §§ 125.31 through 125.45, is hereby repealed.

PLANNING COMMISSION

§ 30.01 CREATION.

There shall be a Planning Commission pursuant to Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 et seq., hereinafter referred to as the Commission, with the powers and duties as set forth herein. This subchapter shall be officially known as the "Clarksville Planning Commission Ordinance."

(Ord. 42, passed 5-3-2010)

§ 30.02 MEMBERSHIP; APPOINTMENT; TERMS.

(A) *Members.* The Commission shall consist of five, seven, or nine members appointed by the Village President subject to approval of the majority of the members of the Village Council. One member may be a member of the Village Council who shall be an ex officio member. The term of office of the ex officio member shall coincide with his or her elected term of office on the Village Council. To be qualified to be a member and remain a member of the Commission, the individual shall meet the following qualifications:

(1) Shall be a qualified elector of the village, except that two members may be non-qualified electors who live outside the boundaries of the village; and

(2) Shall not be an employee of the village, except that a member of the Village Council shall serve on the Commission as required by division (A) of this section.

(B) *Representation; major interests.* The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the village in accordance with the major interests as they exist in the village as follows:

(1) Natural resources;

(2) Recreation;

(3) Education;

(4) Public health;

(5) Government;

(6) Transportation;

(7) Industry; and

(8) Commerce.

(C) *Representation; geography.* The membership shall also be representative of the entire geography of the village to the extent practicable, and as a secondary consideration to the representation of the major interests.

(D) *Terms of office; vacancies.*

(1) Members shall be appointed for three-year terms. However, when first appointed, a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of one-third of all Commission members will expire each year.

(2) If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third of all Commission members continue to expire each year. A member shall hold office until his or her successor is appointed.

(E) *Chairperson.* An ex officio member of the Planning Commission shall not serve as the Chairperson of the Planning Commission.

(F) *Removal from office.* The Village Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

(G) *Membership compensation.* All members of the Planning Commission shall serve as such with compensation as established by resolution of the Village Council.

(H) *Membership transition.* The transition from the previous Clarksville Planning Commission and the Commission established in this subchapter shall be gradual and shall take place over the next three years. The Village Council shall continue to make annual appointments, appointing approximately one-third of the membership of the Commission as specified in this subchapter, so that three years from the effective date of this subchapter the membership, membership representation, and number of members have completed the transition to fully comply with this subchapter and Public Act 33 of 2008, the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 et seq. All other aspects of this subchapter shall have immediate effect.

(Ord. 42, passed 5-3-2010; Ord. 72, passed 12-4-2017)

§ 30.03 MEETINGS.

(A) The Commission shall hold not less than four regular meetings per year. Regular meetings of the Commission shall be held once per month as necessary. A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of the Commission.

(B) An affirmative vote of the majority of the Commissioners present, provided there is a quorum, shall be required for the approval of any requested action or motion placed before the Commission.

(C) The affirmative vote of the majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a Master Plan.

(Ord. 42, passed 5-3-2010)

§ 30.04 POWERS AND DUTIES.

(A) The Commission shall have its powers and duties as set forth in Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 et seq.; and Public Act 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act (M.C.L.A. §§ 125.3101 et seq.).

(B) In addition, duties shall include the following:

(1) Take action on petitions, staff proposals, and Village Council requests for amendments to the zoning ordinance as required;

(2) Take action on petitions, staff proposals, and Village Council requests for amendments to the Master Plan as required;

(3) Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings, and determinations;

(4) Prepare an annual report to the Village Council concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development;

(5) (a) The Planning Commission, assisted by village staff, may prepare an annual Capital Improvements Program (CIP) if so directed by the Village Council as part of the village budget process. The CIP shall show those public structures and improvements in their general order of priority that will be needed or desirable and can be undertaken within the ensuing six-year period. The CIP shall be forwarded as a recommendation to the Village Council if prepared by the Planning Commission.

(b) If the Village Council does not direct the Planning Commission to prepare the CIP, then the Village Council, after the Master Plan is adopted, shall prepare or cause to be prepared by the Village President or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six-year period.

(6) (a) Review subdivision and condominium proposals and recommend appropriate actions to the Village Council; and

(b) Prepare special studies and plans, as deemed necessary by the Planning Commission or Village Council and for which appropriations of funds have been approved by the Village Council, as needed.

(7) Attend training sessions, conferences, or meetings as needed and as recommended by village staff, the Village Council, Village President, or the Chair of the Commission to properly fulfill the duties of a Planning Commissioner and for which appropriations of funds have been approved by the Village Council, as needed.

(Ord. 42, passed 5-3-2010)

§ 30.05 STAFF.

(A) The Commission may recommend to the Village Council the hiring of a planning consultant or other planning staff within the budget provided for this purpose.

(B) The appointment of a planning consultant and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of the village.

(Ord. 42, passed 5-3-2010)

§ 30.06 APPROVAL, RATIFICATION, AND RECONFIRMATION.

All official actions taken by the Village Planning Commissions preceding the Commission created by this subchapter are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this subchapter shall continue with the Commission created by this subchapter, subject to the requirements of this subchapter, and shall be deemed a continuation of any previous Village Planning Commission. This subchapter shall be in full force and effect from and after its adoption and publication.

(Ord. 42, passed 5-3-2010)

§ 30.07 EFFECTIVE DATE.

This subchapter shall become effective upon its adoption and publication, on May 8, 2010, as provided by Village Charter.

(Ord. 42, passed 5-3-2010)

CHAPTER 31: VILLAGE OFFICIALS

Section

- 31.01 Staggering terms of office
- 31.02 Village President
- 31.03 Village Clerk
- 31.04 Village Trustees
- 31.05 Village Treasurer

Cross-reference:

Duties of village officials, see Charter

§ 31.01 STAGGERING TERMS OF OFFICE.

The term of each Trustee, the Clerk, and Treasurer shall be four years, the term of the President shall be two years, the terms of Clerk and Treasurer are staggered, and the terms of all Trustees be staggered.

(Res. 2005-03, passed 12-5-2005; Res. passed 2-6-2006)

§ 31.02 VILLAGE PRESIDENT.

As of January 1, 2009, the salary of the Office of President is adjusted to an amount, per Village Council meeting attended, as determined by the Village Council from time to time.

(Res. 2008-01, passed 11-3-2008)

§ 31.03 VILLAGE CLERK.

As of January 1, 2009, the salary of the Office of Village Clerk is adjusted to an amount, annually, as determined by the Village Council from time to time.

(Res. 2008-02, passed 11-3-2008)

§ 31.04 VILLAGE TRUSTEES.

(A) As of January 1, 2009, the salary of the Office of Trustee, for those Trustees elected November 4, 2008, is adjusted to an amount, per Village Council meeting attended, as determined by the Village Council from time to time.

(B) As of January 1, 2009, the salary of the Office of Trustee, for those Trustees elected before November 4, 2008, remains as previously determined per Village Council meeting attended, as determined by the Village Council from time to time.
(Res. 2008-03, passed 11-3-2008; Res. 2008-04, passed 11-3-2008)

§ 31.05 VILLAGE TREASURER.

As of January 1, 2009, the salary of the Office of Treasurer shall be an amount, annually, as determined by the Village Council from time to time.
(Res. 2008-05, passed 11-3-2008)

CHAPTER 32: EMERGENCY MANAGEMENT

Section

32.01 National Incident Management System adopted

§ 32.01 NATIONAL INCIDENT MANAGEMENT SYSTEM ADOPTED.

The Village Council hereby adopts the National Incident Management System (NIMS) as the foundation and standard for incident management, command, coordination, and support activities. It shall further be the policy of the village to provide appropriate training on the National Incident Management System (NIMS) and its core components to public personnel responsible for managing and/or supporting major emergency and disaster operations.

(Res. 2006-02, passed 7-10-2006)

CHAPTER 33: FINANCES

Section

Public Safety and Fire Emergency Response Cost Recovery

- 33.01 Purpose
- 33.02 Definitions
- 33.03 Cost recovery authorization and procedure
- 33.04 Billing and collection of assessable costs
- 33.05 Procedure for appealing assessable costs
- 33.06 Assessable costs; lien upon property
- 33.07 Other remedies
- 33.08 No limitation of liability
- 33.09 Effective date
- 33.10 Schedule of costs

Cross-reference:

Special assessments, see Charter

PUBLIC SAFETY AND FIRE EMERGENCY RESPONSE COST RECOVERY

§ 33.01 PURPOSE.

In order to protect the village from extraordinary expenses resulting from the utilization of village resources in response to certain public safety or fire emergency incidents, this subchapter authorizes the imposition of charges to recover actual costs incurred by the village in responding to the incidents. (Ord. 35, passed 10-2-2006)

§ 33.02 DEFINITIONS.

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

ASSESSABLE COSTS. Those costs for services incurred by the village in connection with a response to a public safety or fire emergency incident, including but not limited to the actual labor and

material costs of the village (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal, and costs of contracted labor) whether or not the services are provided by the village or by a third party on behalf of the village (for example Campbell Township); service charges and interest; attorneys' fees, litigation costs and any costs, charges, fines, or penalties to the village imposed by any court or state or federal governmental entities.

BOMB THREATS. The verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state, or local law.

EMERGENCY ASSISTANCE. Emergency medical, public safety, police, fire, and civil defense services.

EXCESSIVE REQUESTS FOR EMERGENCY ASSISTANCE. Any request for emergency assistance made to a particular location or premises if the location or premises has requested emergency assistance more than five times in the preceding 30 days.

FALSE ALARM. Any automated or manual device designed to request or summon emergency assistance which device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior person responding to a ***FALSE ALARM***. Provided, however, a ***FALSE ALARM*** shall not be deemed to have occurred if: caused by an act of God, i.e., a lightning storm; it originates from a motor vehicle alarm system; or has not occurred more frequently than three times in a calendar month or four times in a calendar year.

HAZARDOUS MATERIAL INCIDENT OR EMERGENCY. Any occurrence, incident, activity, accident, or emergency where a release of hazardous materials occurs or is reasonably imminent, and where the designated Fire Chief or his or her designee has so declared the activity, accident, or emergency a hazardous material incident or emergency.

HAZARDOUS MATERIALS. Those elements, substances, wastes, or byproducts, including but not limited to combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health, or safety of persons or property, or to the ecological balance of the environment as determined by the Fire Chief or the senior fire official of the village (or Campbell Township) in charge at the scene.

ILLEGAL FIRE. A fire set or determined to have been set in violation of a federal, state, or local law and shall include an arson fire and a fire set in violation of a "no burning" ban or order. An ***ILLEGAL FIRE*** does not include an unintentional fire or fire caused by an act of God, i.e., a lightning storm.

MOTOR VEHICLE. Any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon

the public streets, roads, and highways and for the purposes hereof all trailers or appurtenances attached to any motor vehicle.

PUBLIC SAFETY OR FIRE EMERGENCY INCIDENT.

- (1) Excessive requests for emergency assistance;
- (2) A false alarm;
- (3) A hazardous material incident or emergency;
- (4) An illegal fire;
- (5) Bomb threats;
- (6) Threats of harm to oneself or others;
- (7) A structure demolition;
- (8) A utility line failure; or
- (9) Any time fire, police, public safety, or other emergency personnel are dispatched.

RELEASE. Any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment, including but not limited to the air, soil, groundwater, and surface water.

RESPONSIBLE PARTY. Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity responsible for a public safety or fire emergency incident, or any owner, tenant, occupant, or party in control of real and personal property from which, onto which, or related to which there is a public safety or fire emergency incident and his, her, or their heirs, estates, successors, and assigns.

STRUCTURE DEMOLITION. The tearing down of a structure damaged by fire which must, in the opinion of the Fire Chief or his or her designee, be promptly demolished following the fire to protect public safety.

THREATS OF HARM TO ONESELF OR OTHERS. The verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state, or local law.

UTILITY LINE FAILURE. The disabling of any transmission or service line, cable, conduit, pipeline, wire, or the like used to provide, collect, or transport electricity, natural gas, communication, or electronic signals (including but not limited to telephone, computer, cable television, and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for

the maintenance of the utility line does not respond within one hour to a request to repair or correct the failure.

(Ord. 35, passed 10-2-2006)

§ 33.03 COST RECOVERY AUTHORIZATION AND PROCEDURE.

(A) The village may recover all assessable costs in connection with a public safety or fire emergency incident from any or all responsible parties jointly or severally.

(B) The Village President or his or her designee shall determine the total assessable costs and shall in consultation with other village personnel involved in responding to a public safety or fire emergency incident determine whether to assess any, all, or part of the costs against any of the responsible parties. In making this determination, the following shall be considered:

- (1) The total assessable costs;
- (2) The risk the public safety or fire emergency incident imposed on the village, its residents, and their property;
- (3) Whether there was any injury or damage to person or property;
- (4) Whether the public safety or fire emergency incident required evacuation;
- (5) The extent the public safety or fire emergency incident required an unusual or extraordinary use of village personnel and equipment; and
- (6) Whether there was any damage to the environment.

(C) After consideration of the factors in division (B) immediately above, the Village President may allocate assessable costs among and between responsible parties, including allocating all or some of the costs jointly and severally against more than one responsible party, regardless of whether a responsible party has other legal liability or is legally at fault.

(D) If the Village President determines not to assess all or a part of assessable costs against a responsible party, that determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

(Ord. 35, passed 10-2-2006; Res. 2011-04, passed 12-5-2011)

§ 33.04 BILLING AND COLLECTION OF ASSESSABLE COSTS.

After determining to assess assessable costs against a responsible party, the Village Treasurer shall mail an itemized invoice to the responsible party at his, her, or its last known address. The invoice shall be due and payable within 30 days of the date of mailing and any amounts unpaid after that date shall

bear a late payment fee equal to 1 % per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid. If a responsible party shall appeal assessable costs pursuant to § 33.05, the costs, if upheld, in whole or in part, shall be due and payable 30 days from the date of determination of the appeal, and any late payment fees shall apply thereafter.
(Ord. 35, passed 10-2-2006)

§ 33.05 PROCEDURE FOR APPEALING ASSESSABLE COSTS.

Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the Village President or his or her designee to request a modification of assessable costs. The responsible party shall request in writing such meeting within seven calendar days of the date of the invoice assessing the assessable costs. If, after meeting with the Village President or his or her designee, the responsible party is still not satisfied, he or she may request an opportunity to appear before the Village Council to further request a modification of assessable costs. A responsible party who desires to appear before the Village Council must first meet with the Village President or his or her designee as provided above and shall file a written request to appear before the Village Council with the Village Clerk within seven calendar days of the date of the meeting with the Village President or his or her designee. Upon receipt of the request, the Village Clerk will place the responsible party on the agenda of the next regularly scheduled Village Council meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified. Any reason, basis, or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party. Failure to timely file a written request to appear shall constitute a waiver of the responsible party's right to appear before the Village Council, and shall further constitute the responsible party's agreement to pay the assessable costs invoiced. After a responsible party has been given an opportunity to appear before it, the Village Council shall promptly determine whether to confirm, modify, or void the payment of assessable costs invoiced.
(Ord. 35, passed 10-2-2006)

§ 33.06 ASSESSABLE COSTS; LIEN UPON PROPERTY.

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon the real property of the responsible party in the village, from which, upon which, or related to which the public safety or fire emergency incident occurred. The lien shall be of the same character and effect as the lien created by Village Charter for real property taxes and shall include accrued interest and penalties. The Village Treasurer shall, prior to March 1 of each year, certify to the County Assessor the fact that the assessable costs are delinquent and unpaid. The County Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.
(Ord. 35, passed 10-2-2006)

§ 33.07 OTHER REMEDIES.

In addition to the remedy set forth in § 33.06 above, the village shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.
(Ord. 35, passed 10-2-2006)

§ 33.08 NO LIMITATION OF LIABILITY.

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state, or federal law.
(Ord. 35, passed 10-2-2006)

§ 33.09 EFFECTIVE DATE.

This chapter shall take effect upon its publication on October 10, 2006.
(Ord. 35, passed 10-2-2006)

§ 33.10 SCHEDULE OF COSTS.

In accordance with the village Cost Recovery Ordinance codified in §§ 33.01 through 33.09 above, it is necessary to set a schedule of the costs to be charged for emergency responses, as follows.

(A) *Personnel*. Personnel costs shall be charged at the actual hourly rate paid to the employee, or, if not paid hourly then at the actual estimated effective hourly rate, which includes indirect costs (full-time 45% and part-time 11%). Personnel costs shall be based upon the time actually spent by the employee and shall be computed to the nearest one-tenth of an hour.

(B) *Vehicle costs*.

Fire truck total cost	as charged by a third party
Fire rescue vehicle total cost	as charged by a third party
Other vehicles	as charged by a third party
Police vehicles total cost	as charged by a third party
Public works backhoe total cost	as charged by a third party
Public works dump truck total cost	as charged by a third party
Public works pick-up total cost	as charged by a third party

(C) Other costs.

Attorney's fees	as charged by provider
Blood tests	as charged by provider
Breathalyzer vials	as charged by provider
Contracted labor	as charged by provider
Court/government charges/penalties	as charged by provider
External specialists	as charged by provider
Litigation	as charged by provider
Material disposal	as charged by provider
Material purchases	as charged by provider
Other costs	as charged by provider
Rented equipment	as charged by provider
Service charges and interest	as charged by provider
Transportation services	as charged by provider

(Res. 2006-05, passed 10-2-2006; Res. 2011-04, passed 12-5-2011)

CHAPTER 34: VILLAGE POLICIES

Section

34.01 Public records retention and disposal

§ 34.01 PUBLIC RECORDS RETENTION AND DISPOSAL.

The General Retention and Disposal Schedule #8 as suggested by the Michigan Municipal League, attached to Resolution 2006-06, portions of which are superseded by Schedules #23, 24, 28 and 31, having been reviewed and approved by the Village Attorney and Village Auditor, is hereby approved as the Retention and Disposal Schedule for the village. This schedule is hereby adopted by reference as if set out in full herein. Copies are available through village offices.

(Res. 2006-06, passed 10-2-2006; Res. 2015-03, passed 4-6-2015; Res. 2015-04, passed 5-4-2015)

CHAPTER 35: VILLAGE COUNCIL

Section

35.01 Rules of order for Village Council meetings

§ 35.01 RULES OF ORDER FOR VILLAGE COUNCIL MEETINGS.

(A) *Rule I.* The Common Council shall hold regular sessions on the first Monday of each month at 7:00 pm and said regular sessions may be continued from time to time by adjournment. If any regularly scheduled meeting falls on a legal holiday, the regular meeting shall be held the second Monday of the month. There shall be a special meeting the Thursday next succeeding each November even-year general election to swear in newly elected officials. Council shall not begin considering any matter on agenda not yet under consideration after 10:00 pm except by unanimous consent of members present. Members of the public do not have the right to force items onto the Council agenda nor to insist on how matters are recorded in the minutes.

(B) *Rule II.* The President (and in his or her absence such Trustee as Council may appoint) shall take the chair at the hour of the meeting, and shall call the meeting to order. On the appearance of a quorum, he or she shall proceed with the order of business. He or she shall preserve order and decorum and shall decide questions of order subject to appeal to the Council. He or she shall appoint all committees, but if any appointment fails to meet the approval of the Council, the Council may, on motion reject the same by a yea and nay vote, and the President shall thereupon appoint some other suitable person until some person has been approved by the Common Council.

(C) *Rule III.* In the transaction of business, the following order shall govern:

- (1) Public comment.
- (2) Approval of the minutes of the previous meetings.
- (3) Presentations of petitions.
- (4) Treasurer's report.
- (5) Reports from officers of the Council.
- (6) Reports of committees.

(7) Unfinished business remaining from previous sessions in the order in which it was introduced.

(8) New business.

(D) *Rule IV.* When a question is put every member shall vote unless that member states his or her conflict of interest and excused by the Council. Any member may call for the yeas and nays on any question; in such case the Clerk shall call the names of the members, and at such call each member shall announce his or her vote, unless excused by majority vote of the Council. Any member refusing to vote when not so required due to a legitimate conflict of interest shall be guilty of misconduct in office.

(E) *Rule V.* All motions (except to adjourn, to postpone, to commit or lay on table) shall be reduced to writing. When so written the motion shall be read by the Clerk or Chairperson.

(F) *Rule VI.* A motion to adjourn shall always be in order and shall be decided without debate.

(G) *Rule VII.* When a member desires to speak, he or she shall arise or raise their hand and address the Chairperson. No member shall speak more than twice on any one question without leave of the Council; nor for more than five minutes at any one time without like leave.

(H) *Rule VIII.* When more than one person shall rise or raise their hand to speak at the same time, the Chairperson shall designate which is entitled to speak first.

(I) *Rule IX.* A member called to order by the Chairperson or President shall resume his or her seat or lower his or her hand at once. If he or she objects to the ruling of the Chair he or she may appeal to the Council, and the Council shall then decide the case, but it shall require a two-thirds vote to sustain an appeal. No member shall speak more than once on any appeal unless by permission of the Council.

(J) *Rule X Rules for Public Comment.*

(1) Role of Council during public comment is to listen attentively, avoid debate, no immediate response is required.

(2) The Chairperson shall ask the guest/citizen to state his or her name, address, and subject matter (or fill out public comment form) for public record.

(3) Three minutes shall be allotted per person to address Council, unless Council by majority vote to extend period of time.

(4) Persons addressing Council shall make responsible comments and shall refrain from making personal, disrespectful, slanderous or profane remarks. Personal debates within the audience are not permitted.

(5) The Chairperson may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by speaking longer than the allotted time, or speaking vulgarities. Such person shall thereupon be seated until the chair shall have determined whether the person is in

order. If the person shall continue to be disorderly and disrupt the meeting, the Chairperson may order the person to leave the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

(6) During discussion on individual agenda items, Council Members may request additional information from any member of public.

(7) Members of the public should not be involved in the decision making of the Council. The Council should not make any instant decisions at the request of the public on items that are not included on the agenda.

(8) As a matter of best practice the public forum will be kept separate from the debate of the Council members. Members of the public are welcome to stay for the remainder of the Council meeting after the public session as observers, but will not be able to join in the discussion unless invited to do so by the Chair.

(K) *Rule XI.* All questions (except privileged questions) shall be put in the order they were named.

(L) *Rule XII.* When a question is under debate, no motion shall be received except to postpone, to amend, to commit, to lay on the table, to take the previous question, or to adjourn.

(M) *Rule XIII.* The previous question shall be put in these words: "Shall the main question now be put?" It shall be admitted on demand of any two members, and until recited shall preclude all amendments to, or debate of, the main question.

(N) *Rule XIV.* Every ordinance shall receive three separate readings, no more than two of which shall be on the same day. Amendments to an ordinance shall be in order at any reading thereof, but every ordinance shall be read in full as amended before its final passage. An amendment to, or appeal of an ordinance shall require the same readings as the ordinance itself required at its first passage.

(O) *Rule XV.* When a petition or other communication is presented to the Council, the member presenting the same shall make a brief explanatory statement thereof. Petitioners shall be given 15-minute presentation times that may be extended by majority vote of Council.

(P) *Rule XVI.* All ordinances shall be recorded by the Clerk in a book provided for that purpose and shall be signed by the President and Clerk.

(Q) *Rule XVII.* The Clerk shall keep a correct record of all the proceedings of the Council, give all information to the President and members of the Council in regard to the business of the village of which he or she may have knowledge as shown by the records; shall keep all books, papers and documents, not otherwise provided for in the Charter, belonging to the village, and he or she shall be accountable for the safe keeping of the same.

(R) *Rule XVIII.*

(1) The standing committees of the Council shall be appointed annually by the President, as approved by majority vote of Council, at the regular meeting in December, unless a different time shall be prescribed in the ordinance or resolution creating the office, and shall be as follows:

- (a) Finance, Budget, & Grants Committee;
- (b) Health and Public Safety Committee;
- (c) Legislative Committee;
- (d) Streets, Sidewalks, & Lighting Committee;
- (e) Downtown Revitalization and Business Development Committee; and
- (f) Parks and Recreation Committee.

(2) Each of these committees above named shall consist of two members, unless otherwise established by resolution and/or ordinance, and all matters coming before the Council shall be referred to the proper committee for consideration before final action is taken.

(3) The duties and responsibilities of the various committees shall be established by duly adopted resolutions and/or ordinances of the Village Council.

(S) *Rule XIX.* These rules of order may be altered, amended or revised at any regular meeting of the Council, by a two-thirds vote of the members present: provided such alteration, amendment or revision be proposed in writing at a previous meeting.

(Res. 2015-05, passed 5-4-2015; Res. 2017-01, passed 2-6-2017)

TITLE V: PUBLIC WORKS

Chapter

50. SEWER REGULATIONS

CHAPTER 50: SEWER REGULATIONS

Section

50.01 Clarksville-Morrison Lake Sewer Authority rules and regulations adopted by reference

§ 50.01 CLARKSVILLE-MORRISON LAKE SEWER AUTHORITY RULES AND REGULATIONS ADOPTED BY REFERENCE.

The Clarksville-Morrison Lake Sewer Authority rules and regulations is hereby adopted by reference as if set out in full herein. Copies of the rules and regulations are available through village offices. (Ord. passed 3-17-2006; Res. 2014-02, passed 11-3-2014)

TITLE VII: TRAFFIC CODE

Chapter

- 70. TRAFFIC REGULATIONS**
- 71. PARKING REGULATIONS**
- 72. PARKING SCHEDULES**

CHAPTER 70: TRAFFIC REGULATIONS

Section

70.01 Uniform Traffic Code adopted

70.99 Penalty

§ 70.01 UNIFORM TRAFFIC CODE ADOPTED.

(A) The *Uniform Traffic Code for Cities, Townships, and Villages*, being M.C.L.A. §§ 257.951 - 257.955 as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Proceedings Act of 1969, Public Act 306 of 1969, being M.C.L.A. §§ 24.201 to 24.328, and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are hereby incorporated by reference.

(B) References in the *Uniform Traffic Code for Cities, Townships, and Villages*, being M.C.L.A. §§ 257.951 - 257.955 to a “governmental unit” shall mean the Village of Clarksville.

(C) This section shall take effect 30 days after it is adopted by the Village Council on October 5, 2009.

(Ord. 39, passed 10-5-2009)

§ 70.99 PENALTY.

The penalties provided by the *Uniform Traffic Code for Cities, Townships, and Villages* are adopted by reference.

(Ord. 39, passed 10-5-2009)

CHAPTER 71: PARKING REGULATIONS

Section

- 71.01 Enforcement
- 71.02 Emergency or special conditions; temporary regulations
- 71.03 Restricted parking locations
- 71.04 Standing or parking prohibited by signs
- 71.05 Parking of vehicles for sale or repair
- 71.06 Junk vehicles
- 71.07 Nuisance declaration
- 71.08 Obstruction of sidewalks, streets, or alleys; private driveways; fire station prohibited
- 71.09 All other cases
- 71.10 Effective date

- 71.99 Penalty

§ 71.01 ENFORCEMENT.

It shall be the duty of the Village Marshal to enforce the provisions of this chapter or any law enforcement officer.

(Ord. 14, passed 12-7-1964)

§ 71.02 EMERGENCY OR SPECIAL CONDITIONS; TEMPORARY REGULATIONS.

The Village Council is hereby empowered to make and enforce regulations necessary to cover emergency or special conditions and to establish parking zones and types of parking, i.e. parallel or angle parking, and to regulate time limits for parking.

(Ord. 14, passed 12-7-1964; Ord. 15, passed 9-2-1969)

§ 71.03 RESTRICTED PARKING LOCATIONS.

It shall be unlawful for any person, firm, or corporation to park any vehicle upon the public streets of the village on the locations set forth in Chapter 72, Schedule I.

(Ord. 14, passed 12-7-1964) Penalty, see § 71.99

§ 71.04 STANDING OR PARKING PROHIBITED BY SIGNS.

It shall be unlawful for the driver of a vehicle to stop, stand, or park the vehicle in any place where official signs have been officially placed prohibiting standing or parking.

(Ord. 14, passed 12-7-1964) Penalty, see § 71.99

§ 71.05 PARKING OF VEHICLES FOR SALE OR REPAIR.

It shall be unlawful for any person, firm, or corporation to park upon any street or alley any vehicle displayed or offered for sale or trade, and no car, truck, or any other vehicle shall be repaired or overhauled at any time on any street or alley in the village.

(Ord. 14, passed 12-7-1964) Penalty, see § 71.99

§ 71.06 JUNK VEHICLES.

It shall be unlawful for any vehicle whether a so-called “junk” car, truck or vehicle, useable or unuseable or other vehicles of any kind without current license plates attached, to be parked upon any alley or street at any time; provided, however, this section does not apply to farm tractors parked in any street or alley for a period of time not to exceed the time heretofore provided for in § 71.03.

(Ord. 14, passed 12-7-1964) Penalty, see § 71.99

§ 71.07 NUISANCE DECLARATION.

Any vehicle which shall be so parked, abandoned, or displayed in violation of this chapter shall be deemed to be a public nuisance. The duty is hereby imposed upon the owner of the vehicle, useable or unuseable to prevent such vehicle or “junk” vehicle from becoming a public nuisance, and the owner shall be punished under the provisions of this chapter if the vehicle owned by him or her shall be so parked or displayed in violation of this chapter; provided further, that any vehicle not in useable condition with no current license plates attached thereto, whose ownership cannot be established, will be removed to the Village Dump and be destroyed.

(Ord. 14, passed 12-7-1964)

Cross-reference:

New development, see Zoning Code § 10.1 (not included in this codification)

§ 71.08 OBSTRUCTION OF SIDEWALKS, STREETS, OR ALLEYS; PRIVATE DRIVEWAYS; FIRE STATION PROHIBITED.

No vehicle of any kind shall be parked in or upon any public sidewalk, nor shall any vehicle be allowed to remain upon or be driven through any street or highway so as to blockade or obstruct any street or alley, nor shall any vehicle be parked or allowed to stand, whether attended or unattended, upon

a street or highway in front of a private driveway or within 15 feet in either direction of the entrance to the fire station.

(Ord. 14, passed 12-7-1964) Penalty, see § 71.99

§ 71.09 ALL OTHER CASES.

In all cases not specifically covered by this chapter, the traffic laws of the state shall be deemed to apply and the words and phrases used in this chapter shall have the meaning ascribed to them in the traffic laws of the state.

(Ord. 14, passed 12-7-1964)

§ 71.10 EFFECTIVE DATE.

This chapter shall take affect and be in force on January 1, 1965, at 12:01 a.m.

(Ord. 14, passed 12-7-1964)

§ 71.99 PENALTY.

Any person, firm or corporation who shall violate any provisions of this chapter shall be deemed guilty of a misdemeanor and shall upon conviction thereof be liable to a fine not exceeding \$100 or imprisonment in the County Jail for a period not exceeding 90 days, or both the fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. 14, passed 12-7-1964)

CHAPTER 72: PARKING SCHEDULES

Schedule

I. Restricted parking

SCHEDULE I: RESTRICTED PARKING.

<i>Restricted Location</i>	<i>Time Restriction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Cross Street, one block east and one block west of Main Street	for a longer period than 12 hours	14	12-7-1964
Main Street, from the Clarksville Library (Ferney Street) to the Clarksville Bible Church (High Street)	for a longer period than 12 hours	14	12-7-1964
Nash Street, one block east and one block west of Main Street	for a longer period than 12 hours	14	12-7-1964
Any other public streets in the village	for longer periods than 24 hours	14	12-7-1964

Penalty, see § 71.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. NUISANCES, SANITATION

91. SIDEWALKS

92. ANIMALS

93. FIRE PREVENTION AND PROTECTION

CHAPTER 90: NUISANCES, SANITATION

Section

Nuisances

- 90.01 Definitions
- 90.02 Notice
- 90.03 Duty to abate the nuisance
- 90.04 Time to abate the nuisance
- 90.05 Civil infraction
- 90.06 Lien
- 90.07 Effective date

Noxious Vegetation and Lawn Grass

- 90.20 Definitions
- 90.21 Duty of owner to cut
- 90.22 Notice to owner
- 90.23 Abatement; cutting by village upon failure of owner
- 90.24 Civil infraction
- 90.25 Lien
- 90.26 Effective date

- 90.99 Penalty

NUISANCES

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not specifically defined herein and throughout this subchapter shall have the meaning customarily attributed to them.

NUISANCE. As used in this subchapter, any act or acts or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures, or endangers the peace,

welfare, order, health, or safety of the public in their persons or property. As defined herein, a *NUISANCE* includes but is not limited to:

(1) Conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether the effects and emanations are natural or result from human or mechanical alteration or manipulation of materials;

(2) Residues or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals;

(3) A condition which is indecent, obnoxious, or offensive to the senses;

(4) Dangerous buildings and structures, or any building or structure that violates the State Housing Law being M.C.L.A. §§ 125.401 et seq., Public Act 187 of 1917 and Public Act 217 of 1968, as they may be amended from time to time;

(5) The existence of any pond, pool of water, or vessel holding stagnant water;

(6) The existence of trash, garbage, litter, junk, or dead animals on private property, other than in a trash container that is used to store trash or garbage on a temporary basis;

(7) A structure that is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended;

(8) The unsafe or improper storage of explosives, flammable liquids, and/or other dangerous substances;

(9) Any condition or structure which provides harborage for or attracts rats, mice, snakes, skunks, raccoons, opossum, and/or other vermin;

(10) The failure to immediately remove and dispose of animal waste on public property, if not done by the person in control of the animal that deposited the waste; and

(11) The possession of, harboring of, or providing shelter for an excessive number of animals in violation of the Village Zoning Ordinance.

PERSON. Any person, persons, partnership, firm, company, limited liability company, corporation, association, organizations, agent, or entity to which the law attributes rights and responsibilities, including owners and/or occupants holding any interest in land in the village upon which there is a nuisance.

(Ord. 37, passed 1-5-2009; Res. 2011-04, passed 12-5-2011)

§ 90.02 NOTICE.

The Village President or his or her designee shall notify, either in person or by certified mail with return receipt requested, the person(s) responsible for any nuisance found to be in violation of this subchapter. The notice shall contain either a summary of the provisions of this chapter, or a copy of this subchapter. If this method of service is not successful, the following methods may be used:

(A) Service may be made by publishing in a newspaper at least once a week for three weeks; or

(B) Service may be made if the written notice is posted in a conspicuous location on the property in question.

(Ord. 37, passed 1-5-2009)

§ 90.03 DUTY TO ABATE THE NUISANCE.

It is the duty of the person who creates, causes, allows, or permits the existence of a nuisance, to abate the same. The term *ABATE* or *ABATEMENT* shall include demolition removal, repair, maintenance, construction, reconstruction, replacement, and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, buying, disposal, and treatment of refuse, manure, or other substance capable of causing obnoxious odors or of attracting or breeding flies, insects, or other pests, and the application of chemicals, insecticides, or other substances or the use of mechanical means to control, eradicate, and eliminate the nuisance conditions.

(Ord. 37, passed 1-5-2009)

§ 90.04 TIME TO ABATE THE NUISANCE.

A person must abate the nuisance within ten days after notice is given. If the nuisance is not abated within that time period, then the Village President or his or her designee(s) may cause entry upon the land by the village or its agent(s) and cause the nuisance to be abated. The person(s) who created, caused, allowed, or permitted the nuisance to occur on the property shall pay all expenses and costs incurred in the abatement of the nuisance. The village shall have a lien for the abatement of the nuisance, which shall be enforced in the manner prescribed by the general laws of the state for the enforcement of tax liens.

(Ord. 37, passed 1-5-2009)

§ 90.05 CIVIL INFRACTION.

Failure to comply with the requirements of this subchapter shall constitute a civil infraction, which shall be processed in accordance with M.C.L.A. § 600.8701. The assessment and collection of fines shall be in accordance with M.C.L.A. §§ 600.8701 et seq. Any person, owner and/or occupant who

creates, causes, allows or permits the existence of a nuisance as outlined herein shall be deemed to have committed a civil infraction, subject to the payment of civil fines as set forth in § 90.99.
(Ord. 37, passed 1-5-2009) Penalty, see § 90.99

§ 90.06 LIEN.

Any expenses and costs, including actual attorney fees, incurred by the village in the abatement of the nuisance shall be a lien upon the premises and, if unpaid after 60 days, shall be charged as a special assessment against the real property on which the nuisance was located and thereafter collected in the same manner as other special assessments.
(Ord. 37, passed 1-5-2009)

§ 90.07 EFFECTIVE DATE.

This subchapter shall take effect 30 days after the Village Council adopts it on January 5, 2009.
(Ord. 37, passed 1-5-2009)

NOXIOUS VEGETATION AND LAWN GRASS

§ 90.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not specifically defined herein and throughout this subchapter shall have the meaning customarily attributed to them.

LAWN GRASS. Any type and variety of grass(es) which is typically established as a ground cover for any occupied or unoccupied residence, industrial, business, or commercial property. The term does not include ornamental grasses.

NOXIOUS VEGETATION. Those plants described in section II of Public Act 359 of 1941, being M.C.L.A. § 247.62, as amended and may be amended from time to time, and all types and varieties of wild grass and weeds which exceed the height of six inches above ground level.

OWNER. Any person, persons, partnership, firm, company, limited liability company, corporation, associated, organizations, agent, or entity to which the law attributes rights and responsibilities, including occupants holding any interest in land in the village upon which there is noxious vegetation or lawn grass growth. The term shall not include the County Road Commission.
(Ord. 36, passed 4-7-2008)

§ 90.21 DUTY OF OWNER TO CUT.

It shall be the duty of all owners of any land to keep noxious vegetation and lawn grass to a maximum height of not more than six inches above ground level or a level which prohibits a flower-bearing state, whichever is less. Any noxious vegetation and/or lawn grass in excess of this provision shall be deemed a public nuisance.

(Ord. 36, passed 4-7-2008)

§ 90.22 NOTICE TO OWNER.

The Village President or his or her designee shall notify, either in person or by certified mail with return receipt requested, the owner(s) of any property on which prohibited noxious vegetation and/or lawn grass growth in violation of this subchapter is found. The notice shall contain either a summary of the provisions of this chapter, or a copy of this subchapter. If this method of service is not successful, the following methods may be used: service may be made by publishing in a newspaper at least once a week for three weeks; service may be made if the written notice is posted in a conspicuous location of the property in question. For the second and each subsequent notice required to be sent in the same calendar year, there shall be an additional charge to be determined from time to time by Council.

(Ord. 36, passed 4-7-2008; Ord. 56, passed 10-3-2011; Res. 2012-03, passed 6-4-2012)

§ 90.23 ABATEMENT; CUTTING BY VILLAGE UPON FAILURE OF OWNER.

(A) An owner as defined in § 90.20 must cut the noxious vegetation or lawn grass as provided in § 90.21 within three days after notice is given or five days after posted on property. If the noxious vegetation or lawn grass is not cut within that time period, then the Village President or his or her designee(s) may cause entry upon the land by the village or its agent(s) and cause the noxious vegetation or lawn grass to be cut with appropriate equipment. All expenses and costs incurred in the cutting of the noxious vegetation or lawn grass shall be paid by the owner.

(B) The village shall have a lien for the cutting expenses and costs incurred, which shall be enforced in the manner prescribed by the general laws of the state and/or the village code for the enforcement of tax liens.

(Ord. 36, passed 4-7-2008; Ord. 56, passed 10-3-2011)

§ 90.24 CIVIL INFRACTION.

Failure to comply with the requirements of this subchapter shall constitute a civil infraction which shall be processed in accordance with M.C.L.A. § 600.8701. The assessment and collection of fines shall be in accordance with M.C.L.A. §§ 600.8701 et seq. Any owner and/or occupant who creates, causes, allows, or permits the existence of a nuisance as outlined herein shall be deemed to have committed a civil infraction, subject to the payment of civil fines as set forth in § 90.99.

(Ord. 36, passed 4-7-2008) Penalty, see § 90.99

§ 90.25 LIEN.

Any expenses and costs, including actual attorney fees, incurred by the village, in the abatement of the nuisance and/or cutting of the noxious vegetation and/or lawn grass shall be a lien upon the premises and, if unpaid after 60 days, shall be charged as a special assessment against the real property on which the nuisance was located and thereafter collected in the same manner as other special assessments.
(Ord. 36, passed 4-7-2008)

§ 90.26 EFFECTIVE DATE.

This subchapter shall take effect 30 days after it is adopted by the Village Council on April 7, 2008.
(Ord. 36, passed 4-7-2008)

§ 90.99 PENALTY.

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

(B) Any person, owner and/or occupant who creates, causes, allows, or permits the existence of a nuisance as outlined in § 90.05 shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50 plus costs and expenses, for the first violation.

(C) Any owner and/or occupant who creates, causes, allows, or permits the existence of a nuisance as outlined in § 90.24 shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50 plus costs and expenses, for the first violation.
(Ord. 36, passed 4-7-2008; Ord. 37, passed 1-5-2009)

CHAPTER 91: SIDEWALKS

Section

- 91.01 Definitions
- 91.02 Construction and maintenance
- 91.03 Order to construct
- 91.04 Notice to owner
- 91.05 Cost of construction
- 91.06 Construction by village
- 91.07 Assessment to owner
- 91.08 Construction by owner
- 91.09 Removal of snow and ice

§ 91.01 DEFINITIONS.

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

BUSINESS DISTRICT. Includes that area within the following zoning classifications; P, TC, BC, D1.

BUSINESS HOURS. Hours between 8:00 a.m. and 6:00 p.m. on any day not a Sunday or holiday; hours between 12:00 p.m. and 5:00 p.m. on a Sunday or holiday, or during hours of operation.

CONSTRUCTED SIDEWALK. A concrete or asphalt sidewalk, possibly including gravel sections.

PUBLIC STREET. The entire width between the boundary lines of every public right-of-way open to vehicular traffic.

RESIDENTIAL DISTRICT. Includes that area within the following zoning classifications; A1, R1, R2, MF.

SIDEWALK. The portion of a public street between the curb lines and the adjacent property lines intended for the use of pedestrians.
(Ord. 47, passed 6-6-2011)

§ 91.02 CONSTRUCTION AND MAINTENANCE.

It shall be the duty of all owners and occupants of any lot or parcel of land fronting or being upon or along any public street in the village under the supervision of the Street Commissioner to build, keep in repair and rebuild sidewalks in the public street adjacent to and abutting upon each lot or parcel of land at such time, in such manner, and of such material as the Village Council may direct.
(Ord. 47, passed 6-6-2011)

§ 91.03 ORDER TO CONSTRUCT.

Whenever the Village Council shall deem it expedient or necessary that a sidewalk should be constructed in and along the line and side of any public street in the village or, the same having been constructed, shall deem that the same be repaired or rebuilt, the Village Council shall so declare by resolution. The resolution shall state the place where each sidewalk is required to be built, repaired or rebuilt, and the kind of material with which the same is to be done, the width of the same, and the time in which the same is to be completed and thereupon it shall be the duty of all owners or occupants of all land affected thereby to proceed within the time mentioned therein to do the work and make the improvements required thereby and in the manner and of the kind of material therein mentioned.
(Ord. 47, passed 6-6-2011)

§ 91.04 NOTICE TO OWNER.

After the passage by the Village Council of any such resolution mentioned in § 91.03, it shall be the duty of the Village Clerk to prepare copies thereof and to attach thereto a notice directed to each of the owners or occupants of all the land upon which such improvements would be a charge informing them that unless the improvement specified in such resolution shall be made and completed by them within the time, in the manner and of the material therein mentioned then and in that case, the village will make and complete such improvements of which one-half of the cost and expense thereof shall be assessed to the owner or occupant of the land affected thereby and will become a lien on such land as hereinafter provided. Copies of the resolutions and notices shall be served by the Village Clerk delivering the same to each owner personally if found within the village or by certified mail by the Village Clerk. If the owner is not found in the village or the mail is not delivered, then the same shall be served by posting the same in some conspicuous place on such premises and the Village Clerk shall make due return of the service and the time and manner thereof which returns shall be filed in the office of the Village Clerk.
(Ord. 47, passed 6-6-2011)

§ 91.05 COST OF CONSTRUCTION.

The village will pay from the appropriate village fund for the cost of materials necessary for the same not to exceed 50% of the total cost including labor and all other expense incidental thereto to build, repair or rebuild such sidewalk as shall be determined by the Street Commissioner. The village may by

resolution of Council pay 100% of the total cost of construction, including labor, when it deems necessary that such construction would benefit the entire village.
(Ord. 47, passed 6-6-2011)

§ 91.06 CONSTRUCTION BY VILLAGE.

If the owner or occupant of any lot or parcel of land adjoining or along any public street where any such improvement shall or may be ordered shall neglect or refuse to make or complete the same in accordance with, or within the time required, by any such resolution (such resolution and notice having been properly served) then it shall be the duty of the Street Commissioner to proceed forthwith to make and to complete such improvements and the Street Commissioner shall immediately after the same shall be completed by him or her, render to the village a complete, full and certified statement of all of the costs of such improvements and also the length of time expended by him or her in superintending the same together with a particular description of all of the lots or parcels of land fronting upon or adjoining to which such improvements shall have been made by him or her and also the name or names of all of the owners or occupants of all such lots or parcels of lands as far as can be ascertained by him or her which certificate and statement shall be filed in the office of the Village Clerk.
(Ord. 47, passed 6-6-2011)

§ 91.07 ASSESSMENT TO OWNER.

When any such certificates or statement shall be filed in the office of the Village Clerk, the owner's share of the cost shall be assessed to the property owner on the next tax notice.
(Ord. 47, passed 6-6-2011)

§ 91.08 CONSTRUCTION BY OWNER.

If the owner or occupant of any lot or parcel of land or owners or occupants of any lots or parcels of land adjoining or along any public street within the village shall desire to construct, repair or rebuild a sidewalk and have the benefits of this chapter, as herein provided, such owner or occupant shall first signify his or her intention to the Village Council in writing, at one of its regular sessions thereof, stating therein the lot or parcel of land and the street along which he or she proposes to build such walk, the length and width of the walk and the kind of material with which the same is to be done and if the Village Council shall deem it expedient or necessary to construct, repair or rebuild such sidewalk, then the Village Council shall so declare by appropriate resolution in like manner as set forth in § 91.03.
(Ord. 47, passed 6-6-2011)

§ 91.09 REMOVAL OF SNOW AND ICE.

The occupant of any premises, or the owner of any unoccupied premises or real property, is required to keep the constructed sidewalks in front of, or adjacent to such premises cleared from snow and ice which will impede passage on such sidewalks.

(A) Except as provided in division (C) hereof, snow and ice shall be so removed from sidewalks in all business districts by four business hours after the cessation of any fall of snow, sleet, or freezing rain, or by the beginning of business hours of the next day following such fall, whichever occurs first.

(B) Except as provided in divisions (C) or (D), snow and ice shall be so removed from all residential sidewalks within 24 hours after the cessation of any fall of snow, sleet, or freezing rain.

(C) In the event snow and ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person responsible for its removal shall, within the time requirements of divisions (A) or (B), have enough sand or other abrasive put on the sidewalk to make travel thereon reasonably safe. Snow and ice shall then be removed as soon as it can be accomplished without the likelihood of damage to the sidewalk.

(D) In residential districts only, persons who, for reasons of infirmity, believe compliance with divisions (B) and (C) would cause undue hardship, may file a request for exemption with the Village Clerk. The Clerk shall approve or disapprove the request according to guidelines adopted by Council. If approved the village, may then remove snow and ice from these sidewalks at a cost to be established by Council resolution, based on length, in feet, of sidewalk.

(E) If the person responsible for the removal of snow and ice fails to comply with the requirements of this section, then the village may remove the snow and ice, and the cost thereof may be collected as a single lot assessment. Further, such responsible party shall be liable to the village for all losses to the village or recoveries from the village for damages to person or property of others caused by the failure of such responsible party to so remove all snow and ice accumulations in accordance with this section. (Ord. 47, passed 6-6-2011) Penalty, see § 10.99

CHAPTER 92: ANIMALS

Cross-reference:

Household pets, see § 90.01 and Zoning Code § 152.059

CHAPTER 93: FIRE PREVENTION AND PROTECTION

Cross-reference:

Joint Fire Department Dissolution Agreement, see TSO II

Extension of Fire Department Agreement, see TSO II

TITLE XI: BUSINESS REGULATIONS

Chapter

110. TELECOMMUNICATIONS

CHAPTER 110: TELECOMMUNICATIONS

Section

- 110.01 Purpose
- 110.02 Conflict
- 110.03 Definitions
- 110.04 Permit required
- 110.05 Issue of permit
- 110.06 Construction/engineering permit
- 110.07 Conduit or utility poles
- 110.08 Route maps
- 110.09 Repair of damage
- 110.10 Establishment and payment of maintenance fee
- 110.11 Modification of existing fees
- 110.12 Savings clause
- 110.13 Use of funds
- 110.14 Annual report
- 110.15 Cable television operators
- 110.16 Existing rights
- 110.17 Compliance
- 110.18 Reservation of police powers
- 110.19 Authorized village officials
- 110.20 Municipal civil infraction

§ 110.01 PURPOSE.

The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act 48 of the Public Acts of 2002) (“Act”) and other applicable law, and to ensure that the village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.
(Ord. 34, passed 10-6-2003)

§ 110.02 CONFLICT.

Nothing in this chapter shall be construed in such a manner as to conflict with the Act or other applicable law.

(Ord. 34, passed 10-6-2003)

§ 110.03 DEFINITIONS.

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

ACT. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

AUTHORITY. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC. The Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term Commission in the Act.

PERMIT. A non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the village for its telecommunications facilities.

PUBLIC RIGHT-OF-WAY. The area on, below, or above a public roadway, highway, street, alley, easement or waterway. **PUBLIC RIGHT-OF-WAY** does not include a federal, state, or private right-of-way.

TELECOMMUNICATION FACILITIES or **FACILITIES.** The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. **TELECOMMUNICATION FACILITIES** or **FACILITIES** do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 C.F.R. 20.3, and service provided by any wireless, two-way communication device.

TELECOMMUNICATIONS PROVIDER, PROVIDER AND TELECOMMUNICATIONS SERVICES. Those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, M.C.L.A. § 484.2102. **TELECOMMUNICATION PROVIDER** does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 C.F.R. 20.3, or service provided by

any wireless, two-way communication device. For the purpose of the Act and this chapter only, a provider also includes all of the following:

(1) A cable television operator that provides a telecommunications service.

(2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

(3) A person providing broadband internet transport access service.

VILLAGE COUNCIL. The Village of Clarksville or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

VILLAGE PRESIDENT. The Village President or his or her designee.
(Ord. 34, passed 10-6-2003)

§ 110.04 PERMIT REQUIRED.

(A) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the village for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

(B) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk and one copy with the Village President. Upon receipt, the Village Clerk shall make copies of the application and distribute a copy to each Council member and the Village Attorney. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(C) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, M.C.L.A. §§ 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(D) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.

(E) *Additional information.* The Village President may request an applicant to submit such additional information which the Village President deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Manager. If the village and the applicant cannot agree on the

requirement of additional information requested by the village, the village or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(F) *Previously issued permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the village under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, M.C.L.A. § 484.2251 and authorizations or permits issued by the village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this chapter.

(G) *Existing providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, M.C.L.A. § 484.2251, shall submit to the village an application for a permit in accordance with the requirements of this chapter. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this division is not required to pay the \$500 application fee required under division (D) of this section. A provider under this division shall be given up to an additional 180 days to submit the permit application if allowed by the authority, as provided in Section 5(4) of the Act.
(Ord. 34, passed 10-6-2003)

§ 110.05 ISSUANCE OF PERMIT.

(A) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the Village President. Pursuant to Section 15(3) of the Act, the Village President shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under § 110.04(B) for access to a public right-of-way within the village. Pursuant to Section 6(6) of the Act, the Village President shall notify the MPSC when the Village President has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Village President shall not unreasonably deny an application for a permit.

(B) *Form of permit.* If an application for permit is approved, the Village President shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(C) *Conditions.* Pursuant to Section 15(4) of the Act, the Village President may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(D) *Bond requirement.* Pursuant to Section 15(3) of the Act, and without limitation on division (C) of this section, the Village President may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to

ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Ord. 34, passed 10-6-2003)

§ 110.06 CONSTRUCTION/ENGINEERING PERMIT.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the village without first obtaining a construction or engineering permit as required under § 110.04, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

(Ord. 34, passed 10-6-2003)

§ 110.07 CONDUIT OR UTILITY POLES.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. 34, passed 10-6-2003)

§ 110.08 ROUTE MAPS.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the village. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

(Ord. 34, passed 10-6-2003)

§ 110.09 REPAIR OF DAMAGE.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Ord. 34, passed 10-6-2003)

§ 110.10 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.

In addition to the non-refundable application fee paid to the village set forth in § 110.04(D), a telecommunications provider with telecommunications facilities in the village's public rights-of-way shall pay an annual maintenance fee to the authority pursuant to Section 8 of the Act.
(Ord. 34, passed 10-6-2003)

§ 110.11 MODIFICATION OF EXISTING FEES.

In compliance with the requirements of Section 13(1) of the Act, the village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the authority. In compliance with the requirements of Section 13(4) of the Act, the village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The village shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged, telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the village's policy and intent, and upon application by a provider or discovery by the village, shall be promptly refunded as having been charged in error.
(Ord. 34, passed 10-6-2003)

§ 110.12 SAVINGS CLAUSE.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under § 110.11 shall be void from the date the modification was made.
(Ord. 34, passed 10-6-2003)

§ 110.13 USE OF FUNDS.

Pursuant to Section 10(4) of the Act, all amounts received by the village from the authority shall be used by the village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the village from the authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the village under Act 51 of the Public Acts of 1951.
(Ord. 34, passed 10-6-2003)

§ 110.14 ANNUAL REPORT.

Pursuant to Section 10(5) of the Act, the Village President shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.
(Ord. 34, passed 10-6-2003)

§ 110.15 CABLE TELEVISION OPERATORS.

Pursuant to Section 13(6) of the Act, the village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.
(Ord. 34, passed 10-6-2003)

§ 110.16 EXISTING RIGHTS.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this chapter shall not affect any existing rights that a telecommunications provider or the village may have under a permit issued by the village or under a contract between the village and a telecommunications provider related to the use of the public rights-of-way.
(Ord. 34, passed 10-6-2003)

§ 110.17 COMPLIANCE.

The village hereby declares that its policy and intent in adopting this chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The village shall comply in all respects with the requirements of the Act, including but not limited to the following:

(A) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, M.C.L.A. §§ 15.231 to 15.246, as provided in § 110.04(C);

(B) Allowing certain previously issued permits to satisfy the permit requirements in this chapter in accordance with § 110.04(F);

(C) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with § 110.04(G);

(D) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the village, in accordance with § 110.05(A);

(E) Notifying the MPSC when the village has granted or denied a permit in accordance with § 110.05(A);

(F) Not unreasonably denying an application for a permit, in accordance with § 110.05(A);

(G) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in § 110.05(B);

(H) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with § 110.05(C);

(I) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with § 110.05(D);

(J) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with § 110.06;

(K) Providing each telecommunications provider affected by the village's right-of-way fees with a copy of this chapter, in accordance with § 110.11;

(L) Submitting an annual report to the authority, in accordance with § 110.14; and

(M) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with § 110.15.

(Ord. 34, passed 10-6-2003)

§ 110.18 RESERVATION OF POLICE POWERS.

Pursuant to Section 15(2) of the Act, this chapter shall not limit the village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the village's authority to ensure and protect the health, safety, and welfare of the public.

(Ord. 34, passed 10-6-2003)

§ 110.19 AUTHORIZED VILLAGE OFFICIALS.

The Village President or his or her designee is hereby designated as the authorized village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this chapter as provided by the village code.

(Ord. 34, passed 10-6-2003)

§ 110.20 MUNICIPAL CIVIL INFRACTION.

A violation of this chapter shall be a violation of the village code. Nothing in this section shall be construed to limit the remedies available to the village in the event of a violation by a person of this chapter or a permit.

(Ord. 34, passed 10-6-2003)

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. OFFENSES AGAINST THE PEACE**
- 131. OFFENSES AGAINST PROPERTY**
- 132. MISCELLANEOUS OFFENSES**
- 133. CURFEW**

CHAPTER 130: OFFENSES AGAINST THE PEACE

Section

- 130.01 Assault and battery; malicious destruction
- 130.02 Riot; immorality; intoxication; loitering; inciting
- 130.03 Other disorderly and unlawful conduct
- 130.04 Obstruct free passage of public
- 130.05 Hinder or intimidate free passage of others
- 130.06 Definitions

- 130.99 Penalty

Editor's note:

Effective date of this chapter is June 24, 1990.

§ 130.01 ASSAULT AND BATTERY; MALICIOUS DESTRUCTION.

Any person who shall do any of the following, whether in a public or private place within the village, shall be deemed guilty of a misdemeanor punishable as set forth in § 130.99:

(A) Assault another;

(B) Intentionally commit a battery upon another person; or

(C) Willfully or maliciously destroy the property of another person, business entity, or other public or private entity.

(Ord. 31, passed 6-4-1990) Penalty, see § 130.99

§ 130.02 RIOT; IMMORALITY; INTOXICATION; LOITERING; INCITING.

(A) Any person who shall do any of the following shall be subject to the provisions of § 130.99:

(1) Create or aid in any disturbance or riot;

(2) Expose male or female genitals in a place of business or public place;

(3) Be intoxicated in a public place and who is endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance;

(4) Make or incite any disturbance in any tavern, store or grocery, manufacturing establishment, or any other place of business or in any street, sidewalk, lane, alley, highway, public building, grounds, or park in the village;

(5) Be a window peeper;

(6) Knowingly loiter in or about a place where an illegal occupation or business is being conducted;

(7) Be found jostling or roughly crowding people unnecessarily in a public place or in a place open to the public;

(8) Enter upon the private yard, garage, driveway, entrance hall, stairway, fire escape, or residence of any other person in the nighttime without authority or permission of the owner or tenant of the premises; or

(9) Enter or remain upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner, occupant, or agent of the owner.

(B) A conviction under this section shall be punishable as set forth in § 130.99.
(Ord. 31, passed 6-4-1990) Penalty, see § 130.99

§ 130.03 OTHER DISORDERLY AND UNLAWFUL CONDUCT.

(A) It shall be unlawful and punishable as is provided in § 130.01 for any person, while on a public street, or in a right-of-way, or in a public place or building, or in any public parking area to:

(1) Congregate in such a fashion so as to obstruct the free and uninterrupted passage of the public;

(2) Obstruct vehicular traffic;

(3) Lie on the sidewalk;

(4) Sit on the steps leading to any building open to the public or to which the public is invited in such a manner as to impede unrestricted public ingress or egress;

(5) It shall be unlawful for a person to drive or park a motor vehicle on the private property of another without the express consent of the owner of the property, his or her agent, or a proper person in charge of the property;

(6) It shall be unlawful for any person to disturb any public or private assembly by making any noise or any loud behavior in or near the place of assembly so as to disturb the proceedings;

(7) It shall be unlawful for any person to permit any noisy, boisterous, or riotous activity in any house, dwelling, or building owned or occupied or controlled by him or her to the annoyance or disturbance of the neighborhood or the public peace;

(8) It shall be unlawful for any person to knowingly turn in any false alarm of fire, burglary, intrusion, felony, misdemeanor, hazard, or injury to any public authority, police agency, or fire department or communications network organized to receive emergency messages;

(9) It shall be unlawful to knowingly make a false statement or report to a police or peace officer in the course of a lawful investigation or to a peace officer in the course of his or her lawful duty;

(10) It shall be unlawful for anyone, with intent to cause public inconvenience, annoyance, or alarm to congregate with others in a public place and thereafter refuse to disperse and move on when ordered to do so by a police or peace officer;

(11) It shall be unlawful for any person to sleep, whether in a motor vehicle or not, in any park, street, public way, public beach, or other public place in the village during the nighttime. This section shall not apply to events which are held with the Village Council approval;

(12) No person shall furnish to any minor any controlled substance as is defined in state law, nor shall any person furnish to any minor compounds releasing toxic or hallucinogenic vapors, and no person shall otherwise contribute to the delinquency of a minor;

(13) No person shall relieve himself or herself in any public street, park, beach, or other area open to or in view of the public;

(14) No person owning, renting, or occupying any premises in the village shall allow the premises to be used as a place of resort for common prostitutes, nor shall any person permit prostitutes to assemble in those places, nor shall any person allow the illegal sale, use, or possession of any drugs, intoxicants, or controlled substances upon the premises;

(15) No proprietor or keeper of any tavern, saloon, bar, hotel, motel, or other public place within the village limits shall allow his or her premises to be used for exchange, possession, or delivery of controlled substances, gambling, or prostitution;

(16) No person shall intentionally expose to the view of others all or any portion of the genitals, the female breasts, the male or female buttock, or the pudendum;

(17) No person shall engage in any petting or fondling of the genitals, breasts, or buttock of another in a public place, and no person shall engage in sexual relations or sexual touching in a public place or any place visible or open to the public;

(18) No person shall engage in prostitution and no person shall solicit or accost or invite another for the purposes of prostitution;

(19) No person shall publish, sell, offer for sale, give away, distribute, exhibit, or possess any obscene, indecent, or lewd book, pamphlet, paper, picture, statuary, image, or representation;

(20) No person shall give any false identification to any person lawfully requesting the same;

(21) No person shall give or lend his or her identification to another for illegal purposes;

(22) No person shall engage in any fraudulent scheme, devise, or trick to obtain money or other valuable things, and no person shall obtain money or any other valuable thing under false pretenses or aid or abet the same;

(23) No person shall maliciously or improperly use any service, telephone system, or radio communication's carrier with the intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy any other person; and

(24) Obstruct, resist, hinder, or oppose any peace officer or process server in the discharge of the officer's duties as a peace officer or process server.

(B) A conviction under this section shall be punishable as set forth in § 130.99.
(Ord. 31, passed 6-4-1990; Res. 2011-04, passed 12-5-2011) Penalty, see § 130.99

§ 130.04 OBSTRUCT FREE PASSAGE OF PUBLIC.

(A) It shall be unlawful for any person to conduct himself or herself on any village street or sidewalk in such a manner as to obstruct the free and uninterrupted passage of the public.

(B) A conviction under this section shall be punishable as set forth in § 130.99.
(Ord. 31, passed 6-4-1990) Penalty, see § 130.99

§ 130.05 HINDER OR INTIMIDATE FREE PASSAGE OF OTHERS.

(A) It shall be unlawful for any person to conduct himself or herself on any village street or sidewalk, whether alone or in a group of persons, so as to cause interference or so as to hinder or intimidate the free passage of others on the street or sidewalk.

(B) A conviction under this section shall be punishable as set forth in § 130.99.
(Ord. 31, passed 6-4-1990) Penalty, see § 130.99

§ 130.06 DEFINITIONS.

For the purpose of Chapters 130, 131, and 132 of this title, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to public view, or to which the public has access.

(Ord. 31, passed 6-4-1990)

§ 130.99 PENALTY.

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

(B) Any person doing the acts described under § 130.01 shall be deemed guilty of a misdemeanor punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(C) A conviction under § 130.02 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(D) A conviction under § 130.03 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(E) A conviction under § 130.04 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(F) A conviction under § 130.05 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(Ord. 31, passed 6-4-1990)

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

131.01 Trees and shrubs; removal prohibited

131.99 Penalty

Editor's note:

Effective date of this chapter is June 24, 1990.

§ 131.01 TREES AND SHRUBS; REMOVAL PROHIBITED.

(A) (1) It shall be unlawful for any person to take and carry away from any place within the village any ornamental tree, shade tree, or shrub with the intent to deprive the owner thereof of the plant.

(2) It shall also be unlawful to detach from the ground or injure any ornamental tree, shade tree, or shrub, or part thereof, without the consent of the owner thereof.

(B) A conviction under this section shall be punishable as set forth in § 131.99.
(Ord. 31, passed 6-4-1990) Penalty, see § 131.99

§ 131.99 PENALTY.

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

(B) A conviction under § 131.01 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.
(Ord. 31, passed 6-4-1990)

CHAPTER 132: MISCELLANEOUS OFFENSES

Section

132.01 Park areas; vehicles, liquor, descriptions, and definitions

132.99 Penalty

Editor's note:

Effective date of this chapter is June 24, 1990.

§ 132.01 PARK AREAS; VEHICLES, LIQUOR, DESCRIPTIONS, AND DEFINITIONS.

(A) No person shall, in any park or in any street, sidewalk, or parking area open to the general public, have in his or her possession any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken. No operator or owner (if present at the vehicle) shall permit any person to possess any alcoholic liquor which is open, uncapped, or upon which the seal is broken within or upon any vehicle which is in any street, sidewalk or parking area open to the general public.

(B) With regard to any vehicle, it shall be presumed that the operator and/or owner (if the owner is present within or upon the vehicle), as the owner is stated upon the most current vehicle registration records at the office of the Michigan Secretary of State, is permitting any other person within or upon the vehicle to possess any open, uncapped, or unsealed alcoholic liquor within or upon the vehicle.

(C) Alcoholic liquor means beer, or wine, or any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, the sale of which must be by an entity licensed by the State Liquor Control Commission.

(D) A conviction under this section shall be punishable as set forth in § 132.99.
(Ord. 31, passed 6-4-1990) Penalty, see § 132.99

§ 132.99 PENALTY.

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

(B) A conviction under § 132.01 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.
(Ord. 31, passed 6-4-1990)

CHAPTER 133: CURFEW

Section

- 133.01 Establishment of curfew
- 133.02 Exceptions
- 133.03 Parental responsibility

- 133.99 Civil infraction

Editor's note:

Effective date of this chapter is June 24, 1990.

§ 133.01 ESTABLISHMENT OF CURFEW.

There is hereby established a curfew in the village for minors under 18 years of age as follows: it shall be unlawful for a minor to be on the public streets, playgrounds, vacant lots, alleys, public parking lots, or private lots open to the public between the following hours: If a minor is under 18 years of age, curfew is between the hours of 10:00 p.m. and 6:00 a.m.

(Ord. 30, passed 6-4-1990; Ord. 69, passed 9-12-2016) Penalty, see § 10.99

§ 133.02 EXCEPTIONS.

The curfew set out in § 133.01 shall not apply under the following circumstances:

(A) The minor is accompanied by a parent or legal guardian;

(B) The minor can be shown to be acting in an emergency situation;

(C) The minor is lawfully driving a motor vehicle during the course of employment, or driving to and from lawful employment; or

(D) The minor is directly coming to, attending, or directly returning from a social or athletic event scheduled by a public entity.

(Ord. 30, passed 6-4-1990)

§ 133.03 PARENTAL RESPONSIBILITY.

Parents, guardians or adult supervisors responsible for juveniles, cannot allow (knowingly or by insufficient control) juveniles to remain in public places or establishments other than for the above listed exceptions in § 133.02. (Both parent, guardian, or adult supervisor and juvenile may receive citation for curfew violation.) **KNOWINGLY** is defined as such that a parent, guardian or adult supervisor should reasonably know where the juvenile is at throughout the day. If the parent, guardian adult or adult supervisor is careless and/or neglectful by having no knowledge of the juvenile's location, then the parent, guardian and/or adult supervisor can also be considered in violation of the curfew.
(Ord. 69, passed 9-12-2016)

§ 133.99 CIVIL INFRACTION.

Failure to comply with the requirements of this chapter shall constitute a civil infraction which shall be processed in accordance with M.C.L.A. 600.8701. The assessment and collection of fines shall be in accordance with M.C.L.A. 600.8701 et seq. Any parent, guardian or adult supervisor who allows a juvenile to violate the curfew ordinance and the juvenile shall be deemed to have committed a civil infraction, subject to payment of civil fines of \$100 plus costs and expenses, for the first violation.
(Ord. 69, passed 9-12-2016)

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING CODES**
- 151. DEVELOPMENT**
- 152. ZONING**
- 153. SUBDIVISION CONTROL**
- 154. LAND DIVISION**
- 155. FLOODPLAIN MANAGEMENT**

CHAPTER 150: BUILDING CODES

Section

Building Code Adopted

150.01 Construction Code

150.02 Enforcement

BUILDING CODE ADOPTED

§ 150.01 CONSTRUCTION CODE.

(A) Pursuant to the provisions of Section 29 of Act 230 of the Public Acts of 1972, also known as the Stille-DeRossett-Hale Single State Construction Code Act, as amended M.C.L.A. §§ 125.1501 et seq., (“Construction Code”), the Building Official of the village is hereby designated as the enforcing agency to discharge the responsibilities of the village under the Construction Code. The village hereby assumes responsibility for the administration and enforcement of the Construction Code throughout the village limits.

(B) The Building Official shall be appointed by the Village Council and shall hold office at its pleasure. The Building Official shall receive such compensation as the Village Council, shall from time to time determine.

(C) The Village Council designates the county and its agents as the Building Official.
(Ord. 49, passed 6-6-2011; Res. 2011-13, passed 7-11-2011)

§ 150.02 ENFORCEMENT.

(A) The enforcement of the Building Code within the jurisdiction of the village shall be turned over to the county.

(B) All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this section are hereby repealed.

(C) This section shall take effect on August 1, 1989.
(Ord. 29, passed 8-1-1988)

Cross-reference:

Construction Code, see § 150.01

CHAPTER 151: DEVELOPMENT

Section

151.01 Comprehensive Development Plan adopted

Cross-reference:

Planning Commission, see Chapter 30

§ 151.01 COMPREHENSIVE DEVELOPMENT PLAN ADOPTED.

The Village Council adopts the Village Comprehensive Development Plan. Copies are available through village offices.

(Res. 2010-05, passed 11-1-2010)

CHAPTER 152: ZONING

Section

Title, Purpose and Legislative Intent

- 152.001 Title
- 152.002 Purpose
- 152.003 Legislative intent

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- 152.011 Relief from personal responsibility
- 152.012 Duties of the Zoning Administrator
- 152.013 Zoning permit
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- 152.015 Violations
- 152.016 Land subdivision
- 152.017 Interpretations and application

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- 152.040 Purpose
- 152.041 General regulations
- 152.042 Supplementary use regulations
- 152.043 Supplementary area regulations
- 152.044 Supplementary height regulations
- 152.045 Swimming pool regulations for all districts
- 152.046 Junk, inoperable vehicles, and antique automobiles
- 152.047 Regulations concerning supplemental uses
- 152.048 Drive-in restaurant or fast food establishment
- 152.049 Automobile service station and commercial garage
- 152.050 Motel, motor-hotel, hotel and transient lodging facilities

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Zoning Districts, Map and Schedule of Regulations

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- 152.137 Validity of approved site plans
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- 152.139 Amendments to approved site plan
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- 152.150 Intent and purpose
- 152.151 Amendment initiation
- 152.152 Filing fee
- 152.153 Amendment procedures
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TITLE, PURPOSE AND LEGISLATIVE INTENT**§ 152.001 TITLE.**

This chapter shall be known and may be cited as the "Village of Clarksville Zoning Ordinance". All article, section and other topical headings are for reference only and shall not be construed to be part of this chapter.

(Ord. passed 12-2-1996)

§ 152.002 PURPOSE.

Pursuant to the authority granted to the village by the Public Acts of the State of Michigan and based upon the Village Master Plan and Policies for the future, this chapter is established for the following purposes.

- (A) Promoting and protecting the public health, safety, and general welfare;
- (B) Protecting the character and the stability of the open space, residential, and non-residential areas within the village and promoting the orderly and beneficial development of such areas;
- (C) Providing adequate light, air, privacy and convenience of access to all individual property;
- (D) Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- (E) Lessening and avoiding congestion on the public highways and streets;
- (F) Promoting healthful surrounding for family life in residential areas;
- (G) Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, vibration, and other health and safety hazards;
- (H) Preventing the overcrowding of land and undue concentration of buildings and structures, so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- (I) Enhancing the social and economic stability of the village;
- (J) Enhancing the aesthetic desirability and community design of the environment throughout the village; and

(K) Conserving the expenditure of funds for public improvements and services.
(Ord. passed 12-2-1996)

§ 152.003 LEGISLATIVE INTENT.

Zoning districts contained in this chapter each have a defined purpose and are based on the Village of Clarksville Master Plan. The districts are sized to be adequate to handle long-term needs, and yet must be monitored relative to any necessary changes or updating as time passes. While the various regulations limit the use of properties, the chapter provides land owners with a range of choices, flexibility, and options for development.
(Ord. passed 12-2-1996)

ADMINISTRATION AND ENFORCEMENT

§ 152.010 ADMINISTRATION.

(A) The provisions of this chapter shall be administered by the Zoning Administrator in accordance with Act 110 of the Michigan Public Acts of 2006, the Zoning Enabling Act, as amended.

(B) The Village Council shall employ or contract a Zoning Administrator to act as its officer to effect the proper and consistent administration and enforcement of this chapter. The terms and conditions of employment shall be established by the Village Council. The Zoning Administrator or his or her agent shall have the power of a police officer, whose jurisdiction is the enforcement of this chapter. Acting in this capacity, the Zoning Administrator shall, among other responsibilities, be empowered to issue appearance summons; seek the issuance of warrants for the arrest of alleged violators through the office of the County Prosecutor; bring criminal action in the name of the village against violators of the provisions of this chapter.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010; Ord. 50, passed 6-6-2011)

§ 152.011 RELIEF FROM PERSONAL RESPONSIBILITY.

The Zoning Administrator, while acting for the village, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him or her in the lawful discharge of his or her duties and under the provisions of the chapter shall be defended by the legal representative of the county until the final termination of the proceedings. In no case shall the Zoning Administrator or any of his or her subordinates be liable for costs in any action, suit or

proceeding that may be instituted in pursuance of the provisions of the chapter; and any officer acting in good faith and without malice, shall be free from, liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his or her official duties in connection herewith.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.012 DUTIES OF THE ZONING ADMINISTRATOR.

It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this chapter and in so doing shall perform the following duties;

(A) *Issue zoning permits.* The Zoning Administrator shall issue zoning permits in compliance with the provisions of this chapter.

(B) *Inspections.* The Zoning Administrator or their authorized agent shall be empowered to make inspections of buildings or premises as may be permitted by the property owner or occupant in order to properly carry out the enforcement of this chapter.

(C) *Record of complaints.* The Zoning Administrator shall keep on file in the Village Office a record of complaints of violations of any of the provisions of this chapter, and of the action taken consequent to each such complaint, such records shall be public record.

(D) *Report to Village Council.* The Zoning Administrator shall report to the Village Council periodically at intervals of not greater than one year, summarizing for the period since the last previous report of all building permits issued, all complaints received of zoning violations, and all appeals, variances and exceptions granted by the Zoning Board of Appeals and the action taken.

(E) *Municipal civil infractions.* The Zoning Administrator is authorized to issue municipal civil infractions in accordance with § 10.99.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.013 ZONING PERMIT.

A zoning permit is required for the following:

(A) Excavation for or construction of a building including additions to or enlargements of existing buildings, a change in the use of a property, the moving of a building from one property to another, enlargement of an off-street parking area, a use authorized by the Planning Commission as a special use or by Site Plan approval. A zoning permit shall also be required for the following: a deck if it is over 30 inches above grade, a deck attached to a building, any building constructed on footings and, any building which is 200 sq. ft. or larger.

(B) (1) *Application for zoning permit.* The following information shall be provided to the Zoning Administrator with each application for a zoning permit:

(2) All applications for a zoning permit shall be made on a form supplied by the village and shall at a minimum include the name and address of the applicant and an accurate drawing showing the following:

(a) The area, dimensions, and legal description of the parcel, location of easements and centerline of road.

(b) The dimensions and height of the existing and/or proposed building to be erected, altered, or moved on the parcel.

(c) The existing or intended uses of the building.

(d) The distance of the existing or proposed building to all lot lines.

(e) An accurate set of building plans illustrating the square footage of the dwelling unit.

(f) Signature of the applicant and property owner.

(C) *Building permit.* Any applicant for a building permit as may be required by Ionia County must first be issued a zoning permit by the Zoning Administrator. Upon issuance of a zoning permit one copy shall be issued to the applicant and one copy retained by the village.

(D) *Fee.* A fee for the issuance of a zoning permit as may be established by the Village Council shall accompany the application. Such fee shall be paid at the Village Office.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.014 ADMINISTRATIVE PROVISIONS.

(A) *Suspension of permit.* A zoning permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work, unless in the case of building permits Ionia County authorizes the extension of the permit.

(B) *Previous approvals.* Nothing in the chapter shall require changes in the plans, construction or designated use of a building for which a lawful building, electrical, or mechanical permit has been heretofore issued or otherwise lawfully authorized, and the construction and/or installation of which shall have been actively prosecuted within 90 days after the effective date of this chapter; and the entire building or installation shall be completed as authorized within two years after the date of approval of the application.

(C) *Revocation of permits.* The Zoning Administrator may revoke a zoning permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

(D) *Inspection.* The Zoning Administrator shall conduct an inspection of the property in order to insure proper placement of the building and other matters pertaining to compliance with the Zoning Ordinance.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.015 VIOLATIONS.

(A) *Municipal civil infraction.* A violation of this chapter is a municipal civil infraction and shall be subject to the provisions of § 10.99.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.016 LAND SUBDIVISION.

(A) *Subdivision of land.* The lands with in the village will be subdivided in accordance with the Subdivision Control Act 288 of Michigan Public Acts of 1967, being M.C.L.A. 560.101 et seq., as amended.

(B) *Division of lots.* The division of a lot in a recorded plat is prohibited, unless approved following application to the Village of Clarksville Planning Commission. The application shall be filed with the Zoning Administrator and shall state the reasons for the proposed division. The division, to be approved by the Village Planning Commission, shall have the suitability of the land for building purposes approved by the Ionia County Health Department. No building permit shall be issued, or any building construction commenced, prior to approval. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less than the dimensional requirements permitted by the county Zoning Ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

(Ord. passed 12-2-1006; Ord. 50, passed 6-6-2011)

§ 152.017 INTERPRETATIONS AND APPLICATION.

In the interpretation, application and enforcement of this chapter, whenever any of the provisions or limitations imposed or required herein are more stringent than any other law or ordinance, then the provisions of this chapter shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such other law or chapter shall govern.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

DEFINITIONS AND INTERPRETATIONS**§ 152.030 INTENT AND PURPOSE.**

The purpose of this subchapter is to establish rules for the interpretation of the text of this chapter, to define certain words and terms, and to provide the interpretation of this chapter by adoption of a technical dictionary. Certain words and terms do not appear in this subchapter, which have special application and are defined in §§ 152.040 through 152.061, Supplemental Regulations, §§ 152.110 through 152.120, Special Use Permit, and in §§ 152.190 through 152.198, Signs, Nameplates, and Advertising Structures.

(Ord. passed 12-2-1996)

§ 152.031 USE OF WORDS AND TERMS.

For the purpose of this chapter any word or term not defined in this subchapter shall be interpreted by reference to "The Illustrated Book of Development Definitions", Harvey S Moshowitz and Carl G. Lindbloom, 1981, Rutgers University, P.O. Box 489 Piscataway, New Jersey 08854, except when clearly contrary to the context in which the word is used. Any word which is neither defined in this chapter or in the above mentioned reference book shall be interpreted by the use of the American Heritage Dictionary of the English Language, New College Edition, 1980.

(A) Words used in the present tense shall include the future tense, words used in the singular shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates and stipulates the contrary.

(B) The words **PERSON**, **PROPRIETOR**, **PROPERTY OWNER**, and **OPERATOR** shall include any recognized form of legal entity.

(C) The words **PROPERTY**, **LOT**, **PARCEL**, **REAL ESTATE**, **PREMISES**, **PLOT**, and **LAND** shall be interpreted to mean real property as delineated and described by legal documents and instruments.

(D) The word **ROAD** shall also mean highway/street, alley, drive, land and other public thoroughfare.

(E) The word **BUILDING** shall include the word structure.

(F) The words **USED** and **OCCUPIED** when applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

(G) The word **SHALL** is always interpreted as mandatory and never as permissive or discretionary.

(H) The word **MAY** shall be interpreted as permissive or discretionary.

(I) The word **REQUIRED** shall be construed to be mandatory.
(Ord. passed 12-2-1996)

§ 152.032 DEFINITIONS.

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

ACCESSORY STRUCTURE. A building or structure located on the same lot as the principal building or structure. The use of which is incidental or secondary to the principal building or use.

ACCESSORY USE. A use of land or of a building or portion thereof which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.

ADVERTISING SIGN/STRUCTURE.

(1) A structural poster, panel or painted sign, either free-standing or attached to a building for the purpose of conveying information, knowledge or ideas to the public about a subject unrelated to the premises upon which it is located.

(2) Any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other comparable object, used as a means to convey information or direct attention to a business, product, service or commodity.

AGGREGATE. An inert material used as a component of concrete, mortar, plaster and bituminous pavements. Sand, gravel or crushed stone are the most common aggregates.

AGRICULTURE LAND USE. Means of, or pertaining to, or connected with, or engaged in agricultural or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. See **FARM** and **PRIME AGRICULTURAL LAND**.

ALLEY. A generally narrow vehicular or pedestrian right-of-way that permits access to a rear yard, parking lot or other area of a parcel. Alleys are not designed for general traffic and affords only a secondary means of access.

ALTERATION. Any modification, remodeling, change, or rearrangement in the structural or supporting members such as bearing walls, columns, or girders, as well as any change in the doors or windows which affect the means of egress which is undertaken without adding to the floor area, height, or physical size of the building or structure.

AMBIENT NOISE. Background noise or noise that cannot be identified as coming from any particular source.

APARTMENT. A room or group of rooms that is designed to function as a single, complete dwelling unit and is located in a multiple-family dwelling.

APPRAISED VALUE. The value of property as estimated by an individual qualified to appraise that type of property.

AQUIFER. Subsurface rock or other materials capable of holding a significant amount of water in their interstices. Certain types of material - such as coarse sands, gravel and limestone, are more likely to produce aquifers.

AREA VARIANCE. A zoning variance that is granted concerning the size and shape of a building lot and the size, shape, and location of the physical structure to be located on the lot. This type of variance concerns such zoning requirements as density, required yards, number of parking and unloading spaces, frontage, lot size or height.

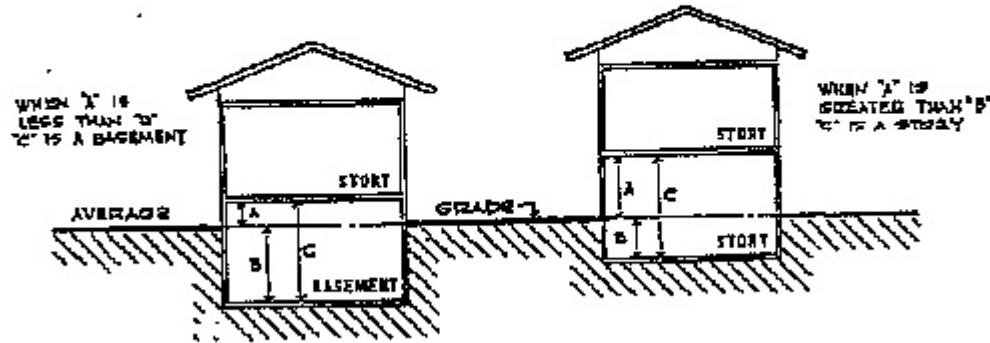
AUTOMOBILE REPAIR AND COMMERCIAL GARAGE. A premises where the following services may be carried out in a completely enclosed building: general repairs; engine rebuilding; collision; painting; and undercoating of vehicles.

AUTOMOBILE/GASOLINE SERVICE STATIONS. Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repairs, or service such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

BASE FLOOD LEVEL. The highest elevation of a flood having a 1 % chance of being equaled or exceeded in any given year.

BASEMENT. The portion of a building which is partly below and partly above grade, and having greater than one-half its vertical height below normal grade. A basement shall not be counted as a story (See Figure 4.1).

**FIGURE 4-1
BASEMENT & STORY**



BED AND BREAKFAST. A private single family residential structure that meets the following criteria:

- (1) Offers accommodations to transient tenants in eight or fewer sleeping rooms including rooms occupied by the innkeeper or manager, one or more of which are available for rent to transient tenants.
- (2) Serves only breakfast to its transient tenants at no extra cost.
- (3) Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BOARD OF APPEALS. The Village Council of Clarksville is the Board of Appeals.

BOND. A form of insurance required of an individual or firm to secure the performance of an obligation; as in performance bond.

BUFFER. A strip of land, including a specified type and amount of planting or structures which may be required to protect/screen one type of land use from another, or minimize or eliminate conflicts between them.

BUILDING. A combination of material, whether portable or fixed, forming a structure having a roof supported by columns or by walls affording a facility or shelter for use or occupancy by persons, animals or property.

BUILDING AREA. The area included within surrounding exterior walls (or exterior walls or fire walls) exclusive of vents, shafts and courts, areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor above.

BUILDING CODE. The Michigan Building Code.

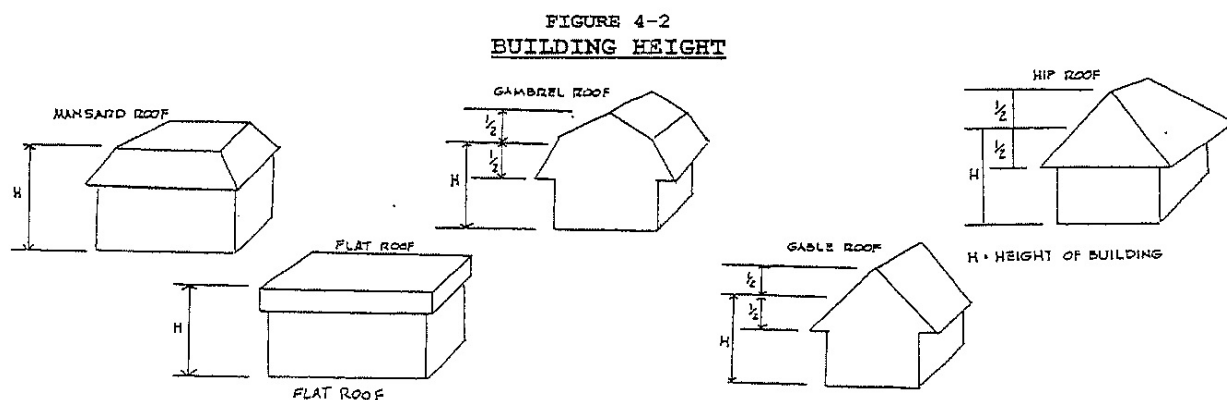
BUILDING, FRONT LINE OF. The line that coincides with the face of the building nearest the front line of the lot, which includes sun parlors and enclosed porches, but not steps.

(1) The front building line on any lot with an outside simple curve will be the straight-line chord that intersects the side lines at the point of intersection with the required front set-back line. See Illustrations in this chapter.

(2) The front building line on any lot with an inside simple curve will be the straight line tangent perpendicular to the arc radius at the midpoint of the curve.

(3) Front building lines on lots with compound, unbroken-back or reverse curves will be determined using the tangent or chord which provides the greatest set-back toward the interior of the lot from the required set-back line and front lot line.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall (see Figure 4-2).



BUILDING LINE(S). A line defining the front, side, and rear yard requirements outside of which no building or structure may be located.

CAMPGROUND. As defined in Public Act 368 of 1978, being M.C.L.A. 331.12501 et seq., as amended.

CARPORT. A partially open structure, intended to shelter one or more vehicles. Such structure(s) shall comply with all yard requirements subject to a private garage.

CELLAR. That portion of a building which is partly or completely below grade and having at least one-half its height below grade.

CENTRAL COMMERCIAL CORE/CENTRAL BUSINESS DISTRICT. That portion of the Village of Clarksville that is characterized as the older, traditional center of the village where business activity, governmental functions, services and residential land uses are integrated in a consolidated pattern. This area is further characterized by smaller lots sizes, more intense land and building use, mixed land uses, and higher percentages of lot coverage by buildings.

CHANGES IN USE. A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this chapter or in the State Construction Code, as amended.

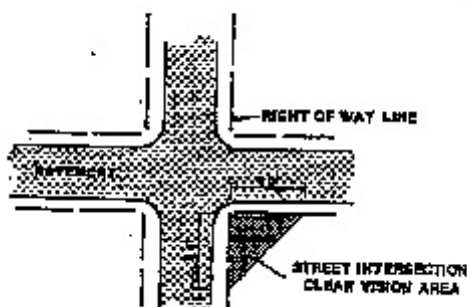
CHILD CARE CENTER/DAY CARE CENTER. A facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

CHURCH USES/RELIGIOUS INSTITUTIONS. Churches, synagogues, mosques, church schools, church residences and church owned land used for related church functions.

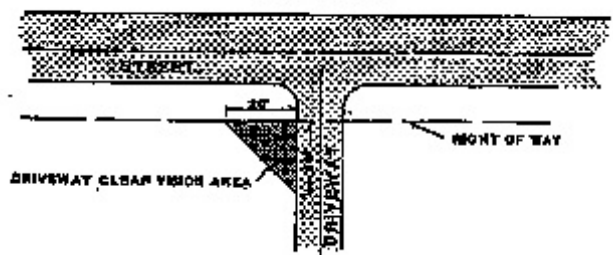
CLEAR VISION AREA. The unobstructed view across a corner space which is created by the intersection of two vehicular ways that allows a motorist to see on-coming traffic or pedestrians (see Figure 4-1). This vision area shall be clear of any opaque obstructions within a specified distance along or from the right-of-way line(s) of all streets and drives.

FIGURE 4-1
CLEAR VISION AREAS

A. CLEAR VISION AREA—STREET INTERSECTION



B. CLEAR VISION AREA—STREET-DRIVEWAY INTERSECTION



CLEAR ZONE. The innermost area of a runway approach, either within the airport or under the control of airport authorities.

CLINIC (ANIMAL). A building where animal patients, who may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

CLINIC (MEDICAL). A building where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

CLUSTER DEVELOPMENT. A development where structures are arranged in closely related groups, units are typically of the same type or design character, and built at densities in certain areas of a site while preserving the natural features in others on the same site.

COLD STORAGE. Pertains to the cooperative keeping of farm produce or goods under climate controlled conditions for more than one farm or agricultural enterprise.

COMMERCIAL RECREATION FACILITY. An outdoor recreational facility located near a major travel corridor or a natural feature including but not limited to campgrounds, athletic fields, golf course, race track or other spectator/participatory facility that charges a fee for its utilization.

COMMERCIAL USE. An activity carried out for pecuniary gain including but not limited to retail sales, repair service, or salvage operators, business offices, food service, entertainment and brokerages.

COMMERCIAL VEHICLE. Any motor vehicle which has a commercial license and/or which has a gross vehicle weight rating (GVWR) of over 10,000 pounds.

COMMON LAND. A parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a Planned Unit Development.

CONDOMINIUM. The ownership of a dwelling unit and the space enclosed by the description thereof as contained in the master deed for the complex or project established in conformance with the provisions of the Condominium Act 59 of 1978, being M.C.L.A. 559.101 et seq., as amended.

CONDOMINIUM, SITE. A site condominium is a development containing residential, commercial, office, industrial or other structures or improvements for uses permitted in the zoning district in which it is located, in which each co-owner owns in common with the other owners a specifically amount of land space for common use, and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. (Also see § 152.047(B) for Site Condominium specific definitions)

CONSTRUCTION CONTRACTORS ESTABLISHMENT. A parcel of land building or structure, or a portion thereof used to store trucks, excavating equipment, supplies, tools, or materials utilized by construction contractor, subcontractors, and builders.

CONVALESCENT OR NURSING HOME. A residential facility designed to provide a range of personal and medical care services to chronically ill or disabled individuals and which is licensed by the State of Michigan.

CONVENIENCE COMMERCIAL ESTABLISHMENT. A retail, office, restaurant, tavern, service business, or other commercial use permitted in § 152.171 of this chapter, which is operated from a single building containing not more than 1,050 square feet in gross floor area.

CONVENIENCE RETAIL. Establishments which sell primarily goods which are edible or disposable in small quantities directly to the consumer and usually situated in a free-standing building of less than 3,000 square feet in size.

CORNER LOT. A lot that is situated at the junction of at least two streets, at which the angle of interception is no greater than 135 degrees. This chapter specifies that corner lots have two front yards, one rear yard and one side yard (see Figure 4-5).

CUL-DE-SAC. A street with an outlet at only one end and a turnaround area at the other end.

CUSTOMARY AGRICULTURAL OPERATION. A condition or activity which occurs on a parcel of land in connection with the commercial production of farm products and includes but is not limited to noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, insecticides and herbicides, and the employment of labor when such conditions or activities are conducted in a usually or generally accepted manner (see *FARM*).

DENSITY. The number of dwelling units situated on or to be developed on a net acre of land.

(1) **LOW DENSITY.** Less than one dwelling per acre.

(2) **MEDIUM DENSITY.** Two or more than dwellings per net acre of land but less than six dwellings per net acre of land.

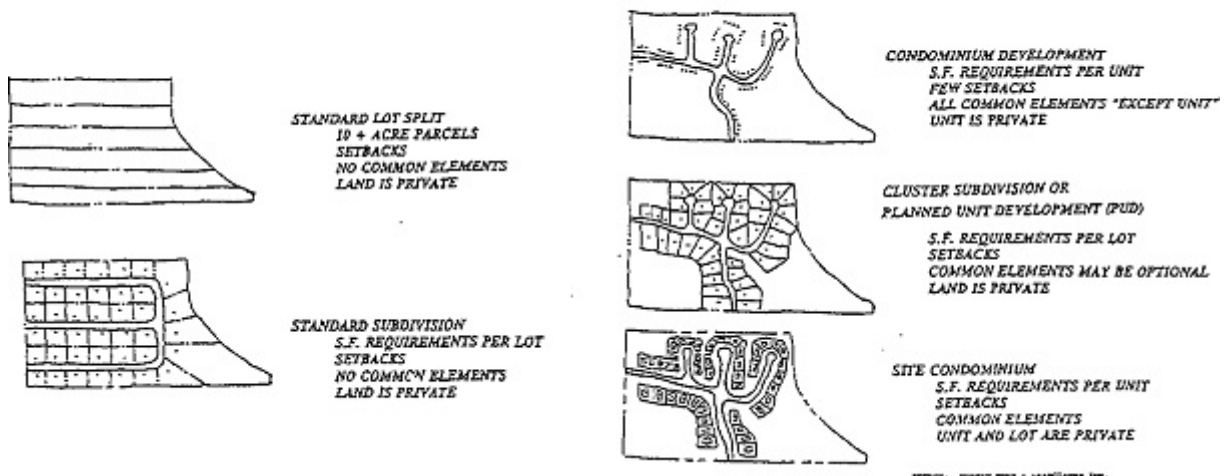
(3) **HIGH DENSITY.** More than seven dwellings per net acre of land.

DENSITY, GROSS. A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

DENSITY, NET. A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding any lot area owned by a government entity, used as a public or private street or occupied by a non-residential use.

DEVELOPMENT. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure and mining excavation, land filling or land disturbance and any extension of an existing use of land. (See Figure 4-4 for illustration of development options).

FIGURE 4-4
DEVELOPMENT OPTIONS AND SITE ILLUSTRATIONS



DIRECTIONAL SIGN. A sign which gives a name, place, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.

DISTURBED LAND. A parcel of land which is graded, filled, excavated, or mined or stripped of its natural vegetative cover or grass for a purpose other than agriculture land use.

DRIVE-IN FACILITIES. Commercial enterprises that permit the consumer to do business or be entertained without leaving his or her car.

DRIVEWAY.

(1) A private path of travel over which a vehicle may be driven which provides access from one or two parcels of land to a public or private road.

(2) A private access to property abutting a public street.

DUMP. A disposal site on which solid wastes are indiscriminately placed and left uncovered and are not cited in the Clinton County Solid Waste Management Plan.

DWELLING, SINGLE-FAMILY. A detached building including a mobile home, designed for or occupied as one dwelling unit with common cooking and utilities and complies with the following regulations:

(1) The dwelling shall meet the dimensional requirements of the State Building Code.

(2) All habitable rooms within the dwelling shall have an average ceiling height of not less than seven feet six inches in at least 50% of the required area, with no portion less than five feet in height. Exceptions:

(a) Beams and girders spaced not less than four feet on center may project not more than six inches below the required ceiling height.

(b) All other rooms, including hallways and corridors shall have a ceiling height of not less than seven feet measured to the lowest projections from the ceiling.

(3) The single-family dwelling, including mobile homes and manufactured housing shall have a minimum exterior breadth/caliper/width of 20 feet. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least 20 feet.) Breeze ways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.

(4) All single-family dwellings shall comply with the pertinent building code. If the dwelling is a mobile home, all construction, plumbing, electrical apparatus and insulation within and connected to the mobile home shall comply with the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall comply with applicable roof snow load and strength requirement.

(5) The dwelling shall be placed upon and secured to a permanent foundation in accordance with the State Building Code and, where applicable, the manufacturer's installation instruction.

(6) Skirting shall be installed if the dwelling is not placed upon a basement or crawl space. The skirting shall be installed in accordance with Act 419 of 1976, The Mobile Home Commission Act.

(7) If the dwelling is manufactured off the site, it shall be installed with the wheels removed. In addition, a dwelling shall not have an exposed towing mechanism, undercarriage or chassis.

(8) The dwelling shall have a roof with a pitch of at least two in 12. (Earth sheltered homes being excluded from this requirement.)

DWELLING, MULTIPLE-FAMILY. A building or structure under one roof designed for occupancy by three or more persons or families each occupying a single, complete independent dwelling/housing unit. Such a building often has a common heating, electrical or water system (but may be metered separately) and may also have common hallways, stairs or elevators.

DWELLING, TWO-FAMILY/DUPLEX. A building containing two dwelling units.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EARTH SHELTER HOME. A building which is partially or entirely below grade and is designed and intended to be used as a single-family residence.

EASEMENT. An interest in or right over land of another, providing secondary access to the property (i.e., as in utility easement).

ECHODWELLING. A complete, self-contained living unit created within an existing single-family home or detached. It has its own kitchen, bath, living area, sleeping area and usually separate entrance and is for up to two blood relatives of those persons occupying the principal dwelling unit.

ERECTED. The construction, alteration, reconstruction, moving upon, or any other physical activity upon a lot.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead surface or underground gas, electrical, steam, petroleum, or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers poles, and similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonably necessary for the department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinance of the pertinent jurisdiction in any use district, it being the intention thereof to except such erection, construction, alteration, and maintenance from the application of this chapter, except electrical substations and gas regulator stations which require a special use permit as provided elsewhere in this chapter.

EXCAVATION. Removal or recovery by any means whatsoever, of soil, rock, sand, gravel, eat, muck, marrow, shale, limestone, clay, or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged.

EXISTING USE. The use of a parcel of land or a structure at the time of the enactment of this chapter, or amendment thereof.

EXPLOSIVE. A chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or destroying life and limb.

FAMILY. An individual, two or more persons related by, marriage or adoption, or a group not to exceed six persons not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

FARM. A parcel of land containing at least 40 acres which is used for agricultural purposes, but which the raising of fur bearing animals, livery or boarding stables and dog kennels are not included.

FEE SIMPLE TITLE. Refers to the broadest, most extensive and unconditional estate in land that can be enjoyed. A fee simple estate is perpetual in duration (subject to the sovereign power of eminent domain) and may be conveyed by its owner either during his or her life or upon his or her death. A fee simple title includes all the lessor interests that may be created in land, such as easements and life estates.

FENCE. An accessory structure intended for use as a barrier to property ingress and egress, as screen from objectionable vista, noise, and/or for decorative use. A fence may be living as in a hedge or other plantings.

FENCE, SCREENING. An accessory structure to prevent the passage of light and to screen and separate a use from the adjacent property.

FILING DATE. The date upon which any application pursuant to this chapter is submitted and the required filing fee is paid.

FILLING. The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

FLOOD. A rise in the water level of a water body, or the rapid accumulation of water from runoff or other sources, so that land that is normally dry is temporarily inundated by water. For the purpose of the National Flood Insurance Program, flooding is also defined to include mud slides connected with accumulation of water, and land subsidence along water bodies.

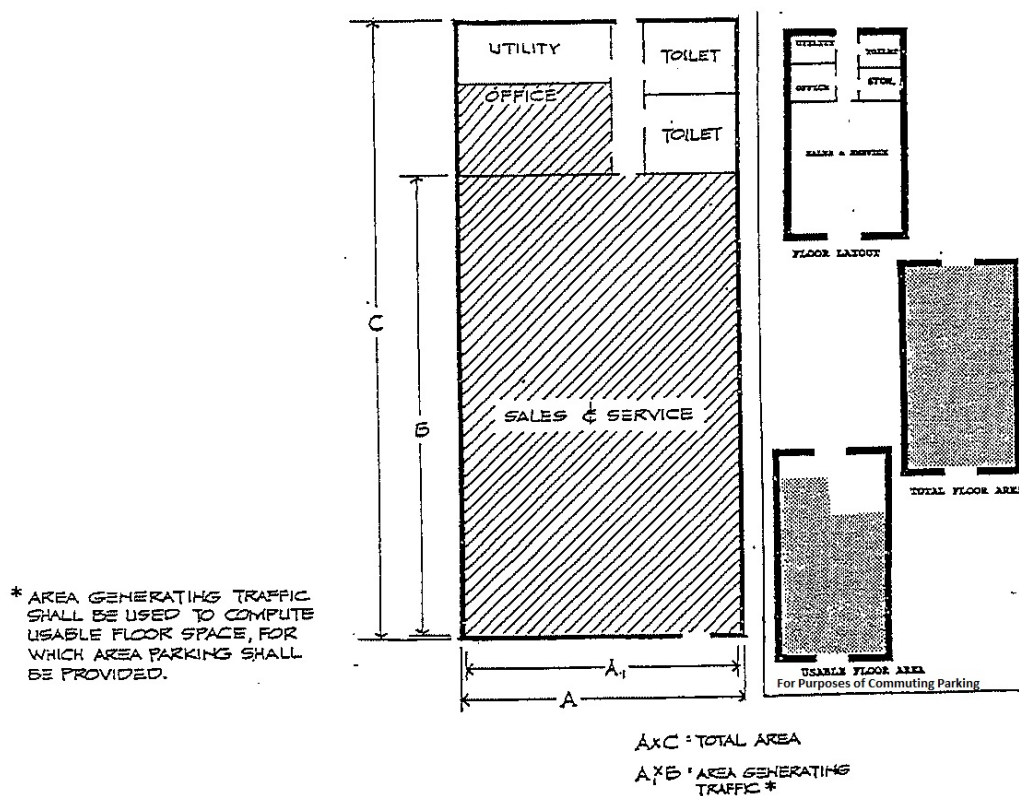
FLOOD, BASE. The base flood elevation shall be used to define areas prone to flooding, and shall describe, at minimum, the depth or peak elevation of flooding (including wave height) which has a 1% (100-year flood) or greater chance of occurring in any given year. This is the minimum level of flooding that the National Flood Insurance Program requires a community to protect itself against in flood plain management regulations.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map, by the Federal Insurance Administration, of those portions of the county where the boundaries of the areas of special flood hazards have been designated as either flood hazard zones (A Zones) or high hazard zones (V Zones).

FLOOD PLAIN. That area of land adjoining a lake, river or stream which will be inundated by a base flood.

FLOOR AREA, GROSS. The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features (see Figure 4-5).

FIGURE 4-5
FLOOR AREA



FLOOR AREA RATIO. The ratio between the amount of floor area permitted to be constructed on a building lot and the size of the lot.

FLOOR AREA, USABLE (NET). That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of **USABLE FLOOR AREA**. Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls (see Figure 4-5).

FORESEEABLE FUTURE. As use in this chapter and when pertaining to public utilities, there must be completed an engineering study in order for the public sanitary sewer or water to be considered to be available in the foreseeable future.

FRONT YARD. See **YARD, FRONT**.

GARAGE, PRIVATE. An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

GENERAL RETAIL. Stores which sell dry goods, package foods, hardware, appliances, computers, jewelry and other similar merchandise directly to the public.

GRADE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line.

GROUND COVER. Grasses or other plant growth or material to keep soil from being blown or washed away.

GOVERNMENT, COMMUNITY-OWNED BUILDINGS OR PUBLIC BUILDINGS. A building or buildings which shall serve as essential services and safety of the community, but shall not serve as a residential facility.

GRANDFATHER CLAUSE. A provision in a newly adopted law regulating certain conduct or activities that allows the regulated activity to continue as previously conducted or otherwise exempts it from compliance with the new law or ordinance. Changes to expand or alter a structure, land or use shall require the total compliance with the provisions of the particular section of the ordinance covering the district in which the building, use or land is located.

HALFWAY HOUSE. Public or private building(s) used principally for the occupancy and therapy of mentally and emotionally ill persons not requiring intensive care, constant care, constant supervision, or confinement. For purposes of this chapter, all requirements of public and semi-public institutions shall apply.

HEIGHT. The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

HOME OCCUPATION, CUSTOMARY. An occupation, profession or hobby conducted within a single family detached dwelling unit and carried on by the inhabitants thereof, not involving employees other than members of the immediate family resident on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. It does not change the character thereof, and which does not endanger the health, safety, and welfare of any persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Also, known as cottage industry, home based business, home marketing network, or home interactive distribution or marketing.

HOTEL. A building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

HOUSEHOLD PETS. Any domesticated dog, cat or other animal kept for friendship or hunting purposes. Household pets do not include wild animals or exotic animals.

IDENTIFICATION SIGN. A sign which pertains to the use of a premise and contains any or all of the following information:

- (1) The occupant of the use.
- (2) The address of the use.
- (3) The kind of business and/or the principal commodity sold on the premises.

INDUSTRIAL USE. A structure, building, or parcel of land, or portion thereof, utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, construction or printing of goods or products and related research and development facilities.

INOPERABLE MOTOR VEHICLE. Any vehicle or motor vehicle which is incapable of being propelled under its own power and cannot or legally or physically operated on public streets or highways by virtue of lacking the equipment required by the laws of the state or which does not bear valid and current license plates.

INTENSITY OF LAND USE. This term means the amount of activity associated with a specific land use. Intensity of land use shall be determined by the Zoning Administrator based on the following criteria:

- (1) Amount of vehicular traffic generated;
- (2) Amount of pedestrian traffic generated;
- (3) Noise, odor and air pollution generated;
- (4) Potential for litter;
- (5) Type and storage of materials connected with the operation;
- (6) Total residential units and density, where applicable; and
- (7) Total building coverage on the parcel.

JUNK. Shall be considered to be miscellaneous dry solid waste material resulting from housekeeping, mercantile and manufacturing enterprises and offices, including but not limited to scrap metals, rubber and paper; abandoned, wrecked, unlicensed and inoperable automobiles and motor vehicles; rags, bottles, tin cans, and comparable items.

JUNK YARD. Any land or building over 200 square feet in area used for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles or machinery, or parts thereof.

KENNEL, COMMERCIAL. Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats or other domestic animals and which has a license from the Animal Control Office.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

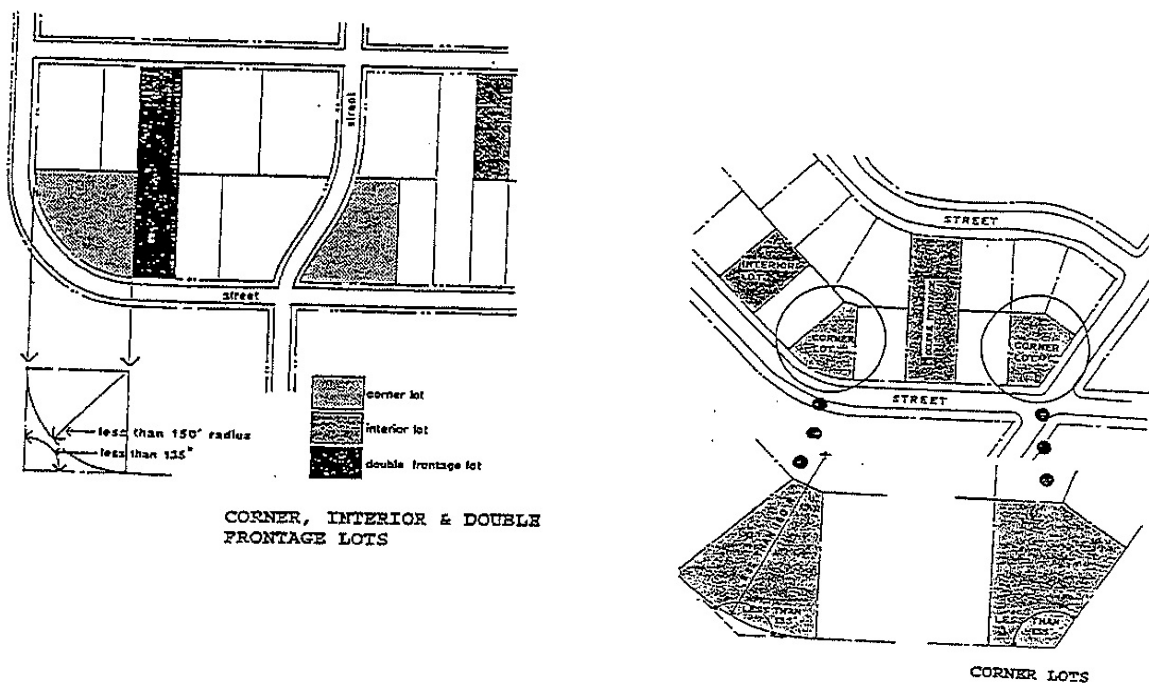
LOT. A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet the minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this chapter. Such lot shall have access to a public street, and may consist of:

- (1) A single lot of record;
- (2) A portion or portions of lot(s) of record;
- (3) Any combination of complete and/or portions of lots of records; or

(4) A parcel of land described by metes and bounds, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, may be less than that required by this chapter.

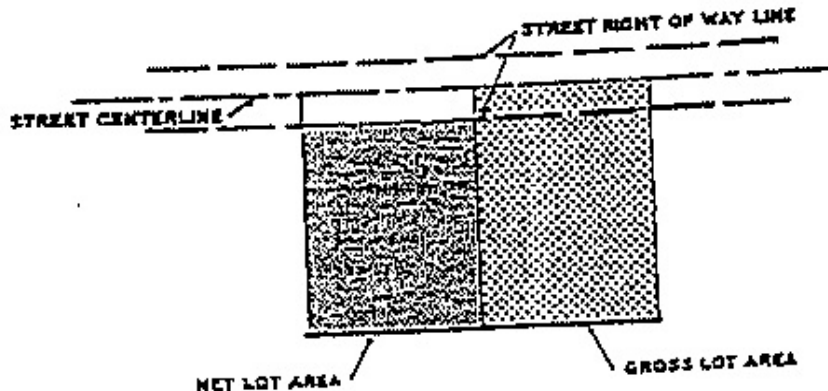
LOTS can be corner, interior, or double frontage (see Figure 4-6).

FIGURE 4-6
CORNER, INTERIOR & DOUBLE FRONTAGE LOTS



LOT AREA. The area of land within the boundary of a lot excluding any part under water, and in addition, it is the area of land bounded by any back lot line, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the back lot line and extending to the right-of-way line of the roadway (see Figure 4-7).

FIGURE 4-7 NET AND GROSS LOT AREA



LOT, CORNER. A parcel of land at junction of and fronting or abutting on two or more intersecting streets or roads.

LOT COVERAGE. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines (see Figure 4-10).

LOT LINE, REAR. Generally considered to be the line that is opposite from the front lot line and also farthest in distance from the front lot line (see Figure 4-10).

LOT OF RECORD. A lot which is part of a subdivision and is shown on a map thereof which has been recorded by the Register of Deeds of Clinton County, or a parcel described by metes and bounds, the deed to which has been recorded in said office.

LOT WIDTH. Lot width shall be measured as follows:

(1) *Lot width with parallel side lot lines.* The required width shall be measured on a straight line which is perpendicular to the side lot lines. No part of such measuring line shall be closer to the front property line than the depth of the required front yard.

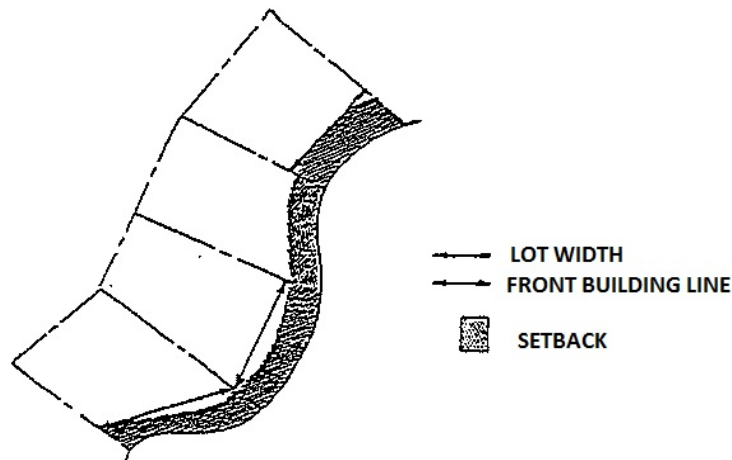
(2) *Lot with non-parallel side lot line.* The required lot width shall be measured on a straight line which shall be a measuring line, which is parallel to a straight line which connects the side lot lines

where they intersect the front property line. The measuring line shall be located at least the distance of the required front yard from the front property line. If the measuring line is located behind the rear line of the required front yard, the measuring line shall be the front building line. The required minimum straight line distance between the side lot lines where they intersect the front property lines shall be determined as follows:

(a) For all lots not located on a turning circle of a cul-de-sac street, the distance shall not be less than 80% of the required lot width.

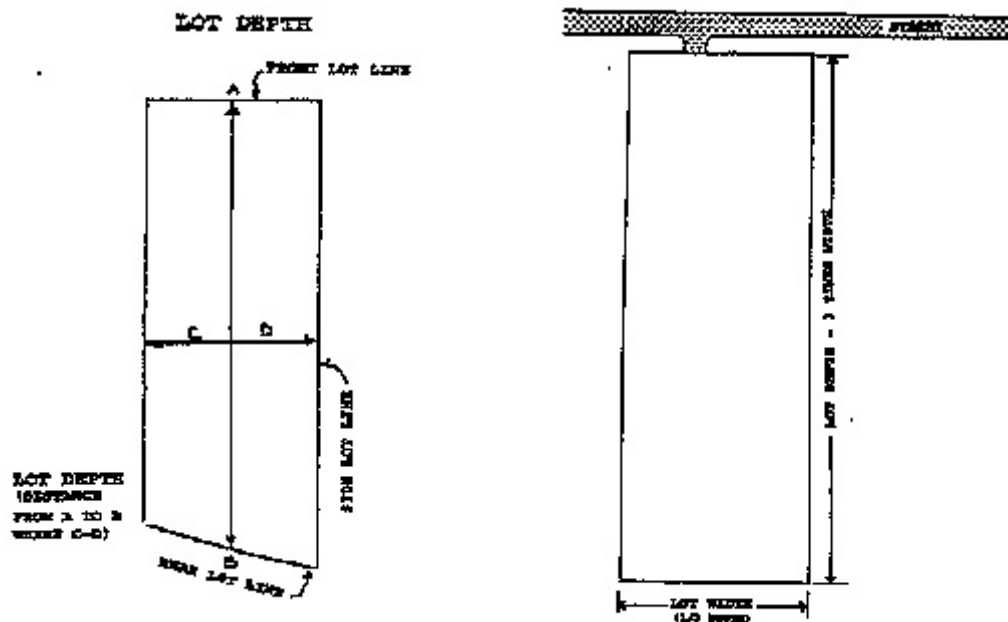
(b) For lots located on a turning circle of a cul-de-sac street the distance shall be at least 80 feet. (See Figure 4-8.)

FIGURE 4-8
LOT WIDTHS AND SETBACKS
ON CURVILINEAR STREETS



LOT WIDTH TO DEPTH RATIO. Lots created after the effective date of this chapter having a lot area of less than 25 acres shall have a lot width which is equal to or greater than one-third the depth of the lot (see Figure 4-9).

FIGURE 4-9
LOT WIDTH TO DEPTH RATIO



MASTER PLAN. The most recent Master Plan for the village as adopted by the Village Council.

MINIMUM LOT SIZE. The smallest or least area of a parcel allowed in said district.

MINI-WAREHOUSING. A building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence. Personal property may include, but is not limited to, passenger motor vehicles, house trailers, motorcycles, boats, and campers which are generally stored in residual accessory structures.

MOBILE HOME. A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days. A mobile home does not include a recreational vehicle.

MOBILE HOME PARKS. Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by the park residents. Such shall comply with the provisions of this chapter and Public Act 419 of 1978, as amended.

MODULAR (PRE-MANUFACTURED) HOUSING UNIT. An assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled, at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to insure uniformity of quality and material content. The term is intended to include mobile homes.

MOTEL. Please see **HOTEL**.

MOTOR HOME. A motor vehicle designed to be utilized as a temporary living quarter normally for recreation, camping or travel purposes having kitchen or bathroom facilities or both.

MOTOR VEHICLE. A vehicle which is self-propelled.

MULTIPLE-FAMILY HOUSING. A structure having three or more dwelling/housing units under a single roof and often having a common heating, electrical or water system (but may be metered separately) and may also have common hallways, stairs or elevators.

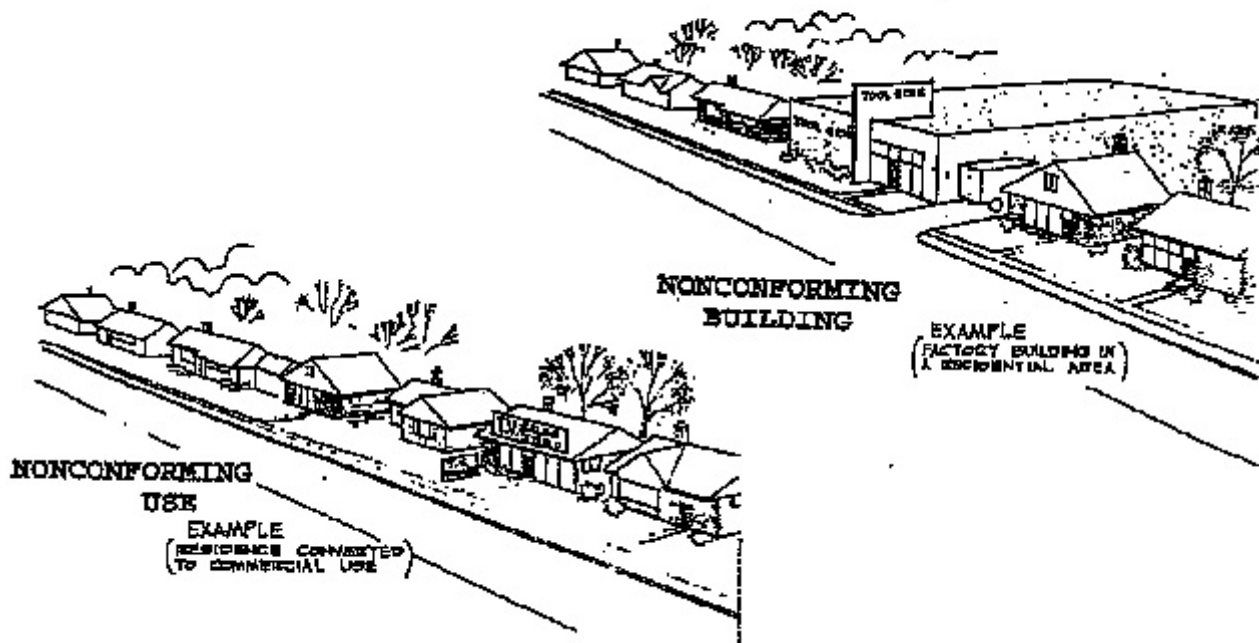
NEW CONSTRUCTION. Structures from which the start of construction commenced on or after the effective date of this chapter.

NONCONFORMING BUILDINGS/STRUCTURES. A building or structure (or portion thereof) lawfully existing at the time of adoption of this chapter or a subsequent amendment thereto, that does not conform to the provisions of this chapter relative to height, bulk, area, placement or yards for the zoning district in which it is located (see Figure 4-10).

NONCONFORMING LOT. A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming ("of record") prior to enactment of the zoning ordinance.

NONCONFORMING USE. A building, structure, plot, premises or use of land lawfully existing at the time of the effective date of this chapter which does not conform to the regulations of the district in which it is situated (see Figure 4-10).

FIGURE 4-10
NONCONFORMING BUILDING AND USE ILLUSTRATION



NUISANCE. An activity consisting of an unlawful or unreasonable use of property by an individual that causes injury or damages to another or to the public in general. Common examples of phenomena generally considered to constitute nuisances include excessive noise, odor, smoke or vibration.

ON-PREMISE SIGN. A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.

OPEN-SPACE RATIO. The ratio between open space on the lot, whether required or not, and the total lot area.

OPEN SPACE, REQUIRED. The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this chapter.

OWNER. The owner of freehold premises or lesser estate in the premises a mortgagee or vender in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association or corporation directly or indirectly in control of a building structure or real property or his or her duly authorized agent/representative.

PARK. A parcel of land, building, or structures used for recreational purposes including but not limited to playgrounds, sport fields, game courts, trails, picnicking areas and leisure time activities.

PARKING SPACE. A land area of not less than 10x20 feet exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

PERFORMANCE BOND. A bond posted by a contractor or subcontractor that contains the guarantee of a surety that a specific project will be completed and meet any standards or specifications that have been agreed upon.

PERFORMANCE STANDARDS. General criteria that are set to ensure that particular structure, type of land use or development will be able to meet certain minimum standards or that its effects on the community will not exceed set limits.

PERSONAL SERVICES. Uses which include but are not limited to dentists, physicians, barbers, beauticians, attorneys and similar services.

PIPP, POLLUTION INCIDENTAL PREVENTION PLAN. A written procedure that will be invoked by an owner or his or her agent in the event of a potentially polluting incident that could result in soil or groundwater contamination.

PLANNED UNIT DEVELOPMENT (PUD). A parcel of land which is planned and developed as a single entity containing residential clusters consisting of individual and multiple building sites and common open space property which may contain varied residential dwelling types, institutional uses or office development, and which is designated and developed under one owner or organized group as a neighborhood or a community unit.

PRIME AGRICULTURAL LAND. Land most efficiently suited to the production of row, forage and fiber crops. This land, due to inherent natural characteristics such as level topography, good drainage, adequate moisture supply, favorable soil depth and favorable soil texture, consistently produces the most feed, food and fiber with the least fertilizer, labor and energy requirements.

PRINCIPAL STRUCTURE. The main structure to which the premises is devoted.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PRIVATE ROAD. A privately owned and maintained road constructed to Ionia County Road Commission standards and characterized by a joint operating agreement that runs with the land and binds the benefitted parcels; is formally named and so marked; an escrow account which insures continued maintenance; to name a few.

PROHIBITED USE. A use of land or building which is not permitted within a particular land development district.

PROOF OF EQUITABLE TITLE. A recorded land contract agreement or recorded deed conveying to the purchaser interest in real estate and/or any assignments of the purchasers interest thereof.

PUBLIC WATER COURSE. A stream or creek which may or may not be serving as a drain as defined by Public Act 40 of 1956, being M.C.L.A. 280.1 et seq, as amended or any body of water which has definite banks, a bed, and visible evidence of a continued flow or occupancy of water.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board authorized to furnish the public, electricity, gas, steam, sanitary sewer, telephone, telegraph, transportation, or water service.

REFUSE/TRASH STORAGE SPACE. Any exterior space designated by a Site Plan for containers, structures, or other receptacle intended for temporary storage of solid waste materials.

REHABILITATION. The upgrading of an existing building or part thereof, which is in a dilapidated or substandard condition.

RESTAURANT. An establishment where food and/or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns and nightclubs permitting consumption on the premises.

RESTORATION. The reconstruction or replication of an existing building's original architectural features.

RIGHT-OF-WAY. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND. A structure for the display and sale of agricultural/garden products, with no space for customers within the structure itself.

ROOM. An area of a dwelling unit, not including bathrooms, closets and kitchens.

SECOND HAND STORE. A building or portion thereof in which the public sale of previously owned goods, having no generally recognized cultural or historic value as antiques. Is carried-out for a period of time greater than seven consecutive days during a six-month period of time.

SETBACK. The minimum horizontal distance between the road right-of-way line and a building or structure.

SETBACK LINE. A line parallel with and at the minimum required distance from the road right-of-way line.

SIGN(S). Any words, lettering, parts of letters, figures, numerals, phases, sentences, emblems, devices, trade names or marks, or combination thereof, by which anything is made known, such as designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

SOLID WASTE. Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleaning, municipal and industrial sludge, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous products, and slag or slag products directed to a slag processor or to a user of slag or slag products.

SPECIAL USE PERMIT. A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under special uses authorized by permit. These special uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the county's inhabitants.

SPOT ZONING. The assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel. The term is usually employed when the use classification is intended to benefit a particular property owner and is incompatible with the surrounding area.

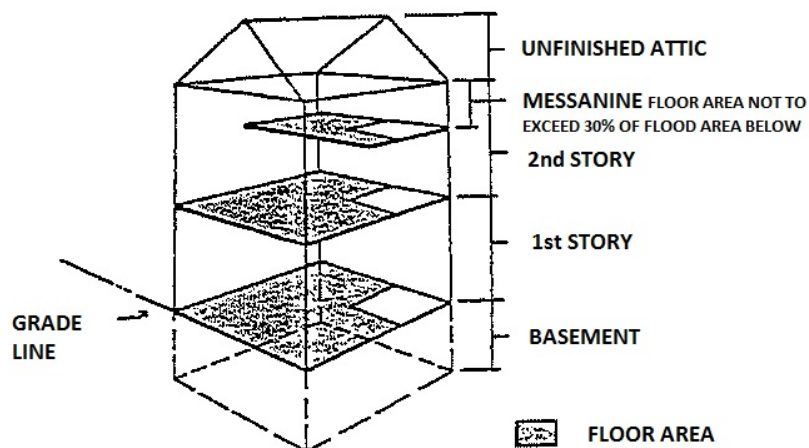
STORY. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

STREET. A public dedicated right-of-way which afford traffic circulation and principal yard means of access to abutting property.

STRUCTURAL ALTERATION. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

STRUCTURE. Anything constructed or erected the use of which requires location on the ground, or attached to something having location on the ground (see Figure 4-11 for basic structural terms).

FIGURE 4-11
BASIC STRUCTURAL TERMS AND ILLUSTRATIONS



SUBDIVISION. The partitioning or dividing 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, lease of more than one year or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area are created by successful division within a period of ten years. The subdivision plat (a map or chart depicting the subdivision of land) is regulated by the Public Act 288, Subdivision Control Act of 1967, being M.C.L.A. 560.101 et seq., as amended.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications; or (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

SWIMMING POOL. Any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

TOWER, FREE-STANDING. Towers erected for communication and/or reception and used privately or commercial purposes.

TOWN CENTER (TC). The Town Center is the older traditional commercial core of Clarksville, generally located along Main Street between Ferney and Nash Streets, which is the retail and business activity center for the village and surrounding area.

TRAVEL TRAILER. A vehicular portable structure built on a chassis which is less than 35 feet in length and is of such a width and weight as not to require special highway movement permits when drawn by a vehicle.

UNDEFINED TERMS. Any term not defined herein shall have the meaning of common or standard use.

VARIANCE. A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

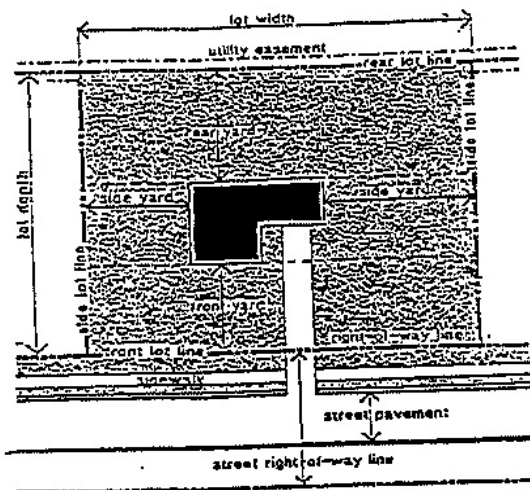
VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks.

WAREHOUSE. A building or portion thereof used for storage of goods, merchandise or other property not permitted in a mini-warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

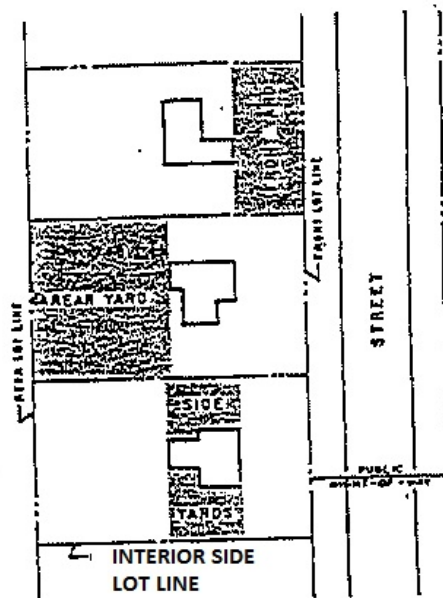
WATERCOURSE. An open conduit either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two acres.

YARD, FRONT. An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot (see Figure 4-12).

FIGURE 4-12
LOT AND YARD ILLUSTRATIONS



YARD TERMS



YARD, FRONT-REQUIRED. The minimum required yard extending the full width of the lot and situated between front line and the front building line, parallel to the street line. The depth of the required front yard shall be measured at right angles to the street line, in the case of a straight street line, and radial to the street line, in the case of a curved street line.

YARD, REAR. An open occupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building on the lot (see Figure 4-12).

YARD, REAR-REQUIRED. The minimum required yard extending the full width of the lot and situated between a rear property line and the rear building line, parallel to the rear property line. The depth of the required rear yard shall be measured at right angles to the rear property line.

YARD, SIDE. An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard (see Figure 4-12).

YARD, SIDE-REQUIRED. The minimum required yard extending between the front yard and rear building lines and situated between a side property line and the side building line, parallel to the side property line. The width of the required side yard shall be measured at right angles to the side property line.

ZONING. The dividing of the village or community into districts of a number and shape considered best suited to carry out the purposes of the Zoning Enabling Act of 2006, Public Act 110, as amended, and the creation of uniform regulations throughout each individual district. Such districts are referred to as zoning districts in this chapter.

ZONING ADMINISTRATOR. The person authorized by the Village Council to administer the Zoning Ordinance.

ZONING PERMIT. A permit issued to a person, proposing a development which is regulated by this chapter, which indicates compliance with the chapter and thereby granting permission to proceed. (Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010; Ord. 50, passed 6-6-2011)

SUPPLEMENTAL REGULATIONS

§ 152.040 PURPOSE.

It is the purpose of this subchapter to establish miscellaneous regulations which have not been specifically provided for in other portions of this chapter.
(Ord. passed 12-2-1996)

§ 152.041 GENERAL REGULATIONS.

(A) *Access to a street.* All lots of record created after the effective date of this chapter shall have frontage on a public street or private road by special use permit and approved access, except in the case of an officially approved group housing development or an approved mobile home park as provided for in this chapter.

(B) *Rear dwelling prohibited.* No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers and domestic employees, whose employment is related to the functions of the principal building, provided that all other requirements of this chapter are satisfied.

(C) *Unsafe buildings.* Nothing in this chapter shall prevent compliance with an order by an appropriate authority to demolish, correct, improve, strengthen, or restore to a safe condition any building declared to be unsafe.

(D) *Grading and filling of property.* The final grade surface of ground areas remaining after the construction of a building or structure and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner which avoids. Any increase in surface water discharge onto adjacent properties or public roads; the erosion of or filling of any road ditch; the blockage of any public watercourse; the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provision of this section shall be to administer and enforce pursuant to §§ 152.130 through 152.140, Site Plan Review, when applicable. In all other cases the Zoning Administrator shall determine whether the provisions of this section are met, provided that he or she first consults with the County Drain Commissioner and the Superintendent of the County Road Commission (if county road right-of-way is involved) before taking any action to correct the situation. When it is determined by the Zoning Administrator after the aforementioned consultation, that inadequate surface water control exists, no certificate of occupancy shall be issued until the situation is corrected and approved by the Zoning Administrator.

(E) *Required water supply and sanitary sewerage facilities.* No structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe, potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Mid-Michigan District Health Department, Michigan Department of Public Health and/or Department of Natural Resources Waste Water Division.

(F) *Mobile home and trailer dwellings prohibited.* No mobile home or trailer shall be occupied as a dwelling in the village except as provided in the following sections:

(1) Mobile homes or trailers located in an approved and licensed mobile home park development meeting the requirements of Public Act 96 of 1987, The Mobile Home Commission Act.

(2) Mobile homes or trailers occupied under the temporary housing occupancy provisions as outlined in this chapter.

(3) Mobile homes or trailers occupied under emergency housing provisions as outlined in this chapter.

(4) Mobile homes as permitted on residential or agricultural zoning districts upon compliance with the standards outlined in this chapter.

(G) *Soil erosion and sedimentation.* All development in all districts shall conform to the Ionia County Erosion/Sedimentation Ordinance and general rules; and Public Act 347 of 1972, the State Soil Erosion and Sedimentation Control Act.

(H) *Uses of structures for temporary dwellings.* No structure shall be used for dwelling purposes that does not meet the minimum standards, as defined in this chapter and the current Construction Code. No garage, or other accessory building, trailer coach, cellar, basement, tent, cabin, partial structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purpose for any length of time unless authorized by the following sections. The terms cellar and basement, as used in this section, shall not be construed to include earth-sheltered homes as defined in this chapter.

(I) *Temporary buildings.* Temporary buildings may be permitted for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one year, whichever is the lesser time period.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.042 SUPPLEMENTARY USE REGULATIONS.

Accessory buildings. Authorized accessory buildings may be erected as a part of the principal building or may be connected to it by a roofed over porch, patio, breeze way, or similar structure, or may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building shall not be nearer than ten feet from any other structure on the same lot and shall also comply with the front, rear and side yard requirements of this chapter.

(A) *Accessory uses - garages.* The structural space which is permissible in residential districts for motor vehicle storage and for incidental space as accessory to an authorized use, shall not exceed the following:

(1) In all residential districts, the storage of commercial vehicles shall be limited to one vehicle per residential dwelling which shall not exceed a GVWR of 10,000 pounds or more and is owned and operated by a member of the residence or resident (occupant) at the location of storage.

(2) Space in a garage accessory to a multiple-family unit or a motel shall not be rented out except to occupants of the principal dwelling.

(3) An accessory building shall not occupy more than 30% of the area of any required rear yard.

(B) *Accessory buildings - all districts.*

(1) *In a rear yard.* No accessory building including detached garages, shall be closer than the required setback for the district.

(2) *In a side yard.* No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance for the district.

(3) *On a corner lot.* No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than five feet to the common lot line.

(4) *Accessory structures design.* Owners of accessory structures are encouraged to design and construct the exterior to blend or be architecturally compatible or similar to the principal structure or building in all zoning districts.

(Ord. passed 12-2-1996)

§ 152.043 SUPPLEMENTARY AREA REGULATIONS.

(A) *Exception to required lot area.* Any legally created lot created and recorded prior to the effective date of this chapter may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:

(1) That the other requirements of the Residential District are met.

(2) That no adjacent land or lot is owned by the owner of the lot in question.

(3) That no lot shall be so reduced in area that the required open spaces will be smaller than those established as a minimum for the district in which the lot is located.

(B) *Lot area can be allocated once.* No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed building or the alteration of an existing building.

(Ord. passed 12-2-1996)

§ 152.044 SUPPLEMENTARY HEIGHT REGULATIONS.

(A) *Permitted exceptions - structural appurtenances.*

(1) The following structural appurtenances shall be permitted to exceed the height limitations. Exceptions may be authorized only when all of the following conditions are satisfied. No portion of any building or structure, permitted as an exception to a height limitation, shall be used for human occupancy or for commercial enterprise. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve, so as not to become a hazard to aviation. Structural appurtenances exceeding the maximum height limitations within ten miles of a public airport shall not be allowed without the approval of the Airport Zoning Board having jurisdiction. If the roof area of structural elements permitted to exceed the height limitations exceed 20% of the gross roof area, they shall be considered as integral parts of the whole structure and thereby shall not exceed the height limitations.

(a) Ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flag poles and monuments.

(b) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts, aerials, television antennas, fire and hose towers and cooling towers.

(c) Commercial and non-commercial free-standing towers and antennas shall be constructed in compliance with § 152.062 herein.

(d) Free-standing towers, such as T.V. or radio towers, intended primarily to serve the occupants of the main structure, shall not exceed one and one half times the structural height limitations for structures in that district.

(2) Small energy wind convertors shall be permitted in the A-1 and A-2 Districts by right provided that the tower does not exceed 100 feet and there is compliance with division (A). The units may be permitted in the Zone District by right provided the units do not exceed 35 feet in height and meet all the required setbacks for accessory buildings.

(B) *Permitted exceptions - Residential District.* There shall be no exceptions permitted for residential structures; certain nonresidential structures in residential districts may be permitted to exceed height limitations provided there is compliance with the provisions of §§ 152.030 through 152.032 inclusive. Solar collectors attached to the roof of a structure shall not be included in the height measurement for the purpose of this section.

(C) (1) *Permitted exceptions, Business and Industrial Districts.* In any business or industrial district, any principal building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard is increased one foot for each one foot of such additional height.

(2) In those districts not requiring one or more yard setbacks, any portion of a principal building may be erected to a height in excess of that specified for that particular district provided that such portion is set back from all street, lot and required yard lines one foot for each foot of additional height.

(Ord. passed 12-2-1996; Ord. 65, passed 10-5-2015)

§ 152.045 SWIMMING POOL REGULATIONS FOR ALL DISTRICTS.

Pools used for swimming or bathing shall conform to the yard setback requirement as required for accessory uses and structures in this chapter and comply with the State Construction Code and Ionia County Public Health requirements.

(Ord. passed 12-2-1996)

§ 152.046 JUNK, INOPERABLE. VEHICLES, AND ANTIQUE AUTOMOBILES.**(A) *Junk.***

(1) No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, a dismantled, partially dismantled, unlicensed, unrestorable, or inoperable motor vehicle, junk, rubbish, trash, old furniture, used lumber, unused or discarded machines or equipment, or litter upon any premises, except in an approved and licensed salvage or junk yard or in the case of motor vehicles unless confined in a wholly enclosed structure.

(2) No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, wrecked or inoperable farm machinery, unless hidden from all vantage points from the general public.

(B) *Antique automobiles.*

(1) A junk vehicle is considered an inoperable vehicle that is not a restorable vehicle. A restorable vehicle, often considered an antique/historic vehicle, is in turn defined as an inoperable vehicle actively being used in a restoration in connection with a hobby.

(2) The restorable vehicle must be in active use as the object of the restoration effort or as a parts car. A deteriorated car just sitting around does not qualify as a parts car. A parts car is one that the hobbyist used for donor parts in the restoration process of another similar vintage vehicle.

(3) All junk vehicles or inoperable vehicles that do not qualify as restorable vehicles shall not be parked or stored in the open in any zoning district of this chapter. The only exception is vehicles parked in connection with a business legitimately using such vehicles, such as a body shop or wrecking yard, in zoning districts where such businesses are authorized. In such cases vehicle storage must meet the screening requirements as required in § 152.135 of this chapter.

(C) *Standards.*

(1) No inoperative, restorable vehicle shall be parked or stored in the front yard or within the required setback of the side yard of property of any zoning district in this chapter.

(2) No more than one restorable vehicle or parts car consisting only of a car or pickup truck may be stored in the open in inoperable condition on any residential lot. A cover or wrap is to be provided to conceal the vehicle parked in the open.

(3) All doors, hatches, and trunk lids shall be secured against entry by small children.

(4) Open storage of parts, tools, and materials is forbidden.

(5) Restorable vehicles shall be registered and/or licensed by the State of Michigan as an historic vehicle.

(6) The hobbyist/owner/collector shall provide credentials that substantiate his or her hobbyist-collector status through membership in a national, state or local car club.
(Ord. passed 12-2-1996)

§ 152.047 REGULATIONS CONCERNING SUPPLEMENTAL USES.

(A) Home occupations.

(1) *Intent.* It is the intent of this section to set forth the requirements for establishing a home occupation as an accessory use of a single family detached dwelling unit such as involving the crafting, electronic/mail order sale or marketing of goods, the provision of services, or the instruction in a craft or fine arts which are conducted entirely within the dwelling unit by one or more persons, all of whom reside within the dwelling, and which is clearly incidental and secondary to the use of the dwelling as a residence.

(2) *Location.* The zone district where the residence is located is zoned A-1, R-1, and R-2.

(3) Regulations and standards.

(a) The Zoning Administrator shall determine whether or not a use shall be required to obtain a special use permit in order to operate as a home occupation. It, in the opinion of the Zoning Administrator, the proposed home occupation/business activities meet all of the following conditions, such home occupation may be conducted without a special use permit.

(b) A home occupation shall only be conducted within the premises of a single-family detached dwelling unit. Home occupations are not permitted within two-family or multiple-family dwellings. Farms and farming operations are considered home occupations.

(c) There shall be no outdoor, on-site storage of materials, equipment, or accessory items and/or display of materials, goods, or supplies used in the conduct of the home occupation. The on-site storage of commercial vehicles used incidentally for or used in the home occupation business shall not be permitted. Only normal household type of equipment and furniture are to be used in the home occupation. Computers, FAX machines, and copiers may all be used in the home occupation.

(d) Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation. All activities related to the home occupation shall be carried on entirely indoors of the dwelling unit.

(e) Home occupations are permitted only in the principal structure/building. However, in no case shall more than 25% or 480 square feet, whichever is smaller, of the gross floor area of the principal building be utilized for a home occupation.

(f) A home occupation shall not generate an unduly burdensome amount of traffic for the general area in which it is located. Unless the Planning Commission stipulates otherwise, the home occupation shall not generate more than ten trips per day, excluding trips generated by the occupants of the home. Adequate parking spaces shall be provided on the premises for persons patronizing the establishment. The following factors shall be considered when reviewing whether traffic generation is unduly burdensome:

1. Is the subject parcel located at the entrance or the interior of a subdivision?
2. Is the proposed home occupation conducted on the basis of appointments or does the traffic peak at certain times of the day?
3. Do the traffic volumes vary on a seasonal basis?
4. Do alternatives exist to generating traffic to the home?

(g) The establishment of a home occupation shall not necessitate exterior modification or alter the fire rating, except as may be required by the Zoning Administrator, to any structure/building on the property.

(h) The Planning Commission may stipulate the hours of operation in order to avoid possible disquieting effects from the home occupation to adjacent properties.

(i) Uses which shall be prohibited as home occupations shall include, but shall not be limited to the following:

1. Antique shops;
2. Convalescent and nursing homes;
3. Day care centers or nursery schools, however, day care services may be provided and are related to size;
4. Funeral homes;
5. Food preparation for catering;
6. Kennels;
7. Medical or dental clinics or hospitals, or animal hospitals;
8. Refuse collection businesses;

9. Repair of automobiles, motorcycles, boats trailers, trucks or similar equipment or vehicles.

10. Walk-in customer retail sales of any product, except those products sold that are directly incidental to the permitted home occupation (i.e. hair care products by a hair dresser).

(j) The use of a garage or accessory buildings for home occupation is not permitted.

(k) Signs shall be permitted in general accordance with §§ 152.190 through 152.198, of this chapter, but in no case shall exceed two square feet in area, is not illuminated and is mounted flat against the wall of the dwelling.

(l) Compliance with all other applicable laws and ordinances.

(4) *Standards for farms and farm operations.*

(a) The incidental sale of farm produce is permitted from the roadside provided:

1. The sale is temporary and/or seasonal (not to exceed 180 days).

2. The sale is of produce grown on the land from which the sale takes place.

3. All temporary displays and signs advertising temporary sale are removed from the roadside when not in use.

4. Other retail sales shall be limited to items made by the family residents of the dwelling where the home occupation is located.

(b) In the agricultural production district only, persons requiring the use and storage of backhoes and other heavy equipment, trucks, well drilling rigs, and other similar equipment pertinent to their business operation and for their livelihood, shall be permitted.

(c) In the agricultural production district only, the outdoor storage of farm implements, materials, and equipment is permitted and shall be completely fenced to obstruct view to a height equal to the elevation of the tallest material equipment to be stored where the farm abuts any residential properties.

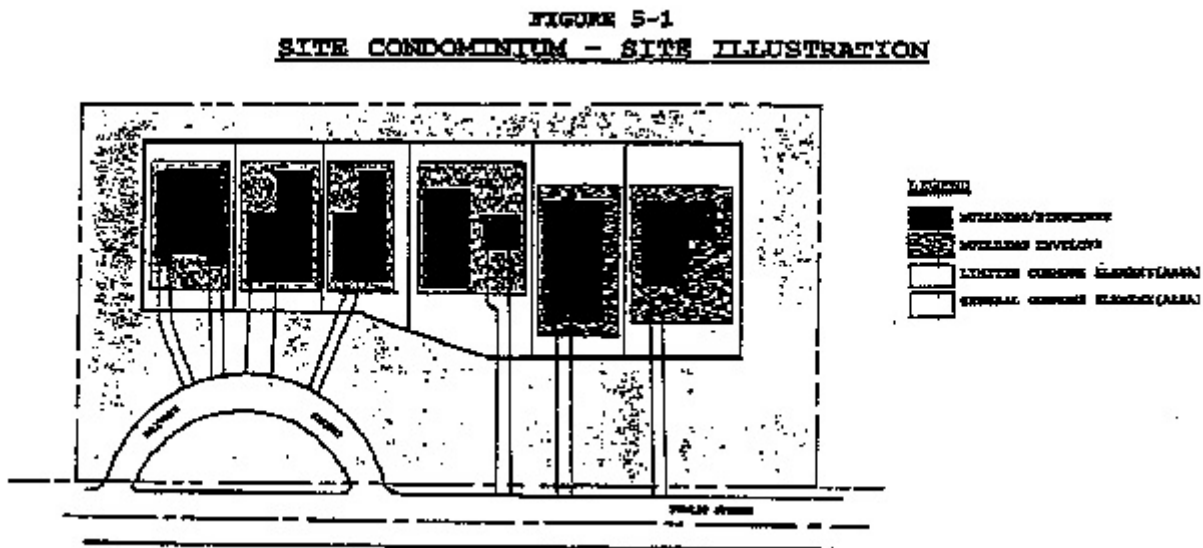
(d) No more than four persons other than members of the immediate household permanently occupying such dwelling shall be employed on the site at any one time in the home occupation.

(B) *Site condominium.*

(1) *Purpose.* The purpose of this section is to ensure that plans for site condominium developments within the village proposed under the provisions of the Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended, shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Michigan Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this section to ensure that such development is in conformance with the requirements of this Zoning Ordinance, as amended; the Village of Clarksville Subdivision Control Ordinance, as amended; and other applicable village ordinances and county, state and federal regulations.

(2) Operating definitions and development terms (see Figure 5-1).

(a) *Building envelope.* The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condo project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.



(b) *Building site or lot.* The building envelope and the limited commons area together in a site condo development is considered the functional equivalent of a standard subdivision lot.

(c) *Condominium Act.* The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.

(d) *Condominium building or structure.* The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g. in a residential development, the condominium structure would refer to the house and any attached garage. A condominium structure can also be a building envelope.

(e) *Condominium project or site condominium subdivision project.* A condominium project developed under Public Act 59 of 1978, as amended, consisting of more than one condominium unit which is not subject to the provisions of the Subdivision Control Act 288 of 1967, as amended.

(f) *General commons elements/areas.* General common elements means the land area other than the limited commons areas of the site condominium development that are held in common by all co-owners and used for parks, streets, open space or other common activities.

(g) *Limited commons elements/areas.* Limited common elements means a portion of the general commons elements reserved in the master deed for the exclusive use of less than all of the co-owners and used for landscaping, vehicle parking areas, or driveways.

(h) *Master deed.* The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project. All other information required by § 8 of the Michigan Condominium Act are included.

(i) *Mobile home condominium project.* A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

(j) *Setback - front, side, and rear yard.* Distance measured from the respective front, side and rear yard boundary lines associated with the building lot to the respective front, side and rear of the condominium structure/building envelope.

(k) *Site condominium unit.* A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

(l) *Condominium documents.* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner of the condominium.

(m) *Condominium subdivision plan.* The drawings and information prepared in accordance with § 66 of the Condominium Act.

(n) *Contractible condominium.* A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act.

(o) *Conversion condominium.* A condominium project containing condominium units some or all of which were occupied before filing of a Notice of Taking Reservations under § 7 of the Condominium Act.

(p) *Expandable condominium.* A condominium project to which additional land may be added in accordance with this chapter and the Condominium Act.

(q) *Notice of proposed action.* The notice required by § 7 of the Condominium Act, to be filed with the Village of Clarksville and the appropriate agencies of Ionia County.

(3) *Approval required.* All proposals to divide property other than according to the Subdivision Control Act must go through the Zoning Ordinance site plan review process. In determining whether to approve a site plan for a site condominium, the Planning Commission shall consult with the Zoning Administrator, Village Attorney, Ionia County Drain Commission and Ionia County Road Commission, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design, and compliance with all requirements of the Condominium Act and this chapter. A special use permit may be required for a site condominium project where the provisions of particular sections of this chapter identify the need for such a permit.

(4) *General requirements and standards.*

(a) No construction, grading, work, or other development shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, except with express permission of the Planning Commission. No permits for erosion or sanitary sewage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.

(b) A building, structure, or use to be placed on a condominium lot requires site plan approval under §§ 152.130 through 152.140 of this chapter before a certificate of zoning compliance may be issued.

(c) The Planning Commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.

(d) Each site condominium unit shall be located within a zoning district that permits the proposed use and can include commercial, industrial or residential buildings.

(e) The building envelope and the limited commons area together in a site condo development is considered the functional equivalent of a standard subdivision lot. The total of these site condo lots shall not cover more than 75% of the total land area in the site condo development, thereby leaving a minimum of 25% for general commons area.

(f) The site condominium developments must meet the use and dimensional requirements of the zoning district in which they are located.

(g) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.

(h) Each condominium lot shall be connected to public water and sanitary sewer facilities or have an approved water/utility system by the appropriate county and/or state agencies.

(i) Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in § 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

(j) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in § 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Planning Official. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

(k) All information required by this chapter shall be updated and furnished to the village and the applicable certificates of zoning compliance must be approved prior to the issuance of the building permits.

(5) Preliminary site plan requirements.

(a) A preliminary site plan shall be filed for approval with the Planning Commission on or before the time the notice of proposed action is filed with the Zoning Administrator.

(b) The preliminary site plan shall include all land that the developer intends to include in the site condominium project and prepared in accordance with the following requirements. Fifteen copies of the site plan shall be submitted to the village. The preliminary plan shall be drawn at a scale of not more than 100 feet to the inch and shall include or be accompanied by the following information:

1. The name of the project, the name and address of the developer; the name, address and seal of a registered surveyor or engineer preparing the plan; and a description of the property to be developed.

2. A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.

3. North arrow, scale, contour interval, and legend when appropriate.
4. Contour elevations adjusted to USGS datum at not more than five foot intervals.
5. Where appropriate, establish flood plain contours and elevations adjusted to USGS datum.
6. The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on/or abutting the property.
7. The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:
 - a. Street and sub-street right-of-way locations, width and curve radii.
 - b. Proposed street names.
 - c. Boundaries of all limited common elements, general common elements and building envelopes.
 - d. Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten square feet.
8. The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
9. The locations and tentative sizes of proposed sanitary sewers, storm sewers, and catch basins, water mains, culverts, bridges, ponding areas, ponds, and lagoons.
10. Statements regarding:
 - a. Intent to utilize private water or sewerage facilities.
 - b. Zoning and lot size requirements.
 - c. Zoning requirements for front, side, and rear yards.
 - d. Size and type of street(s). (Developers are encouraged to utilize the road design and construction standards of the Ionia County Road Commission.)
 - e. Intent to install gas, sidewalks, street lights, and shade trees.
 - f. Use of rivers, streams, creeks, lakes, or ponds.

11. The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the master deed.

(6) *Final site plan requirements.*

(a) A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

(b) A final site plan shall be filed for review by the Planning Commission for the total site condominium project or for each phase of development shown on the approved preliminary site plan.

(c) In addition to the provisions of this section of the chapter, the final site plan shall meet the requirements of §§ 152.130 through 152.140 of this chapter.

(d) A final site plan shall include all information required in § 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in §§ 152.130 through 152.140 of this chapter. (Exception: in the case of a site plan application for a site condominium project that consists only of condominium lots with no buildings or other structures, the locations of and the dimensions of condominium lots, setbacks, and required yards shall be shown on the final site plan.)

(e) The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the Ionia County Drain Commissioner, Ionia County Road Commission, and the Mid-Michigan District Health Department. The Planning Commission shall not approve a final site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

(7) *Revision of site condominium subdivision plan.* If the site condominium subdivision plan is revised, the final site plans shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

(8) *Streets and roads.* All streets and roads, whether public or private, proposed for any site condominium, shall be developed with the minimum design, construction, inspection, approval, and maintenance requirements of the Village of Clarksville Subdivision Control Ordinance and the Ionia County Road Commission. In a case where private streets are proposed, the Planning Commission may approve a different set of design and construction standards if approved by the Village Engineer. The Site Condominium Association shall be responsible for maintenance, signage, and snow removal on all private roads and for the ingress and egress of all emergency and public service vehicles.

(9) *Dedication of private streets.* Whenever a private street, as recorded in the master deed, is to be dedicated for public use, it is necessary to obtain the consent of all co-owners, mortgagees, and other persons interested in the condominium.

(10) *Amendments to master deed or bylaws.* Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

(11) *Relation to Subdivision Ordinance.* All site condominiums shall conform to the design/layout, and improvements standards of the Village of Clarksville Subdivision Control Ordinance inclusive, and any financial guarantees determined to be necessary by the Planning Commission. The standards and requirements of these sections that are intended to apply to lots in a subdivision shall apply instead to condominium lots. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under the Village of Clarksville Subdivision Control Ordinance or the Michigan Subdivision Control Act.

(12) *Development agreement.* The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the village, incorporating the terms and conditions of final site plan approval and record the same in the Office of the Register of Deeds for Ionia County.

(13) *Construction located in general common element.* Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

(14) *Monuments and lot irons.*

(a) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

(b) The Village Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Village Clerk cash, a certified check, or any irrevocable bank letter of credit running to the village, whichever the developer selects, in an amount as determined from time to time by resolution of the Village Board of Supervisors. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Village Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

(15) *Rights-of-way and utility easements.* All rights-of-way and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location,

installation, maintenance and replacing of public utilities. The developer shall dedicate to the appropriate agency all easements for utilities. All streets shall be dedicated to the County of Ionia and shall be constructed in accordance with the standards of the Ionia County Road Commission. Water, sewer and electrical easements may be placed within streets, subject to the approval of the Village Engineer and the standards of the Ionia County Road Commission.

(16) *Improvements.* All improvements in a site condominium shall comply with the design specifications as adopted by the village and/or the appropriate Ionia County agency and any amendments thereto from time to time.

(C) *Adult businesses.*

(1) *Purpose.* The purpose and intent of this section is to regulate the location of, but not to exclude, adult businesses in Ionia County by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the county recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The county recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

(2) *Definitions.* For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BOOKSTORE. An establishment which excludes minors, as defined in M.C.L.A. 722.51 et seq., as amended, and has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion pictures films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material which exceeds 35% of the floor area of the establishment.

ADULT BUSINESS. Adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, as defined in this section, which meets one or more of the criteria defined in the definition of **ADULT BUSINESS, SIGNIFICANT PORTION**, below.

ADULT BUSINESS, SIGNIFICANT PORTION. A business where a significant portion of the stock in trade or services provided meets at least one of the following criteria:

1. Thirty-five percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined herein.

2. Thirty-five percent or more of the usable floor area of the building in which the adult business is located, is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined herein. The advertising (signs, publications, television, radio, and other media) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.

ADULT CABARET. An establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas as defined herein.

ADULT MOTION PICTURE THEATER. An establishment, in a completely enclosed building or room, which excludes minors, as defined in M.C.L.A. 722.51 et seq., as amended, and offers, for an admission fee, membership fee or other valuable consideration, the viewing of motion picture films, videotapes, pictures or photographs, cable television, satellite transmissions or the visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

ADULT NOVELTIES. Objects, items, and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.

ADULT PERSONAL SERVICE BUSINESS. A business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, personal dance rooms, and conversation parlors.

BUTTOCK. The perineum and anus of any person.

MASSAGE. Offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.

MASSAGE PARLOR. An establishment wherein private massage is practiced, used or made available as a principal use of the premises.

NUDE MODELING STUDIO. A place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.

OFFERED FOR SALE. Offered in exchange for money, a membership fee or any other valuable consideration.

SEXUAL INTERCOURSE. Genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body.

SODOMY. Sexuality bestiality.

SPECIFIED ANATOMICAL AREAS:

1. Human male genitals in a discernible turgid state, even if completely and opaquely covered; or
2. Less than completely covered:
 - a. Female breasts below a point immediately above the top of the areola;
 - b. Human genitalia and the pubic region; and
 - c. A buttock and anus.

SPECIFIED SEXUAL ACTIVITIES:

1. Acts of human masturbation, sexual intercourse or sodomy;
2. Fondling or other erotic touching of human genitalia, a public region, a buttock, an anus or a female breast.
3. Human genitalia in a state of sexual stimulation or arousal.

(3) *Location of uses.* Any existing building or land, or new building hereinafter erected, converted or structurally altered, used for an adult business, shall meet all of the following conditions:

(a) No adult business, as defined herein, shall be permitted within a 1,000 foot radius of an existing adult business. Measurement of the 1,000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

(b) No adult business, as defined herein, shall be permitted within a 1,000 foot radius of any residentially used or zoned land as depicted on the Official Zoning Map and defined in this Zoning Code. Measurement of the 1,000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

(c) No adult business, as defined herein, shall be permitted within a 1,000 foot radius of a school, library, park, playground, licensed group day care center, church convent monastery, synagogue or similar place of worship or other place of public congregation. Measurement of the 1,000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

(4) *Miscellaneous requirements.*

(a) No person shall reside in or permit any person to reside in the premises of an adult business.

(b) The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation who have a current massage therapist license.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.048 DRIVE-IN RESTAURANT OR FAST FOOD ESTABLISHMENT.

Site development standards. Drive-in restaurants and fast food establishments shall be subject to the following restrictions:

(A) Minimum lot area: 20,000 square feet.

(B) Minimum lot width: 125 feet.

(C) *Structure location.* The location of all structures including partially enclosed or covered service areas shall conform to the following requirements:

(1) Front setback: 75 feet.

(2) Side setback: 25 feet.

(3) Rear setback: 25 feet.

(D) *Motor vehicles access.* All points of entrance or exit for motor vehicles shall be no closer than 30 feet from the intersection of the right-of-way lines of two streets and not closer than ten feet from an adjacent property line. The minimum driveway width at the curb line shall be 30 feet. The minimum width of access drive shall be 16 feet. The angle of intersection of the centerline of any driveway with the centerline of the street shall be no less than 60 degrees unless separate acceleration and deceleration lanes are provided. No more than two driveway approaches shall be permitted on any street frontage.

(E) The outdoor space used for service shall be hard surfaced and adequately drained.

(F) All outdoor storage areas including areas for the storage of trash and rubbish shall be surrounded by an opaque wall at least six feet high, and a view obstructing door.

(G) Drive-in restaurant management shall provide adequate trash and litter containers and policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary to ensure a neat appearance, but no less than once at the close of each business day.

(Ord. passed 12-2-1996)

§ 152.049 AUTOMOBILE SERVICE STATION AND COMMERCIAL GARAGE.

(A) *Intent.* This section provides standards for automobile service stations and commercial garages. Generally, automobile service stations will be located adjacent to public streets and roads and commercial garages shall be located near high volume arterial highways.

(B) *Permitted uses.* The following uses may be permitted by issuance of a special use permit in conjunction with automobile service stations.

- (1) Retail sales of gasoline, oil, and similar products.
- (2) Automobile washing.
- (3) Automobile maintenance, including minor mechanical repairs.

(C) The following uses may be permitted in conjunction with commercial garages.

(1) Automobile towing, including parking of a wrecker and inoperative vehicles waiting for immediate repair.

(2) Parking and storage of inoperative vehicles, provided that such parking or storage areas shall be within an enclosed building or shall be screened by an opaque fence not less than six feet in height.

- (3) Automobile body repairs.

(D) *Site development standards.* Automobile service stations and commercial garages shall comply with the following site development standards:

- (1) The minimum site size shall be 15,000 square feet, and in addition, the following:

(a) Gasoline service stations shall have 500 square feet of site area for each additional pump over four and 1,000 square feet of site area for each additional service bay over two.

(b) Commercial garages shall have 1,000 square feet of site area for each additional service bay over two. There shall also be 300 square feet of additional site area for each space intended for storage of inoperable vehicles.

(2) The minimum site width shall be 150 feet.

(3) *Building setbacks.* Building setbacks shall comply with front yard requirements for the applicable zoning district. Gasoline pump accessory structures, or island, shall be set back no less than 50 feet from all street or highway r/o/w lines and shall not be located closer than 25 feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.

(4) *Access drives.* There shall be no more than two access driveway approaches for any gasoline service station and/or commercial garage, each of which, however, shall not exceed 30 feet in width at the property line.

(a) If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than 50 feet.

(b) No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement, or within 20 feet of any exterior lot line as extended.

(c) Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of 20 feet in width along the curb or edge of the pavement.

(d) The entire service area shall be paved with a permanent surface of concrete or asphalt.

(5) A landscaped buffer strip not less than 20 feet wide shall be developed adjacent to all automobile service stations.

(Ord. passed 12-2-1996)

§ 152.050 MOTEL, MOTOR-HOTEL, HOTEL AND TRANSIENT LODGING FACILITIES.

Motel, motor-hotel, hotel and transient lodging facilities except tent or camp sites provided there is compliance with the following:

(A) Minimum floor area of each guest unit shall contain not less than 250 square feet.

(B) The minimum lot area shall be one acre with a minimum width of 150 feet, provided that there shall be at least 800 square feet of lot area for each guest.

(C) The maximum lot coverage of all buildings, including accessory building shall not exceed more than 25% of the area within the boundary lines of land developed at any one time.

(D) *Minimum yard dimensions.* All buildings shall observe a setback of not less than 75 feet from any road right-of-way, and not less than 40 feet from any side or rear property line.

(E) The maximum building height shall not exceed two stories or 28 feet.

(F) *Site screening.* The site may be enclosed by open structure wood or wire fences, shrubs and/or trees which, along any yard line, shall not exceed six feet in height. No screening shall impair safe vertical or horizontal sight distance for any moving vehicles. Screening at least four feet high shall be erected to prevent headlight glare on adjacent residential or agricultural property. No screening shall be closer than 50 feet to any street line, except headlight screening shall not be closer than 30 feet.

(G) *Lighting.* All outdoor lighting shall be arranged so that it is deflected from adjacent properties, streets and thoroughfares, and shall not impair the safe movement of traffic.

(H) Swimming pools and other outdoor recreational uses, which are accessory to the main use and provided swimming pools are securely enclosed by a fence at least six feet in height.

(I) Accessory uses, such as meeting rooms, taverns, bars, or similar uses, provided such shall be conducted within the same building as the principal use. A caretaker's or proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor-hotel, hotel, or other transient tourist facility.

(J) *Exceptions to required lot areas, width and yards.* In cases where an owner or lessee proposes an integrated site development of a unified group of buildings, the Appeal Board may grant a variance waiving or modifying the lot area, lot width, and yard requirements except front yard requirements, provided the proposed development conforms to the basic intent of this district and complies with the parking requirements as herein provided.

(K) *Motor vehicle access:*

(1) *Site plans.* All site plan proposals submitted for this district shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles, other than stated herein, shall be permitted to a minor or residential street. All points of entrance or exit shall be no closer than 50 feet from the intersection of the right-of-way lines of two streets.

(2) *Interstate or interchange site location.* Whenever a proposed use is located adjacent to or within one-half mile of an existing, or planned state or interstate limited access highway interchange, it shall be incumbent upon the applicant to show that the proposed site location shall not cause unsafe traffic congestion resulting at or in conjunction with said limited access interchange, and the applicant shall request and submit with his or her application a written recommendation from the Traffic Division of the Michigan Department of State Highways. In no case shall private access drives be less than 200 feet from an interchange.

(L) Signs shall be those identifying any of the permitted uses within this district and shall be in accordance with the provisions of §§ 152.190 through 152.198.

(M) (1) Off-street parking and loading requirements shall be in accordance with the provisions of §§ 152.170 through 152.172 and shall conform to the following:

(2) At motels, motor-hotels, hotels and other transient residential uses, parking shall be furnished on the immediate premises.

(N) The storage of refuse and space required for the accumulation and out loading of garbage, trash, scrap, waste, and containers therefore shall be contained within an enclosed structure.
(Ord. passed 12-2-1996)

§ 152.051 MINI-WAREHOUSES.

(A) *Intent and purpose.* It is the intent and purpose of this section to provide development regulations for mini-warehouses. The following procedures and requirements have been established to ensure that adequate provisions are made for, but not limited to, exterior appearance, safety, landscaping, screening, on-site parking and circulation, type of items that can be stored and use limitations of the storage areas.

(B) *Authorization.* Mini-warehousing shall be permitted in conjunction with a multiple-family dwelling, mobile home park and as cited elsewhere in this chapter.

(C) *Site development, standards.* Mini-warehouses shall be subject to the following standards:

(1) *Lot coverage.* Lot coverage of all structures shall be limited to 40% of the total area.

(2) *Off-street parking.* One space shall be provided for each 12 storage cubicles, equally distributed throughout the storage area. This parking requirement may be met by the provision of parking lanes as described below. Two off-street parking spaces shall be provided at the manager's quarters plus one additional space for every 25 storage cubicles to be located at the manager's office for the use of prospective clients.

(3) *On-site circulation and driveway widths.* All one-way driveways shall provide for one 10-foot parking lane and one 15-foot travel lane. Traffic direction and parking shall be designated, by signing or painting. All two-way driveways shall provide for one 10-foot parking lane and two 12-foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles.

(4) *Landscaping.* A landscaping strip, shall be provided along all street frontages and along borders where subject property abuts any residential zoning district; and constructed in accordance with the requirements of §§ 152.210 through 152.219.

(5) *Signs.* Shall comply with all the applicable requirements of §§ 152.190 through 152.198.

(6) *Business activities.* No business activities other than the rental of storage units shall be conducted on the premises.

(7) *Storage uses.* Mini-warehouse developments shall be limited to dead storage use only. Auctions, commercial or garage sales, servicing or repair of motor vehicles, boats, trailers, snowmobiles, lawn mowers, and other similar equipment are prohibited.

(8) *Outside storage.* All storage located upon the parcel shall be contained within a fully enclosed building.

(9) *Living quarters.* Warehousing in excess of 40,000 square feet may provide living quarters for the on-site manager.

(10) *Driveways, parking, and, loading.* All driveways, parking, loading and vehicle circulation area shall be constructed of an all-weather dustless surface.

(11) *Hazardous materials.* The facility shall be utilized for the storage of flammable, hazardous or explosive materials, as defined in §§ 152.260 through 152.263.

(12) *Setbacks.* All buildings shall be setback at least 75 feet from any state or federal highway. There shall be a setback of at least 50 feet from all other roads, or as prescribed in the applicable district, whichever is greater. The rear and side property line setback shall be in accordance with Schedule A or B depending upon the zoning district where it is located.
(Ord. passed 12-2-1996)

§ 152.052 PERMITS FOR CONSTRUCTION OF TEMPORARY ASPHALT OR CEMENT PLANTS.

The Zoning Administrator or agent shall be authorized to issue temporary land use permits for cement and asphalt plants when such are necessary for road construction under contract with a governmental unit and/or the Michigan Department of Transportation.

(A) The property owner, or operator of the plant, shall make application for a land use permit in the office of the Department of Planning and Zoning and shall pay the appropriate fee.

(B) The permit shall delineate a specific period of time commensurate with the length of the road construction contract, but in no case shall exceed 120 calendar days. Any extension of the permit may be obtained by applying for a special land use permit.

(C) The property upon which the plant is located shall be zoned A-1, A-2, MR, or M-1.

(D) The plant shall be located upon the site with a legal mineral extraction operation.

(E) The plant shall not be constructed closer than 100 feet to any adjoining property boundary and 500 feet to any adjoining residence, unless written approval is obtained from the owner of the subject residence.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.053 TEMPORARY HOUSING PERMITS FOR EMERGENCY SITUATIONS.

(A) The Zoning Administrator may issue temporary housing permits to authorize the occupancy of a mobile home or recreational vehicles when a single-family dwelling has been destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy.

(B) The permit shall be conditioned upon compliance with the following standards:

(1) The permit shall delineate a time duration not to exceed 180 calendar days.

(2) The owner of the damaged structure or his or her agent shall acquire a permit for repair or reconstruction of the damaged structure prior to occupancy of the mobile home or recreational vehicles.

(3) The mobile home or recreational vehicle will be conditioned upon approval from the Mid-Michigan District Health Department, but may be allowed up to 30 days with temporary sanitary facilities as approved by the Zoning Administrator.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.054 TEMPORARY HOUSING PERMITS.

(A) *Intent and purpose.*

(1) This chapter recognizes that a vital need exists in our community in caring for individuals who, due to age, illness or disease, can no longer care for themselves.

(2) It is the intent of this section to provide standards that will allow the placement of mobile homes on the same lot as the principal dwelling, that would not otherwise be allowed by this chapter, where the provisions contained herein are complied with and where there is a proven need for supervision of an individual(s).

(B) *Introduction.*

(1) A person(s) may make application to the Zoning Administrator for a land use permit to occupy a mobile home as an accessory use to a principal dwelling on unplatted parcels in the A-1, A-2, and R Districts if a medical condition exists such that the occupant(s) of the principal dwelling or the proposed mobile home requires continued supervision.

(2) The permit shall be conditioned upon compliance with the following standards:

(C) *Standards for compliance.*

(1) The medical condition shall be attested to and certified by a licensed physician stating the nature of the disorder and specifying the level and type of continued care needed by the patient. The certification shall be on a form provided by Ionia County.

(2) The temporary housing permit shall be. conditioned upon approval from the Mid-Michigan District Health Department.

(3) The temporary housing permit shall be issued to the person(s) with the medical condition and is for that applicant(s) use only and shall not be transferable to any other owner or occupant. The permit shall authorize the placement of one mobile home on the subject property to be occupied by the person(s) with the medical condition or by the individual(s) caring for the applicant.

(4) It shall be the responsibility of the applicant to contact the Ionia County Building Official for a certificate of occupancy pursuant to the requirements of the Michigan Constitution Code, Public Act 230 of 1972 prior to occupancy.

(5) The person(s) with the medical condition shall not be employed, or suited for gainful employment.

(6) The mobile home shall conform to the mobile home construction safety standards of the U.S. Department of Housing and Urban Development.

(7) The mobile home shall comply with the site development requirements for accessory buildings in relation to siting.

(8) The mobile home shall be equipped with an approved and listed smoke detection device installed adjacent to each sleeping area.

(9) The mobile home shall comply with Public Act 133 of 1974, as amended. (Shall be equipped with a multi-purpose ABC fire extinguisher having a minimum 2A-10B-C rating.)

(10) The mobile home shall be placed on a foundation in compliance with the manufacturer's installation instructions and the applicable provisions of the Michigan Construction Code.

(11) The mobile home shall be anchored to protect against wind damage. The anchoring system shall be designed and constructed in compliance with the U.S. Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction Safety Standards" and be approved for sale and use within the State by the Michigan Construction Code Commission.

(12) The mobile home shall be skirted in accordance with the applicable provisions of Public Act 96 of 1987, the Mobile Home Commission Act.

(13) Upon receiving an application for a temporary housing permit to occupy a mobile home as an accessory use to a principal dwelling because of an existing medical condition, the Department of Planning and Zoning shall contact all persons to whom real property is assessed within 500 feet of the proposed mobile home site stating that the Department will issue the permit at the end of a seven day calendar day time period unless an aggrieved party can demonstrate a "just-cause" why the subject permit should not be issued.

(a) In the event the issuance of the permit is challenged, the department shall notify all person(s) to whom real property is assessed within 500 feet of the proposed mobile home site of a public meeting to be held ten calendar days after the issuance of the permit has been challenged in order to give all parties an opportunity to speak to the subject permit.

(b) Based upon the information presented prior to and at the public hearing, the Zoning Administrator shall either deny or grant the permit.

(14) The mobile home unit, being temporary in nature, shall be vacated and removed within 90 days of the cessation of the occupancy for which it was intended.

(15) It shall be the responsibility of the Zoning Administrator or his or her agent to review each permit on an annual basis to ensure continued compliance with the permit. If it is determined upon such review that a violation of the permit has occurred, the Administrator shall take the appropriate enforcement action as stated in § 152.015 of this chapter.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.055 PLANNED SHOPPING CENTER.

(A) Intent and purpose.

(1) It is the intent of this section to provide for and encourage the development of grouped retail sales and service establishments at logical and sound locations within the village. Typically, such planned centers are located on a single unified site and are designed and constructed as an integrated unit for shopping and other business activity.

(2) The unique and changing characteristics of this type of business activity calls for standards and procedures which cannot be adequately covered by any one of the customary business district classifications. In recognition of these unique characteristic, the requirements of this section have been designed to provide for the flexible application of protective standards so that an efficient, attractive and pleasing shopping environment can be created for both the business person and the customer.

(B) *Review procedure.* The owner or owners of a tract of land which comprises five acres or more shall submit to the Village Planning Commission a request for establishing a planned shopping center in the Business and Commercial (BC) District of the Village Zoning Ordinance. The site requested shall be located upon a surfaced arterial or major road. Such request shall also be accompanied by the following evidence and supporting data, without which an application shall not be accepted by the Village Planning Commission.

(1) A market analysis by a recognized, reputable market analysis setting forth conclusively economic justification and needs for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited to such factors as the trade area of the community and travel time from various parts thereof to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities; and other data and analyses which relate to the need for, feasible success, and stability of the proposed center. The purpose of this requirement is to protect the village from the over development of retail sales and service establishments which could prove highly injurious to the community welfare.

(2) A site plan defining the areas to be developed for buildings; the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; the location of walls, landscaped areas, terraces and other open spaces; the provision of spaces for loading, unloading, and servicing; the location, size and number of signs; and the treatment proposed for required strip areas to protect abutting land uses and zoning districts.

(3) A traffic survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets and also indicating the anticipated points of origin, direction, and amount of traffic flow to and from the proposed center.

(4) A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space.

(5) A statement of financial responsibility to assure construction of the planned shopping center in accordance with the site plan and the requirements of this section. If, the proposed required rezoning and development request are approved and a planned shopping center is created, the owner or owners of the parcel of land in question shall submit final plans of center development to the Planning Commission prior to the issuance of a building permit for construction. Such final plans shall include a time schedule for completion of construction of the center and the Commission shall approve or disapprove such final plans within 45 days from the date of submission and shall forward its written approval or disapproval to the Zoning Administrator. Approval of final plans by the Planning Commission shall include approval of the development proposals contained within the plan as well as agreement to the construction schedule set forth by the developer. If, the development proposal is approved by the Planning Commission, the Zoning Administrator shall issue the necessary permits for construction.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.056 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS.

(A) *Types of structures.* All permitted activities shall be conducted entirely within a wholly enclosed permanent building, except as noted in the following:

- (1) The parking of customer's and employee's automobiles.
- (2) The loading and unloading of commercial vehicles, which must take place directly into or out of a building.
- (3) Temporary exhibitions and special quasi-civic events, provided they are conducted in spaces designed for such possible purposes on the final plans submitted with the application for a building permit.
- (4) Recreational facilities, incidental to the center's principal operations, of a nature normally conducted out-of-doors.
- (5) Gasoline service stations, provided that they conform to the site development requirements of §§152.040 through 152.061 of this chapter.
- (6) Other out-buildings intended for specific individual business uses such as a restaurant or a bank, provided that they are shown on the center plan and conform to the site development and use standards contained in this chapter.

(B) *Parking and loading areas and circulation.* All automobile parking areas, loading/unloading areas, and interior circulation for motor vehicles shall be designed in accordance with the following requirements:

- (1) Notwithstanding the parking space requirements specified in §§ 152.170 through 152.172 of this chapter, there shall be provided one square foot of parking space for every four square feet of gross floor area of the aggregate of all building space devoted to retail sales and/or services. For the purposes of this provision, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.
- (2) Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area. Also, there shall be walkways to connect with the sidewalk systems in the public right-of-ways serving the center.
- (3) Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.
- (4) Pedestrian travel from any establishment within the center to any other establishment shall be possible without crossing a vehicular way.

(5) Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up of vehicles into any external street under conditions of anticipated maximum center-destined traffic. Also, circulation design shall include clearly marked lanes, parking spaces, no parking zones, safety zones and loading/unloading areas.

(6) The circulation design shall consider service roads which connect with adjacent businesses and land uses.

(7) All areas accessible to vehicles or pedestrians shall be illuminated.

(8) Loading/unloading areas shall be situated in the architectural and functional design of the center to obscure its (their) view from the public and separated from the general public or customer on-site circulation patterns.

(C) *External access.* Access to the shopping center shall be provided by at least one direct access from a major or arterial street. Further, the owners or developers of the center shall show, to the complete satisfaction of the Village Planning Commission, that all access points to an external street or streets shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the street or streets.

(D) *Surface improvements.* All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable, all-weather, and dustless surface and shall be so graded and provided with adequate drainage facilities that all collected surface water is effectively retained and/or carried away from the site. No drainage from storm water runoff from the center shall drain onto abutting properties.

(E) *Structure location.* No structure, with the exception of permitted signs, fences, walls and light standards, shall be located closer to any property line of the center than a distance equal to twice its height.

(F) Signs may be permitted as provided in §§ 152.190 through 152.198 of this chapter.

(G) *Transition strips/buffer zone.* All planned shopping centers, when located in or adjacent to an agricultural district, residential district, or when adjacent to a school, hospital, or other public institution, shall include as an integral part of the site development a strip of land 100 feet or more in width on all sides of the site except on the side fronting a major/arterial street. No part of such land may be used for any shopping center functions, except that up to 50 feet of the strip width on the interior side may be used as part of the parking area. Except for the part that may be occupied by parking space, the strip shall be landscaped by plant materials or structural fences and walls, used separately or in combination. The plans and specifications for shopping center development shall include the proposed arrangement of such plantings and structures and such proposals shall be subject to the approval of the Village Planning Commission. The provisions of §§ 152.130 through 152.140 shall apply for the buffer area/strip.

(H) *Trash receptacles and dumpsters.* All trash disposal containers, receptacles, or dumpsters shall be located in areas or in such a manner that they are screened from casual public view and from the view of customers of the center. They shall be maintained and litter free to prevent the attraction and generation of vermin and rodent populations.

(Ord. passed 12-2-1996)

§ 152.057 SOLID WASTE DISPOSAL.

(A) *Siting and screening of refuse dumpsters and receptacles.* Refuse dumpsters, receptacles, and containers may be permitted or required as accessory to any use, other than single-family residential uses, subject to the following conditions:

(1) *Location.*

(a) Receptacles and dumpsters shall be located on a concrete pad in a rear or side yard, provided any such dumpster shall not encroach on required parking area, is clearly accessible to servicing vehicles.

(b) Dumpsters shall be located as far as practicable from any adjoining residential district or use but shall in no instance be located within 15 feet, or the minimum side yard setback of the particular zoning district in which it is located, of any residential property line or district.

(2) *Screening.* Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent wall or fence of not less than six feet in height or at least two feet above the enclosed dumpster, whichever is higher. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides. The wall or fence should blend with the materials, color and style of the primary structure and development. Green space and landscaping are required on the three sides of the enclosure.

(3) *Site plan requirements.* The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the Planning Commission.

(B) *Recycling containers.* Recycling containers may be provided out-of-doors with the following requirements:

(1) For existing or new uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other on-site refuse containers. If the Zoning Administrator determines that it is not practical to place the container adjacent to other refuse containers on the site, the containers may be placed in parking areas provided that the space used for the container shall not occupy required parking spaces and further provided that recycling containers shall be a gated and enclosed on three sides by a screening device approved by the Zoning Administrator.

(2) For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under §§ 152.130 through 152.140 of this chapter.

(C) Development standards.

(1) Outside refuse receptacles shall be appropriately screened at least as high as the container but not less than six feet in height.

(2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.

(3) Containers and enclosures shall be located away from public view insofar as possible.

(4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of the development they serve or of nearby buildings.

(5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six 30 gallon cans or more. Aprons shall be provided for loading of bins with capacity of 1.5 cubic yards or more.

(6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.

(7) *Screening and gates shall be of durable construction.* Fences, walls, footings, slabs, and curbs shall meet the State BOCA Code requirements as used in the village and county. Gates shall be constructed of heavy-gauge metal or of a heavy-gauge metal frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.

(8) The area inside and around the outside of the enclosure shall be maintained and litter free at all times. The enclosure structure shall also be maintained and repaired as necessary.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.058 SATELLITE DISH ANTENNA.

(A) Satellite antennas shall be permitted in all districts as an accessory use to a principal building.

(1) Definitions as they apply to this section:

(a) Satellite television antenna is an apparatus capable to receiving communications from a transmitter or a transmitter relay located in a planetary orbit.

(b) Usable satellite signal is a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

(2) *Procedure.* The mounting of satellite antennas, greater than 24 inches in diameter, attached directly to any building located in all zoning districts and the location or placement of satellite antennas on any property located in a residential district is prohibited, unless a site plan thereof is approved by the Planning Commission and subject to compliance with the standards contained in §§ 152.130 through 152.140, Site Plan Review.

(B) *Development standards.*

(1) *Limitation.* Only one satellite antennal per lot shall be permitted.

(2) *Grounding.* All satellite antennas and the construction and installation thereof shall conform to the village/county building and electrical codes.

(3) *Roofs.* Satellite antennas are prohibited on the roof of any garage or residential dwelling in residential zoned districts. Roof-mounted satellite antennas are permitted in all commercial zoned districts. Roof-mounted antennas attached to a commercial building shall not extend more than four feet above the highest point of a roof, and shall not be located closer to the edge of the roof than the height of the antenna. Satellite dish antennas shall be mounted directly upon the roof of a principal building and shall not be mounted upon appurtenances such as chimneys, towers, poles, or spires.

(4) *Wind loads.* All such antennas shall be designed to meet wind load standards of the Village Building or Electrical Code.

(5) *Screening.* All satellite antennas shall be screened from view of adjacent properties or public rights-of-way by a berm, wall, evergreen plantings, camouflage device or a combination thereof.

(6) *Glare.* The surface of the antenna shall be painted or treated so as not to reflect glare from sunlight or artificial lighting.

(C) *Other development requirements.* No satellite dish antenna shall be:

(1) Located in any front yard open space or side yard open space.

(2) Constructed closer to a lot line than ten feet including its base or the minimum setback of the district in which the antenna is located.

(3) Linked physically to or with any structure which is not on the same lot.

(4) In excess of an overall diameter of 12 feet or an overall height of ten feet above the highest point of a roof.

(5) Supported by structural supports other than corrosion-resistant metal.

(6) Wired to a receiver, except by wires located at least four inches beneath the ground in a rigid conduit or other wiring configuration approved under the village's building or electrical codes.

(7) Located within any required parking areas.

(Ord. passed 12-2-1996)

§ 152.059 KEEPING OF ANIMALS.

(A) *Household pets.* The keeping of household pets, including dogs, cats, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any agricultural or residential zoning district.

(B) *Livestock, bees and fowl (excluding chickens).*

(1) Livestock shall include, but not limited to, horses, cattle, sheep, goats, swine, llama, poultry/fowl (excluding chickens), and rabbits. Poultry/fowl includes turkey, emu, ostrich and similar avian species used for food production.

(2) Livestock, bees, and fowl may be kept or housed on a noncommercial basis only in the A-1 Districts. A minimum lot size of three acres is required.

(3) All livestock shall have stables, barns or similar shelters available. Such shelters shall comply with the applicable regulations contained in § 152.044 of this chapter.

(4) Areas in which livestock are kept shall be completely enclosed by a fence meeting the requirements of § 152.135 of this chapter. Said fence shall be kept in reasonable repair so as to prevent the livestock from exiting the fenced-in area.

(5) The keeping of bees shall be so located to prevent the disturbance of the safety, comfort, and repose of one or more persons, or prevent the insecurity in the use of his or her property.

(C) *Wild animal/fowl.*

(1) Wild animals/fowl shall include, but shall not be limited to the following: Alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, racoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), marten, eagle, or hawk (family).

(2) Any animal/fowl not domesticated by humans or any animal/fowl which a person is prohibited from possessing by law is considered wild.

(3) The keeping of wild animals/fowl (excluding chickens), as defined in this chapter, shall be prohibited in any agricultural or residential zoning district.

(D) *Maintenance of area.*

(1) The yard, structure, and area used for the animals/fowl described above shall be kept in a clean, healthful and unoffensive manner.

(2) The structure and area is to be located as to minimize the potentially adverse affects of noise or odors on adjacent properties so as not to create a nuisance.

(E) *Dogs.*

(1) No more than three dogs, six months of age and older, shall be kept or housed in or at one dwelling unit in all zoning districts, except A1 District.

(2) Permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter:

(a) Keeping or housing four to six dogs, six months of age and older at one dwelling unit in all zoning districts, except A1 District.

(b) Keeping or housing seven or more dogs, six months of age and older at one dwelling unit in all zoning districts, except A1 District.

(3) Dogs must be leashed on any premises not owned or occupied by the dog's owner, unless the dog is in a closed automobile or shipping receptacle.

(4) No person owning or possessing a dog shall cause or permit such dog to:

(a) Go upon (a) any public property, or (b) private property, without the permission of the owner of such private property, and bruise, break, tear up, crush or injure any flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(b) Be on public or private property not owned or possessed by such person, unless such person is accompanying such dog, has in his or her possession an appropriate device for scooping dog excrement for disposal in a suitable receptacle located on property owned or possessed by such person, and promptly uses such device to remove excrement of such dog, provided, however, this division shall not apply to guide dogs for the visually handicapped and aid dogs for the physically handicapped.

(F) *Backyard chickens (excluding District A1).*

(1) No more than six hens, pullets or older, shall be kept at one dwelling unit in all zoning districts.

(2) Roosters of any age are prohibited in all zoning districts.

(3) Slaughtering of chickens at the property is prohibited.

(4) Chickens shall be kept in a coop with a fenced in run in a rear yard. A setback of a minimum of ten feet from any side or rear lot line and 30 feet from any residential structure. (Ord. passed 12-2-1996; Ord. 60, passed 10-6-2014; Ord. 73, passed 6-4-2018)

§ 152.060 LANDSCAPING.

(A) *Purpose.*

(1) The purpose of this subchapter is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts between uses and along roadways. Landscaping is considered by the village to be an important element of land development and is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the village. Landscaping also serves to buffer incompatible land use, moderate harsh or unpleasant sounds, remove air pollutants, reduce the glare from vehicle headlights and separate vehicular and pedestrian circulation.

(2) The landscape standards of this subchapter are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(B) *Applicability.*

(1) The standards contained in this subchapter shall be applicable to any site plan, special land use request, or PUD submitted for review and approval under this subchapter.

(2) The regulations of this subchapter shall not apply to individual single-family and two-family dwelling units.

(3) *Modification of required landscaping.* For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed insofar as practical. The Planning

Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this subchapter. In doing so, the Commission shall consider the following criteria:

- (a) The amount of space on the site available for landscaping.
- (b) Existing landscaping on the site and on adjacent properties.
- (c) The type of use on the site and size of the development.
- (d) Existing and proposed adjacent land uses.
- (e) The effect the required landscaping would have on the operation of the existing or proposed land use.

(f) Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this section.

(C) *General regulations.*

(1) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.

(2) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

(3) For the purpose of this subchapter, a corner lot is considered as having a front yard along each street, and the appropriate landscaping shall be provided for both front yards.

(D) *Landscaping requirements.*

(1) *Greenbelt.* A greenbelt or landscape area as required herein shall be provided as follows:

(a) Wherever a TC, BC, P or DI zone abuts an R-1, R-2, MF or single and two family dwellings in a Residential PUD zone.

(b) Wherever a TC, BC, P or DI zone abuts a non-conforming residential use such as a house in a commercial or industrial zone.

(c) Wherever a non-residential use such as a church, school, hospital, or library which may be allowed in a residential zone abuts a residential use or an R-1, R-2, or MF Zone or abuts single and two family dwellings in Residential PUD zone, a greenbelt shall be required.

(d) Wherever multifamily buildings in an MF or Residential PUD zone abuts an R-1 or R- 2 zone or single and two family dwellings in a Residential PUD zone.

(2) The greenbelt shall be installed along the abutting lot line separating the different zoning districts and uses.

(3) Landscaping requirements shall not apply where adjacent zoning districts are separated by a public street. In such case, the front yard landscaping requirements of this subchapter shall apply.

(4) *Width and planting requirements for green belts.*

(a) A greenbelt shall be a minimum of 15 feet wide.

(b) For each 25 linear feet abutting the adjacent property, two trees shall be planted within the greenbelt. Such trees shall be a mixture of evergreen, canopy and ornamental trees.

(c) Stormwater detention/retention areas shall be permitted within greenbelts provided they do not reduce the screening effect.

(d) Solid waste dumpsters may be located in greenbelts, provided they are screened on three sides by a continuous opaque wall or fence six feet in height.

(5) *Plant spacing and size requirements.*

(a) Plant materials shall not be placed closer than four feet from the fence line or property line.

(b) Evergreen trees shall be planted not more than 25 feet on centers, and shall be not less than five feet in height at planting.

(c) Ornamental trees or tree-like shrubs shall be planted not more than ten feet on centers, and shall not be less than four feet in height at planting.

(d) Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than three feet in height at planting.

(e) Large deciduous trees shall be planted not more than 25 feet on centers, and shall be not less than three inch caliper at planting.

(6) *Prohibited landscaping.* The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<i>Common Name</i>	<i>Horticultural Name</i>
Boxelder	Acer Negundo
Ginkgo	Ginkgo Biloba, female only
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
Siberian Elm	U. Pumila

<i>Common Name</i>	<i>Horticultural Name</i>
Slippery Elm	Red Elm U. Rubra
Chinese Elm	U. Parvifolia
Sycamore	Platanus occidentalis
Cottonwood	Populus deltoids
Ash	Fraxinus

(7) *Front yard landscaping.* Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements.

(a) For each 50 feet in length of road frontage two trees shall be planted within the front yard. Such trees shall be a mixture of evergreen, canopy and ornamental trees.

(b) Shrubs at a rate of one per each tree required.

(c) Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25% may be received against providing the required plantings through the use of berms three feet in height or greater.

(d) Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.

(8) *Off-street parking area landscaping requirements.* All parking areas having 20 or more parking spaces shall be landscaped according to the following minimum requirements:

(a) Two canopy trees for every 20 parking spaces, with a minimum of two trees, shall be planted adjacent to and within the parking area. Evergreen trees are not permitted as a parking lot island planting.

(b) Trees shall be located to prevent damage by motor vehicles.

(c) Landscaping islands shall be provided at both ends of each parking row and within each row so that there are no more than 20 parking spaces between each island in order to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of nine feet wide and shall abut the length of the parking space. Each island shall contain at least one canopy tree.

(d) The surface of the islands shall be of porous material to allow for proper infiltration of water for trees in the island.

(e) Landscaping within the parking lot shall be kept to a maximum height of three feet except for canopy trees and be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.

(f) All landscape areas shall be protected by rolled or raised curbs, parking blocks or other similar methods.

(g) Landscaping required for greenbelts and front yard landscaping that directly abuts off-street parking areas may substitute for up to 50% of the required parking lot landscaping.

(E) *Berms, walls and fences.*

(1) If a berm is used for all or part of the greenbelt, required plant material quantities may be reduced by 25%. The berm shall comply with minimum standards contained in this subchapter. All plant materials shall be placed along the top and exterior side slope of the berm. The greenbelt width shall be increased as needed to accommodate maximum berm side slopes of one foot vertical rise to three feet horizontal.

(2) A screen wall or solid fence may be proposed by the applicant for all or part of the greenbelt. Additionally, the Planning Commission may require a fence instead of plantings within the greenbelt if it is determined that a fence would provide a better buffer between land uses. If a solid fence or screen wall is used, the following regulations shall apply.

(a) Required quantities of plant materials may be reduced by 50% for that area abutting the fence or wall.

(b) The fence or wall shall not be higher than six feet and shall have a finished appearance on both sides.

(c) All obscuring screen walls and fences shall be constructed with new, durable, weather resistant and easily maintained materials. Chain link and barbed wire fences are not permitted.

(d) The obscuring screen wall or fence may be constructed with openings that do not exceed 20% of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.

(e) The fence shall otherwise comply with the applicable fence regulations of this chapter or other Village of Clarksville ordinances.

(3) *Minimum standards for berms.*

(a) Wherever a berm is used to meet the minimum requirements of this subchapter, it shall have a maximum height of five feet above grade.

(b) Berms shall be constructed so as to maintain side slopes not to exceed a one-foot vertical rise to three feet horizontal ratio.

(c) Berm areas shall be covered with grass or other living ground cover.

(d) Berms shall be constructed so as not to negatively affect drainage patterns on adjacent properties.

(Ord. 53, passed 7-11-2011)

§ 152.061 FENCES AND WALLS.

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

FENCE. A man made structure serving as an enclosure, a visual screen a barrier or a boundary. For purposes of this section a freestanding wall having both sides exposed shall be considered a fence.

NON-ADDRESSED SIDE. The front yard of a corner lot dwelling that is not adjacent to the street in which the dwelling is addressed. Example: 162 S Main is on the corner of Main and Nash. The front yard along Nash shall be considered the non-addressed side.

SUBSTANTIALLY OPEN FENCE. A fence which is at least 40% open when viewed perpendicular to the fence.

(B) *Applicability.* The requirements of this section shall apply to fences and walls in all zoning districts except that fences which are erected on a temporary basis such as for a construction site, snow fence, emergency purposes, or temporary events are not subject to this section.

(C) *Permit required.* Before a new fence or wall is erected, constructed, installed, or replacement of more than 50% linear length of an existing fence or wall, a zoning permit shall be obtained from the zoning administrator. An application for a zoning permit must include a drawing showing the location type, height and materials of the fence or wall to be constructed and other information the Zoning Administrator requests to determine that the proposed fence or wall will comply with the provisions of this section. A fee for the issuance of a zoning permit as may be established by the Village Council shall accompany the application. Such fee shall be paid at the Village Office.

(D) *Materials and maintenance.*

(1) Any fence, decorative or protective wall, or landscape screen shall be of uniform design, construction and appearance, and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily

associated with the uses permitted in the zoning district in which it is located. A top rail must be installed on any chain link fence.

(2) All fences, decorative or protective walls and landscape screens shall be constructed and maintained so as not to become a visual nuisance, or pose a safety hazard to nearby residents, passerby, or the general public.

(E) *Yard and height requirements by zone.*

(1) *A-1 Zone.*

(a) *Front yard.* Maximum height of three feet for a solid fence; maximum height of six feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.

(b) *Side and rear yards:* maximum height of six feet.

(c) The use of barbed wire strands and electrically charged fences above grade is permitted in all yards.

(2) *R-1, R-2, MF, P, TC Zones.*

(a) *Front yard.* Maximum height of three feet for a solid fence; maximum height of four feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.

(b) *Side and rear yard.* Maximum height of six feet

(3) *BC, DI Zones.*

(a) *Front yard.* Maximum height of three feet for a solid fence; maximum height of six feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction. Fence must be setback at least 15 feet from the lot line.

(b) *Side and rear yard.* Maximum height of eight feet.

(c) The use of barbed wire strands is permitted in all yards provided the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.

(4) *Corner lot.* For corner lots the front yard requirements for fences shall apply to each front yard except that in the R-1, R-2, MF, P, or TC zoning districts, a solid fence with a maximum height of six feet may be placed within that front yard which is along the non-addressed side of the dwelling, provided such fence is at least five feet from that front lot line which is parallel to the side of the dwelling.

(5) *Measurement of fence height.* The height of a fence shall be measured as the vertical distance from the highest point of the fence material, excluding any support posts or structures, to the finished grade of the ground immediately beneath the fence material.

(6) *Fence height exceptions.*

(a) Fences which exceed the maximum height otherwise permitted by the zoning district may be allowed by the Planning Commission as part of the Commission's review of a site plan or special land use if it is demonstrated that such fence is necessary for public safety, proper screening, farm protection or is necessary for the proper operation of the principal use such as utility sub-stations, tennis courts, golf courses, athletic fields or parks.

(b) In all zoning districts for those portions of fences which are extended across uneven, low or depressed areas relative to abutting grades including but not limited to swales, sloping ground, streams, drains or ditches, the fence material may extend to the bottom of the depressed area or the water in order to achieve the purpose of the fence. The fence shall be constructed and maintained so it does not impede the flow of water. The top of the fence material which extends over the low or depressed area however shall not be higher than the top of the fence material on abutting grades.

(F) *Additional requirements and provisions.*

(1) All fences, and decorative or protective walls shall be erected so that the finished face of the fence, decorative or protective wall faces outside the property.

(2) A fence shall not be constructed or maintained that is charged or connected with an electrical current unless permitted in division (E) of this section. Underground dog fences are exempt from this requirement.

(3) Barbed wire fences are prohibited unless permitted in division (E) of this section.

(4) All vertical support members for a fence shall not exceed the maximum permitted fence height by more than six inches.

(5) Fences shall not be erected within two feet from a sidewalk, where the sidewalk is within the public right-of-way.

(Ord. 54, passed 9-12-2011)

§ 152.062 WIRELESS COMMUNICATION TOWERS AND ANTENNAS.*(A) Purpose.*

(1) It is the intent of this section to regulate those wireless communication towers and antennas in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Within the general parameters of these laws, this section also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this section intends to promote and encourage the collocation of attached communication antennas on existing towers and support structures.

(2) Newly installed wireless communications support structures and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of § 152.062(G) herein. However, if such requirements would preclude or prevent the operation of the antenna, then such requirements shall only apply to that extent which allows the antenna to reasonably operate.

(B) Permitted in all districts. Wireless communication towers are permitted in all zoning districts subject to approval as required herein.

(C) Exemptions for antennas only. The following antennas which are installed on an existing wireless communications support structure are exempt from the requirements of this section but are subject to the applicable building code requirements of the village.

(1) Amateur radio antennas operating under a license issued by the Federal Communications Commission;

(2) Television reception antennas;

(3) Antennas used primarily for a farm operation;

(4) Citizen band radio antennas;

(5) Short wave antennas;

(6) Satellite dishes; and/or

(7) Government wireless communications equipment and support structures which are subject to state and federal law or regulations that preempt municipal regulatory authority.

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

(1) **COLLOCATE.** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.

(2) **EQUIPMENT COMPOUND.** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

(3) **HEIGHT.** Is measured from the top of the antenna to the average grade within 25 feet of the base of the support structure.

(4) **WIRELESS COMMUNICATIONS EQUIPMENT.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

(5) **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE.** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

(E) *Collocation of New Wireless Communications Equipment and Modification of Existing Wireless Communications Support Structures Permitted By Right.* The collocation of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications support structures shall be permitted by the Zoning Administrator subject to compliance with all of the following requirements and the issuance of the applicable village building and electrical permits.

(1) *Application and Submittal Information.* The applicant shall file with the village an application for wireless communications equipment and wireless communications support structures that shall include the following information:

(a) A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored;

(b) A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer’s specifications and applicable village codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided;

(c) A description of the tower maintenance program;

(d) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that zoning district;

(e) Security measures including emergency contact personnel;

(f) The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the village and the cancellation of such policy shall not be effective without the approval of the village; and

(g) All required fees shall be paid to the village at the time of application.

(2) *Site Plan Requirements.* The applicant shall also file with the village three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information unless specifically waived by the Zoning Administrator:

(a) The date on which the site plan was prepared as well as the name of the preparer;

(b) A north arrow and legal description of the property;

(c) The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower;

(d) A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties;

(e) The height of the tower and antenna and its distance to all property lines;

(f) Any buildings or structures existing on the parcel;

(g) The distance to the closest building on adjacent property;

(h) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower;

(i) Any tower supporting structures or devices;

(j) Type and height of fencing to be installed around the tower or an equipment building;

(k) Elevation drawings of any buildings designed to serve the tower;

(l) Access road, width, and construction standards along with access easement;

(m) Any lighting proposed to be located on the tower; and

(n) Visual impact - The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.

(3) *Procedures.*

(a) The application materials shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in divisions (E)(1) and (E)(2) above of this section.

(b) Upon approval of the application, the applicant may proceed to obtain the applicable building and electrical permits.

(4) *Review Standards.* In order to approve the application, the Zoning Administrator must find that the proposed project meets all of the following requirements.

(a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

(b) The existing wireless communications support structure or existing equipment compound is in compliance with the village zoning ordinance and applicable building and electrical codes.

(c) The proposed collocation and any subsequent collocations will not do any of the following:

1. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. The height shall be measured from the top of the antenna to the average ground grade within 25 feet of the base of the wireless communications support structure;

2. Increase the width of the original wireless communications support structure by more than the minimum necessary to permit collocation; or

3. Increase the area of the existing equipment compound to greater than 2,500 square feet.

(d) The proposed collocation complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the Planning Commission or Zoning Administrator; and

(e) Any wireless communications equipment which meets the requirements of division (E)(4)(a) and (E)(4)(b) but does not meet the requirements of division (E)(4)(c) or (E)(4)(d) shall only be approved if the collocation complies with the requirements of division (F) below of this section.

(F) *Wireless Communications Equipment and Support Structure Allowed By Special Use Permit.* Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure may be allowed in all zoning districts if a special use permit is approved by the Planning Commission subject to the regulations and requirements of this section and also the general special land use review procedures and standards of §§ 152.110 through 152.119, Special Land Uses of this zoning ordinance. Newly installed wireless communications support structure and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of division (G) below of this section.

(1) *Procedures.*

(a) An application for a special use permit for wireless communications equipment and support structures shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in divisions (F)(2) and (F)(3) following. Within 14 days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the special use permit application is considered complete (but not approved).

(b) Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of this section.

(c) The Planning Commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the request is subject to division (E)(4)(e) of this section. Failure to do so shall result in the approval of the application as submitted.

(d) Any conditions imposed upon the approval of the special use permit must relate directly to the requirements of this zoning ordinance and any applicable village ordinances as well as applicable State of Michigan and federal laws.

(2) *Application Requirements.* In addition to normal application requirements, an application for wireless communications equipment and wireless communications support structures which require a special use permit shall include all of the following information. The fee paid by the applicant shall not exceed the actual cost to process the application or \$1000, whichever is less.

(a) *Proposed Use.* A graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored.

(b) *Location Justification.* Written materials which document the need for the proposed location.

(c) *Ownership Interest.* The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.

(d) *Other Tower Locations.* A map depicting other locations of wireless communications support structures within three miles of the proposed site.

(e) *Collocations.* Documentation that the applicant has investigated the potential of collocation with other wireless communication service providers or owners of wireless communications support structures located in the village or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for collocation with the owners/operators of such other wireless communications support structures. Any proposed commercial wireless communication tower and antenna shall be designed to accommodate both the applicant's equipment and that of at least two other users. Any developer of a tower site must have a firm commitment in the form of a lease agreement from the property owner and from at least one carrier to locate on the tower at the time of application.

(f) *Engineering Certification and Plans.* A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable village codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.

(g) *Description.* A description of the tower maintenance program.

(h) *Decommissioning plan.* A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials, and structures and restoring the site so it can be used by a use permitted in that zoning district.

(i) *Security.* Security measures including emergency contact personnel.

(j) *Liability.* The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the village and the cancellation of such policy shall not be effective without the approval of the village.

(3) *Site Plan Requirements.* Eight copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer.

The site plan shall contain at a minimum the information required by division (E)(2) above of this section and any information required by §§ 152.110 through 152.119, Special Land Uses of this zoning ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission.

(4) *Performance Standards.* Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements.

(a) A new wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the height of the tower from any property line or road right-of-way as measured from the tower base. The Planning Commission may modify the required setback if the Village Engineer determines that the structural integrity of the structure will withstand high winds and impacts and that the likelihood of a structure failure is minimal and the Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways. The applicant shall incur all costs associated with the village engineering review.

(b) The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements.

(c) All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.

(d) The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959).

(e) The maximum height of a wireless communications support structure and any attached wireless communications equipment shall be 175 feet if located in a residential zone, 200 feet if located in a business district and 300 feet if located in an agricultural or industrial zone.

(f) A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 12 months of the cessation of operations at the site unless a time extension is approved by the Village Council.

1. A copy of relevant documents (including a signed lease, deed, or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that the tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the village.

2. A bond shall be posted to cover the removal cost of any abandoned towers, the amount as determined by the Village Council. The Village Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease, or removal of a carrier collocating on that tower.

(g) In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.

(h) The antenna or tower shall be permanently secured to a stable foundation.

(i) No part of the antenna or tower shall conduct or display any advertising, message, or other graphic representation.

(j) All antennas and towers must be grounded to protect against damage from lightning.

(k) All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.

(l) Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.

(5) *Security Fence.* The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence with three strands of barb wire or an eight foot tall chain link fence. All towers shall be equipped with anti-climbing device.

(6) *Landscaping.* A six foot tall landscaped screen is required around the exterior perimeter of the fenced area. In addition, the Planning Commission may require that a greenbelt be provided along perimeter lot lines if the landscaping would mitigate the visual impact of the tower for adjoining properties. Such landscaping shall comply with the requirements of § 152.060 herein.

(7) *Approval Standards.* In order to approve the application, the Planning Commission shall find that:

(a) The proposed use and structure meet the special land use approval standards of § 152.112;

(b) The proposed use and structure meet requirements of this § 152.062;

(c) Approval of the project will fill a significant gap in the service coverage of the applicant; and

(d) That alternate sites or facilities for the wireless communications equipment and wireless communications support structure are not available or feasible.

(8) *Conditions of Approval.* Any conditions imposed on an approval must relate directly to this chapter, other applicable village ordinances and codes and applicable state and federal laws.

(9) *Noncompliance with Section 152.062 (F) Requirements.*

(a) If the Planning Commission determines to deny an application for special use permit approval because the proposed project does not meet one or more of the requirements contained in division (F) of this section or any of the special use or site plan standards found elsewhere in this section, the Planning Commission shall nevertheless approve the proposed project if no other alternative tower sites or facilities are available or feasible and at least one of the following applies:

1. A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;

2. There is not substantial evidence on the record justifying a denial; or

3. A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

(b) Pursuant to any such approval by the Planning Commission, the wireless communication support structure and equipment shall still comply with all of the requirements of division (F) of this section and other applicable provisions of this section except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would:

1. Prohibit or have the effect of prohibiting the providing of personal wireless services to the area; or

2. Prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

(G) *Amateur Radio Wireless Communications Equipment and Support Structures.* In order to reasonably accommodate licensed amateur radio operators while ensuring that the public health, safety, and general welfare is adequately protected as prescribed by the Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communications Commission of September 1985 the following requirements shall apply to newly installed amateur radio wireless communications equipment and support structures.

(1) Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 35 feet but not more than 65 feet shall be subject to the approval of the Zoning Administrator according to the following requirements.

(a) *Application and Submittal Information.* The applicant shall file with the village an application that shall include the following information:

1. A copy of their FCC licenses;
2. An illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored;
3. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and support structure; and
4. A copy of the applicant's indemnity and insurance coverage for the wireless communications equipment and support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the village and the cancellation of such policy shall not be effective without the approval of the village.

(b) *Site Plan Requirements.* The applicant shall also file with the village three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information listed in division (E)(2) of this section unless specifically waived by the Zoning Administrator.

(c) *Performance Standards.*

1. A wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the height of the structure as measured from the base of the structure to the top of the antenna.
2. The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements.
3. The antenna or tower shall be permanently secured to a stable foundation.
4. No part of the antenna or tower shall conduct or display any advertising, message, or other graphic representation.
5. All antennas and towers must be grounded to protect against damage from lightning.
6. All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the owner of the tower shall take all steps necessary to correct and eliminate such interference.

7. Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.

8. A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the village. An extension of 90 days may be granted by the Zoning Administrator as the case may be upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period.

(d) *Approval Procedure.*

1. The application materials shall be reviewed for completeness by the Zoning Administrator or their agent and for compliance with the requirements of this division (G).

2. Upon approval of the application, the Zoning Administrator shall sign the approved site plans with one copy for the applicant, one for the building inspector and one for the village files. The applicant may then proceed to obtain the applicable building and electrical permits.

(2) Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 65 feet shall be subject to the procedures and requirements of division (F) of this section in addition to providing a copy of the FCC license and justification for the requested tower height.

(Ord. 65, passed 10-5-2015)

§ 152.063 SITE CONDOMINIUM REGULATIONS.

(A) *Purpose and Scope.* Site condominium subdivisions are developments utilizing land division on the basis of condominium ownership. Such developments are not regulated by the Land Division Act, Public Act 288 of 1967, as amended and therefore the review and approval procedures required by that Act are not applicable. The purpose of these regulations is to set forth the procedures under which site condominium subdivisions are to be reviewed in the village.

(B) *Definitions.* In addition to the definitions given in § 152.032, the following words and terms are defined for use in this section.

(1) ***BUILDING ENVELOPE.*** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

(2) **CONDOMINIUM ACT.** Public Act 59 of 1978, as amended.

(3) **CONDOMINIUM PROJECT.** A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act.

(4) **CONDOMINIUM STRUCTURE.** The principal building or structure intended for or constructed upon a lot or building envelope, together with any attached accessory structures; e.g. in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.

(5) **CONDOMINIUM UNIT.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

(6) **CONVERTIBLE AREA.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the Condominium Act.

(7) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added in accordance with the Condominium Act.

(8) **GENERAL COMMON ELEMENT.** The common elements other than the limited common elements.

(9) **LIMITED COMMON ELEMENT.** An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.

(10) **LOT.** A condominium lot may be one of these:

(a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this chapter.

(b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit, for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as set forth for the various districts in this chapter.

(11) **MASTER DEED.** The legal document prepared and recorded pursuant to the Condominium Act, Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

(12) ***SITE CONDOMINIUM SUBDIVISION.*** A division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

(C) *Zoning Compliance.* Site condominium projects may be approved in any zoning district. All site condominium lots and structures shall conform to the use, size, height, frontage, lot area, front, side and rear yards, general and special regulations applicable to the use and zoning district in which they are located. For the purposes of determining compliance with this chapter, each condominium unit and its appurtenant limited common element shall be considered the equivalent of a lot as defined in § 152.032 and § 152.063(B).

(D) *Procedures to Review a Site Condominium.* The Village Council must review and approve all site condominium projects before improvements are initiated and before the master deed is recorded. The review process shall consist of the following steps:

(1) *Step 1 - Preliminary Plan Review by Planning Commission.*

(a) An application for review of a preliminary site condominium plan shall be initiated by submitting a minimum of ten copies of the preliminary site condominium plan and one electronic version to the Village Clerk along with an application and fee schedule established by the Village Council.

(b) Plans submitted for the preliminary review shall include the information required in division (E) herein.

(c) As part of the review, the Planning Commission shall hold a public hearing on the preliminary plan. The Commission, may, however, review the plan prior to the public hearing in order to provide direction to the applicant in preparing the plan for the hearing. Notice of the hearing shall be as required in § 152.154 herein.

(d) The Planning Commission shall review the preliminary site condominium plan in accordance with the standards and requirements contained in divisions (D) and (E) of this section, the requirements of Article 4 of the village subdivision ordinance (§§ 153.050 through 153.052) and the applicable requirements of the village zoning ordinance. All of the requirements for plats, as set forth in Article 4 of the village subdivision ordinance, shall be requirements for site condominium projects.

(e) In its review of a site condominium plan, the Planning Commission may consult with the Zoning Administrator, Village Attorney, Village Engineer, Village Fire Chief, Village Planner, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development, layout and design, and other aspects of the proposed project.

(f) Preliminary plans as applicable shall be submitted to the Ionia County Health Department, Ionia County Road Commission, Ionia County Drain Commissioner, Michigan Department

of Natural Resources, Clarksville-Morrison Lake Sewer Authority, and other appropriate agencies having direct approval or permitting authority over all or any part of the plan. Approval of a site condominium plan shall not be considered to be final until the plan is fully in compliance with the requirements of the reviewing agencies.

(g) After reviewing the preliminary site condominium plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Village Council.

(h) Any revisions to the preliminary plan as required by the Planning Commission shall be made by the applicant and reviewed by the Planning Commission before the plan is forwarded to the Village Council

(2) Step 2 - Final Plan Review by Village Council.

(a) After revising the plan according to the Planning Commission's recommendations the applicant shall submit to the Village Clerk a minimum of ten copies of the final site condominium plan. The Village Clerk shall forward the copies of the final plan to the Village Council.

(b) The Village Council shall review and may approve, deny, or approve with conditions the plan in accordance with the standards and requirements provided by Article 4 of the village subdivision ordinance (§§ 153.050 through 153.052) and other applicable procedures, standards, and requirements provided by this section.

(c) Approval of a site condominium project shall serve as conditional authorization to proceed with the division of the land on the basis of condominium ownership and the construction of the required improvements to the land in conformity with the approved plans. Site condominium approval shall not serve as the authorization of land uses and construction on individual units within the site condominium. Uses and construction on individual units are subject to authorization under applicable provisions in this chapter.

(E) *Site Condominium Plans.* Required Content - All site condominium plans submitted for approval shall include the following:

(1) A description which describes the nature and intent of the proposed project;

(2) A complete legal description of all included property;

(3) An ownership disclosure statement which gives the names of all parties which have ownership interests in the project or other written evidence that the applicant has the right to purchase the property from the owners of record;

(4) A minimum of ten copies and one electronic version of a preliminary site condominium development plan which complies with the requirements of § 153.021 of the subdivision ordinance and which also illustrate the location, size, shape, area, and identification of each condominium unit, including limited common areas appurtenant to each site condominium unit. The location, size, shape, area, and intended use of general common elements within the site condominium should also be shown;

(5) A utility plan showing all sanitary sewer, water, and storm sewer lines along with all easements for the installation, repair, and maintenance of all utilities;

(6) A storm drainage and storm water management plan, including all lines, drains, basins, and other facilities;

(7) The use, occupancy restrictions, and maintenance provisions for all general common elements as will be contained in the master deed; and

(8) A street construction, paving, and maintenance plan for all streets within the proposed development.

(F) *Streets.*

(1) *Private Streets.* All private streets in a site condominium shall be constructed to the standards as established by the village.

(2) *Public Streets.* All public streets in a site condominium shall be constructed to the standards required by the Ionia County Road Commission for platted streets.

(G) *Utilities.* Extension and provision of utilities shall be provided as may be required by the Village Council as conditions of approval. The site condominium plans shall include all the necessary easements granted to the village, Ionia County, or others for the purpose of constructing, operating, inspecting, maintaining, and repairing all utilities. The village may require the developer to enter into an agreement with the village for the imposition of a special assessment for the construction of sewer and water lines and street lights within the site condominium project.

(H) *Master Deed - Contents.* All provisions of the site condominium plans which are approved by the Village Council must be incorporated as part of the approved master deed for the site condominium. A copy of the master deed as recorded with the Ionia County Register of Deeds must be provided to the Village Clerk within ten days after recording.

(I) *Performance Guarantees.* In addition to the requirements given in § 152.138 a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be deposited with the village to guarantee the installation and completion of common improvements associated with the project such as public streets, street lights, sanitary sewer, water supply, drainage facilities, and sidewalks. The amount of the deposit shall be not less than the estimated cost of the improvements.

(J) *Construction in Compliance with Approved Final Site Condominium Plan.* No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium plan as approved by the Village Council, including any conditions of approval.

(K) *Commencement of Construction; Issuance of Permits.* No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel of land established or sold in violation of this chapter. The sale or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium may be occupied or used until all required improvements in the site condominium project have been completed and all necessary utilities installed.

(L) *Expandable or Convertible Condominium Developments.* Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Village Council in compliance with the procedures, standards, and requirements of this section.

(M) *Changes in Condominium Developments.*

(1) Any change proposed for a final site condominium plan which has previously been approved shall be regulated by this section. The following definitions shall apply:

(a) **EXEMPT CHANGE.** A change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:

1. A change in the name of the project; in the name of a street within the project; or in the name of the developer;
2. A change in the voting rights of co-owners or mortgagees; or
3. Any other change in the site condominium which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography, or any other aspect of which is subject to regulation.

(b) **MAJOR CHANGE.** A major change in the site configuration, design, layout, or topography of a site condominium project (or any portion thereof), including any change that could result in:

1. An increase in the number of site condominium units;
2. Any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this zoning ordinance, including, without

limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.

(c) **MINOR CHANGE.** A minor change in the site configuration, design, layout, or topography of a site condominium project (or any portion thereof), including any changes that will result in:

1. A decrease in the number of site condominium units;
2. A reduction in the area of the building site for any site condominium unit;
3. A reduction of less than 10% in the total combined area of the general common elements of the site condominium;
4. A reduction in the total combined area of all limited common elements of the site condominium; or
5. Any other minor variation in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this zoning ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

(2) Any change which constitutes a major change shall be reviewed by the Planning Commission, at a public hearing and with the notice required for an original approval of the site condominium, and shall also be reviewed and approved by the Village Council, as provided in this section for the original review and approval of preliminary and final plans.

(3) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this section for an original approval.

(4) Any change which constitutes an exempt change shall not be subject to review by the village under this chapter, but a copy of the exempt change shall be filed with the Village Clerk.

(N) *Time Limit.* No approval of a final site condominium project plan shall be effective for a period of more than one year, unless construction of the project commences within that one year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one-year period may be extended for additional periods of time as determined appropriate by the Village Council if the extension is applied for by the applicant within the effective period of the approval.

(O) *Variances.*

(1) A variance may be granted from the provisions of said Article 4 of the village subdivision ordinance (§§ 153.050 through 153.052), with respect to a site condominium project or any part thereof in accordance with the procedures and standards of Article 6 of the village subdivision ordinance (§ 153.090).

(2) A variance from any other provision of this section, not involving said Article 4 of the subdivision ordinance, shall be considered by the Village Zoning Board of Appeals, in accordance with the applicable provisions of this chapter concerning the Village Zoning Board of Appeals. (Ord. 66, passed 11-2-2015)

ZONING DISTRICTS, MAP AND SCHEDULE OF REGULATIONS

§ 152.080 GENERAL REGULATIONS.

(A) *Establishment of districts.* For the purposes of this chapter, the Village of Clarksville, Michigan, is hereby divided into the following districts:

- (1) A-1 District: Primary Agricultural District.
- (2) R-1 District: Residential Subdivision Development.
- (3) R-2 District: Residential Development District.
- (4) MF District: Multiple-Family Residential District.
- (5) P District: Professional Office District.
- (6) TC District: Town Center District.
- (7) BC District: Business and Commercial District.
- (8) DI District: Development and Industrial District.

(B) *Zoning Districts Maps.* The boundaries of the respective districts are defined and established as depicted on the map entitled "Zoning District Map of the Village of Clarksville, Michigan," which is an integral part of this chapter, and which, with the explanatory matter thereon, shall be published as part of this section and is hereby incorporated by reference.

(1) The "Zoning District Map of the Village of Clarksville, Michigan," and subsequent amendments to the text shall be certified and bear the signature of the President of the Clarksville Village Council. The Map shall be attested to by the Village Clerk, and shall bear the following words: "This is to certify that the above map is the Official Zoning Map of the Village of Clarksville Zoning Ordinance adopted on the second day of December 1996".

(2) If amendments are made in district boundaries or other matter depicted on the Official Zoning Map, such changes shall not be considered final, and building permit shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within ten normal working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number on the map which shall refer to the official action of the Village Council. One copy of the Official Zoning Map shall be maintained and kept up-to-date in the Office of the Clerk of the Village of Clarksville.

(C) *Replacement of Official Zoning Map.* In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Village Council may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the President of the Village of Clarksville Council, attested by the Village Clerk and bear the seal of the village under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Village of Clarksville, adopted on December 2, 1996. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remain, shall be preserved together with all available records pertaining to its adoption or amendment.

(Ord. passed 12-2-1996)

§ 152.081 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP.

(A) If because of the scale, lack of details, or illegibility of the Official Zoning Districts Map, there is any uncertainty, contradiction, or conflict regarding the intended location of any district boundaries shown on the map, the following shall govern:

(1) Where boundaries follow streets or highways, the centerline of the street or highway shall be the boundary line or lines.

(2) Where boundaries follow the shoreline of a stream, lake or other body of water, such shall follow such shoreline, and in the event of change in the shoreline, such shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerline thereof.

(3) A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

(4) A boundary indicated as following the municipal boundary line of a city, village or township shall be construed as following such line.

(5) A boundary indicated as following a railroad line shall be construed as following the right-of-way.

(6) A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.

(B) Should the above not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards.

(Ord. passed 12-2-1996)

§ 152.082 SCOPE OF PROVISIONS.*(A) General provisions.*

(1) Every building or structure erected, any use of land, building or structure, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building or structure occurring after the effective date of this chapter shall be subject to all regulations of this chapter which are applicable within the zoning district in which such land use, building or structure shall be located.

(2) Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Accessory uses are permitted as indicated for in the various zoning districts, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed or, where provided for and if the required conditions are met.

(3) A use of land, buildings, or structures not specifically mentioned in the provision of this chapter shall be classified upon appeal or by request of the Building and Zoning Official by the Planning Commission.

(4) No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building or structure, for the purpose of complying with this chapter shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.

(5) No use of land, buildings, structures or portions as provided in §§ 152.170 through 152.172 of this chapter shall be erected or utilized without the prior approval of the site plan in accordance with §§ 152.130 through 152.140 of this chapter.

(B) Uses not specifically mentioned. Any use of land or development activity not specifically mentioned in this chapter shall be classified upon appeal or by request of the Zoning Board of Appeals.

(C) Uses existing before chapter. Any use of land or development activity existing on the effective date of this chapter may continue subject to the provisions contained in §§ 152.210 through 152.219 of this chapter.

(D) Zoning of vacated areas. If a street, alley or other public right-of-way within the village is vacated by official governmental action and if the lands within the boundaries thereof attach to and become part of lands adjoining the street, alley or public right-of-way, such lands shall automatically acquire and be subject to the same zoning regulations applicable to adjoining lands, and shall be governed by this chapter.

(E) *Zoning of filled land and use of waters.* If earthen fill is placed in any lake or stream, the created land shall automatically and without further government action acquire and be subject to the same zoning regulations applicable for lands to which the land attaches or is adjacent; and the created land shall be used for those purposes as are permitted under this chapter for the adjoining lands. The use of the surface of any lake or stream shall not be permitted for any purpose which is on the land from which the use emanates.

(F) *Zoning of annexed areas.* When property is annexed into the village, the Planning Commission shall consider the appropriate district classification and shall propose an amendment to this chapter concerning the annexed land to the Village Council within one year of the effective date of the annexation. In the interim period, the existing zoning regulations shall remain in effect pursuant to Act 279 of Michigan Public Acts of 1909, being M.C.L.A. 117.41 et seq., as amended.

(G) *Application of regulations.* The right to continue a land use or activity which is either permitted by this chapter or established as a legal nonconformity shall be vested with the property rather than with the current property owner. No rights shall be terminated for reason of transfer of ownership. The right to continue a land use or activity shall transfer automatically upon the conveyance of the property unless terminated pursuant to §§ 152.210 through 152.219 of this chapter.
(Ord. passed 12-2-1996)

§ 152.083 PERMITTED USES.

The regulations herein established in order to promote the public health, safety, and general welfare of the residents of the village are uniform throughout each district and shall be applied consistently to each class of land, building or structure within each district, within each district so established there are three categories of uses.

(A) *Uses permitted by right.* Such uses shall be allowed when in accordance with the provisions of this chapter.

(B) *Use permitted under special conditions.* Such use shall be allowed, subject to the specific conditions imposed for said use in the chapter.

(C) *Use permitted by issuance of a special use permit.* The special use permit has been established to facilitate the inclusion within a district of certain uses which present potential injurious effects upon the surrounding property, public safety, public health, public services, or the general welfare of the community, unless such use is authorized under the specific conditions which may vary depending on the land uses in the surrounding area.
(Ord. passed 12-2-1996)

§ 152.084 A-1 DISTRICT: GENERAL AGRICULTURAL DISTRICT.*(A) Intent and purpose.*

(1) It is the intent of this district to provide for and maintain agricultural operations within areas of the village which are presently involved in the production of food and fiber. But, because of location, quality of soils, existing development, change in owner occupational preference, disinvestment, or lack of investment in the agricultural enterprise, they are suitable for and offered up for more intense use and development.

(2) Agriculture, while important in the A-1 District, is not necessarily regarded as a permanent land use. It is also the intent of the village that parcels of land in this district be rezoned to more intensive use classification when it has been determined that more intensive development is appropriate and when the necessary public utilities are available which are based on a comprehensive land use plan.

(B) Uses permitted by right.

(1) Single-family residence.

(2) Crop and fruit farming, truck farming, horticulture, aviaries, hatcheries, apiaries, annelid farms, greenhouses, tree nurseries, fish farms, and similar enterprises.

(3) Public and private conservation areas (with no permanent structures) for the conservation of water, soil, open space, forest and wildlife preserves.

(4) Public areas, such as forest preserves, game refuges, natural-type recreational parks and similar uses.

(5) General and specialized farms.

(6) Accessory uses, incidental to any permitted uses.

(7) Home occupations.

(8) Roadside stands selling produce.

(9) Family day-care facilities providing care for six or less children (Public Act 116 of 1973).

(10) Adult foster care home for six residents or less (Public Act 218 of 1979).

(C) Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.

(1) Aggregate extraction - surface mining.

- (2) Campgrounds (five acre minimum and 400 feet from all residences).
- (3) Commercial towers.
- (4) Churches (two acre minimum).
- (5) Housing of seasonal labor.
- (6) Commercial riding stable (20 acre minimum).
- (7) Commercial kennel (ten acres).
- (8) Livestock auction yards.
- (9) Outdoor firearms practice ranges (ten acres minimum).
- (10) Off street parking lots (within 200 feet of principal use).
- (11) Retail cider mills.
- (12) Retail greenhouses and nurseries.
- (13) Sales and service of farm equipment when located on surfaced county roads or state trunk line.
- (14) Sawmills and kilns.
- (15) Sewage treatment facilities.
- (16) Grain and seed elevators and related retail sale.
- (17) Keeping of wild animals (20 acre minimum).
- (18) Bed and breakfasts.
- (19) Adult foster care home for six or less children (Public Act 218 of 1979).
- (20) Golf courses and country clubs.
- (21) Accessory apartments or ECHO Housing.
- (22) Oil and gas extraction.

(23) Specialized agricultural museum.

(24) Airfield, private. BI Basic Utility airfield which is closed to the public and which has sod runways, 20 acre minimum, and 100 foot setback.

(25) Cemeteries (20 acre minimum).

(26) Public utility installations.

(27) Temporary dwellings (§ 152.041(H)).

(28) Cold storage (when associated with an active on-site farming operation).

(29) Group day care home for seven to 12 children (Public Act 116 of 1973).

(30) Public buildings.

(31) Seasonal farm market.

(32) Dry bulk blending plant and/or handling of liquid nitrogen fertilizer and anhydrous ammonia.

(D) *Dimensional requirements.*

Dimensional Requirements (Principal Structures)

Minimum lot area excluding row	1 acre
Minimum lot width	150 feet
Front yard	50 feet (measured from road right-of-way)
Side yard	20 feet
Rear yard	40 feet

Dimensional Requirements (Accessory Structures)

Must be a minimum of 10 feet from the principal structure	
Front yard	No closer to the front lot line than the principal structure
Side yard	15 feet
Rear yard	25 feet

Other Applicable Standards

Maximum building height	35 feet*
Maximum building size (accessory)	10,000 sq. ft.
Maximum lot coverage (total)	25 %

*This height restriction does not apply to silos, grain legs, wind generators, wind chargers, or similar structures

(E) Additional development standards.

(1) No portion of any building, barn, stable or similar structure used for the housing of animals shall be permitted within 100 feet of any adjoining property line. Also, the storage of manure, odor or dust producing materials is also prohibited within 100 feet of any property line.

(2) No confined feeding lot or any portion thereof shall be established within 660 feet of any existing residential structure on adjacent property.

(3) No residence or portion thereof shall be established within 250 feet of an existing confined feed lot. On those parcels (lots of record) where 250 feet cannot be achieved, then the maximum setback possible will be required by the Zoning Administrator.

(4) A new residence proposed to be located in any zoning district adjacent to an A-1 District must be located 250 feet from an existing confined feedlot. On those parcels (lots of record) where 250 feet cannot be achieved, then the maximum setback possible will be required by the Zoning Administrator. As part of the building permit review process, the applicant will be made aware and must acknowledge in writing that the existing confined feedlot could potentially be expanded to the normal setbacks of the A-1 District.

(Ord. passed 12-2-1996; Ord. 43, passed 3-7-2011; Ord. 50, passed 6-6-2011; Ord. 55, passed 9-12-2011)

§ 152.085 R-1 DISTRICT: RESIDENTIAL SUBDIVISION DISTRICT.*(A) Intent and purpose.*

(1) It Is the goal of this district to provide low density development to balance the demand for housing in a rural setting with the need to preserve the natural and agricultural lands of the village.

(2) Therefore, it is the intent and purpose of this district to allow for single family residential housing in a subdivision setting in rural areas of the village while preserving open space, the rural character, agricultural lands, environmentally sensitive areas, mineral deposits, water resources and other natural features to the greatest extent possible.

(3) This goal of preservation and development are addressed through the encouragement of clustered development, and the mandatory setting aside of lands in permanent open spaces.

(4) All development shall be reviewed by the Planning Commission with the emphasis on designs which complement and accent the natural features such as topography, soils, woodlots, rivers and lakes.

(B) Uses permitted by right.

(1) Single family residence.

(2) Family day-care facilities providing care for six or less children (Public Act 116 of 1973).

(3) Adult foster care home for six residents or less (Public Act 218 of 1979).

(4) Public open space, commons areas and public parks.

(5) Home occupations with no outside storage.

(6) Accessory uses, incidental to any permitted uses.

(C) Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.

(1) Group day care home for seven to 12 children (Public Act 116 of 1973).

(2) Child care center for more than six children (Public Act 116 of 1973).

(3) Adult foster care, small (12 or less) or large group home (13-20) and congregate facility (Public Act 218 of 1979).

(4) Planned unit development.

(5) Site condominium.

(6) Public service installations.

(D) *Dimensional requirements.*

(1) Dimensional requirements: all lots of record shall conform to the minimum dimensions for lot area; lot width; front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the site development standards as set forth in this chapter, except as otherwise stated in the text of this district, or as modified by §§ 152.110 through 152.120, Special Use Permits; §§ 152.040 through 152.061, Supplemental Regulations; or as varied by the Zoning Board of Appeals pursuant to §§ 152.030 through 152.032 of this chapter.

(2) The use of land and structures in this district shall conform to the following dimensional requirements:

Primary Structure:

Minimum development site	10 acres
Minimum lot area	40,000 square feet with on-site systems 20,000 square feet with sanitary
Minimum lot width	100 feet of road frontage
Minimum front yard	50 feet
Minimum side yard	10 feet
Minimum rear yard	40 feet
Minimum building height	35 feet
Maximum lot coverage	25%

Accessory Structures:

Front yard setback	35 feet - but no closer to front lot line than principal structure
Side yard setback	8 feet
Rear yard setback	25 feet
Maximum height	35 feet
Maximum building size	900 square feet

(Ord. passed 12-2-1996; Ord. 55, passed 9-21-2011)

§ 152.086 R-2 DISTRICT: RESIDENTIAL DISTRICT.*(A) Intent and purpose.*

(1) It is the intent and purpose of this district to provide for a variety of housing types in portions of the village which immediately adjoin the Town Center and other use areas of the village and are well serviced by; hard surfaced roads, public utility services, particularly public sanitary sewers and are also situated within relatively easy access to schools, work, shopping and recreational facilities. Moderate density single-family residences would be permitted with on-site sanitary systems while higher density single family residences would require public sanitary facilities.

(2) The residential district is not intended to create sprawl or "leap- frog" undeveloped areas resulting in "pockets" of development. Rather, the residential district should be situated adjacent to the existing developed areas of the village.

(3) While the areas designated in the residential district must adjoin hard surfaced roads, it is not the intent of this district to encourage "lineal" or "strip" development along these roadways. Instead it is anticipated in most instances that new roads will be constructed to provide access to these developing areas.

(B) Uses permitted by right.

- (1) Single-family residence.
- (2) Family day-care facilities providing care for six or less children (Public Act 116 of 1973).
- (3) Adult foster home for six residents or less (Public Act 218 of 1979).

(4) Accessory uses, incidental to any of the permitted uses. All accessory buildings shall be in compliance with the provisions of §§ 152.040 through 152.061.

(5) Home occupations.

(C) *Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.*

(1) Duplexes.

(2) Sewage treatment facilities (enclosed and unmanned pump station).

(3) Site condominium.

(4) Adult foster care, small (12 or less) or large group home (13 - 20) and congregate facility (Public Act 218 of 1979).

(5) Planned unit development.

(6) Group day care home for seven to 12 children (Public Act 116 of 1973).

(7) Child care center for more than 12 children (Public Act 116 of 1973).

(8) Accessory apartment or ECHO Housing.

(9) Bed and breakfast. Must be in compliance with State Construction Code, § 125.1504(b).

(10) Temporary dwellings.

(11) Churches and other religious institutions.

(12) Public recreation and playgrounds.

(13) Private, non-profit recreation.

(D) *Dimensional requirements.* All lots of record shall conform to the minimum dimensions for lot area; lot width; front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the site development standards as set forth in this chapter, except as otherwise stated in the text of this district or as modified by §§ 152.110 through 152.120, Special Use Permits; §§ 152.040 through 152.061, Supplemental Regulations; or as varied by the Zoning Board of Appeals pursuant to §§ 152.030 through 152.032 of this chapter.

Dimensional Requirements (Principal Structures)

Minimum lot area (each dwelling) excluding road R-O-W	7,500 square feet with public sanitary systems
Minimum lot width	60 feet with on-site systems and 80 feet with public sanitary systems (others, width no less than 50% of lot depth)
Front yard	25 feet (measured from road right-of-way)
Side yard	10 feet
Rear yard	25 feet

Dimensional Requirements (Accessory Structures)

Must be a minimum of 10 feet from the principal structure	
Front yard	40 feet
Side yard	5 feet
Rear yard	5 feet

Other Applicable Measurements

Maximum building height	25 feet
Maximum building size (accessory)	400 square feet
Maximum lot coverage (total)	35 %

(Ord. passed 12-2-1996; Ord. 55, passed 9-12-2011)

§ 152.087 MF DISTRICT: MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent and purpose.* The Multiple-Family Residential District is intended to provide for a mixture of housing types such as garden apartments, townhouses, duplexes, apartment buildings, boarding and lodging houses, and other group housing facilities. The purpose of this district is to insure that multiple-family housing is located in areas which afford adequate street capacity, is served by public sanitary sewer, and is in close proximity to commercial services and community facilities.

(B) *Uses permitted by right.*

- (1) Duplexes.
- (2) Multiple-family dwellings (townhouses and apartments).
- (3) Public or private non-commercial parks or recreation facilities.
- (4) Accessory structures pursuant to § 152.042.
- (5) Signs may be permitted as provided in §§ 152.190 through 152.198 of this chapter.
- (6) Site condominium developments pursuant to §§ 152.040 through 152.061.

(C) *Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.*

(1) Planned Unit Developments (PUD), in accordance with §§ 152.110 through 152.120 of this chapter.

(2) Incorporated retirement centers, including facilities for care and treatment of the convalescent and aged, provided such facilities are owned by the corporation and that such care is limited to members of the corporation.

(a) Retirement centers shall be construed to mean an incorporated development whose primary purpose is to provide living facilities for retired persons who are members of the corporation.

(b) Retirement centers shall not be operated on parcels of land of less than ten acres in size.

(3) Bed and breakfasts, provided that not more than six transient roomers are accommodated in one dwelling and that the dwelling is occupied by a resident family and only a breakfast meal is served to the transient roomers.

(4) Lodging and boarding houses, provided that not more than four non-transient roomers are accommodated and not more than these four persons are accommodated for the serving of meals in the one dwelling and that the dwelling is occupied by a resident family.

(5) Mobile home park developments, in accordance with §§ 152.110 through 152.120 of this chapter.

(6) Commercial services, incidental and in conjunction with a multiple-family housing project.

- (a) Commercial services shall be for the principal use of the tenants.
- (b) There shall be no direct access to the commercial service from any exterior (off-side) road.
- (c) The commercial service cannot be located on the absolute periphery of the multiple-family housing project.
- (d) There can be no external advertising displays or signs for the commercial services.
- (e) If the commercial service is contained in a separate structure the architecture shall be harmonious with the multiple-family housing structures.
- (7) Temporary buildings, in accordance with §§ 152.040 through 152.061 of this chapter, and further, shall be removed before the issuance of any occupancy permit.
- (8) Golf courses and country clubs, in accordance with §§ 152.040 through 152.061 of this chapter, however when built in conjunction with a multiple-family housing project, they shall be owned and operated by the owners of the multiple-family housing project of which they are a part. Swimming pools or community houses are counted as part of the required recreation area.
- (9) Cemeteries, in accordance with §§ 152.040 through 152.061 of this chapter.
- (10) Railroad right-of-way, in accordance with §§ 152.040 through 152.061 of this chapter.
- (D) *Site plan review procedure.* All multiple-family developments are subject to site plan review as specified in §§ 152.130 through 152.140 of this chapter.
- (E) *Dimensional requirements.* The following minimum and maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this district:
 - (1) *Multiple-family dwelling dimensional requirements.*

Minimum lot size	40,000 sq. ft.
Minimum lot area/dwelling unit	4,000 sq. ft.
Minimum lot width	150 feet
Front yard	50 feet
Side yard	20 feet

Rear yard	40 feet
Maximum building height	50 feet
Off-street parking requirements	Refer to §§ 152.170 through 152.172
Maximum lot coverage	30%
Maximum units per building	12 units
Minimum distance between buildings	40 feet
Minimum floor area/dwelling unit	700 sq. ft. (one bedroom)

Note: Twenty-five feet between buildings with less than 35 feet height. An additional one foot horizontal distance for each one foot of height for buildings above the 35 feet (See Figure 6-1)

(2) *Boarding and lodging houses (including bed and breakfasts).*

Minimum lot size	20,000 sq. ft.
Minimum lot width	100 feet
Front yard	30 feet
Side yard	10 feet
Rear yard	35 feet
Maximum building height	35 feet
Off-street parking	Refer to §§ 152.170 through 152.172
Maximum lot coverage	25%
Maximum transient/non-transient beds/rooms	6 beds/rooms

(F) *General development standards.*

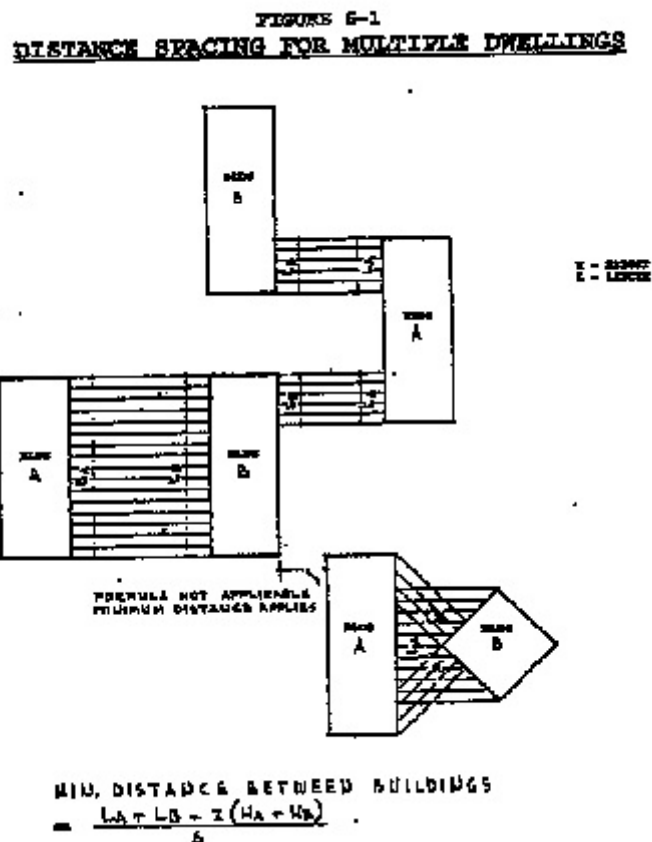
(1) No building in a multiple-family housing development may be located closer than 100 feet from the center of the road right-of-way of an arterial street (primary road) as designated in the Master Plan of the Village of Clarksville or a primary road as designated by the Ionia County Road Commission.

(2) No building shall be located closer to any private street or access drive than 20 feet.

(3) No principal or accessory building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not require a front yard of more than 50 feet or allow a front yard of less than 20 feet.

(4) Accessory buildings shall not exceed a height of 15 feet.

(5) The minimum distance between any two buildings in the MF Multiple-Family Residential District shall be 25 feet. An additional one foot horizontal distance between buildings is required for each one foot in height above 35 feet (see Figure 6-1 illustrations to calculate the distances between buildings).



(6) Minimum dwelling floor area:

(a) A minimum dwelling unit floor area does not include common hallways, common storage areas and service areas.

(b) *Efficiency unit.* Shall have a minimum of 550 square feet of floor area, but only 10% of the total number of completed units may be efficiency units. These units may be in one building or distributed uniformly throughout the various building in the development.

(c) *One-bedroom unit.* Shall have a minimum of 700 square feet of floor area. A one-bedroom unit shall consist of a minimum of a living room, kitchen, or a combined living room-kitchenette and bedroom.

(d) *First additional room.* The dwelling unit shall be increased by 120 square feet.

(e) For each additional room thereafter, the dwelling unit shall be increased by 200 square feet.

(7) *Minimum lot width.*

(a) One-hundred and fifty feet along the street on which the lot principally fronts, except that in the case where a curvilinear street pattern produces irregularly shaped lots with non-parallel side lot lines, a lesser frontage width at the street line may be permitted, provided that the lot width at the building line is no less than 150 feet.

(b) *Minimum lot width for private drives.* Sixty-six feet along the street into which the private drive will intersect/exit, provided that no building construction may take place within such 66 feet width.

(G) *Other design standards.*

(1) *Location.* In order to facilitate orderly growth and prevent overburdening of public highways, all roadways which provide direct traffic egress to multiple-family developments must be approved in advance by the Ionia County Road Commission.

(2) *Automobile parking.*

(a) Developments of 12 units or less, two parking spaces shall be required for each unit, plus four common spaces for visitors.

(b) Parking areas on sites of five acres or less shall be behind the front building line.

(c) Parking areas shall not be closer than 20 feet from an adjacent residential zone. Ten feet is permitted when adjacent to more intense land use zones.

(d) *Carports.* Parking for multiple-family developments may be contained within carports.

(e) In developments of 13 units or more, off-street parking spaces shall be provided as specified in §§ 152.170 through 152.172 of this chapter.

(f) All parking spaces shall be a minimum of 200 square feet in area or ten by 20 feet.

(3) *Curb and gutters.* Must be provided for all drives and at the perimeter of all parking areas.

(4) *Sidewalks.* Shall be required on all public and private streets at a minimum of four feet wide. If the curb is being used for sidewalk, the width must be increased to five feet in width.

(5) *Fencing.* Multiple development sites must be fenced on all property lines not fronting on a street by a fence with a minimum height of four feet, except the first 20 feet abutting a road right-of-way shall be three feet in height. The type of fencing shall be approved by the village. The type, material and location must be designated on the site plan.

(6) *Private streets.* Private streets or private access drives may be permitted within group housing developments, provided that the following minimum requirements are met:

(a) All streets, roadways, or private access drives will be paved to a minimum width of 20 feet when parking is prohibited. Additional widths for streets may be required by the Village Planning Commission based upon the particular density and building relationship proposals of the proposed multiple-family development.

(b) No dead-end street or roadway shall serve more than 100 dwelling units as a means of vehicular access.

(c) Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of 50 feet shall be required for all turnarounds; an additional width may be required by the Village Planning Commission after consideration of the vehicular needs of a particular multiple-family housing development proposal. A "T" or "L" turnaround may be used having a width equal to the street or roadway width.

(d) Satisfactory arrangements have been made with the Village Planning Commission regarding the maintenance and repair of streets, roadways or access drives. Snow removal must be included.

(7) *Open space.* A minimum of open space area, exclusive of parking areas and drives, equivalent to the total area of dwelling units, shall be maintained properly and cared for.

(8) *Recreation area.* One hundred square feet per bedroom but no less in area than 1,200 square feet shall be developed and maintained for common recreation use. The recreation space shall be tailored to the characteristics and make-up of the resident population. Where applicable the following shall be included:

(a) Play courts, such as sandplay, swinging, climbing, sliding, and jumping.

(b) Community recreation facilities such as field games (softball, soccer, and the like) court games (basketball, tennis, 4-square) and a swimming pool.

(c) Picnic areas including tables, grills and the like.

(d) Passive recreation features such as sitting areas, gardens, walking trails.

(9) *Utility service.* Electric and telephone distribution lines shall be underground. Any utility installation remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.

(10) *Solid waste disposal.* A satisfactory solid waste disposal system shall be designed in accordance with the §§ 152.040 through 152.061 of this chapter and approved with the site plan. In addition, the following shall be included:

(a) *Solid waste dumpsters.* Trash dumpsters shall be located throughout the development to facilitate the temporary collection of trash. All dumpsters shall be easily accessible to the dwelling units served. Dumpsters shall be covered and screened from public view with a solid screen constructed on four sides.

(b) *Solid waste compactors.* Trash compactors, if used, shall be placed in easily accessible location in the development and fully screened from public view.

(c) Individual solid waste containers are prohibited.

(d) *Litter.* Litter shall be collected regularly and the grounds shall be kept neat and orderly in appearance.

(Ord. passed 12-2-1996; Ord. 55, passed 7-11-2011)

§ 152.088 P DISTRICT: PROFESSIONAL OFFICE.

(A) *Intent and purpose.* It is the intent of this district to provide areas for low intensive office, administrative and institutional uses in geographic locations where adequate public utilities are available and access is provided by village primary streets.

(B) *Uses permitted by right.*

(1) Offices for attorneys, accountants, architects, engineers, and similar professions.

(2) Offices for financial institutions, real estate offices, insurance offices, credit reporting agencies, business management and consulting, and similar business offices.

(3) Photographic studios.

(4) Professional services establishments providing human health care on an outpatient basis.

(5) Medical, optical and dental offices.

(6) Medical, optical and dental laboratories.

(7) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.

(8) Mortuaries and funeral homes, not including crematories.

(9) Religious institutions.

(10) Private educational facilities.

(11) Public buildings.

(12) Any other use, which in the opinion of the Planning Commission, is similar to the above described uses.

(13) Accessory buildings and uses.

(14) Massage therapy with trained and licensed staff under State of Michigan Regulations for medical/health practices and services.

(C) *Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.*

(1) Public utility installations (pump or relay stations which are enclosed and unmanned).

(2) Child care center providing care for 12 or more children (Public Act 116 of 1973).

(3) Temporary buildings.

(4) Off-street parking (within 200 feet of principal use).

(D) *Dimensional requirements.**

Minimum lot size*	10,000 square feet
Minimum lot width	75 feet
Front yard	50 feet
Side yard	10 feet
Rear yard	20 feet
Maximum building height	35 feet
Off-street parking requirements	Refer to §§ 152.170 through 152.172
Maximum lot coverage*	40%

*Note: Offices locating in or converting structures on lots of record in the Town Center (TC) shall meet the requirements of that district.

(E) *General development requirements.*

(1) *Off-street parking.* There shall be no front yard parking permitted in this district. Parking areas shall be paved and landscaped from general public view. All parking shall be located beyond the front line of the primary structure on the lot.

(2) *Solid waste.* All office uses shall employ an approved solid waste disposal system. Trash receptacles/dumpsters shall be properly screened and maintained free of litter and clutter.
(Ord. passed 12-2-1996; Ord. 55, passed 7-11-2011)

§ 152.089 TC DISTRICT: TOWN CENTER DISTRICT.

(A) *Intent and purpose.* The Town Center District is intended to promote the maintaining, protection, and preservation of commercial activities in the existing mature, historic center of the village by providing for a variety of retail, office, restaurant, and entertainment activities within the district. The purpose of this district is to allow and encourage the blend of compatible residential and commercial uses in existing business and residential buildings within the district and the development and limited expansion of the town center to serve the needs of the rural area surrounding the village.

(B) *Uses permitted by right.*

(1) Comparison retail stores selling commodities including but not limited to food, drugs, liquor, furniture, clothing, dry goods, notions, gifts, plants and flowers, arts and crafts, or hardware and using no more than 20% of the usable floor area for repair facilities/activities.

- (2) Convenience commercial establishments and antique stores.
- (3) Financial institutions with no drive-through service.
- (4) Enclosed theaters, assembly halls or concert hall.
- (5) Offices and office buildings as indicated below:

- (a) Offices of various professional medical persons concerned with improving personal and community health.

- (b) Offices of architects, engineers, urban planners, artists, and others employed in the graphic arts.

- (c) Offices in which personnel will be employed for work in one of the following fields: executive, administrative, legal, writing, clerical, stenographic, accounting, insurance, and other similar enterprises.

- (6) Personal service establishments to include but not limited to tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners, physical therapy, and professional medical/mental counseling services.

- (7) Restaurants, bars or taverns where patrons are served while seated within the building and without drive through or open front service. Outdoor seating areas incidental to the primary restaurant, bar or tavern business may be permitted where patrons are served.

- (8) Government administrative offices, emergency services, postal services, museums, art galleries and libraries.

- (9) Hotels or bed and breakfast accommodations.

- (10) Off-street parking facilities.

- (11) Offices and showrooms of contractors decorators or similar trades, in connection with whom not more than 25% of the usable floor area of the building or part of the building occupied by such establishment is used for making, assembling, repairing, remodeling, altering, finishing or refinishing the products or merchandise of the trade. All storage of materials shall be within the confines of the building or part thereof by such establishment.

- (12) Public parks or playgrounds.

- (13) Accessory uses pursuant to §§ 152.110 through 152.120 of this chapter.

- (14) Other uses similar to the uses permitted in this section.

(C) *Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.*

(1) Residential uses if they meet the lot area requirements of the Multiple-Family Residential District. Residential uses when combined with commercial business as described in § 152.089(D).

(2) Automobile/motor fuel and service stations and repair businesses existing at the effective date of this chapter which have limited display area, light maintenance and service, and heavy repair activities. All storage shall be indoors and limited on-site vehicle "awaiting service" storage not to exceed three vehicles for more than 24 hours and parked at least 25 feet from the abutting property lines and pursuant to §§ 152.110 through 152.120 of this chapter.

(3) State licensed child care facility which meets the following conditions:

(a) The facility shall provide and maintain on the lot not less than 4,000 square feet of open space.

(b) For each child in the facility in excess of 20 children the facility shall provide and maintain 150 additional feet of open space.

(4) Building material suppliers.

(5) Educational institutions.

(6) Religious institutions pursuant to §§ 152.110 through 152.120 of this chapter.

(7) New and used vehicle, boat or farm implement sales including incidental servicing and minor repair pursuant to §§ 152.110 through 152.120 of this chapter.

(8) Veterinary hospital, clinic or indoor kennel provided all activities associated with this establishment are confined to the interior of the primary use building.

(9) Nursery and greenhouse.

(10) Adult entertainment activity pursuant to §§ 152.110 through 152.120 of this chapter.

(11) Commercial recreation facility pursuant to §§ 152.110 through 152.120 of this chapter.

(12) Non-residential uses as permitted in this section located in converted residential buildings.

(13) Additions to existing buildings or accessory structures are permitted in the Town Center District pursuant to §§ 152.010 through 152.019 of this chapter.

(D) *General site development requirements.*

(1) All lots created or structures established or converted after the effective date of this chapter shall conform to the site development standards set forth in §§ 152.110 through 152.120 of this chapter, except as modified by the provisions stated below, or as modified by §§ 152.110 through 152.120, Special Use Permits, or as varied pursuant to §§ 152.240 through 152.243, Board of Appeals.

(2) All lots proposed for new commercial development and/or converted residential structures proposed for nonresidential uses requiring a special use permit under this section will require submission of a site plan for review in accordance with §§ 152.130 through 152.140, Site Plan Review, of this chapter.

(3) Non-hazardous, solid waste which is normally and reasonably discarded from commercial uses may be externally stored, provided such storage areas are completely screened by an opaque fence of not less than six feet in height and storage is in commercial type of waste containers.

(4) When new development occurs in this district such that a side or rear lot line abuts or is adjacent to property located in any residential district, a greenbelt, buffer strip, or berm, as specified in §§ 152.130 through 152.140 of this chapter. This requirement shall apply regardless of the existence of buildings or improvements on the adjacent residential zoned property.

(5) Offices developed in this district shall conform to the development requirements of the Office District, § 152.088 of this chapter in addition to the requirements of the "TC" District.

(E) *Combined business and residential uses.*

(1) A combined business and residential use is permitted with the Town Center District subject to site plan approval according to §§ 152.130 through 152.140 of this chapter.

(2) The residential use within each building shall be limited to the approved area for such use, unless modified by further site plan review.

(3) No residential use shall be permitted below the second story level of any building with the district, except newly constructed multiple family apartment buildings constructed under the provisions of § 152.087.

(4) The business use of any converted or non-residential building within the district shall be the primary use. Residential use with a building shall not occupy more floor area than business use.

(5) No more than three residential units shall be permitted in any building within the Town Center District, except newly constructed multiple-family buildings.

(6) The minimum square footage for multiple-family (MF) residential units under § 152.087 of this section shall apply to all residential units within the Town Center District.

(7) Each residential unit shall be a separate unit for water, sewer, and electrical purposes.

(8) Two parking spaces shall be required per residential unit, unless the requirement is waived or modified by the Planning Commission.

(9) Site plan review approval is granted according to §§ 152.130 through 152.140 of this chapter.

(F) *Dimensional requirements.*

Minimum lot size	7,500 sq. ft.
Minimum lot width	60 feet
Front yard (1)	25 feet (residential)
Side yard (1)	10 feet
Rear yard (1)	25 feet
Maximum building height	35 feet
Off-street parking	Refer to §§ 152.170 through 152.172
Maximum lot coverage	40% for residential lots 75% for commercial lots

(1) Exception: Existing commercial buildings along Main Street can continue to maintain zero setbacks for front and side yards where existing row structures share common walls.

(Ord. passed 12-2-1996)

§ 152.090 BC DISTRICT: BUSINESS AND COMMERCIAL DISTRICT.

(A) *Intent and purpose.*

(1) It is the intent of this district to provide for a variety of commercial establishments, business firms, and professional offices by right that offer retail sales and services at logical and sound locations near the population being served, which minimizes the distance traveled day to day for convenience goods and services. This district would permit a mixture of land uses; utilizing a variety of setbacks, buffer yards and other means of screening so as to mitigate or minimize conflicts between neighboring, yet different land uses.

(2) The district is also intended to provide for highway oriented, shopping center, and general commercial development which are intended to serve a greater segment of the population under special conditions and special use permits. Whether the intensity of the commercial activity is high or relatively

benign the district shall be developed so as to not harm adjacent residential areas. Public utilities and public sanitary sewer shall, and public water system may be required before the larger, more dense commercial development can proceed and shall be available in the foreseeable future for those areas where less intensive commercial development is proposed.

(B) *Uses permitted by right.*

- (1) Arcades.
- (2) Boarding and lodging houses/bed and breakfasts.
- (3) Convenience and comparison retail.
- (4) Convenience shopping centers.
- (5) General retail and department stores.
- (6) Financial institutions including drive-through services.
- (7) Medical services.
- (8) Motels and hotels.
- (9) Offices.
- (10) Personal and professional services.
- (11) Rapid copy and FAX centers.
- (12) Restaurants and taverns.
- (13) Second hand and antique stores.
- (14) Mortuaries and funeral homes.
- (15) Seasonal farm markets.
- (16) Automobile parts sales and tire service.
- (17) Public buildings, public recreation, and open space.
- (18) Signs may be provided pursuant to §§ 152.190 through 152.198 of this chapter.

(19) Accessory uses may be provided in accordance with §§ 152.040 through 152.061 of this chapter.

(20) Customary accessory uses and accessory buildings.

(21) Commercial site condominium development pursuant to §§ 152.040 through 152.061 of this chapter.

(C) *Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.*

- (1) Planned shopping center and shopping mall (ten acre minimum).
- (2) Commercial recreational activities including indoor weapons firing ranges.
- (3) Child care center for 12 or more persons (Michigan Public Act 116 of 1973).
- (4) Public service and utility maintenance installations and storage facilities.
- (5) Indoor commercial pistol range.
- (6) Mini-warehousing.
- (7) General building contractor establishment with no outdoor storage.
- (8) Other similar and compatible uses as defined by the Planning Commission.
- (9) Clinics - veterinary and animal hospital (when entirely indoors).
- (10) Churches and other religious institutions (two acre minimum).
- (11) Commercial garages.
- (12) Drive-in facilities and theaters.
- (13) Convalescent/nursing homes.
- (14) Off-street parking (within 200 feet principal use).
- (15) Building materials, hardware, farm equipments and garden supply.
- (16) Automobile service stations.
- (17) Retail greenhouses and nurseries (one acre minimum).

(18) Vehicle sales and service, recreational vehicles.

(19) Adult entertainment (sexually oriented businesses).

(20) Pre-manufactured housing.

(21) Temporary outdoor uses in accordance with §§ 152.040 through 152.061 of this chapter.

(D) *Dimensional requirements (general).* All lots of record shall conform to the minimum dimensions for lot area, lot width, front yards, all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in the site dimension standards as set forth in this chapter, except as otherwise stated in the text of this district or as modified by §§ 152.110 through 152.120, Special Use Permit, §§ 152.040 through 152.061, Supplemental Regulations, or as varied by the Zoning Board of Appeals pursuant to §§ 152.240 through 152.243 of this chapter.

Dimensional Requirements (All Structures)

Minimum lot area	20,000 square feet
Minimum lot width	100 feet
Front yard	50 feet
Side yard	10 feet
Rear yard	40 feet*
Maximum building height	35 feet
Maximum lot coverage	40%
Off-street parking requirements	Refer to §§ 152.130 through 152.140

*Parking within required front and side yards is not allowed, however, parking is permitted within ten feet of rear property line when property line is landscaped per §§ 152.170 through 152.172.

(E) *Development standards.*

(1) All commercial and business development under this section shall be subject to site plan review as specified in §§ 152.130 through 152.140 of this chapter.

(2) *Solid waste.* All business and commercial establishments shall provide an approved solid waste disposal system as required in §§ 152.040 through 152.061 of this chapter.

(Ord. passed 12-2-1996; Ord. 55, passed 7-11-2011)

§ 152.091 DI DISTRICT: DEVELOPMENT AND INDUSTRIAL DISTRICT.*(A) Intent and purpose.*

(1) It is the intent of this district to provide for a variety of heavy commercial and light industrial uses by right which are characterized by relatively low traffic generation and the absence of objectionable external affects in areas of the village affording direct access to surfaced village major streets or county primary roads, railroads and airports. Such areas are intended to have existing utilities of power, adequate water source, sanitary sewer and adequate storm water drainage or retention. Such industrial areas should be free of non-compatible uses and designed so as not to harm adjoining conforming uses.

(2) In addition, this district is intended to provide for more intense industrial development with the acquisition of a special use permit in settings which are conducive to public health, economic stability and growth, protection from light, deterioration and non-industrial encroachment, and efficient traffic movement including employee and truck traffic. Land conducive to this intense development shall be located on all-weather roadways, provided with public sanitary sewer, adequate water supply and storm water drainage, has close proximity to a labor force, and has adequate land for expansion. Since such property is limited in availability, it will be restricted for industrial use in the interest of the community's tax base and economic growth and development.

(B) Uses permitted by right.

- (1) Building materials, farm implements, garden supplies sales and service.
- (2) Heavy construction companies.
- (3) Jobbing and machine shops.
- (4) Mini-warehousing/storage.
- (5) Manufacturing (light).
- (6) Printing/publishing houses.
- (7) Research and development establishments.
- (8) Warehousing.
- (9) Monument and art stone production.
- (10) Processing of machine parts.

- (11) Trade/industrial schools.
- (12) Fabricating of small metal products.
- (13) Contractor establishments.
- (14) Grain and feed elevators.
- (15) Nursery or greenhouse.
- (16) Corp land and horticulture without livestock.
- (17) Public and private non-commercial parks and recreation facilities.
- (18) Signs pursuant to §§ 152.170 through 152.172 of this chapter.
- (19) Wholesale business without storage of flammable liquids or combustible material.
- (20) Office incidental to the industrial use.
- (21) Accessory uses and buildings pursuant to §§ 152.040 through 152.061 of this chapter.
- (C) Uses permitted by special use permit pursuant to §§ 152.110 through 152.120 of this chapter.
 - (1) Above ground storage of flammable liquids or combustible materials.
 - (2) Cement and asphalt plants.
 - (3) Communication/commercial towers.
 - (4) Drop forging, punch pressing, plating, and chemical processes.
 - (5) Metal and wood stripping establishments.
 - (6) Industrial parks.
 - (7) Automobile salvage and junkyards.
 - (8) Livestock auction yard and livestock transport facilities.
 - (9) Refineries and power generating plants.
 - (10) Rail terminals.

- (11) Meat or poultry processing plant.
- (12) Dry bulk blending plant and/or handling of liquid.
- (13) Nitrogen fertilizer and anhydrous ammonia.
- (14) Repair and storage of damaged mobile homes.
- (15) Wood processing facility.
- (16) Public service and maintenance and storage facilities.
- (17) Indoor commercial weapons range.
- (18) Open outdoor storage.
- (19) Customary accessory uses and buildings pursuant to §§ 152.040 through 152.061 of this chapter.
- (20) Truck terminal (two acre minimum).
- (21) Off-street parking (within 200 feet of principal use).
- (22) Industrial laundry.
- (23) Restaurant or tavern without drive-through service.
- (24) Veterinary clinic and animal hospital with indoor kennels.

(D) *Dimension requirements.*

Minimum lot size	40,000 square feet
Minimum lot width	150 feet
Front yard	75 feet
Side yard	25 feet
Rear yard	50 feet
Maximum building height	35 feet
Maximum lot coverage	50%
Off-street parking requirements	Refer to §§ 152.170 through 152.172

(E) *Site development requirements.* All lots created or structures established after the effective date of this chapter shall conform to the site development standards set forth in § 152.090(D) of this chapter, except as modified by the provisions stated below, or as modified by §§ 152.040 through 152.061, Supplemental Regulations, §§ 152.110 through 152.120, Special Use Permit, or as varied pursuant to §§ 152.240 through 152.243, Zoning Board of Appeals.

(1) External areas for storage are permitted when screened on all sides by an opaque fence of not less than six feet in height.

(2) When development occurs in this district such that a side or rear lot line abuts or is adjacent to property located in any residential district, a greenbelt, buffer strip or berm, as specified in §§ 152.130 through 152.140 of this chapter, shall be required, in addition to the minimum rear and side yard depths as required pursuant to § 152.090(D) of this chapter. This requirement shall apply regardless of the existence of buildings or improvements on the adjacent residential zoned property.

(3) All industrial developments and/or expansions shall be subject to site plan review including landscaping requirements as specified in §§ 152.130 through 152.140 of this chapter.

(F) *Other development (performance standards).* The following performance standards for sound, odor, gases, glare and heat, light, smoke, dust, dirt, fly ash, drifted and blown material shall apply to all uses in the DI District. It shall therefore be unlawful to carry on or permit to be carried on any activity or operation of use of any land, building, or equipment that produces irritants to the sensory perceptions or is in any way injurious to the health, safety and welfare of the general public.

(1) *Sound.*

(a) The intensity level of sounds shall not exceed to following decibel levels when adjacent to the following types of uses:

<i>Decibels (da)</i>	<i>Adjacent Use</i>	<i>Where Measured</i>
55	Residential dwellings	Common lot line
65	Commercial	Common lot line
70	Industrial and other	Common lot line

(b) The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards. Objectionable noises due to intermittence, heat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses in any zoning district.

(2) *Light.* Exterior lighting shall be so installed that the surface of the source of light shall not be visible and shall be so arranged as far as practical to reflect away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five feet above the ground in a residential district/area.

(3) *Drifted and blown material.* The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.

(4) *Vibration.* All machinery shall be mounted and operated in order to prevent transmission of ground vibration exceeding a displacement of .003 of one inch, as measured at the property line.

(5) *Odor.* The emission of noxious, odorous matter in quantities which are readily detectable at any point along lot lines when diluted in the ratio of one volume of odorous air to four or more volumes of clean air is prohibited.

(6) *Gases.* The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and shall be abated.

(7) *Glare and heat.* An operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

(8) *Electromagnetic radiation.* Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby adopted by reference as a part of this chapter.

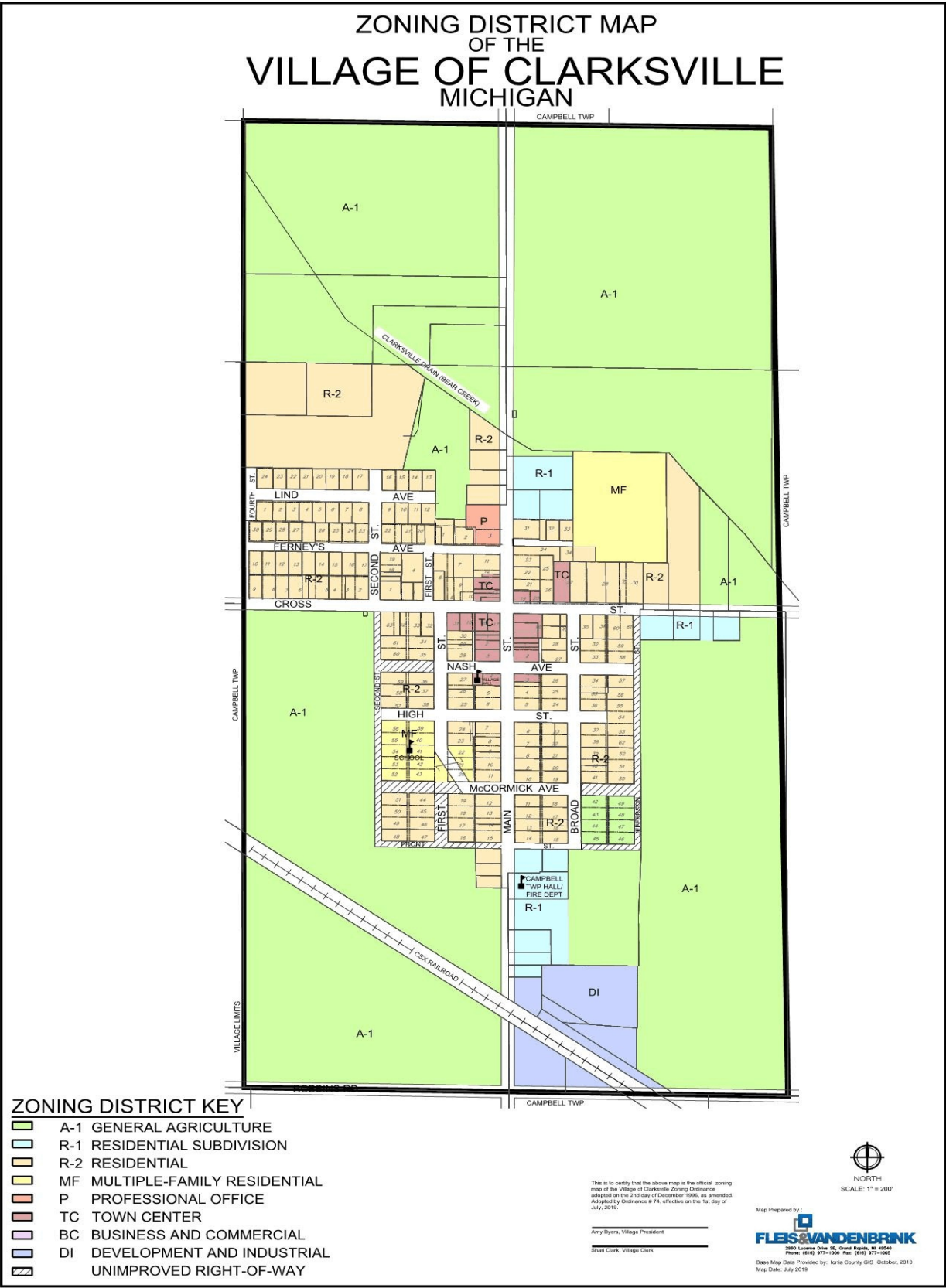
(9) *Radioactive materials.* Radioactive materials shall not be emitted to exceed quantities established as safe by the Federal Government.

(10) *Airborne emissions.* Airborne emissions shall be in compliance with the Air Pollution Act 348, Michigan Public Acts of 1965, being M.C.L.A. 336.11 et seq, as amended, and the rules of the Michigan Air Pollution Control Commission.

(11) *Other forms of pollution.* It shall be unlawful to discharge into the air, or to the ground or into the water any material or materials in excess of standards approved by the Michigan Department of Natural Resources or Ionia County Public Health Department.
(Ord. passed 12-2-1996; Ord. 55, passed 7-11-2011)

§ 152.092 ZONING DISTRICT MAP.

The Official Zoning Map of the village is printed on the following page.
(Ord. passed 12-2-1996, Ord. 46, passed 4-4-2011; Ord. 70, passed 9-12-2016; Ord. 74, passed 7-12-2019)



SPECIAL USE PERMIT**§ 152.110 PURPOSE OF SPECIAL LAND USES.**

Uses allowed only by special land use permit have been identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests to special land uses, and for placing conditions upon such permits. An applicant for a special use permit must additionally comply with all other applicable regulations of the village including a building permit.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010; Ord. 52, passed 7-11-2011)

§ 152.111 SPECIAL USE PERMIT PROCEDURE.

Application for a special land use permit shall be submitted and processed under the following procedures:

(A) An application shall be submitted to the village offices on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the Village Council.

(B) *Site plan requirement.* Site plan approval is required for a special land use permit. Applications for a special land use permit shall therefore also be accompanied by eight copies of a site plan which shall contain the information for final site plans required by §§ 152.130 through 152.140 herein. The application materials shall then be forwarded to the Planning Commission.

(C) *Additional information.* The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to the provision for public or private utilities, traffic impact analysis, environmental impact statement, an economic analysis justifying the need for a proposed commercial use or uses, and the impact on public utilities.

(D) *Public hearing.* Prior to making a decision on a special land use request, the Planning Commission shall hold a public hearing. Notification of the hearing shall be in accordance with § 152.154 herein.

(Ord. 52, passed 7-11-2011)

§ 152.112 GENERAL STANDARDS.

To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this chapter for specific special land uses:

(A) The special land use shall be established, designed, and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof, and will be compatible with the character of the area in which the special land use is proposed.

(B) The special land use must not have a substantial adverse effect on water and sewer services, storm water drainage, road capacity, volume of traffic, traffic safety and circulation, and pedestrian safety and shall not result in lighting which is contrary to the purposes of the lighting regulations of this Zoning Ordinance.

(C) The special land use must not have a substantial adverse effect on police and fire services and other public safety and emergency services.

(D) The special land use must not have a substantial adverse effect on the need and demand for other public services.

(E) The special land use must not have a substantial adverse effect on the natural environment of the site and nearby properties.

(F) The special land use must be consistent with the intent and purposes of this chapter and the Clarksville Master Plan.

(Ord. 52, passed 7-11-2011)

§ 152.113 DECISION.

Following a public hearing, the Planning Commission shall either grant or deny a permit for such special land use. The decision on a special land use shall be incorporated in a written statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Clerk of the Clarksville.

(Ord. 52, passed 7-11-2011)

§ 152.114 EXISTING VIOLATIONS.

A special land use permit shall not be issued for a new use or a structure on property where any violation of this chapter exists.

(Ord. 52, passed 7-11-2011)

§ 152.115 CONDITIONS OF APPROVAL.

The Planning Commission may impose reasonable conditions on the approval of a special land use. Conditions may include but are not limited to items related to drainage, soil erosion, pedestrian and vehicle movement, safe site design, fencing, screening, landscaping, loading, parking, lighting, signs, and hours of operation. The Commission may also require that a special land use be subject to an annual review by the Planning Commission. Said conditions shall meet the following requirements:

(A) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.

(B) Be designed to insure that said use is compatible with adjacent land uses and activities.

(C) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(D) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(E) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the chapter for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(F) The conditions imposed with respect to the approval of a special land use shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions imposed and any changes to these conditions. In its discretion the Commission may require the conditions to be recorded with the Ionia County Register of Deeds.

(Ord. 52, passed 7-11-2011)

§ 152.116 EXPIRATION OF PERMIT.

(A) A special land use shall be valid upon approval by the Planning Commission. The special land use however shall expire one year from the date of Planning Commission approval if actual construction of a substantial portion of the improvements included in the approved special land use and site plan have not commenced and proceeded meaningfully toward completion during that period.

(B) Upon written application filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a special land use permit for a further period of not more than one year. Such extension shall only be granted based

on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

(Ord. 52, passed 7-11-2011)

§ 152.117 AMENDMENT TO AN APPROVED SPECIAL LAND USE.

(A) Any person owning or operating land for which a special land use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved special land use, any conditions attached to the approval of the special land use and site plan. Any proposed change to the conditions that were attached to the approval of the special land use or any proposed change to the special land use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.

(B) A major change is defined as a change in the conditions of approval or the special land use which would substantially alter the intensity of the use of the property so as to call into question compliance with the special land use approval standards of § 152.112 herein.

(C) Examples of a major change may include but are not limited to a substantial increase in the hours of operation, a substantial expansion of the land area devoted to outdoor activity, a substantial increase in the number of items displayed or stored outdoors, an increase in the intensity of the use which would substantially increase traffic or a change in the conditions of approval which may result in a substantial adverse impact on nearby residents or property.

(D) In addition, a major change would also include expanding the land area that was approved for the existing special land use and expanding the building containing the use if such expansion would increase the intensity of the use.

(E) Any major change shall be considered in the same manner as set forth in § 152.111 of this chapter which would require a public hearing. A minor change requested for a special land use may be approved by the Planning Commission without a public hearing.

(F) If the requested changes apply only to a component of an approved site plan which is part of an approved special use the requirements of §§ 152.110 through 152.120 herein shall apply.
(Ord. 52, passed 7-11-2011)

§ 152.118 VALIDITY OF PERMIT.

(A) Planning Commission approval of a special land use permit shall be valid regardless of change of ownership of the parcel(s) receiving the special land use permit, provided that all standards and conditions are complied with by any subsequent land owner.

(B) If a use authorized by a special land use permit ceases for a period of three years the special land use permit shall be considered to be voided and the use shall not be re-established except in accordance with the procedures in § 152.111 herein. The cessation of the special land use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the special land use; removal, replacement or demolition of the building containing the special land use; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the special land use.
(Ord. 52, passed 7-11-2011)

§ 152.119 REVOCATION OF PERMIT.

(A) If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit may be revoked if the violation is not corrected within 15 days of such notification.

(B) If said violation is not corrected with this 15 day period, the Planning Commission may revoke the permit following a public hearing noticed in accordance with the requirements of § 152.154 herein. Furthermore, such a violation is hereby declared to be a violation of the Zoning Ordinance, subject to all of the remedies and penalties provided for in this chapter.
(Ord. 52, passed 7-11-2011)

§ 152.120 SPECIAL USES THAT MAY BE PERMITTED.

(A) Special land uses, which may be permitted, are specifically listed within each of the Zoning Districts in §§ 152.080 through 152.092. The basis of determination and the general standards for reviewing all listed special land uses in the various zoning districts can be found in § 152.080 through 152.092.

(B) The following table and additional list of land uses identifies special land uses which have additional standards which must be met prior to the issuance of a special use permit.

<i>Special Land Use</i>	<i>Dimensional Requirement</i>	<i>Additional Regulations</i>
Duplexes	43,560 square feet if land area per dwelling unit 700 square of floor area per dwelling unit per district	Site Plan review

<i>Special Land Use</i>	<i>Dimensional Requirement</i>	<i>Additional Regulations</i>
Multiple Dwelling	10,000 square feet if land area per dwelling unit Floor area per dwelling unit 1 BR 350 sq. ft. 2 BR 550 sq. ft. 3 BR 680 sq. ft. 4+ BR 680 sq. ft. plus 100 sq. ft. for each additional bedroom 25% open space Per district	Site Plan review Landscape Plan
Sewage Treatment Facility	5 acres minimum 100 feet from all residential uses	Fenced site Site Plan review
Housing for Seasonal Labor	40 acres minimum 100 feet from all property lines	Site Plan review Meet state and village health codes
Airfield (BII and BIII)	20 acres 100 setback from all property lines	Site Plan review
Campgrounds	5 acres 400 feet from all residences	Site Plan review Landscape Plan
Livestock Auction Yard	10 acres	Site Plan review
Outdoor Firearm Range	10 acres 400 feet from all residences	Site Plan review
Retail Nurseries	5 acres 50 feet from all property lines	Site Plan review
Hunting Preserve	40 acres 400 foot from all residences	On site parking
Junk and Salvage Yards	10 acres 50 feet setback all sides	Screen entire site Site Plan review
Refineries	10 acres 100 foot setback all sides Per district	Buffer per DI District Site Plan review PIPP Plan

<i>Special Land Use</i>	<i>Dimensional Requirement</i>	<i>Additional Regulations</i>
Sawmill Operations	20 acres 400 feet from all residences	Site Plan review
Shopping Centers (over 100,000 square feet)	10 acres Per district	Hard surfaced arterial road Site Plan review Buffer per DI District
Storage of Flammable Liquids	400 feet from all residences Per district	Site Plan review PIPP Plan Fire Dept. Review
Animal Slaughter House	10 acres 400 feet from residences	Site Plan review
Truck and Rail Terminals	5 acres 50 feet from all property lines	Site Plan review PIPP Plan
Asphalt and Cement Plant	5 acres 400 from all residences	Site Plan review
Contractor Establishment	10 acres Per district	Site Plan review PIPP Plan
Industrial Park	20 acres Per district	Site Plan review PIPP Plan
Farm Equipment Sales and Service	5 acres	No setback storage Site Plan review

(C) *Planned Unit Developments (PUD).*

(1) *Purpose.* The Planned Unit Development District is designed to provide for maximum environmental choice for the residents of the village by encouraging creativity and flexibility of low density residential design, diversify of building types, open space arrangements and environmental preservation, and the integration of non-residential uses such as professional office, research and supportive services and amenities through the special use permit process.

(2) *Intent.* It is the intent of this section to provide for an added degree of flexibility in the placement and interrelationship of buildings incorporating a variety of residential dwellings, and encouraging a more creative approach, to development. Such criteria are further intended to:

- (a) Result in a more efficient development pattern with shorter streets and utility networks.

(b) Preserve existing natural assets, such as stands of trees, flood plain, open fields and the like.

(c) Accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance.

(d) Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all living units.

(e) Such development may consist of individual lots or common building sites. Common land and open space are essential elements of the plan related to affecting the long-term aesthetic and economic values of the entire development.

(f) Provide for supportive amenities such as recreational uses, day care centers and similar uses, which in the opinion of the Planning Commission, are in conformance with the Master Plan and the objectives of the proposed development.

(g) Provide for planned professional office/research working environments in conjunction with the planned living environments which enhance the residential stability and economic base of the village through the application of the special use permit process.

(3) *General requirements, restrictions and standards.*

(a) *Minimum project area.* Minimum project area allowable for a PUD shall be 15 acres.

(b) *Location.* PUD's may be located in those districts as designated and upon approval of the Planning Commission and the Clarksville Village Council.

(c) *Uses permitted.* Only the following land and/or building uses may be permitted under the provisions of this section:

1. All uses permitted in the district for which the PUD is approved.

2. Any additional uses which can be shown to be compatible with the general objectives of the village's Master Plan as well as integral to the specific PUD scheme in which they are contained. For the purpose of this section, an integral use shall be defined as a use which has a specific functional relationship with other uses contained in the development, as for example, a day care center which serves primarily the needs of residents of the development.

(d) Residential land use development is to be the predominant use in a PUD and in no case shall office uses exceed more than 25% of the total development area.

(e) *Performance objectives.*

1. Yard, setback, lot size, type of dwelling unit, height, and frontage requirements restrictions are waived for the PUD, provided, however, that the spirit and intent of this section, as defined in the purpose clause, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development in accordance with the purpose clause of this section.

2. *Access.* Every structure or dwelling unit shall have access to a public street, walkway or other area, dedicated to common use. Private streets may be allowed but must meet the design and construction standards the Subdivision Control Ordinance, this section, and the Ionia County Road Commission.

3. *Land usage.* The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.

4. *Privacy.* Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.

5. *Off-street parking.* Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirement of §§ 152.170 through 152.172 of this chapter. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.

6. *Development concept.* All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining-property, and the type and size of buildings. Arrangement of buildings shall be done in such a way utilize natural topography, existing vegetation and views within and beyond site.

7. *Utilities.* PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm waters, and to prevent erosion and the formation of dust. This could include the establishment of retention basins in order to minimize storm water runoff.

8. *Pedestrian circulation.* The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.

9. *Recreation areas.* Recreation facilities for impairing the view and privacy of the living units, shall be provided in easily accessible locations.

10. *Planting.* The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

(f) *Density.* The density (dwelling units per acre) in a PUD shall not exceed the density of the zone in which it is located. When more than one zone is involved, the density of the project will be the average of the zones, weighted in direct proportion to the size of the property within the project in each zone. Only one-half of the total portion of the site comprised of flood plain, swamps, (wetland) or a water body, may be used in the calculation of densities of a project.

(g) *Open spaces.* **COMMON OPEN SPACE** is defined as parcel or parcels of land or an area of water or combination of land and water assigned and intended for the use or enjoyment of the residents of the PUD or of the general public. Common Open Space does not include proposed street rights-of-way, open parking area, or commercial areas. Common Open Space may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units, according to the concentration of dwellings; formal parks, picnic areas; playgrounds, and scenic open areas and communal, non-commercial, recreational facilities.

1. The area of common open space within a PUD project may not be less than 25% of the total land area of the project.

2. All common open space shown on the final site plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purposes intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance.

(h) *Circulation facilities.* The arrangements of public and common ways for pedestrian and vehicular circulations shall be coordinated with other existing or planned streets in the area.

(i) The PUD's landscape plan shall meet the requirements of §§ 152.130 through 152.140 (Landscape Plan).

(j) The PUD's site plan shall meet the requirements of §§ 152.130 through 152.140 (Site Plan Review).

(k) The PUD may be developed in stages or phases, but must receive conceptual approval for future states and final site plan approval prior to construction of each state or phase.

(l) Initial construction on the first phase of the project must begin within two years of approval from the village.

(m) In the opinion of the Zoning Administrator, amendments to the approved PUD which increase the intensity of use or increase the impact on adjacent properties must be resubmitted to the Planning Commission for review and approval.

(n) An approved PUD shall amend the zoning district(s) and Map.

(4) *Development agreement and financial guarantees.*

(a) Upon approval of the PUD, the applicant shall develop with the village, a development agreement to insure that all of the customary municipal improvement required by existing ordinances and regulations will be properly made and that funds will be made available by the applicant to insure the installation of certain site improvements prior to any permits being issued.

(b) Financial guarantee shall be required by the Planning Commission in the form of a cash deposit certified check, bond or other financial guarantee/instrument acceptable to the village to ensure compliance with such requirements as infrastructure, drives, walks, parking, landscaping, or other features of the development.

(c) The financial guarantee shall be deposited with the village at the time of issuance of the permit authorizing the project or activity. The village shall release portions of the guarantee as work is completed on the project or activity and accepted by the appropriate Village Zoning Administrator.

(d) The developer shall establish a separate escrow account with the village to cover such additional review costs as engineering, legal, or other professional assistance as may be required.

(5) *Approval process.* Submission, review, and recommendation of a Planned Unit Development District shall be subject to the following three step process:

(a) *Pre-application conference.* Prior to submission of an application for a Planned Unit Development District, the applicant shall meet with the Zoning Administrator and other appropriate staff to outline the fundamental elements of the proposed development (location, acreage, residential density, non-residential density, building types, specific uses, open space and natural features and proposed circulation). The applicant shall receive at the pre-application conference an explanation of ordinance requirements, procedures, and estimated time lines.

(b) *Preliminary development concept.* Prior to setting a public hearing on the proposed zoning ordinance amendment, the Planning Commission is required to review and comment on the preliminary development concept for the proposed PUD. The intent of the Planning Commission review is to provide as much feedback as possible to the applicant prior to the official public hearing as required.

(c) Prior to the Planning Commissions review of a preliminary development concept, the following information shall be submitted:

1. Evidence of ownership or equitable interest in the proposed site of the PUD.
2. Legal description and generalized location.
3. Written, detailed description of the proposed uses.
4. Fifteen copies of a conceptual site plan for the proposed development which contains the following information:
 - a. Readable scale.
 - b. Existing zoning of the site and adjacent properties.
 - c. Existing land use of the site and adjacent properties.
 - d. Location of proposed structures, parking areas, and open space.
 - e. Development summary data (acres, units, parking spaces, gross/net density, gross building square footage).
 - f. General description of water, sanitary and storm drainage systems including retention basins.
 - g. Identification of existing natural features of the site and location of specific wetland area.
 - h. Description of proposed landscape features, buffers, and pedestrian circulation system.
 - i. Identification of existing and proposed easements.
 - j. Identification of existing and proposed public and private rights-of-way and adjacent curb cuts.
 - k. Identification of any proposed non-residential land uses.
5. Description of development ownership, proposed ownership form for residential and non-residential components, and proposed maintenance concept.

(6) *Final development plan.* The final development plan for a proposed Planned Unit Development District shall meet the requirements of §§ 152.150 through 152.159 (Zoning Amendments) of the Village Zoning Ordinance and shall meet the following additional requirements:

(a) The application and all supportive materials shall be submitted at least 30 days prior to the scheduled public hearing for the PUD.

(b) The application and supportive materials shall contain a site plan which contains the information submitted for the preliminary development plan plus following information:

1. Meets the requirements of §§ 152.130 through 152.140 (Site Plan Review).
2. Indicates engineering recommendations for water, sanitary sewer, storm drainage, natural gas, electric and telephone systems.
3. Indicates recommended road alignments, existing contours and proposed topographic data.
4. Indicates soil erosion and sedimentation control procedures.
5. Detailed landscape plans.
6. Provides a specific schedule of the proposed development, including phasing for major construction features, open space provision, recreational features, common use areas, utilities, and landscaping requirements.

(c) The provision of studies which may be required by the village, at the applicant's expense, which address issues such as, but not limited to, traffic circulation and safety, utility systems, and environmental impact.

(d) If the application for a Planned Unit Development District includes a request for a special use permit as provided under §§ 152.110 through 152.120, that application, review, and recommendation may be performed in conjunction with the request for a zoning change or subsequent to the establishment of a PUD district.

(e) The final development plan shall meet the requirements of the development standards as established in § 152.263.

(D) *Private roads.* Private roads in unplatted areas of zoning districts A-1 and R-1, serving two or more family dwellings and pursuant to special use permit, §§ 152.110 through 152.120, shall meet the following criteria:

(1) Shall be established within a legally recorded easement 66 feet wide in addition to the zoning district requirement for lot width.

(2) Shall only provide access for parcels abutting the private road.

(3) Shall be built to Ionia County Road Commission standards for public roads as reviewed and approved by the County Road Commission.

(4) Shall be established with a legally recorded agreement for all contiguous lots providing for the maintenance of the road.

(5) On a village local road, the intersection of the public road and the private road shall be a minimum of 400 feet from any other private road on the same side of the street/road; on a county primary road, state or U.S. trunk line, a minimum of 400 feet shall be provided from any other private road on the same side of the street/road.

(E) *Mobile home parks.*

(1) *Intent.*

(a) It is the intent of this section to provide for the establishment in a district of comparable intensity of land use, well designed mobile home parks. The regulations and conditions contained in this section are designed to ensure that mobile home parks will provide a comfortable and pleasing environment for persons who seek mobile home residence. Regulations and conditions contained in this section are intended to ensure that mobile home park developments will be served adequately by essential public facilities and services such as access streets, public water, sanitary sewer and storm drainage facilities, refuse disposal, schools, and police and fire protection.

(b) The Planning Commission may, by the issuance of a special use permit, authorize the establishment of a mobile home and such authorization shall be granted only when all the applicable procedures and requirements stated herein are complied with.

(2) *General requirements, restrictions and standards.*

(a) *Minimum project area.* Minimum project area for a mobile home park development shall be 15 acres.

(b) *Location.* Mobile home parks may be located only in those zoning districts identified in the chapter, upon approval of the Planning Commission and in accordance with the following standards:

1. The site shall be adjacent to and serviced by a major arterial or village primary road.

2. The site shall be serviced by existing or programmed essential public facilities and services such as access streets, public water, sanitary sewer and storm drainage facilities, and police and fire protection.

(c) *Uses permitted.* Only the following land, and/or building uses may be permitted under the provisions of this section:

1. Mobile homes as defined in this chapter.

2. One office building exclusively for conducting the business operations of the mobile home park.

3. Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants.

4. Recreation areas, community building, playground and open space for use by mobile home park tenants.

5. Such additional accessory buildings and uses as are customarily incidental to mobile home park development, except that this shall not include the sale of mobile home units other than by their individual resident owners or the servicing of mobile home units except as is required for normal maintenance by the individual resident owner or his or her contractors.

6. Signs pertaining exclusively to the mobile home park.

(d) *General development standards.* The design and development of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby incorporated by reference as a part of this chapter.

(e) *Operating standards.*

1. The operation and business practices mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which hereby incorporated by reference as a part of this chapter.

2. No part of any mobile home park shall be for non-residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of mobile home parks.

3. Home occupations shall be prohibited from mobile home parks.
4. The keeping of livestock shall be prohibited from mobile home parks.

(F) *Accessory apartment or "ECHO" Housing.*

(1) *Intent.* It is the intent of this section to provide standards that will allow extended family living in traditional single family neighborhoods, such provisions will permit the conversion of a single family dwelling to include an accessory apartment as a means of accommodating an elderly parent or other family member. Also permitted will be the placement of detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling.

(2) *Accessory apartment.* In addition to the requirements of this section, the following provisions shall be met.

- (a) Principal dwelling must be owner occupied.
- (b) No visible change to exterior of structure.
- (c) Improvement must meet applicable codes.
- (d) Additional parking provided per zoning code.
- (e) If necessary, additional sanitary service provided.

(3) *Elderly Cottage Housing Opportunities (ECHO).* Detached, removable, self-contained units, in addition to meeting the requirements of this section, shall meet the following provisions.

- (a) Only owner of principal dwelling may install ECHO unit.
- (b) ECHO unit shall be removed upon cessation of occupancy of extended family member identified in the special use permit.
- (c) The ECHO unit must meet front and side yard setbacks of the district in which it is located.
- (d) Planning Commission may establish temporary rear yard setback for ECHO unit.
- (e) ECHO unit shall meet applicable codes for manufactured housing.
- (f) Applicant for ECHO unit shall document medical or hardship need.

(g) Bonding, or other economic guarantee satisfactory to Planning Commission, shall be provided to the village to assure the removal of the ECHO unit upon cessation of use.

(h) Planning Commission may establish time limits on the utilization of the ECHO unit.

(i) Provisions of §§ 152.130 through 152.140 (Site Plan Review) shall apply.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011; Ord. 52, passed 7-11-2011)

SITE PLAN REVIEW

§ 152.130 PURPOSE AND INTENT.

The purposes of site plan review are: to determine compliance with the provisions of this chapter; to promote the orderly development of the village; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Village Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance; and to achieve the purposes of the Village of Clarksville Master Plan.
(Ord. 51, passed 7-11-2011)

§ 152.131 SITE PLAN REQUIRED.

A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

(A) Planning Commission review is required for the following:

(1) Any new principal non residential use or a residential use containing three or more dwelling units. Site plan review under this section is not required for a single or two family dwelling.

(2) An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this chapter.

(3) Special land uses and Planned Unit Developments.

(4) Mobile home parks.

(5) All other uses requiring site plan approval as required by this chapter.

(B) *Staff review.*

(1) The following uses shall be reviewed by the Village Zoning Administrator, and may be reviewed by the Village Planner and Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements and all other applicable requirements of the Zoning Ordinance.

(2) The Zoning Administrator may also refer the following uses, except for farm buildings, to the Planning Commission to be reviewed in accordance with the requirements of this chapter. Review of Site Plans by staff shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

(3) The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

(a) Expansion of an existing use or building which does not increase the intensity of the use or result in the need for additional parking as required herein and which would not otherwise require review by the Planning Commission.

(b) Construction of a building or structure which is accessory to the principal use or building except for buildings accessory to a single or two family dwelling.
(Ord. 51, passed 7-11-2011)

§ 152.132 APPLICATION REQUIREMENTS.

(A) An application for site plan review along with eight sets of the site plan shall be submitted to the village offices along with the fee as set by the Village Council in accordance with the submittal schedule established by the Planning Commission which is available in the village offices.

(B) The application shall at a minimum contain the following information:

(1) The applicant's name, address and phone number.

(2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.

(3) The name, address and phone number of the owner(s) of record if different from the applicant.

- (4) The address of the property.
- (5) Legal description of the property.
- (6) Current zoning.
- (7) Project description.
- (8) Size of the parcel in acres.
- (9) Signature of the applicant and owner of the property.

(Ord. 51, passed 7-11-2011)

§ 152.133 PRELIMINARY SITE PLAN CONTENTS AND PROCEDURES.

(A) If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.

(B) Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.

(C) Upon receipt of the preliminary site plan and application, the preliminary plan may be forwarded to the Village Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.

(D) The preliminary site plan shall be drawn at a scale of not more than one inch equals 100 feet (1"=100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.

(1) Existing adjacent streets and proposed streets, public or private, as well as buildings and land uses within 100 feet of the site.

(2) Parking lots and access points.

(3) Proposed buffer strips or screening.

(4) Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, water courses, ponds, floodplains, hills, and similar natural features.

(5) Existing and proposed buildings.

(6) General topographical features including existing contour intervals not greater than ten feet.

(7) Proposed method of providing public or private utilities including storm drainage.

(8) Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.

(E) The Planning Commission shall review the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this chapter.

(Ord. 51, passed 7-11-2011)

§ 152.134 FINAL SITE PLAN CONTENTS AND PROCEDURES.

(A) If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval except for all PUD applications requiring approval by this chapter. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.

(B) Upon receipt of the site plan and application, a copy may be forwarded to the Village Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.

(C) *Site plan requirements.* The final site plan shall be drawn at a scale of not more than one inch equals 100 feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.

(1) The date on which the site plan was prepared.

(2) The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.

(3) A north arrow and legal description based upon the most current survey.

(4) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.

(5) Existing and proposed topographic elevations at a minimum of two feet intervals on the site and to a distance of 50 feet outside the boundary lines of the site.

(6) Direction of storm water drainage and how storm water runoff will be handled in accordance with the requirements of the Ionia County Stormwater Management Guidelines.

(7) Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.

(8) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site; and the location and design specifications of the proposed driveway.

(9) Location and size of all existing and proposed water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, location of septic tank and drain fields, and utility easements serving the site.

(10) Location and type of all required and proposed sidewalks, bike paths, and other walkways.

(11) Location, type and size of any walls, fences or other screening devices.

(12) Location of all proposed landscape materials, including size and type of plantings, in accordance with the requirements of § 152.060 of this chapter.

(13) Location, size and height of all proposed accessory structures, flagpoles, storage sheds transformers, dumpsters or trash removal areas or devices, and methods of screening.

(14) Existing and proposed utility poles.

(15) Proposed signs in compliance with §§ 152.190 through 152.198 of this chapter.

(16) Proposed parking areas and access drives in accordance with §§ 152.170 through 152.172 of this chapter showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.

(17) Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways.

(18) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.

(19) Location of existing and proposed slopes which are 20% or greater.

(20) Zoning and land use on adjacent properties.

(21) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this chapter or by state or federal agencies.

(22) The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of a site.

(23) Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.

(D) The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on public safety, existing utilities, the environment and natural features

(E) In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

(F) *Final site plan approval procedures.*

(1) The Planning Commission shall review the site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this chapter. Based on these standards and regulations, the Commission shall approve, deny, or approve the site plan with conditions.

(2) If approved, the applicant shall revise the site plan as required by the Planning Commission and submit the final site plan to the Zoning Administrator, Planner, Engineer, Fire Chief or others as necessary to insure that all revisions as required by the Planning Commission have been made. The Commission may require that the revised site plan be brought back to the Commission before approval is granted.

(3) Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated and signed by the Planning Commission Chair or the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Village Clerk.

(4) *Issuance of zoning permit.* The Zoning Administrator shall also issue a zoning permit to the applicant permit upon receipt of an approved final site plan which shall be presented to Ionia County to obtain a building permit.

(Ord. 51, passed 7-11-2011)

§ 152.135 STANDARDS FOR APPROVAL.

Prior to approving a site plan, the Planning Commission shall require that the following standards and requirements be satisfied. If these standards and all other requirements of applicable village ordinances are met, the site plan shall be approved.

(A) The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions; and provide for vehicle access between adjoining parcels where practicable.

(B) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

(C) The site plan shall provide reasonable visual and sound privacy for adjacent dwelling units and for dwelling units on the proposed site. Fences and landscaping should be used, as appropriate, to accomplish these purposes. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the village's landscape provisions.

(D) All buildings or groups of buildings shall be arranged to permit necessary emergency vehicle access.

(E) Public and private walkways shall be provided as necessary for safe pedestrian movement, and to enhance the pedestrian accessibility of the site. Sidewalks shall be installed in conjunction with the development of the site according to village requirements along all public streets abutting commercial and other non residential land uses unless the Planning Commission determines the sidewalks are not necessary or unless arrangements are approved by the Commission to install the sidewalks at a subsequent date.

(F) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.

(G) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

(H) Exterior lighting shall be designed to avoid glare as seen from adjoining lands and to also avoid light shining onto adjacent properties. Exterior lights should be designed to shine light downward although the Planning Commission or Zoning Administrator as applicable may approve decorative light fixtures provided they do not produce a glare.

(I) Outside storage areas including receptacles for the storage of trash, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height or placed so they are not substantially visible from residential districts or public thoroughfares. The finished side of any wall, fence or other similar storage screen shall face adjacent properties.

(J) All streets and driveways shall be developed in accordance with the Village Subdivision Ordinance, the Ionia County Road Commission or Michigan Department of Transportation specifications as applicable or developed as a private road in accordance with the requirements for private roads of this chapter.

(K) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or an occupancy permit is granted.
(Ord. 51, passed 7-11-2011)

§ 152.136 CONDITIONS OF APPROVAL.

(A) As part of an approval of any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of § 152.135 are met.

(B) The Planning Commission or Zoning Administrator as applicable may condition approval of a site plan on conformance with the standards of another local, county, state, or federal agency. It may do so when such conditions:

- (1) Will ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service a facility loads caused by the land use or activity;
- (2) Will protect the natural environment and conserve natural resources and energy;
- (3) Will ensure compatibility with adjacent uses of land;
- (4) Will promote the use of land in a socially and economically desirable manner.

(C) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership or control.

(D) A record of conditions imposed shall be maintained by the Village Clerk. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this chapter.

(E) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as a part of the minutes of the Planning Commission.

(F) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this chapter.
(Ord. 51, passed 7-11-2011)

§ 152.137 VALIDITY OF APPROVED SITE PLANS.

(A) Approval of the final Site Plan is valid for a period of not longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.

(B) Upon written application filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension. (Ord. 51, passed 7-11-2011)

§ 152.138 PERFORMANCE GUARANTEE.

(A) The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law.

(B) The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein.

(C) In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate village official. Furthermore, the Planning Commission may recommend to the Village Council the rebate or refund of a proportionate share of a cash bond or funds in escrow. (Ord. 51, passed 7-11-2011)

§ 152.139 AMENDMENTS TO APPROVED SITE PLAN.

(A) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.

(B) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the Plan by the Commission. The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings by no more than ten feet.
- (3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
- (4) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (5) Changes required or requested by the village for safety reasons.
- (6) Changes which will preserve the natural features of the site without changing the basic site layout.
- (7) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

(C) The Zoning Administrator may refer any decision regarding any proposed change to an approved Site Plan to the Planning Commission for review and approval, regardless of whether the change may qualify as a minor change. In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

(D) If the Zoning Administrator determines that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

(Ord. 51, passed 7-11-2011)

§ 152.140 EXPANSION OF EXISTING USE, STRUCTURE, OR BUILDING.

It is recognized that land uses, buildings, and structures are existing which do not conform to the current regulations of this chapter and as such do not achieve the intended purposes of this chapter. When these uses, buildings, and structures are proposed to be expanded, enlarged, or increased in intensity so that a site plan review is required per § 152.131 herein, the following regulations shall apply:

(A) The site development standards used in reviewing site plans shall be applied to existing uses, structures or buildings when they are affected by any expansions, enlargements or increases in intensity. These standards shall be applied if it is determined that as a result of such expansions, enlargements or increases in intensity, any of the following situations exist:

(1) Existing stormwater drainage provisions on site are inadequate to protect nearby lakes, streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties and do not substantially comply with the Ionia County Stormwater Management Guidelines.

(2) There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust, and to reduce gravel and soil runoff into the public stormwater drainage system.

(3) Existing driveways may result in hazardous vehicle movements.

(4) Additional plantings are needed in order to comply with the intent of the village landscape regulations or to replace trees and shrubs previously removed, or screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.

(5) Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of service drives to improve traffic circulation and reduce the number of turning movements onto the public street system.

(6) Safety for pedestrians can be improved and better emergency vehicle access can be provided.

(7) Better lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties.

(8) Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.

(9) Sidewalks are needed to improve pedestrian safety.

(B) In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission shall be guided by the following criteria:

(1) Whether or not compliance would ensure safer on site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this chapter.

(2) The practicality of requiring complete compliance with the applicable regulations of this chapter based on the existing design, layout, and operation of the existing use and size of the site or if only partial compliance would be more practical.

(3) Whether or not requiring compliance would have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

(Ord. 51, passed 7-11-2011)

AMENDMENTS**§ 152.150 INTENT AND PURPOSE.**

The purpose of this subchapter is to provide for the amendment of this chapter when provisions become obsolete, when identifiable conditions change in relation to the provisions of chapter, when errors in this chapter are discovered, when changes are made in the village's Comprehensive Development Plan, or when the Village Council has determined a valid public interest exists.
(Ord. passed 12-2-1996)

§ 152.151 AMENDMENT INITIATION.

An amendment to this chapter may be initiated by resolution of the Village Council, by resolution of the Planning Commission, or by petition of one or more persons having interest in property located within the jurisdiction of this chapter.
(Ord. passed 12-2-1996)

§ 152.152 FILING FEE.

The Village Council shall establish by resolution a fee to be paid in full at the time of receipt of any application to amend this chapter. The fee shall be collected by the Village Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is a governmental body.
(Ord. passed 12-2-1996)

§ 152.153 AMENDMENT PROCEDURES.

(A) The petitioner shall cause to be delivered to the Planning Commission, not less than 45 days before any regular meeting of the Planning Commission.

(B) The Planning Commission shall adopt an application form to be completed and filed with the Village Clerk by the person or persons petitioning for the change. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.

(C) The Zoning Administrator shall review the application for completeness. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

(D) The Zoning Administrator shall notify the following agencies within five days of receipt of a proper application from a petitioner or an adoption of a resolution from the Village Council or Planning Commission to amend this chapter, requesting their comments and recommendations:

- (1) Fire Chief.
- (2) Police Chief.
- (3) Superintendent of Lakewood Public Schools.
- (4) Ionia County Drain Commissioner.
- (5) Mid-Michigan District Health Department.

(6) Other governmental units having jurisdiction within one-quarter mile of the property affected by the proposed amendment.

(7) Public Utilities and Ionia County Road Commission.

(8) Other village or county officials and agencies deemed as appropriate by the Planning Commission.

(E) *Comments and recommendations.* The above mentioned review agencies may submit comments and recommendations on the proposed amendment within 35 calendar days of receipt of notice. If no written correspondence is received by the Zoning Administrator within said 35 calendar days, the Planning Commission shall presume that the review agency has no objections to the proposed rezoning. (Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.154 PUBLIC HEARING NOTIFICATION.

All applications for development approval for which a public hearing is required by this chapter shall comply with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended and the following provisions of this section with regard to public notification.

(A) *Responsibility for public notice.* The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the village and mailed or delivered as provided in this section.

(B) *Notice requirements.* Notice of a public hearing for a rezoning, special land use, text amendment, Planned Unit Development; variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.

(1) *Newspaper notice.* The notice shall be published in a newspaper that circulates in the village.

(2) *Mail and personal notice.* Except for an ordinance text amendment and an ordinance interpretation which does not apply to a specific property, notice shall be sent by first class mail or personal delivery to:

(a) The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

(b) Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of the village.

(c) If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing.

(d) All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice.

(3) *Record of mailing.* The Clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

(4) *Content of notice.* The public notice shall:

(a) Describe the nature of the request: identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

(b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

(c) Indicate the date, time and place of the public hearing(s).

(d) Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

(C) *Registration to receive notice by mail.* Any neighborhood organization, public utility, company, railroad or any other person may register with the Clerk to receive written notice of all applicants for development.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010)

§ 152.155 PLANNING COMMISSION RECOMMENDATIONS.

(A) *Scope of examination.* In reviewing any application for an amendment to this chapter, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its finding in full along with its recommendations for disposition of the application, to the Village Council within a period of 60 days. The matters to be considered by the Planning Commission shall include, but shall not be limited to the following findings of fact:

(1) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?

(2) What, if any, error in judgement, procedure or administration was made in the original chapter which justifies the petitioners change in zoning?

(3) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

(4) What is the impact of the amendment on the ability of the village and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?

(5) Does the proposed amendment adversely affect environmental conditions, or the value of the surrounding property?

(6) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built; such as:

(a) Surface water drainage problems.

(b) Waste water disposal problems.

(c) Adverse effect on surface or subsurface water quality.

(d) The loss of valuable Natural Resources (such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land).

(7) Does the proposed amendment generally comply with the adopted policies of the Clarksville Master Plan?

(8) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.

(B) All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The Planning Commission shall transmit its findings of fact, a summary received at the public hearing and its recommended action to the Village Council.
(Ord. passed 12-2-1996)

§ 152.156 CONSIDERATION BY THE VILLAGE COUNCIL.

(A) For each proposed Zoning Ordinance amendment or supplement a recommendation shall be made by the Planning Commission and a recommendation made to the Village Council in accordance with the requirements of Act 110 of the Public Acts of 2006, as amended. After receiving such recommendation the Village Council shall consider the proposed amendment. The Village Council may hold a public hearing if the Council considers it necessary. Notice of the hearing shall be made in accordance with the requirements of § 152.154 herein.

(B) Upon request of any property owner by certified mail to Clerk the Council shall hold a public hearing. The Council may refer any proposed amendments back to the Planning Commission for consideration and comment within the time period specified by the Council. Following this the Council shall vote on the adoption of the Zoning Ordinance request with or without amendments as proposed by the Planning Commission. Approval of a Zoning Ordinance amendment shall require an affirmative vote by a majority of the Village Council.
(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010)

§ 153.157 PROTESTED AMENDMENT.

Upon presentation of a protest petition meeting the requirements of this section, an amendment to the Zoning Ordinance which is the object of the petition shall be passed only by a two-thirds vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment, and shall be signed by one of the following:

(A) The owners of at least 20% of the area of land included in the proposed change.

(B) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(C) For purposes of this section, publicly owned land shall be excluded in calculating the 20% land area requirement.

(Ord. passed 12-2-1996)

§ 152.158 NOTICE OF ADOPTION.

Following adoption of an amendment by the Village Council, one notice of adoption shall be published in a newspaper of general circulation in the village within 15 days after the adoption. The notice shall include the following information:

(A) The complete text of the amendment, which shall include the section or sections amended stated in full or a summary of the adopted amendments.

(B) The effective date of the amendment.

(C) The place and time where a copy of the ordinance may be purchased or inspected.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010)

§ 152.159 EFFECTIVE DATE.

An amendment to the Zoning Ordinance shall take effect as prescribed by the Village Charter after publication of the amendment or a summary of its provisions in a newspaper of general circulation.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010)

OFF-STREET PARKING AND LOADING

§ 152.170 INTENT OF PARKING PROVISIONS.

It is the intent of this chapter that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this chapter. All vehicles shall be stored on the premises occupied by the principal building, but may be stored on premises located outside the premises within specifically limited walking distances as specified in this section of the chapter.

(A) *Definition of floor area.* The term **FLOOR AREA** as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. Floor area shall be measured from the exterior faces of exterior walls.

(B) *Fractional space.* When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(C) *Requirements for a use not mentioned.* In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply.

(D) *Use of parking areas.*

(1) No commercial repair work, servicing or selling of any kind shall be conducted in any parking area. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

(2) No sign shall be erected in parking areas except that no more than one directional sign at each point of ingress or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed 20 square feet in area and shall not project beyond the property line of the premises.

(E) *Building additions or other changes in floor area.* Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the use change increased floor area or capacity.

(F) *Joint use of parking areas.* The joint use of parking facilities by two or more uses may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

(1) *Computing capacities.* In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.

(2) *Record of agreement.* A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the Register of Deeds of Ionia County. The agreement shall include a guarantee for continued use of the parking facility by each party.

(G) *Parking space requirements.*

<i>Land Use</i>	<i>Parking Spaces for Designated Unit(s)</i>					
	Room/Unit	Employee	Seat	100 sq. ft.	Bed/ Bedroom	Other
One and Two-Family Dwellings	2					
Senior Apartment	1	1				5 visit
Multiple	2					
Boarding and Lodging Houses					1.5	
Motels					1	+3 add 4
Convalescent Home		.25			.25	
Hospitals		1			.33	
Clinics		3				
Auditoriums, Churches, Stadiums, and the like			.33			
Elementary and Middle Schools		1				
High Schools and Colleges		1				.25 per student
Libraries, Museums, Post Offices		.33		1		
Golf Course, Tennis Clubs, and the like		1				4/hole
Dance Halls, Pool Halls, Video Arcades, and the like		1		1		
Bowling Alley						5/alley

<i>Land Use</i>	<i>Parking Spaces for Designated Unit(s)</i>					
	Room/Unit	Employee	Seat	100 sq. ft.	Bed/ Bedroom	Other
Professional Offices and Banks		1		0.5		
General Offices		0.5		0.5		
General Retail Store				0.5		
Barber Shop and Hair Salon						2/chair
Supermarket, Food Store				2		
Automobile and Gasoline Service Station		1				3/stall
Drive-In Restaurant				2.5		
Funeral Homes and Mortuaries				4		
Warehouses and Wholesale Stores				0.2		
Industrial Establishments		0.5		0.5		

(H) *Location of parking areas.* All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the exception of the following:

- (1) *Uses in BC District.* Parking on the premises or within 500 feet.
- (2) *Uses in DI District.* Parking on the premises or within 800 feet.
- (3) *Public and quasi-public buildings, places of assembly, private clubs, associations and institutions.* Parking on the premises or within 500 feet.
- (4) *Uses in TC District* parking on the premises or within 500 feet.

(I) *Parking lot plan review.* Whenever four or more vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a building permit can be issued. Such plans and specifications shall indicate the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design and construction of the parking area.

(J) *Site development standards.* All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements (see Figures 10-1, 10-2 and 10-3).

(1) Parking in the required front yard is prohibited in any residential district within the village, particularly the A-1, R-1, R-2 and MF Districts. Front yard parking may be considered in non-residential districts, only the BC and DI Districts, with appropriate approval under site plan review, §§ 152.130 through 152.140 of this chapter. Front yard parking is prohibited within the TC and P Districts.

(2) All parking shall be located behind the front building line on any sites/parcels

(3) Parking areas including driveways shall be hard surfaced and properly drained.

(4) A minimum area of 200 square feet or ten feet by 20 feet shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress.

(5) Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(6) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

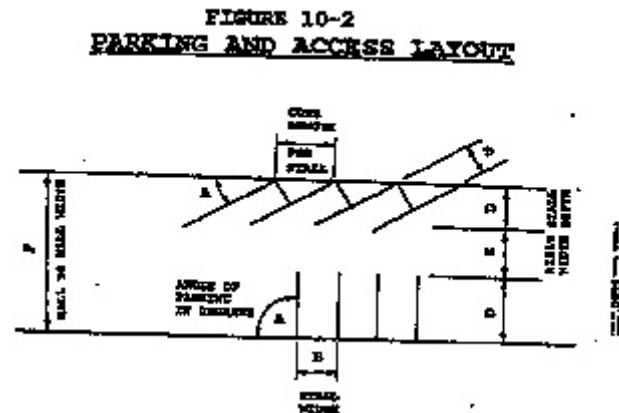
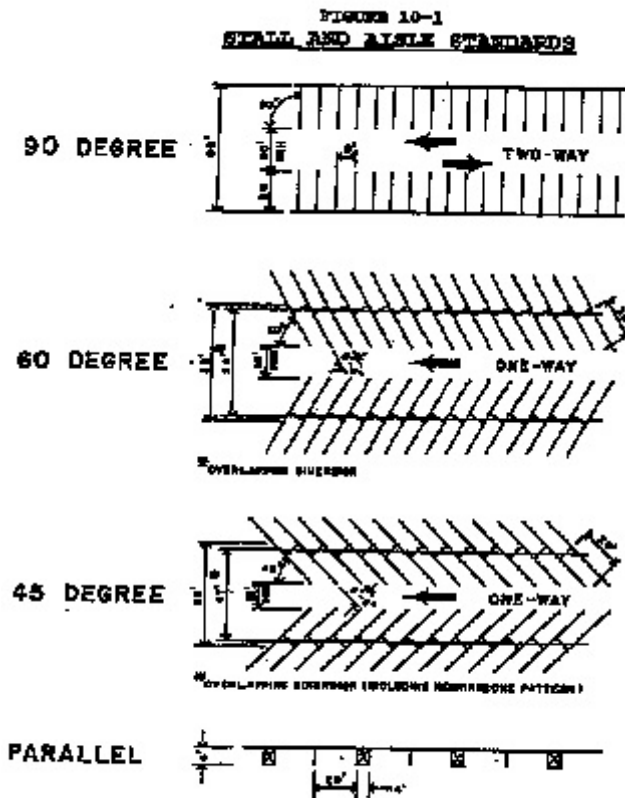
(a) Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than 20 feet wide and so located as to secure the most appropriate development of the individual property.

(b) Each entrance to and exit from an off-street parking area shall be at least 25 feet from any adjacent lot within a residential district.

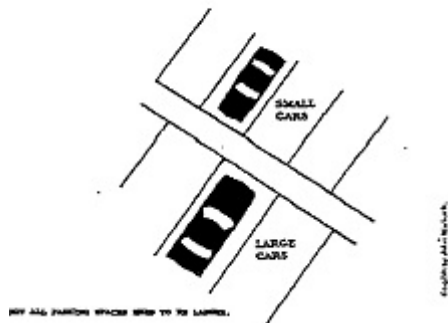
(7) Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:

(a) For right angle parking patterns 75 to 90 degrees, the maneuvering lane width shall be a minimum of 20 feet.

- (b) For parking patterns 54 to 74 degrees, the maneuvering lane width shall be a minimum of 15 feet.
- (c) For parking patterns 30 to 53 degrees, the maneuvering lane width shall be a minimum of 12 feet.
- (d) All maneuvering lane widths shall permit one-way traffic movement, except for the 90 degree pattern which may provide for two-way traffic movement.



**FIGURE 10-3
PARKING SPACE**



Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

A	B	C	D	E	F
Angle of Parking	Stall Width	Car's Length per Stall	Stall Depth 90° to 75°	Aisle Width	Maneuvering Lane Width
0	0'	18'	8'	12'	
45	2'	12'	12'	12'	17'
60	2'	12'	12'	12'	17'
75	2'	12'	12'	12'	17'
90	2'	12'	12'	12'	17'

Footnotes:

1. Stall width shall be increased by one foot for those spaces which are adjacent to a fence, wall or driveway. Handicapped spaces shall be consistent with ADA Standards.
2. Stalls which allow for vehicle overhang from its end can be reduced in depth by 2 feet.
3. If stalls are designed for both regular and small cars, the regular size stall width shall be used.

(8) Parking areas with a capacity of four or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.

(9) Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.

(10) Where a parking area or drive with a capacity of four or more vehicles adjoins a residential district, a landscaped buffer strip at least ten feet wide shall be provided between the parking area and the adjoining property, or a fence or wall not less than four feet in height shall be erected.

(K) *Reduction, modification, waiver.* The Board of Appeals may authorize a reduction, modification, or waiver of any of the off-street parking or loading regulations provided in this subchapter when it can be demonstrated that circumstances of extreme practical difficulty exist that would result in hardship to the applicant. Hardship shall not be deemed economic only, but shall be evaluated also in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Board of Appeals. In no case shall the off-street parking or loading standards be reduced by more than 25%, provided there is compliance with the provisions as follows. (Ord. passed 12-2-1996; Ord. 59, passed 10-7-2013)

§ 152.171 LOADING AND UNLOADING SPACE REQUIREMENTS.

(A) *Intent and purpose.* In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

(B) *Additional parking space.* Loading space required under this section shall be provided as area additional to off-street parking space as required under § 152.170(G) and shall not be considered as supplying off-street parking space.

(C) *Space requirements.* There shall be provided adequate space for standing, loading, and unloading services not less than 12 feet in width, 25 feet in length, and 14 feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt of distribution by vehicles of materials or merchandise.

<i>Use</i>	<i>Floor Area (Square Feet)</i>	<i>Required Space</i>
Commercial uses, such as retail stores, personal services, amusement, automotive service	First 2,000	None
	Next 20,000 or fraction thereof	One space
	Each additional 20,000 or fraction thereof	One space
Hotels, Offices	First 2,000	None
	Next 50,000 or fraction thereof	One space
	Each additional 100,000 or fraction thereof	One space
Wholesale and storage, including building and contractor's yards	First 20,000	One space
	Each additional 20,000 or fraction thereof	One space
Manufacturing uses	First 20,000 or fraction thereof	One space
	Each additional 20,000 or fraction thereof	One space
Funeral Homes and Mortuaries	First 5,000 or fraction thereof	One space
	Each additional 10,000 or fraction thereof	One space
Hospitals	First 10,000	None
	Next 100,000 or fraction thereof	One space
	Each additional 200,000 or fraction thereof	One space
Schools, Churches, Clubs, Public Assembly Buildings	For each building	One space
For similar uses not listed	For each building 5,000 or over	One space

(D) *Access.* Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

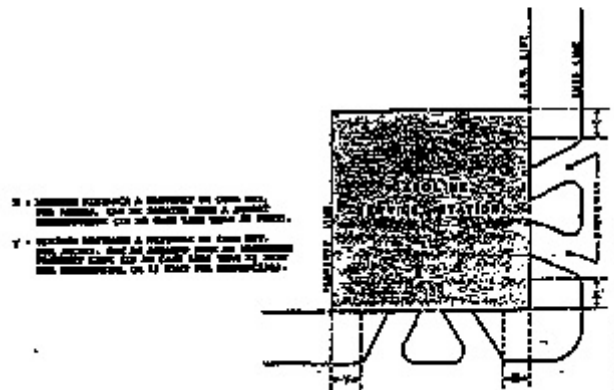
(E) *Site requirements.* Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four feet in height between the off-street loading space and said residential, educational, recreational, or religious premises or residential zone.

(Ord. passed 12-2-1996)

§ 152.172 ACCESS DRIVEWAY LOCATION STANDARDS.

Curb cuts and driveways for access to commercial property shall be spaced from street intersections and adjacent property lines a specified distance for privacy and safety considerations in accordance with the standards described in Figure 10-4.

**FIGURE 10-4
DRIVEWAY ACCESS FOR COMMERCIAL
PROPERTIES LOCATED ON CORNERS**



(Ord. passed 12-2-1996)

SIGNS, NAME PLATES, AND ADVERTISING STRUCTURE

§ 152.190 PURPOSE AND INTENT.

The purpose and intent of these rules and regulations governing signs is to apply reasonable controls over size, placement and general appearance of signs in their use in each district that will insure, promote and safeguard standards for protecting the public health, safety, welfare, and the environment. (Ord. passed 12-2-1996)

§ 152.191 DEFINITIONS.

The definitions in this section are unique to the provisions of this subchapter (see Figure 11-1). For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign which no longer identifies or advertises a bona fide business.

BANNER SIGN. A sign made of fabric or any nonrigid material with no enclosing framework.

BILLBOARD. See *OFF-PREMISE SIGN*.

CHANGEABLE COPY SIGN (AUTOMATIC). A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

CHANGEABLE COPY SIGN (MANUAL). A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

CONSTRUCTION SIGN. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

DIRECTIONAL/INFORMATION SIGN. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

DOUBLE-FACED SIGN. A sign with two faces.

ELECTRONIC MESSAGE CENTER. See *CHANGEABLE COPY SIGN, AUTOMATIC*.

FLASHING SIGN. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare *ANIMATED SIGN, CHANGEABLE COPY SIGN*).

FREE-STANDING SIGN. A sign supported upon the ground by poles or braces and not attached to any building.

GOVERNMENT SIGN. Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

HEIGHT (OF A SIGN). The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

IDENTIFICATION SIGN. A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

ILLEGAL SIGN. A sign which does not meet requirements of this code and which has not received legal nonconforming status.

MAINTENANCE. For the purposes of this subchapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MARQUEE. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare **AWNING**).

MARQUEE SIGN. Any sign attached to or supported by a marquee structure.

NAMEPLATE. A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

NONCONFORMING SIGN.

(1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(2) A sign which does not conform to the sign code requirements but for which a special permit has been issued.

OFF-PREMISES SIGN. A sign structure advertising an establishment, merchandise, service MISE, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

ON-PREMISES SIGN. A sign which pertains to the use of the premises on which it is located.

PAINTED WALL SIGN. A sign which is applied with paint or similar substance on the face of a wall.

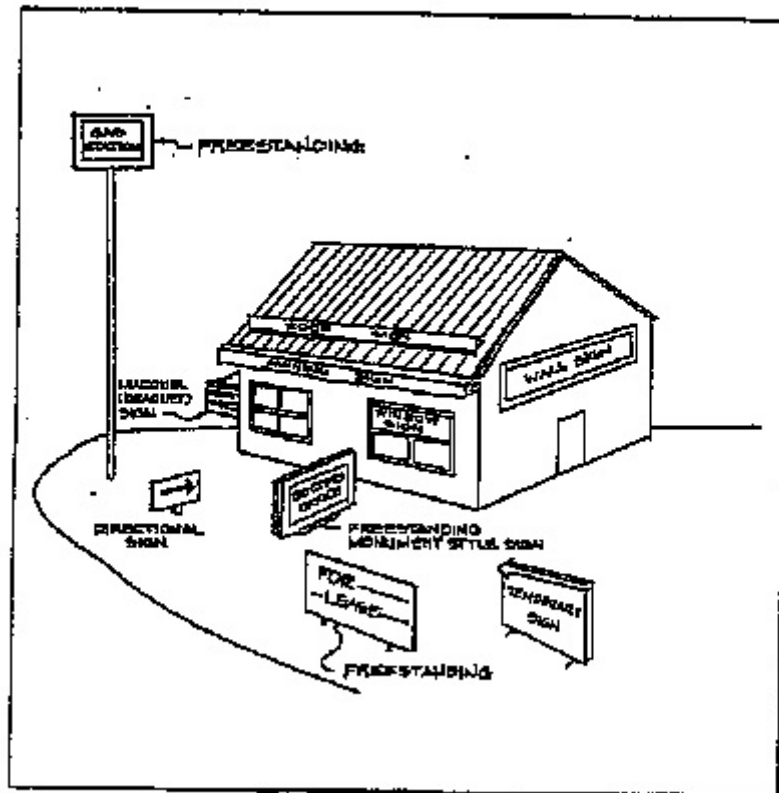
POLITICAL SIGN. For the purposes of this chapter, a temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

REAL ESTATE SIGN. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

ROOF SIGN. Any sign erected over or on the roof of a building (compare **MANSARD**, **WALL SIGNS**).

FIGURE 11-1
SIGN TYPE ILLUSTRATIONS



SIGN. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

SIGN, AREA OF.

(1) *Projecting and free-standing.* The area of a free-standing or projecting sign shall have only one face (the largest one) of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

(a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments, such as pole covers, framing, decorative roofing, and the like, provided that there is not written advertising copy on such embellishments.

(b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

(2) *Wall signs.* The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

SUBDIVISION IDENTIFICATION SIGN. A free-standing or wall sign identifying a recognized subdivision, condominium complex, or residential development.

TEMPORARY SIGN. A sign not constructed or intended for long-term use.

WALL SIGN. A sign attached parallel to and extending not more than four inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

WINDOW SIGN. A sign installed inside a window and intended to be viewed from the outside.
(Ord. passed 12-2-1996)

§ 152.192 GENERAL PROVISIONS.

(A) Prohibited signs.

(1) Encroaching signs and roof signs as defined herein, are specifically prohibited.

(2) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads (i.e., flashing signs).

(3) Signs which make use of words such as "stop," "look," "danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.

(4) Abandoned signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe, constitutes a hazard to safety and health, or those not kept in good repair or maintenance.

(5) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

(6) Any sign or other advertising structure containing any obscene, indecent or immoral matter.

(7) Any sign, unlawfully installed, erected or maintained after the effective date of this chapter. (Illegal sign.)

(8) Signs having flashing, blinking or running type lights are prohibited except for signs presenting changing of copy for time, temperature and date.

(9) Any sign installed prior to the effective date of this chapter without a permit, when in fact previous or other ordinances required a permit. (Illegal sign.)

(10) Billboards except where off-premise signs are allowed.

(11) Billboards used for on-premise advertising are prohibited.

(12) Billboards located within 300 feet of residential districts.

(B) *Signs allowed in any district.*

(1) No hunting, no trespassing signs and on-premise directional signs not exceeding four square feet in area.

(2) Signs located in the interior of buildings.

(3) Any identification, address, or for sale sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four square feet in display surface; and not for the purpose of advertising a home occupation.

(4) Traffic control or other governmental signs such as, but not limited to, directional signs placed in right-of-ways, legal notices, railroad crossing signs, danger and other temporary emergency signs.

(5) Nameplates, memorial signs or tablets, names of buildings, and dates of erection, when cut into any masonry surface or when constructed of bronze or other non-combustible material.

(6) Flags or banners bearing the official design of a nation, state, municipality, educational institution and organization.
(Ord. passed 12-2-1996)

§ 152.193 PERMITTED SIGNS BY ZONING DISTRICT.

(A) *Agricultural and Residential District uses (A-1, R-1, R-2, and MF Districts).* In all Agricultural and Residential Districts, the requirements of Schedule A shall govern sign use, area, type, height, and numbers in addition to requirements listed elsewhere in this chapter. (Refer to Schedule A below.)

(B) *Business, Commercial and Office District uses (TC, BC, and P Districts).* In all business, commercial and office uses, the requirements of Schedule B shall govern sign use, area, type, height, and numbers, in addition to requirements listed elsewhere in this chapter. (Refer to Schedule B below.)

(C) *Development and Industrial District uses (DI Districts).* In all industrial uses the requirements of Schedule C shall govern sign use, area, type, height, and numbers, in addition to requirements listed elsewhere in this chapter. (Refer to Schedule C below.)

SCHEDULE A

AGRICULTURAL AND RESIDENTIAL USE SIGNS

<i>Use/Purpose</i>	<i>Maximum Display Area</i>	<i>Sign Type</i>	<i>Maximum Height</i>	<i>Setback From Road Right-of-way</i>	<i>Maximum Number of Signs</i>
Education Religious Day Care Human Care Cemeteries Public Park Public Buildings Other uses permitted in the above Districts	18 square feet	Ground	8 feet	2 feet for each foot of height	One per principle use
	10% area of wall to be served	Wall	Not above upper wall line		
Farm Enterprise Aggregate Company	18 square feet	Ground	8 feet	See above	One per Farm or Enterprise
Housing Developments including Mobile Home Parks and Apartments	30 square feet	Ground	8 feet	See above	One per Street Entrance
Home Occupations	4 square feet	Wall	Not above front wall	See above	One per Home Occupation
		Ground	5 feet		

SCHEDULE B**BUSINESS, COMMERCIAL AND OFFICE USE SIGNS**

<i>Use</i>	<i>Maximum Display Area (1)</i>	<i>Sign Type</i>	<i>Minimum/Maximum Height</i>	<i>Setback From Road Right-of-way</i>	<i>Maximum Number of Signs</i>
Individual Commercial and Office establishment (not located within a shopping center or office complex)	15% area of wall to be served	Wall, Roof, or Projecting Signs	5 feet above roof	Not Applicable	Not to exceed maximum display area
	100 square feet	Free-Standing	40 feet maximum 10 feet minimum	2 ft. for each 1 ft. of height over 10 feet	One Pole or one Ground Sign (2)
	75 square feet	Ground	12 feet	2 ft. for each 1 ft. of height	
	30 square feet	Marquee	Affixed to underside of building overhang	Not applicable	One per establishment
Commercial and Office establishment located within a shopping center or office complex	15% area of wall to be served	Wall	Not above wall line	Not applicable	Not to exceed maximum display area
	Individual Pole and Ground Signs Prohibited				
	30 square feet	Marquee	Affixed to underside of building overhang	Not applicable	One per establishment
Off-Premise Signs Prohibited except in BC District	300 square feet	Ground, Free-Standing, or Billboard	40 feet	2 ft. for each 1 ft. height over 10 feet	One sign permitted on each parcel or lot of land (3)

- (1) Includes the area of manual/automatic changeable copy signs and electronic message centers.
- (2) Corner locations may have one pole or ground sign on each street with a maximum area of 80 square feet each for pole signs and 60 square feet for ground sign.
- (3) Sign and billboard spacing shall be a minimum of 500 feet between signs/billboards. Each side of the road shall be considered separately for purposes of measuring 500 feet required spacing.

SCHEDULE C

DEVELOPMENT AND INDUSTRIAL USE SIGNS

<i>Use</i>	<i>Maximum Display Area (1)</i>	<i>Sign Type</i>	<i>Maximum Height</i>	<i>Setback From Road Right-of-way</i>	<i>Maximum Number of Signs</i>
Individual Industrial Establishment	15% area of wall to be served	Wall	not above upper wall line	not applicable	not to exceed maximum display area
	100 sq. ft.	Free-Standing	30 ft. maximum	2 ft. for each 1 ft. over 10 ft.	one pole or one ground sign per establishment (2)
	75 sq. ft.	Ground	12 ft.	2 ft. for each 1 ft. of height	
Industrial Parks	100 sq. ft.	Free-Standing	30 ft. maximum	2 ft. for each 1 ft. over 10 ft.	one sign per drive
	75 sq. ft.	Ground	12 ft.	2 ft. for each 1 ft.	
Office and Commercial Establishments located in Industrial areas	15% area of wall	Wall	not above upper wall line	not applicable	not to exceed maximum display area
	75 sq. ft.	Ground	12 ft.	2 ft. for each 1 ft. over 10 ft.	one per establishment
	100 sq. ft.	Free-Standing	30 ft. maximum	2 ft. for each 1 ft. over 10 ft.	one per establishment

<i>Use</i>	<i>Maximum Display Area (1)</i>	<i>Sign Type</i>	<i>Maximum Height</i>	<i>Setback From Road Right-of-way</i>	<i>Maximum Number of Signs</i>
Off-premises Signs including billboards	300 sq. ft.	Free-Standing, Ground or Billboard	40 ft. maximum	2 ft. for each 1 ft. over 10 ft.	one sign permitted on each parcel of land (3)

(1) Includes the area of manual/automatic changeable copy signs and electronic message centers.

(2) Corner locations may have one pole or ground sign on each street with a maximum area of 80 square feet each for pole signs and 60 square feet for ground signs.

(3) Sign and billboard spacing shall be a minimum of 500 feet between signs/billboards. Each side of the road shall be considered separately for purposes of measuring 500 feet required spacing. (Ord. passed 12-2-1996; Ord. 59, passed 10-7-2013)

§ 152.194 TEMPORARY USES.

(A) Signs intended for use over a limited period of time may be permitted.

(B) Temporary signs shall comply with all the requirements of this chapter and Schedule D. (Refer to Schedule D below.)

(C) All temporary signs not listed in Schedule D are prohibited.

SCHEDULE D

TEMPORARY USE SIGNS

<i>Use</i>	<i>Maximum Size Per Face</i>	<i>Maximum Duration</i>
Real Estate Sale, Rent or Lease in Residential Uses (no permit required)	6 sq. ft. (single-family) 10 sq. ft. (multiple-family)	5 days after purpose of sign fulfilled (1)
Real Estate, all other uses (no permit required)	32 square feet	5 days after purpose of sign fulfilled
Building Construction Signs for Residential Projects	20 sq. ft. (single-family) 32 sq. ft. (multiple-family)	First Occupancy
Building Construction - all other Districts except Residential (3)	80 square feet	First Occupancy

<i>Use</i>	<i>Maximum Size Per Face</i>	<i>Maximum Duration</i>
Political Signs, all Districts (no permit required)	32 square feet	60 days, each election, removed within 5 days following election
Mobile Signs (2)	40 square feet	90 days each permit, 2 permits maximum per year
Residential Garage Sales (no permit required)	4 square feet	5 days

(1) For single-family subdivisions under development, signs(s), shall be removed within one year after sale of 90% of all lots.

(2) Trailer signs shall have owner's name and address clearly imprinted for identification purposes.

(3) Include proposed development and openings, one per street project, use or building (structure).
(Ord. passed 12-2-1996)

§ 152.195 CONSTRUCTION REQUIREMENTS.

(A) *Wind load.* Signs and sign structures shall be designed and constructed to resist wind forces of not less than 20 pounds per square foot on signs up to 60 feet in height and not less than 30 pounds per square foot for signs of over 60 feet in height.

(B) *Bracing.* All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.

(C) *Anchorage.* Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support all loads applied.

(D) *Electrical.* All signs of electrical construction and installation shall comply with the National Electrical Code and shall be connected by a licensed electrician.

(E) *Other.* The Zoning Administrator may require an engineer-sealed set of drawings thereby certifying that all loads are in compliance with this section.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.196 SIGN PERMITS.

(A) *Application for a permit.* Application for a permit to erect or replace a sign shall be made to the Zoning Administrator by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his or her agent, or lessee. The application shall contain the following information:

- (1) The property owner's name and address in full.
- (2) Applicant's name and address.
- (3) Address of property on which sign is to be situated.
- (4) Business to which sign belongs or relates.
- (5) Total display area in square feet.
- (6) Proposed setback from right-of-way.
- (7) Sign type.
- (8) Sign purpose.
- (9) Sign height.
- (10) Height and width of building to be served.
- (11) Drawing of proposed sign indicating proposed copy.

(B) Sign permits issued on the basis of plans and applications approved by the Planning Commission authorize only the design and construction set forth in such approved plans and applications, and no other design.

(C) The Planning Commission/Zoning Administrator shall not approve plans or issue sign permits for any sign which do not conform to the provisions of this chapter.

(D) The Zoning Administrator shall maintain a record of all sign permits issued, and said record shall be open for public inspection.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.197 PERMIT FEES.

Permit fees will be established by resolution of the Village Council. A copy of current costs will be available from the Zoning Administrator and Village Clerk.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.198 ILLEGAL SIGNS.

For all signs hereafter erected without issuance of a required sign permit, the Zoning Administrator shall inform, by certified mail, the property owner upon whose property the sign is situated of the alleged violation of the Village of Clarksville Zoning Ordinance. If compliance is not accomplished in the prescribed 30 day period, the Zoning Administrator shall present his or her findings and recommendations, in writing, to the Village Legal Officer or Ionia County Prosecuting Attorney's Office and the Planning Commission for appropriate enforcement action.
(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

NONCONFORMING USES OF LAND AND STRUCTURES**§ 152.210 INTENT AND PURPOSE.**

(A) It is the intent of this subchapter to permit nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival.

(B) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter passed, or amended, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.

(Ord. passed 12-2-1996)

§ 152.211 NONCONFORMING LOTS.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both; provided that yard dimensions and other requirements of the lot, shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.

(Ord. passed 12-2-1996)

§ 152.212 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(A) In the R-2 and A-1 District, residential single family dwellings shall be permitted on nonconforming lots of record. Expansion of nonconforming structures may be permitted within the guidelines of § 152.213.

(B) In the P, and TC Districts, uses which are permitted in these districts may be permitted on nonconforming lots of record. Expansion of nonconforming uses within these districts may be permitted within the guidelines of § 152.213.

(C) In the BC and DI Districts, expansion of nonconforming uses may be permitted by the Planning Commission subject to the site plan review and approval, and compliance with the standards for special use permits. Expansion of nonconforming structures may be permitted within the guidelines of § 152.213.

(Ord. passed 12-2-1996)

§ 152.213 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located.

(B) Should such a structure be destroyed by any means to an extent of more than 60% of twice its assessed value at the time of destruction, it shall not be reconstructed except in conformance with the provisions of the chapter.

(C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is relocated.

(D) Any structure, or structure and use of land in combination, in or on which a nonconforming use is superseded by a permitted structure or use, shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not thereafter be resumed.

(E) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming statue of the land.
(Ord. passed 12-2-1996)

§ 152.214 CHANGE IN NONCONFORMING USES IN BUSINESS/COMMERCIAL AND INDUSTRIAL DISTRICTS.

Irrespective of other requirements of this chapter, in any business/commercial or industrial district (BC and DI Districts), if no structural alterations are made, any nonconforming use of a structure and land, may be changed to another nonconforming use of the same or a more restricted classification, provided that the Planning Commission approves a special use permit (§§ 152.110 through 152.120) and approves the site plan (§§ 152.130 through 152.140) in all cases.
(Ord. passed 12-2-1996)

§ 152.215 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this subchapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
(Ord. passed 12-2-1996)

§ 152.216 CHANGE OF TENANCY OR OWNERSHIP.

As long as there is no change in the characteristics or increase in the intensity of the nonconforming use, a change of tenancy or ownership is allowed.
(Ord. passed 12-2-1996)

§ 152.217 DISTRICT CHANGES.

Whenever the boundaries of a district shall be changed as to transfer an area from one district to another district of another classification the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.
(Ord. passed 12-2-1996)

§ 152.218 HARDSHIP CASES.

Nonconforming buildings or structures may be structurally changed, altered, or enlarged with the approval of the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship. (Ord. passed 12-2-1996)

§ 152.219 ILLEGAL USES.

Uses of structures or land existing at the effective date of this chapter that were established without approval of zoning compliance or without a valid building permit or those uses which cannot be proved conclusively as existing prior to the effective date of this chapter shall be declared illegal uses and are not entitled to the status and rights accorded legally established uses. (Ord. passed 12-2-1996)

BOARD OF APPEALS**§ 152.240 CREATION AND MEMBERSHIP.**

(A) *Establishment.* The Village Council is hereby established as the Board of Appeals in accordance with the Zoning Enabling Act being Public Act 110 of 2006, as amended. The Village Council as the Board of Appeals shall perform its duties and exercise its powers in such a way that the objectives of this chapter may be equitably achieved.

(B) *Compensation.* The members of the Board of Appeals shall be paid such amount per meeting as shall be determined by the Board of Commissioners and in addition shall be reimbursed for reasonable expenses actually incurred in the performance of their duties.

(C) *Alternate members.* The Village President with the approval of the Council may appoint up to two alternate members who are electors of the village for the same term as regular members. Alternate members shall serve in the case of absence of a regular member or the inability of a regular member to serve due to conflict of interest. The alternate member, having been appointed shall serve on the case until a final vote has been made. Alternate members shall have the same voting rights as regular members.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010)

§ 152.241 ORGANIZATION AND PROCEDURE.

(A) *Rules of procedure.* The Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall choose its own chairman, and in his or her absence, a vice-chairman, who may administer oaths and compel the attendance of witnesses.

(B) *Meetings and voting.*

(1) The presence of four members shall constitute a quorum.

(2) A member of the Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. The member may consider and vote on the other unrelated matters involving the same property.

(C) *Records.*

(1) Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Board of Appeals including all evidence and data considered, and all findings of fact and conclusions drawn by the Board for every case, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the Office of the Village Clerk, and shall be available to the public.

(2) The Record of proceedings shall contain the following information when applicable:

(a) The application (for an appeal, variance, and interpretation).

(b) Any reports, plans, surveys or photos.

(c) Notice of public hearing to affected parties in newspaper.

(d) Letter from the Zoning Administrator granting or denying the application or referring it to the Board of Appeals and all other relevant records related to the case.

(e) Affidavit of publication of notice of hearing.

(f) Record of testimony heard and evidence presented.

(g) A copy of the zoning article(s) and section(s) in question.

(h) Briefs, correspondence or other communications made to the Board of Appeals.

(i) Statement of facts found by the Board, of its own knowledge, regarding the request including any information gained from personal inspection.

(j) Decision of the Board as specifically related to the findings of fact.

(k) A copy of any other correspondence to the appellant regarding the request.

(D) *Counsel.* Legal counsel may be retained, by the Board of Appeals, for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the Village Council.

(E) *Hearings.* The Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed 45 days from the date of filing any petition with the Zoning Administrator, and give due notice to be delivered personally or by mail addressed to the applicant/respective owners at the address given in the last assessment roll. Upon the hearing, any party may appear in person or by agent. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appeals from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer from whom the appeal is taken.

(F) *Notification.* Notice of the public hearing shall be made in accordance with the requirements of § 152.154.

(G) *Majority vote.* The concurring vote of a majority of the total membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant of any matter upon which they are required to pass under this chapter or to effect any variation.

(H) *Decisions.* The Board of Appeals shall return a decision on a case within 60 days after a request or appeal has been filed unless an extension of time is agreed upon by the appellant and a majority of the members of the Board of Appeals present. Any decision of the Board shall not become final until the expiration of five days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

(I) *Final action on Board of Appeals decisions.* The decision of the Board of Appeals shall be final. However, any person having an interest affected by any such decision may appeal to the Circuit Court to the extent and in the manner permitted by law. Such appeal shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Board of Appeals approved the minutes of the decision. The records of the Board of Appeals shall be made available for the court's review.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010; Ord. 50, passed 6-6-2011)

§ 152.242 APPEALS.

(A) *Filing of appeal.* An appeal may be taken by any person aggrieved or by an officer, department, board of the county, from which the appeal arises, of any order, requirement, decision or determination made by any administrative official charged with the enforcement of this chapter.

(B) *Procedure on appeals.* A notice of appeal shall be filed within 30 days by the appellant with the Zoning Administrator. Such petition shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before such an appeal shall be processed, the fees for an appeal, as hereinafter set forth, shall be paid to the Zoning Administrator, who shall deliver same to the County Treasurer to be credited to the appropriate fund of the county.

(C) *Fees on appeal.* Appeal fees shall be established, from time to time, by the Village Council, sufficient to cover all costs incurred by the county pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations and Appeal Board member attendance fees.

(D) *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the petition of appeal shall have been filed with the Zoning Administrator, that by reason of facts stated in the appeal petition, a stay would, in his opinion, cause imminent peril to life and property.

(E) *Notices.*

(1) For a request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the village and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing.

(2) In addition to the newspaper notice required by the above division, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term occupant may be used.

(Ord. passed 12-2-1996; Ord. 41, passed 9-13-2010; Ord. 50, passed 6-6-2011)

§ 152.243 DUTIES AND POWERS.

(A) *Duties.* The Board of Appeals shall have the duty to rule on those matters provided in this chapter for administrative review, interpretation, variance or exception.

(B) *Powers.* The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this chapter may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this chapter or to fulfill any other responsibilities bestowed upon the Appeals Board by this chapter.

(C) *Review.* The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, permit or decision made by staff or any other board, including the Village Council, in administering or enforcing any provision of the chapter.

(D) *Interpretation.* The Board of Appeals shall have the power to:

(1) Interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of the chapter; and

(2) Determine the precise location of the boundary lines between zoning districts.

(E) *Variances.* The Board of Appeals may authorize specific variances from such requirements as: lot area and width regulations, yard and depth regulations, off-street parking and loading space requirements, and sign and billboard regulations, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter shall be satisfied.

(1) *Basic conditions.* A variance from this chapter:

(a) Will not be contrary to the public interest or to the intent and purpose of this chapter.

(b) Shall not permit the establishment within a district of any use which is not permitted by right within that district, or any use variance for which a special use permit is required pursuant to §§ 152.110 through 152.120 of this chapter.

(c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

(d) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general, regulation for such conditions reasonably practical.

(e) Will relate only to property that is owned or occupied, or where the applicant has equitable interest.

(f) Shall not be the result of a condition created by the applicant.

(g) Shall be assessed for the possible precedents or affects which might result from the approval or denial of the appeal.

(2) When all of the foregoing basic conditions, can be satisfied, a variance may be granted when one of the following special conditions can be clearly demonstrated:

(a) Where there are practical difficulties which prevent carrying out the strict letter of this chapter. These difficulties shall not only be, deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

(b) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this chapter.

(c) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

(3) In addition to the foregoing conditions, the following rules shall be applied to the granting of variances:

(a) The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in their judgement secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.

(b) Every variance granted under the provisions of this chapter shall become null and void unless: the construction authorized by such variance or permit has been commenced within six months after the granting of the variance, and the occupancy of land, or premises, or buildings authorized by the variance has taken place within one year after the granting of the variance.

(c) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board of Appeals, to be valid.

(F) *Essential services.* The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

(G) *Determination of a lot of record.* The Board of Appeals shall have the power to make "lot of record" determinations in accordance with the following:

(1) Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract not recorded in the Office of the Register of Deeds on the effective date of this chapter, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" in accordance with definition contained in this chapter.

(2) The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this chapter. In making its determination, the Board is authorized to consider all matters it deems relevant including, but not limited to, the tax roll of the county, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his or her witnesses.

(3) Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other conditions set forth in this chapter.

(H) *Site plan review.* The Board of Appeals shall review and make final determination on properly filed appeals from action by the Planning Commission on site plan review cases pursuant to §§ 152.130 through 152.140 of this chapter. The Board of Appeals has the power to sustain, reverse or remand for further consideration the decision of the Planning Commission when it is found that the decision is inconsistent with the provisions of this chapter or that there was an error of fact involved in the decision of the Planning Commission. In making this determination, the Board of Appeals shall examine the application and all accompanying data as well as the records of the Planning Commission. Decisions of the Board of Appeals are appealable to Circuit Court.

(I) *Nonconformity appeals.* Nonconforming buildings or structures may be structurally changed, altered or enlarged upon appeal, in cases of hardship or other extenuating circumstances (see § 152.218), and when approval of said appeal will not have an adverse effect on surrounding property.

(J) *Bond for compliance.*

(1) The Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications, and conditions imposed with the granting of any variance, appeal, special exception, conditional, permit, special use permit or site plan review approval, or to insure the discontinuance of a conditional or temporary use by a stipulated time. The amount and type of the bond shall be determined by the Zoning Board of Appeals. The Board shall, in estimating the amount and type of the bond, take into account the scale of said operation. The bond shall be reasonable, appropriate and commensurate with the scope of the project.

(2) The amount of the bond may be reduced at a rate equal to the ratio of work completed on the required improvements as work progresses. The term improvements should not be construed to mean

the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety and welfare of Ionia County's resources and future users or inhabitants of the proposed project.

(K) *Administrative variance on lots of record.*

(1) The Zoning Administrator may allow on lots of record up to a 25% variance on any required lot area, lot width, side or rear yard. Any variance thus granted shall be only to the extent essential for fulfillment of purpose intended and shall create additional buildable lots. Such administrative variance shall be recorded on a form provided for such purpose. Fees shall be as prescribed by the Village Council.

(2) The Zoning Administrator shall provide the Village Clerk with a signed copy of all such administrative variances granted and shall further maintain a file on all such variances.

(L) *Conditional permits.* When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Board. The land or structure use may be permitted to be established and to continue in use as long as the conditions unique to the use exist. The permit may be canceled when the conditions upon which the permit was issued cease to exist. The permit issued shall contain all the specific conditions under which continued use may be allowed. Conditional permits may be issued for the following uses:

(1) Permit more than two roomers in any one dwelling, but not more than four, when it can be demonstrated to the satisfaction of the Board of Appeals that such an expanded capacity is a clear necessity for satisfaction of this particular housing demand; that adequate off-street parking space can be provided in accordance with standards stated in §§ 152.170 through 152.172 and that such use will not injure the character or value of the immediate neighboring property owners.

(2) The Board of Appeals may authorize a reduction, modification, or waiver of any of the off-street parking or off-street loading regulations in §§ 152.170 through 152.172, when it can be demonstrated that circumstances of extreme practical difficulty exists that would unquestionably result in hardship to the appellant when a literal interpretation of the regulations is required. Hardship shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land. A hardship that is a result of any action of the appellant shall not be considered. In no case shall the off-street parking or off-street loading standards be reduced by more than 25%.

(3) Joint use of off-street parking areas may be authorized when the capacities outlined in §§ 152.170 through 152.172 are complied with and when a copy of an agreement between joint users shall be filed with the application for a building permit, and is recorded with the Register of Deeds for Ionia County.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

FEES AND PERFORMANCE GUARANTEES**§ 152.260 PURPOSE.**

The purpose of this subchapter is to establish fees and performance or financial guarantees the village deems necessary to implement the provisions of this Zoning Ordinance.
(Ord. passed 12-2-1996)

§ 152.261 FEES.

(A) The Village Council shall establish and set fees for making application for zoning permits, site plan review, zoning appeals, and sale of copies of the Zoning Ordinance.

(B) The Village Council shall establish a fee schedule to cover cost of inspections required for the implementation of this Zoning Ordinance. Before considering any application, submitted in accordance with the requirements of this chapter, a fee shall be collected by the Village Clerk.
(Ord. passed 12-2-1996)

§ 152.262 PERFORMANCE AND FINANCIAL GUARANTEES.

(A) *General.* The village as a condition of any zoning approval may mandate a performance or financial guarantee of a sufficient amount to insure the implementation and proper installation of required on-site improvements. Such improvements shall include but not be limited to the installation of roadways, curbs, lighting, drainage, driveways, utilities, landscaping and screening, and similar items.

(B) *Arrangements.* A performance guarantee in the form of a financial security may be required from a petitioner/developer in one or a combination of the following arrangements, whichever the petitioner/developer elects. The amount of the performance guarantee shall not exceed 100% of the cost of installing the required improvements.

(1) *Performance bond.* A performance bond or surety bond to cover the costs of the required improvements as described above and as estimated by the Village Zoning Administrator or authorized agents shall be filed with the Village Clerk. The Village Planning Commission may require the petitioner/developer be responsible for submitting a certified estimate of costs for the required improvements.

(2) *Escrow fund.* A cash deposit, or deposit by certified check, sufficient to cover the cost of the required improvements, as estimated by the village or its authorized agents, shall be deposited with the Village Clerk. The escrow deposit shall be for the time period estimated as necessary to complete the required improvements.

(3) *Irrevocable letter of credit.* An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan, in an amount to cover the cost of the required improvements as estimated by the village or its authorized agents, shall be deposited with the Village Clerk.

(C) The village may base the amount of the performance/financial guarantee to be deposited with the village for required improvements on the development phasing schedule for the approved zoning.

(D) The Village Council shall determine the costs of the required improvements and approve by resolution the amount for the petitioner/developer to guarantee by one of the above described methods of financial arrangement.

(E) The village shall rebate or release to the petitioner/developer, as the work progresses, amounts equal to the ratio of the completed and accepted work to the guaranteed project phase.

(F) *Failure to complete improvements.* If the petitioner/developer fails to complete the required improvements work within such time period as required by the conditions or guarantees provided in this section, the Village Council may proceed to have such work completed and reimburse itself for the cost thereof, by appropriating the cash deposit, certified check, performance or surety bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

§ 152.263 FEES FOR PROFESSIONAL ANALYSIS.

The Village Council may require the petitioner/developer to provide a fee to cover the costs of a professional planning analysis to be performed on a zoning application. Such rezoning proposal shall be of a complex nature that is determined by the village or its authorized agents to be beyond the capability of the Village Council and Village Planning Commission to formulate a decision on the merits of the proposed development or rezoning application. The required fee shall be deposited with the Village Clerk prior to the zoning application being processed.

(Ord. passed 12-2-1996)

MISCELLANEOUS PROVISIONS

§ 152.280 RELATIONSHIP TO OTHER ORDINANCES.

(A) This chapter is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this chapter.

(B) However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this chapter shall govern.
(Ord. passed 12-2-1996)

§ 152.281 SEVERABILITY CLAUSE.

This chapter and the various articles, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section or word is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect portions or applications of this chapter which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.
(Ord. passed 12-2-1996)

§ 152.282 EFFECTIVE DATE.

This chapter is hereby adopted at a regular meeting of the Village Council held on the 2nd day of December 1996, and shall be effective on the 1st day of March 1997.
(Ord. passed 12-2-1996)

§ 152.999 PENALTY.

(A) Unless otherwise specifically provided for, the civil fine for a particular municipal civil infraction violation shall be not less than \$100, plus costs and other sanctions, for each infraction.

(B) Increased civil fines may be imposed for repeated violations by a person of any ordinance provision. As used in this section, ***REPEAT OFFENSE*** means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 12-month period, unless some other period is specifically provided by ordinance; and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be no less than \$250, plus costs.

(2) The fine for any offense which is second repeat offense or any subsequent repeat offense shall be no less than \$500, plus costs.

(3) A violation includes any act which is prohibited by any ordinance or any omission or failure to act where the act is required by ordinance.

(4) Each day on which any violation of any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(5) In addition to any remedies available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the ordinance.

Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

(Ord. passed 12-2-1996; Ord. 50, passed 6-6-2011)

CHAPTER 153: SUBDIVISION CONTROL

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GENERAL PROVISIONS

§ 153.001 SHORT TITLE.

This chapter shall be known and may be cited as the “Subdivision Control Ordinance of the Village of Clarksville.”

(Ord. 63, passed 10-5-2015)

§ 153.002 AUTHORITY.

The regulations of this chapter are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Subdivision Control Act.
(Ord. 63, passed 10-5-2015)

§ 153.003 SCOPE AND PURPOSE.

(A) The approvals and requirements of this chapter shall be satisfied prior to the construction or installation of any subdivision or re-platting within the village.

(B) The purpose of this chapter is to provide regulations dealing with the subdivision or platting of land within the village and to further promote and protect the public health, safety, and general welfare of the people of the village by providing for the orderly development of land within the village.
(Ord. 63, passed 10-5-2015)

§ 153.004 ADMINISTRATION.

This chapter shall be administered by the Village Council and Planning Commission in accordance with the procedures of this chapter and the Subdivision Control Act of 1967, as amended.
(Ord. 63, passed 10-5-2015)

§ 153.005 DEFINITIONS.

The definitions of the Subdivision Control Act of 1967, as amended, are hereby included and made a part of this chapter. For the purpose of this chapter, the following additional definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Subdivision Control Act, Act 288 of the Michigan Public Acts of 1967, as amended.

APPLICANT. The proprietor as defined by the Subdivision Control Act of 1967, as amended.

AS-BUILT PLANS. Revised construction plans drawn in accordance with all approved field changes.

COMMISSION. The Village of Clarksville Planning Commission.

IMPROVEMENTS. Grading, street surfacing, curbs, gutters, sidewalks, sanitary sewers, storm drainage systems, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility, or habitability.

MASTER PLAN. The Village of Clarksville Master Plan.

NATURAL FEATURES AND AMENITIES. Means, but is not limited to, lakes, ponds, watercourses, floodplains, woodlands, and topography of the land.

SOIL EROSION AND SEDIMENTATION CONTROL ACT. Part 91 of the Natural Resources and Environmental Protection, Public Act 451 of the Michigan Public Acts of 1994, as amended.

VILLAGE. Village of Clarksville.

VILLAGE ATTORNEY. The legal counsel for the Village of Clarksville.

VILLAGE CLERK. The Village of Clarksville Clerk.

VILLAGE COUNCIL. The Village of Clarksville Village Council.

VILLAGE ENGINEER. The professional engineer for the Village of Clarksville.

ZONING ORDINANCE. The currently adopted zoning ordinance of the Village of Clarksville. (Ord. 63, passed 10-5-2015)

§ 153.006 SEVERABILITY.

The various parts, sections, and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter will not be affected thereby. (Ord. 63, passed 10-5-2015)

§ 153.007 EFFECTIVE DATE.

This Ordinance 63 shall take effect 30 days after its publication in the manner provided by law. (Ord. 63, passed 10-5-2015)

§ 153.008 REPEAL OF EXISTING SUBDIVISION CONTROL ORDINANCE.

The Village of Clarksville Subdivision Control Ordinance which was adopted by the Clarksville Village Council on April 7, 1997 is hereby repealed in its entirety. (Ord. 63, passed 10-5-2015)

PRELIMINARY PLAT APPLICATION AND REVIEW PROCEDURES**§ 153.020 SUBMISSION OF PLATS.**

The proprietor of any land proposed to be subdivided shall submit ten paper copies of a preliminary plat and one electronic version, together with a completed application form, and any supplementary documents containing the information required by Act 288 and this chapter, to the Village Clerk who shall forward the plans to the Planning Commission for its next meeting.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.021 TENTATIVE PRELIMINARY PLAT; REQUIRED INFORMATION.

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch. All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

(A) The name or title of the proposed subdivision.

(B) Legal description of the proposed plat.

(C) The name, address, and telephone number of the proprietor, developer, record owner, and subdivider.

(D) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions, and purpose of such land.

(E) A small scale vicinity map showing location of project within the village, and the name and location of abutting subdivisions.

(F) The location dimensions and approximate grade and radius of proposed and existing streets, alleys, and highways included in the plat.

(G) The location of all existing features affecting the subdivision, such as railroads, expressways, buildings, trees, ditches, watercourses, and other physical features.

(H) Location and size of all existing and proposed public water, sanitary sewer, and storm drainage pipes, equipment, fire hydrants, catch basins, and other facilities.

(I) Location of utility and drainage easements.

(J) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.

(K) If the proposed subdivision is to be served by a community water system or private wells on individual lots, a written statement from the Ionia County Health Department regarding the suitability of potable water shall be provided.

(L) Location and dimension of lots, including road frontage, radii of all curves, and approximate location of all setback lines.

(M) When any part of the subdivision lies within or abuts a floodplain area:

(1) The floodplain, as established by the state department of natural resources, shall be shown within a contour line;

(2) The contour line shall intersect the sidelines of the lots;

(3) The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line; and

(4) The floodplain area shall be clearly labeled on the plat with the words "floodplain area."

(N) Any proposed covenants and deed restrictions to be imposed upon the use of property in the subdivision or a statement in writing that none are proposed. If common areas are to be reserved for use by the residents of the subdivision, copies of an agreement indicating how the area will be maintained shall be submitted.

(O) Property lines, dimensions, and building setback distances and all structures, lot lines, and wetlands within 100 feet of the site.

(P) Existing and proposed topographic elevations at two feet intervals on the site and to a distance of 50 feet outside the boundary lines of the site.

(Q) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake, or wetland.

(R) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one 100 feet on either side of the site. Also driveway width, curb radii, and design of proposed deceleration lanes.

(S) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways. Any lighting of common areas shall also be shown and such lighting shall comply with the outdoor lighting requirements contained in the Zoning Ordinance.

(T) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.

(U) Location of existing and proposed slopes which are 12% or greater, which may be altered by the development or the construction of buildings within the development.

(V) Zoning and use of the proposed subdivision and on adjacent properties.
(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.022 TENTATIVE PRELIMINARY PLAT APPROVAL PROCEDURE.

(A) A preliminary plat shall be referred to the Planning Commission, which shall consider it and make a recommendation to the Village Council. Such consideration and recommendation shall take place following a public hearing by the Planning Commission on the preliminary plat. For such hearing, notice shall be given no more than 15 nor less than five days before the hearing by ordinary mail, sent to the owners of, or parties in interest in, the lands within 300 feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current village tax assessment rolls.

(B) Following the public hearing the Commission shall recommend the tentative preliminary plat to the Council with its approval, denial, or approval with conditions within 63 days after the plat is submitted to the Planning Commission. The Commission shall state its reasons for such recommendation.

(1) If the Planning Commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Planning Commission upon request of the proprietor.

(2) However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the Planning Commission.

(3) The preliminary plat, together with minutes showing the action of the Planning Commission thereon, shall be referred to the Village Council.

(C) The Village Council shall grant tentative approval of or shall disapprove the preliminary plat not later than 90 days after the preliminary plat was first submitted by the proprietor provided all information as required for submission of the preliminary plat has been submitted by the applicant. Such time period may be extended with the consent of the applicant.

(1) If the preliminary plat is not approved, the Village Council shall set forth in writing its reasons for rejection. The Village Council shall record its approval or disapproval on the plat and return one copy to the proprietor.

(2) Tentative approval under this section shall confer upon the proprietor, for a period of one year, approval of lot sizes, lot orientation, and street layout.

(D) A tentative preliminary plat approval may be extended for up to one additional year by the Council if such extension is applied for in writing prior to the expiration of the tentative plat approval period and is supported by reasonable evidence justifying the extension.

(E) Following tentative approval of the preliminary plat by the Village Council, the proprietor shall submit the preliminary plat to all other reviewing authorities as required by Act 288.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.023 FINAL PRELIMINARY PLAT APPROVAL PROCEDURE.

(A) An application for a final preliminary plat shall be submitted to the Village Clerk at least 20 days prior to the next regularly scheduled meeting of the Council.

(B) The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.

(1) The requirements of § 153.021 of this subchapter; and

(2) Proof of approval of the final preliminary plat from each of the authorities having jurisdiction as required by the Act, Sections 112 through 119. These proofs of approval shall include copies of all permits as may be required and issued by these authorities.

(C) The Council shall consider the final preliminary plat at its next regularly scheduled meeting after the filing of the application, or within 20 days, whichever occurs first.

(D) The Council shall grant approval, approval with conditions, or denial of the final preliminary plat, stating in writing its reasons for such approval, approval with conditions, or denial. Such reasons shall be based upon the standards of § 153.022 of this subchapter and shall be submitted to the applicant.

(E) Final approval of the preliminary plat under this section shall confer upon the proprietor for a period of two years from the date of approval, the rights granted under Act 288. Final preliminary plat approval may be extended for up to one additional year by the Council if such extension is applied for in writing prior to the expiration of the tentative plat approval period and is supported by reasonable evidence justifying the extension.

(F) Upon final approval of the preliminary plat by the Council, the proprietor may commence plat improvements in accordance with the requirements of all applicable reviewing agencies.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

FINAL PLAT APPLICATION AND REVIEW PROCEDURE**§ 153.035 PROCEDURE.**

(A) An application for a final plat approval shall be submitted to the Village Clerk at least 20 days prior to the next regularly scheduled meeting of the Council.

(B) The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.

(1) One electronic copy and three paper copies of the as-built plans of all installed improvements and/or final plans for all required improvements not installed in the final plat:

(2) Two paper copies of as-built plans for all improvements;

(3) An abstract of the title certified to date, or, at the option of the applicant, a policy of title insurance for examination in order to ascertain whether or not the proper parties have signed the final plat;

(4) Certification of a licensed professional indicating that construction of improvements has been satisfactorily completed, including evidence of inspections; and

(5) Cost estimates for any improvements that have not been completed.

(C) The Council shall consider the final plat at its next regularly scheduled meeting or within 20 days after the filing of the application, whichever occurs first.

(D) The Council shall grant final plat approval provided that the standards of § 153.037 are met. (Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.036 IMPROVEMENTS AND FACILITIES.

(A) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in § 153.037.

(B) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.037 SECURITY FOR COMPLETION.

(A) In lieu of completion of some or all required improvements, the Village Council may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.

(B) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.

(C) Security shall remain in force for a time to be specified by the Village Council.

(D) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the village, or in the form of cash escrow or certified check. A performance bond in form satisfactory to the village, from a surety company authorized to do business in the State of Michigan and acceptable to the village, may be substituted in lieu of such security only if the applicant can satisfy the village that an irrevocable letter of credit, cash escrow, or certified check cannot reasonably be made available.

(E) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Village staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

(F) The Village Building Inspector shall not issue building permits for construction of buildings or structures as regulated by the village building code, except for signs permitted by the zoning ordinance until all required improvements have been accepted by the village.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.038 CERTIFICATES ON FINAL PLAT.

The final plat shall include proper certificates for the Village Clerk to certify the approval of the plat by the Village Council, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

REVIEW STANDARDS**§ 153.050 TENTATIVE PRELIMINARY PLAT APPROVAL STANDARDS.**

The Commission shall recommend, and Council shall grant tentative preliminary plat approval upon reaching the following findings:

(A) That the proposed lots comply with the requirements of the zoning ordinance;

(B) That the design of the streets within the plat provide adequate and safe circulation within the plat and that sufficient consideration has been given to providing access to adjacent streets and parcels within the same or compatible zoning district;

(C) That streets are designed and lots oriented to:

- (1) Ensure safety of access to any street;
- (2) Provide the most efficient and safe traffic flow;
- (3) Take best advantage of existing topography; and
- (4) Preserve existing natural features and amenities;

(D) That the plat conforms to the requirements of this chapter and any other applicable local laws or ordinances. Approval of the plat shall not relieve the applicant from complying with applicable state or federal laws. Should the village be aware of non-compliance with state or federal laws, approval may be withheld.

(E) That the Council has received the recommendation of the Commission regarding the tentative preliminary plat.

(F) That the proposed plat complies with the goals of the Village of Clarksville Master Plan.
(Ord. 63, passed 10-5-2015)

§ 153.051 PRELIMINARY PLAT APPROVAL STANDARDS.

The Council shall grant final preliminary plat approval upon reaching the following findings:

(A) That the final preliminary plat substantially conforms to the tentative preliminary plat approval, including any conditions placed on such approval;

(B) That all required reviews have been completed and appropriate documentation of such approvals is provided; and

(C) That the plat conforms to the requirements of this chapter and any other applicable local laws or ordinances. Approval of the plat shall not relieve the applicant from complying with applicable state or federal laws. Should the village be aware of non-compliance with state or federal laws, approval may be withheld.

(Ord. 63, passed 10-5-2015)

§ 153.052 FINAL PLAT APPROVAL STANDARDS.

The Council shall grant final plat approval upon reaching the following findings:

(A) That the final plat substantially conforms to the preliminary plat approval, including any conditions placed on such approval;

(B) That all required reviews have been completed and appropriate documentation of such approvals is provided;

(C) That the plat conforms to the requirements of this chapter and any other applicable local laws or ordinances. Approval of the plat shall not relieve the applicant from complying with applicable state or federal laws. Should the village be aware of non-compliance with state or federal laws, approval may be withheld; and

(D) That construction of all improvements as required by this chapter has been completed and financed, or a surety submitted in accordance with the provisions of § 153.037.
(Ord. 63, passed 10-5-2015)

IMPROVEMENTS AND REGULATIONS**§ 153.065 APPLICATION TO ALL SUBDIVISIONS.**

The following standards shall apply to all subdivisions within the village.
(Ord. 63, passed 10-5-2015)

§ 153.066 LOTS.

(A) All lots shall face upon, and have direct access to, a public or private street.

(B) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.

(C) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This chapter shall not be construed as providing for lots smaller than as specified in the applicable village ordinance. If public water and sewer are available, the provisions of the zoning ordinance shall override Section 186 of Act 288.

(D) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.

(E) Lots extending through a block and which have frontage on two local streets shall be prohibited unless one of the frontages is on an arterial street or county primary road.

(F) The depth of a lot shall not exceed three times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.

(G) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.

(H) Lots in subdivisions bounded by existing county primary, arterial, and collector streets shall only have access from proposed internal streets constructed to serve the subdivision and not directly to such existing streets. The Village Council, following a recommendation from the Planning Commission, may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth, topography, or other natural features of the land to be subdivided or if the proposed subdivision is located on a local street which has a low volume of traffic.

(I) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major arterial streets or railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts. The greenbelt shall contain plantings of sufficient size and number to provide a visual screen for subdivision residents. The greenbelt may contain an earthen berm in conjunction with plantings.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.067 USABLE LAND.

All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the village. For private streets and other areas under the control of a subdivision property owners association or similar organization, the village may require a recorded agreement whereby the village may maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.068 DEDICATION.

Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards for private roads as required by the zoning ordinance, and shall include easements for public utilities within the street and at least 15 feet on either side thereof.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.069 STREET NAMES.

Street names shall be approved by the Village Council with final approval by the Ionia County Road Commission before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.070 STREET ALIGNMENT AND LAYOUT.

(A) The subdivision layout shall conform to the master plan of the village.

(B) All proposed public and private streets shall be continuous and in alignment with existing, planned, or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.

(C) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.

(D) A public or private road system or interconnected public and private road system shall not serve more than 50 lots, or dwellings units, unless a secondary means of ingress and egress is provided for all of the lots or dwellings served. This secondary access shall meet the minimum standards for public and/or private roads, as the case may be, as required by applicable village ordinances.

(E) Intersections of subdivision streets shall be at least 250 feet from the intersection of a public or private street on either side of the road as measured from centerline to centerline.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.071 STREET DESIGN STANDARDS.

Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width, and construction requirements of the Ionia County Road Commission.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.072 BLOCK LENGTHS.

The length for a street block shall not be less than 500 feet. A block may be increased to no more than 800 feet if a ten-foot wide pedestrian walkway is provided completely through the middle of the block.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.073 SIDEWALKS.

(A) Except as otherwise provided in this section, sidewalks at least five feet wide, on both sides of the street, shall be provided for and installed in all plats. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.

(B) At the discretion of the proprietor or the lot owner, sidewalks may be constructed with the initial improvements of the plat, or at any time prior to the request for a certificate of occupancy for the first main building or use constructed on a lot. When weather or other conditions prevent the sidewalk from being constructed prior to a request for a certificate of occupancy the proprietor or lot owner may submit a surety in accordance with the provisions of § 153.037. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.

(C) The following are exceptions from division (A) above of this section:

(1) Sidewalks are required on only one side of the street if the other side clearly cannot be developed and if there are no existing or anticipated uses that would generate pedestrian trips on that side;

(2) In residential subdivisions, sidewalks are required on one side only of a street intended primarily to provide access to abutting properties if the average lot width on the street is greater than or equal to 100 feet; and

(3) In residential subdivisions, no sidewalks are required adjacent to streets intended primarily to provide for access to abutting properties if the average lot width on the street is greater than or equal to 150 feet; provided, however, that a sidewalk shall be required on one side of the street for such portions of any street located within 1,500 feet of a school site which would be on a walking route to the school.

(D) Also in their discretion, the Planning Commission may recommend and the Village Council may approve the waiving, in whole or in part, of the sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Planning Commission and Village Council shall consider and make findings upon the following factors:

(1) Whether the installation of sidewalks would be a reasonably appropriate plat improvement, giving consideration to the convenience of pedestrians, the amount of available land, and other applicable circumstances;

(2) The likelihood that pedestrians will make reasonable use of sidewalks in the plat, currently and in the future;

(3) Whether there are other sidewalks already installed on adjacent or nearby lands; and

(4) The effect of topography, landscaping, location of streets, and other improvements and the effect, if any, of other physical aspects of the platted lands.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.074 STREET LIGHTING.

Adequate street lights may be required to be provided and such lighting shall comply with the applicable requirements for lighting as contained in the village zoning ordinance.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.075 UTILITIES.

(A) All subdivisions shall be served by public sanitary sewer as provided by the Clarksville-Morrison Lake Sewer Authority.

(B) If there is no existing or available publicly-owned water supply system, the proprietor may be required to install a privately-owned public water supply system for drinking and fire protection purposes for the common use of the lots within the subdivision in accordance with the requirements of the Safe Drinking Water Act, Act 399 of the Public Acts of Michigan of 1977, as amended, or successor statute of like import, and with the requirements of village ordinances.

(C) Public electricity and telephone shall be furnished to each lot in the subdivision.

(D) All utilities shall be installed and maintained underground and in appropriate easements.

(E) Utility easements shall be provided along rear lot lines, and also along side lot lines when necessary. The total width of such easements shall be not less than ten feet.

(F) When a proposed subdivision is to be served by a publicly-owned or privately-owned public water system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.076 NATURAL FEATURES.

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.077 DRAINAGE.

An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the village, and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.078 STREET TREES.

(A) Street trees shall be provided along both sides of streets and access drives within the subdivision and shall be placed at a minimum rate of two trees per single family lot at a maximum distance of 60 feet apart. Trees shall be placed in the public right-of-way between the edge of pavement and the sidewalk.

(B) Street trees shall be installed by the developer within one planting season following street construction unless the Village Council approves an alternative planting program.

(C) Street trees shall be of a deciduous type, shall be minimum caliper of 2.5 inches at planting and shall conform to the list of prohibited trees as contained in the village zoning ordinance .

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

VARIANCE**§ 153.090 PROCEDURE FOR GRANTING VARIANCE.**

A variance from the provisions of this chapter may be granted as follows.

(A) If the proprietor demonstrates that literal enforcement of this chapter would result in a practical difficulty, or would impose an unnecessary hardship in the use of the land, Village Council, upon recommendation of the Planning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this chapter. The Village Council may attach conditions to the variance.

(B) For purposes of this section the following definitions shall apply:

(1) ***PRACTICAL DIFFICULTY.*** A difficulty or impossibility involving the topography or other physical features of the land.

(2) ***UNNECESSARY HARDSHIP.*** A condition of impracticability or unreasonableness that would result from the application of a provision of this chapter.

(C) In determining whether to grant a variance under the terms of this section, the Village Council may depart from the recommendation thereon made by the Planning Commission.

(D) In considering whether a variance shall be recommended, in the case of the Planning Commission, and in considering whether a variance shall be granted, in the case of the Village Council, each body shall consider and make findings upon the following:

(1) That there are special circumstances or conditions affecting the property, which would make the strict application of a provision of this chapter impracticable or unreasonable;

(2) That the granting of the requested variance would not be detrimental to the subdivision development or to adjacent or nearby lands;

(3) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other section of this chapter; and

(4) That the granting of the requested variance would not violate any provision of the Michigan Land Division Act.

(E) A petition for a variance shall be submitted together with the submission of the preliminary plat for consideration of a recommendation on tentative approval by the Planning Commission. Notice that a request for a variance has been received shall be included in the notice of public hearing on the preliminary plat provided in § 153.022, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Planning Commission to the Village Council after public hearing following notice given in accordance with § 153.022.

(Ord. 63, passed 10-5-2015)

DIVISION OF PLATTED LOTS

§ 153.100 PROHIBITION.

No lot or other parcel of land located within a recorded plat shall be further partitioned or divided, or a building permit issued for a partitioned or divided lot, unless such partition or division is first approved by the Village Council as provided in this subchapter. No partition or division of a lot may

result in the creation of a lot that does not satisfy the applicable minimum lot area and dimension requirements of the village zoning ordinance, this chapter, or Act 288.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.101 APPROVAL OF PLATTED DIVISION OF LOTS.

(A) Any proprietor or lot owner who desires to divide, partition, or split a lot, outlot, or other parcel of land located in a recorded plat shall complete an application on a form provided by the village and shall file the same with the Village Clerk, together with payment of any application fee that may be required. The application shall include a drawing, drawn to scale, showing the proposed division or partition and all adjoining lots, streets, and other adjoining parcels. If the applicant proposes to construct a dwelling or other building on the resulting or remaining lot, or both of them, and if sanitary sewer service and/or water supply are proposed to be provided by an individual septic tank and/or water supply well, the application shall also include a written approval or other statement from the County Health Department indicating approval of the proposed septic tank and drain field system and/or water supply well.

(B) Once the application and other materials are complete, the Clerk shall forward the same to the Planning Commission. The Commission shall review the application and other materials at a public meeting and shall make a recommendation thereon to the Village Council.

(C) In reviewing the application, the Planning Commission and Village Council shall consider whether the request is consistent with all applicable village ordinances, Act 288, and other applicable state laws, and whether the proposed division or partition is consistent with the general public health, safety, and welfare.

(D) On receiving the recommendation of the Planning Commission, the Village Council shall either approve or deny the application. In approving the application, the Council may include such reasonable terms and conditions as it deems appropriate.

(Ord. 63, passed 10-5-2015)

ENFORCEMENT

§ 153.115 APPROVAL BY VILLAGE COUNCIL.

No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Village Council in accordance with the requirements of this chapter.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.116 PLAT TO BE RECORDED BY COUNTY REGISTER OF DEEDS.

No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Ionia County Register of Deeds.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.117 COMPLIANCE WITH REGULATIONS PRIOR TO OCCUPANCY.

No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.118 VIOLATION IS NUISANCE PER SE.

Any act or failure to act done in violation of the provisions of this chapter is hereby declared to be a nuisance per se.

(Ord. 63, passed 10-5-2015) Penalty, see § 153.999

§ 153.119 VILLAGE MAY BRING ACTION TO PREVENT VIOLATION.

In addition to any other available remedy, the village may in its discretion bring an action in its own name to restrain or prevent any violation of this chapter or any continuance of such violation. In such case the person found violating this chapter shall pay the village's costs and expenses in enforcing this chapter, including its attorneys' fees.

(Ord. 63, passed 10-5-2015)

§ 153.999 PENALTY.

(A) A violation of this chapter is a municipal civil infraction, for which the fine shall be not less than \$100 for the first offense and not less than \$250 for the second offense nor more than \$500 for each subsequent offense, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law.

(B) For purposes of this section, “subsequent offense” means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter for which said person admitted responsibility or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

(C) The landowner, tenant, subdivider, builder, public official, or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided. Nothing herein contained shall prevent the Village Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this chapter or of the Land Division Act.

(Ord. 63, passed 10-5-2015)

CHAPTER 154: LAND DIVISION

Section

- 154.01 Title
- 154.02 Purpose
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- 154.09 Effect of a land division approval
- 154.10 Non-compliance
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§ 154.01 TITLE.

This chapter shall be known and cited as the Village of Clarksville Land Division Ordinance.
(Ord. 64, passed 10-5-2015)

§ 154.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the Act; to establish minimum requirements and procedures for the approval of such land divisions; to prevent the creation of parcels of property which do not comply with applicable ordinances and the Act; to maintain orderly development of the community; and to promote the health, safety, and welfare of residents by establishing reasonable standards for review and approval of land divisions.
(Ord. 64, passed 10-5-2015)

§ 154.03 GENERAL PROVISIONS.

(A) *Review and approval.* Land in the village shall not be divided without the prior review and approval of the Administrator of this chapter in accordance with this chapter and the State of Michigan

Land Division Act. This review and approval shall be required before making any division by deed, land contract, lease for more than one year, or for building development.

(B) *Fees*. A fee may from time to time be established by resolution by the Village Council for land division pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the State Land Division Act.
(Ord. 64, passed 10-5-2015)

§ 154.04 DEFINITIONS.

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

ACCESSIBLE. A parcel that is accessible if one or both of the following are met:

(1) The parcel has an area where a driveway or easement provides vehicular access to an existing street or road and meets all applicable location standards of the road authority, or has an area where a driveway or easement can provide vehicular access to an existing street or road and meet all such applicable location standards.

(2) The parcel is served by an existing easement that provides vehicular access to an existing street or road and that meets all applicable location standards of the local road authority, or can be served by a proposed easement that will provide vehicular access to an existing street or road and that will meet all such applicable location standards.

ACT. The Land Division Act being Public Act 591 of 1996, as amended.

ADMINISTRATOR. The Village Assessor as may be appointed by the Village Council or the Administrator may be any other person designated by the Council to administer this chapter.

DIVISION* or *LAND 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 as defined in the Act, and that satisfies the requirements of sections 108 and 109 of the Act. ***DIVISION* or *LAND DIVISION*** does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act, this chapter, and other applicable ordinances.

EXEMPT SPLIT* or *EXEMPT DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.

FORTY ACRES OR THE EQUIVALENT. Either 40 acres, a quarter-quarter section containing less than 30 acres, or a governmental lot containing not less than 30 acres.

PARCEL. A continuous area of land which can be described as stated in Section 102(g) of the Act.

PARENT PARCEL or ***PARENT TRACT.*** A parcel or tract, respectively, lawfully in existence on March 31, 1997.

RESULTING PARCEL or ***RESULTING PARCELS.*** One or more parcels which result from an authorized land division.

TRACT. Two or more parcels that share a common property line and are under the same ownership.

(Ord. 64, passed 10-5-2015)

§ 154.05 APPLICATION FOR LAND DIVISION APPROVAL.

A proposed division shall not be considered filed with the village, nor shall the time period stated in this chapter commence, until all of the requirements for an application for land division approval have been complied with. A proposed land division shall be filed with the Administrator and shall include the following:

(A) A completed application, as provided by the village, including all required attachments;

(B) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land;

(C) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parcel or parent tract of land which is the subject of the proposed division was lawfully in existence not less than ten years from the date of the application for land division.

(D) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning conveyance of the right to make further divisions.

(E) A survey map prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (M.C.L.A. § 54.211) by a land surveyor licensed by the State of Michigan OR a tentative parcel map accurately drawn to scale showing the parent parcel or parent tract which is the subject of the application. The survey or tentative parcel map shall include:

(1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;

- (2) Proposed boundary lines and the dimensions of each parcel;
 - (3) An accurate parcel map and legal description of each resulting parcel;
 - (4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area, and date of such divisions, sufficient to establish that the parcel to be divided was lawfully in existence not less than ten years from the application for land division;
 - (5) The location, dimensions, and nature of proposed ingress or egress from any existing public or private streets;
 - (6) Accessibility of each proposed division, including the location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application;
 - (7) The location of all public utility easements serving the parcel; and
 - (8) The location of any existing structures and other site improvements including wells, septic systems, along with setbacks of existing buildings and structures.
- (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) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
- (H) Payment of the application fee and other applicable fees and charges to cover the costs of review of the application and administration of this chapter and the Act established from time to time by resolution of the Village Council.
- (Ord. 64, passed 10-5-2015) Penalty, see § 154.99

§ 154.06 STANDARDS FOR APPROVAL OF LAND DIVISIONS.

- (A) Upon receipt of an application for a land division approval which contains all of the information required by § 154.05 herein, a proposed land division shall be approved, approved with conditions, or denied by the Administrator.
- (B) Approval shall be based upon satisfaction of the following requirements:
- (1) The application requirements contained in § 154.05 are met;

(2) All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the village's zoning ordinance for the zoning district(s) in which resulting parcels are located;

(3) (a) Each resulting parcel shall not have a depth that is more than three times the width of the lot. The width and depth of the resulting parcel shall be measured in the same manner as provided by the village zoning ordinance for the measuring of the minimum width and maximum depth of parcels.

(b) A depth that is more than three times the width of the parcel may be permitted by the Administrator based upon the following standards:

1. Exceptional topographic or other physical conditions;
2. Compatibility with the surrounding lands; and

3. Other conditions which at the discretion of the Administrator determined to be sufficient to render the required depth to width ratio impractical or undesirable.

(4) Each resulting parcel shall be accessible as defined herein. If a new public street is proposed as a means of access, the applicant shall provide proof that the Ionia County Road Commission has approved the proposed layout and construction design of the street and of utility easements and drainage facilities associated therewith;

(5) The proposed division, together with any previous division(s) of the same parent parcel or parent tract shall not result in a number of resulting parcels that is greater than permitted under Section 108 of the Act; and

(6) Each resulting parcel that is a development site (as defined by the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.

(C) The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division and shall provide the person who filed the application written notice whether the application is approved, approved with conditions, or denied and, if denied, all the reasons for the disapproval.

(D) An applicant aggrieved by the decision of the Administrator may within 30 days of the decision, file a written appeal of the decision to the Village Council, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least ten days' written notice of the date, time, and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Village Council may affirm or reverse the decision of the Administrator in whole or in part, and its decision shall be final.

(E) The Village Clerk and Village Assessor shall maintain a record of all land divisions approved by the village.

(Ord. 64, passed 10-5-2015)

§ 154.07 DIVISIONS NOT SUBJECT TO REVIEW AND APPROVAL.

The following divisions are not subject to review and approval:

(A) A parcel proposed for subdivision through a recorded plat as regulated by the village subdivision ordinance and the Act. However, a division of an already platted lot shall be subject to review and approval under this chapter;

(B) Property developed in accordance with the village's site condominium regulations and the State of Michigan's Condominium Act (Public Act 59 of 1978, as amended);

(C) Mobile home parks developed in accordance with the village's mobile home park district regulations; and

(D) Exempt splits as defined herein.

(Ord. 64, passed 10-5-2015)

§ 154.08 ALLOWANCES FOR APPROVAL OF OTHER LAND DIVISIONS.

A proposed land division which does not fully comply with the applicable lot, yard, and accessibility and area requirements of the village zoning ordinance may be approved only in the following circumstances:

(A) Where the Zoning Board of Appeals has granted a variance from the access, lot size, lot width, lot width to depth ratio requirements, or other applicable requirements with which the land division application failed to comply.

(B) Where the proposed land division involves only the minor adjustment of a common lot line or involves the conveyance between adjoining properties which does not result in either parcel violating this chapter, the village zoning ordinance or the Act.

(C) Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds in a form acceptable to the village designating the parcel as "not eligible for a building permit from the Village of Clarksville." This parcel shall also be so designated in the village records and shall hereafter not be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable zoning ordinance requirements for lot area, width, or road frontage or other applicable requirements with which the land division application failed to comply.

(Ord. 64, passed 10-5-2015)

§ 154.09 EFFECT OF A LAND DIVISION APPROVAL.

(A) A decision approving a land division shall be effective for 90 days after such approval by the Administrator, or, if appealed, by the Village Council, unless the following requirements are satisfied within this 90-day period: A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s), shall be recorded with the Ionia County Register of Deeds, and a true copy showing proof of such recording filed with the Village Assessor.

(B) If the actions required in division (A) above of this section are not satisfied, such land division shall, without further action of the village, be revoked.

(C) The approval of a land division is not a determination that the resulting parcels comply with other applicable ordinances or regulations.

(Ord. 64, passed 10-5-2015)

§ 154.10 NON-COMPLIANCE.

Any parcel created inconsistent with or in violation of this chapter shall not be eligible for issuance of building permits, zoning approvals, or other land use or building approvals under other village ordinances such as special land use approval or site plan approval, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

(Ord. 64, passed 10-5-2015) Penalty, see § 154.99

§ 154.11 SEVERABILITY.

The various parts, sections, and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter will not be affected thereby.

(Ord. 64, passed 10-5-2015)

§ 154.12 REPEAL.

The Village of Clarksville Land Division Ordinance which was adopted by the Village Council on August 4, 1997 is hereby repealed in its entirety.

(Ord. 64, passed 10-5-2015)

§ 154.99 PENALTY.

(A) A violation of this chapter is a municipal civil infraction, for which the fine shall be not less than \$100 for the first offense and not less than \$250 for the second offense nor more than \$500 for each subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law.

(B) For purposes of this section, “subsequent offense” means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter for which said person admitted responsibility or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

(Ord. 64, passed 10-5-2015)

CHAPTER 155: FLOODPLAIN MANAGEMENT

Section

155.01 Adoption of regulations by reference; designation of enforcing agency

§ 155.01 ADOPTION OF REGULATIONS BY REFERENCE; DESIGNATION OF ENFORCING AGENCY.

The State Construction Code comprised of the Michigan Residential Code and the Michigan Building Code and its appendices, specifically Appendix G, is hereby adopted by reference as the floodplain management provisions of the village. The Ionia County Building Official and its agents are designated as the enforcing agency for the village. Copies of the regulations are available in the village offices. (Ord. 62, passed 1-5-2015; Res. 2015-01, passed 1-5-2015; Res. 2015-02, passed 1-5-2015)

TABLE OF SPECIAL ORDINANCES

Table

- I. FRANCHISES**
- II. AGREEMENTS AND CONTRACTS**
- III. STREET VACATIONS**
- IV. ANNEXATIONS AND STREET ADDITIONS**

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
25	4-7-1986	Granting to Consumers Power Company an electric business franchise
33	4-3-2000	Granting to Consumers Energy Company a gas franchise for the period of 30 years
-	5-5-2003	Granting Millenium Digital Media Systems, LLC a cable television franchise for 15 years
-	3-31-2011	Granting Michigan Bell Telephone Company (AT&T) a telephone franchise
68	4-4-2016	Granting to Consumers Energy Company an electric business franchise

TABLE II: AGREEMENTS AND CONTRACTS

<i>Ord./Res. No./ Contract</i>	<i>Date Passed</i>	<i>Description</i>
-	9-22-1977	Clarksville-Morrison Lake Area Sewage Disposal System: County Bd of Public Works agrees to accept all wastewater from the named municipalities (Boston, Campbell, Clarksville), for 40 years
-	9-12-1978	County and Boston, Campbell, Clarksville approve establishment of Ionia County Sewage Disposal System (Clarksville-Morrison Lake), leasing to the Clarksville-Morrison Lake Sewer Authority; providing for issuance of bonds, ad valorem tax; for 40 years
-	11-14-1978	Amending costs in contract of 9-12-1978
-	3-24-1995	Joint Fire Department dissolution agreement between Campbell Township and the village
Res.	11-6-2000	Opting into the county Brownfield Redevelopment Authority
Res. 2006-03	9-11-2006	Concurring in the adoption by the Clarksville-Morrison Lake Sewer Authority of the Authority Rules and Regulations, dated March 17, 2006, and transferring enforcement thereof to the Authority, with amendments to the Articles of Incorporation
-	5-13-2010	Extension of Fire Department agreement between Campbell Township and the village for ten years

Clarksville - Table of Special Ordinances

<i>Ord./Res. No./ Contract</i>	<i>Date Passed</i>	<i>Description</i>
Res. 2010-01	6-7-2010	Restating and amending the Articles of Incorporation of the Clarksville-Morrison Lake Sewer Authority
Res. 2012-04	8-6-2012	Authorization for change in Standard Lighting Contract between Consumers Energy Company and the village
Ord. 62	1-5-2015	Designating the Building Official and agents of Ionia County as the enforcing agency to administer the floodplain management provisions of the state construction code
Res. 2015-01	1-5-2015	Resolution of intent to participate in the National Flood Insurance Program
Res. 2015-02	1-5-2015	Intergovernmental agreement to manage floodplain development for the National Flood Insurance Program
Res. 2018-04	9-10-2018	Extending METRO Act Permit agreement with AT&T for term to end March 31, 2024
Res. 2019-05	11-4-2019	District library agreement establishing the Saranac-Clarksville District Library

TABLE III: STREET VACATIONS

<i>Ord./Res./ Order No.</i>	<i>Date Passed</i>	<i>Description</i>
Order	4-1-2002	Vacating the portion of Third Street in Ferney's Addition to the village, which lies between the south line of W. Ferney Avenue and the north line of W. Ferney Avenue
Res. 2003-01	9-8-2003	Vacating First Street north of Ferney Avenue, between the west one-third of Lot 1 and all of the part of Lot 20 owned by the VandenBurgs, as shown on the village plat
Res. 2004-01	4-5-2004	Vacating four alleys: 1) an alley with a northern boundary of Cross Street and a southern boundary of High Street, in Nash's First Addition; 2) an alley with a northern boundary of Nash Street and a southern boundary which extends 192 feet south of Front Street, in Nash's First Addition; 3) an alley with a northern boundary of Nash Street and a southern boundary of Front Street, in McCormick's Addition; and 4) an alley with a northern boundary of Cross Street and a southern boundary of Front Street, in McCormick's Addition
Res. 2004-02	4-5-2004	Vacating an alley in Ferney's Addition to the village plat, which alley has a western boundary of Fourth Street and an eastern boundary of Second Street
Res. 2014-01	10-6-2014	Amending Res. 2004-01, vacating an alley with a northern boundary of Nash Street and a southern boundary extending beyond Front Street, and terminating at the line between the southeast corner of the southern Flowers lot and the southwest corner of the Richardson lot, located in McCormick's Addition

Clarksville - Table of Special Ordinances

<i>Ord./Res./ Order No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. 2018-03	6-4-2018	Vacating alley between High Street and McCormick Avenue
Res. 2019-03	8-5-2019	Vacating that portion of First Street between High Street and McCormick Avenue
Res. 2020-02	3-2-2020	Vacating a portion of Third Street between W. Cross Street and south of W. Ferney Street

TABLE IV: ANNEXATIONS AND STREET ADDITIONS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. 2005-5-2	5-2-2005	Accepting the street plat of Second Street from Ferney Avenue to Lind Avenue; Lind Avenue in its entirety; and Fourth Street from Lind to Ferney Avenue

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Orders and Contracts
References to Resolutions
Reference to Ordinances

REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

<i>M.C.L.A. Cite</i>	<i>Code Section</i>
15.231 through 15.246	110.04, 110.17
15.321 et seq.	Charter Ch. 5, Sec. 6
24.201 to 24.328	70.01
54.211	154.05
117.5b	10.01
117.41 et seq.	152.082
125.31 through 125.45	Ch. 30
125.401 et seq.	90.01
125.1501 et seq.	150.01
125.3101 et seq.	30.04
125.3801 et seq.	30.01, 30.02, 30.04
247.62	90.20
257.951 through 257.995	70.01
280.1 et seq.	152.032
331.12501 et seq.	152.032
336.11 et seq.	152.091
484.2102	110.01
484.2251	110.04
560.101 et seq.	152.016, 152.032
559.101 et seq.	152.032
600.8701	90.05, 90.24, 133.99, 152.064
600.8701 et seq.	90.05, 90.24, 133.99, 152.064
600.8801 through 600.8835	10.02
722.51 et seq.	152.047

REFERENCES TO ORDERS AND CONTRACTS

<i>Order No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Order	4-1-2002	T.S.O. III

<i>Contract</i>	<i>Date Passed</i>	<i>Code Section</i>
-	9-22-1977	T.S.O. II
-	9-12-1978	T.S.O. II
-	11-14-1978	T.S.O. II

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
–	11-6-2000	T.S.O. II
2003-01	9-8-2003	T.S.O. III
2004-01	4-5-2004	T.S.O. III
2004-02	4-5-2004	T.S.O. III
2005-5-2	5-2-2005	T.S.O. IV
2005-03	12-5-2005	31.01
–	2-6-2006	31.01
2006-02	7-10-2006	32.01
2006-03	9-11-2006	T.S.O. II
2006-05	10-2-2006	33.10
2006-06	10-2-2006	34.01
2008-01	11-3-2008	31.02
2008-02	11-3-2008	31.03
2008-03	11-3-2008	31.04
2008-04	11-3-2008	31.04
2008-05	11-3-2008	31.05
2010-01	6-7-2010	T.S.O. II
2010-05	11-1-2010	151.01
2011-03	7-11-2011	150.01, 152.054
2011-04	12-5-2011	33.03, 33.10, 90.01, 130.03
2012-03	6-4-2012	90.22
2012-04	8-6-2012	T.S.O. II
2014-01	10-6-2014	T.S.O. III
2014-02	11-3-2014	50.01
2015-01	1-5-2015	155.01, T.S.O. II
2015-02	1-5-2015	155.01, T.S.O. II
2015-03	4-6-2015	34.01
2015-04	5-4-2015	34.01
2015-05	5-4-2015	35.01
2017-01	2-6-2017	35.01
2018-03	6-4-2018	T.S.O. III
2018-04	9-10-2018	T.S.O. II
2019-03	8-5-2019	T.S.O. III
2019-05	11-4-2019	T.S.O. II
2020-02	3-2-2020	T.S.O. III

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
14	12-7-1964	71.01 - 71.10, 71.99, Ch. 72 Sch. I
15	9-2-1969	71.02
25	4-7-1986	T.S.O. I
27	6-1-1987	91.31
29	8-1-1988	150.02
30	6-4-1990	133.01, 133.02
31	6-4-1990	130.01 - 130.06, 130.99, 131.01, 131.99, 132.01, 132.99
–	3-24-1995	T.S.O. II
–	12-2-1996	152.001 - 152.003, 152.010 - 152.017, 152.030 - 152.032, 152.040 - 152.059, 152.080 - 152.092, 152.110, 152.120, 152.150 - 152.159, 152.170 - 152.172, 152.190 - 152.198, 152.210 - 152.219, 152.240 - 152.243, 152.260 - 152.263, 152.280, 152.282, 152.999
33	4-3-2000	T.S.O. I
–	5-5-2003	T.S.O. I
34	10-6-2003	110.01 - 110.20
–	3-17-2006	50.01
35	10-2-2006	33.01 - 33.09
36	4-7-2008	90.20 - 90.26, 90.99
37	1-5-2009	90.01 - 90.07, 90.99
39	10-5-2009	70.01, 70.99
41	9-13-2010	152.010, 152.032, 152.110, 152.154, 152.156, 152.158, 152.159, 152.240 - 152.242
42	5-3-2010	30.01 - 30.07
–	5-13-2010	T.S.O. II
43	3-7-2011	152.084
44	3-7-2011	10.99
–	3-31-2011	T.S.O. I
46	4-4-2011	152.092
47	6-6-2011	91.01 - 91.09
49	6-6-2011	150.01

Clarksville - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
50	6-6-2011	152.010 - 152.017, 152.032, 152.041, 152.047, 152.052 - 152.055, 152.057, 152.084, 152.120, 152.153, 152.195 - 152.198, 152.241 - 152.243, 152.262, 152.999
51	7-11-2011	152.130 - 152.140
52	7-11-2011	152.110 - 152.120
53	7-11-2011	152.060
54	9-12-2011	152.061
55	9-12-2011	152.084 - 152.088, 152.090, 152.091
56	10-3-2011	90.22, 90.23
59	10-7-2013	152.170, 152.193
60	10-6-2014	152.059
62	1-5-2015	155.01, T.S.O. II
63	10-5-2015	153.001 - 153.008, 153.020 - 153.023, 153.035 - 153.038, 153.050 - 153.052, 153.065 - 153.078, 153.090, 153.100, 153.101, 153.115 - 153.119, 153.999
64	10-5-2015	154.01 - 154.12, 154.99
65	10-5-2015	152.044, 152.062
66	11-2-2015	152.063
68	4-4-2016	T.S.O. I
69	9-12-2016	133.01, 133.03, 133.99
70	9-12-2016	152.092
72	12-4-2017	30.02
73	6-4-2018	152.059
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