

# **ORDINANCE # 51**

**ORDINANCE # 52**  
**STATE MECHANICAL CODE**  
**ORDINANCE (PLUMBING)**  
**EFFECTIVE: APRIL 13, 1994**

ORDINANCE NO. 52

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Martin under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

The Township of Martin ordains:

Sec. 1. Agency Designated. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Township of Martin assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Sec. 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

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

Adopted APRIL 13, 1994.

This Ordinance duly adopted on WEDS. APRIL 13, 1994 at a regular meeting of the Martin Township Board and will become effective APRIL 23, 1994.

DATE: 4-18, 1994.

Georgia Kraai  
Georgia Kraai, Clerk  
Martin Township

I hereby certify that Ordinance No. 52 was adopted by the Martin Township Board in regular session held on APRIL 13, 1994.

Bert Schipper  
Bert Schipper, Supervisor Martin  
Township

**ORDINANCE # 53**  
**STATE MECHANICAL CODE**  
**ORDINANCE (MECHANICAL)**  
**EFFECTIVE: APRIL 13, 1994**

ORDINANCE NO. 53

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Martin under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

The Township of Martin ordains:

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

Sec. 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

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

Adopted APRIL 13, 1994.

This Ordinance duly adopted on WEDS. APRIL 13, 1994 at a regular meeting of the Martin Township Board and will become effective APRIL 23, 1994.

DATE: 4-18, 1994.

Georgia Kraai  
Georgia Kraai, Clerk  
Martin Township

I hereby certify that Ordinance No. 53 was adopted by the Martin Township Board in regular session held on APRIL 13, 1994.

Bert Schipper  
Bert Schipper, Supervisor Martin  
Township

**ORDINANCE # 54**  
**SPECIAL LOCAL WATERCRAFT**  
**CONTROL**  
**EFFECTIVE:**

## DEPARTMENT OF NATURAL RESOURCES

### LAW ENFORCEMENT DIVISION

### SPECIAL LOCAL WATERCRAFT CONTROL

Regulation No. 03 - Allegan County

WC -03 - 94 - 001 Lake 16 : Hours for high speed boating

On the waters of Lake 16, all within sections 16, T2N, R11W, Martin township, Allegan county, it is unlawful between the hours of 6:30 p.m. and 10:00a.m. of the following day to:

- a.) Operate a vessel at high speed
- b.) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, kite, surfboard, or other similar contrivance.

The hours should be 7:30 p.m. to 11:00 a.m. of the following day when Eastern Daylight Savings Time is in effect. "High speed boating" is defined by the Marine Safety Act to mean a speed at or above which a motorboat reaches a planing condition.

Bert Schipper  
BERT SCHIPPER MARTIN TOWNSHIP SUPERVISOR

Georgia Kraai  
GEORGIA KRAAI MARTIN TOWNSHIP CLERK

**ORDINANCE # 55**  
**ZONING ORDINANCE TEXT**  
**AMENDMENTS (AMEND SECTION**  
**10.3 & 10.4)**  
**EFFECTIVE:**



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

**ATTORNEYS AT LAW**

132 WEST SOUTH STREET, SUITE 500

**KALAMAZOO, MICHIGAN 49007-4781**

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND  
OF COUNSEL

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

THOMAS M. CANNY  
ROBERT E. THALL

June 9, 1994

Georgia Kraai  
Clerk, Martin Township  
1499 10th Street  
Martin, MI 49070

Re: Ordinance No. 55  
(Zoning Ordinance Text Amendments)

Dear Georgia:

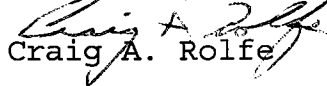
I am enclosing the original of the Notice of Adoption for Ordinance No. 55, and the original of Ordinance No. 55 itself, as adopted by the Township Board at the June 8 Board meeting.

Your partially completed Clerk's Certificate for this ordinance is also enclosed, to be completed and filed at the appropriate time in the official ordinance book along with the other materials pertinent to this matter. Please note that since the Township office is not open to the public during regular hours on each business day state law requires the Township Clerk to file an attested copy of the ordinance with the County Clerk within one week after publication of the ordinance. The Clerk's Certificate includes a provision for this filing date.

Finally, I am also enclosing a copy of a letter to the Penasee Globe, arranging for the required publication of the Notice of Adoption and the Ordinance.

Sincerely,

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

  
Craig A. Rolfe

CAR: bj

Enclosures

c: Bert Schipper  
John Schipper

PS: Please note that the proposed ordinance submitted to you with my letter of May 25 must be discarded, and the enclosed ordinance used as the original of Ordinance No. 55. The proposed ordinance sent to you previously had a different number on it (I guessed wrong), and also included, in error, a section on the second page which did not belong there at all.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,  
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the June 8, 1994 meeting of the  
Martin Township Board the following Ordinance No. 55 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be  
inspected or a copy purchased by contacting the Martin Township  
Clerk, Georgia Kraai, 1399 10th Street, Martin, MI 49070,  
616/672-5193 during regular business hours of regular working days,  
and at such other times as may be arranged.

**BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.**  
**ATTORNEYS AT LAW**

132 WEST SOUTH STREET, SUITE 500  
KALAMAZOO, MICHIGAN 49007-4781

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JOHN K. LOHRSTORFER  
THOMAS M. CANNY  
ROBERT E. THALL

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND  
OF COUNSEL

June 9, 1994

Penasee Globe  
Wayland, MI 49344

Re: Publication of Ordinance for Martin Township  
(Ordinance No. 55)

Ladies:

Please publish the enclosed Notice of Adoption and the attached Martin Township Ordinance No. 55, in that order, on:

Wednesday, June 15, 1994

Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Georgia Kraai, 1399 10th Street, Martin, MI 49070, and forward two Affidavits of Publication to this office.

Thank you for your attention to this matter. Please give me a call if you have any questions or problems.

Sincerely,

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

  
Craig A. Rolfe

CAR:bj

Enclosure

c: Georgia Kraai  
Bert Schipper

ORDINANCE # 55  
TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP  
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD  
PUBLIC HEARING/MEETING ON APRIL 12, 1994

1. Amend Section 10.3 of the Martin Township Zoning Ordinance, designating the various special exception uses allowed in the "C-1" Neighborhood Business zoning district of Martin Township, so as to renumber existing subsection 3 of same to be subsection 4, and so as to add a new subsection 3 designating a new special exception use, reading as follows:

"3. Any residential permitted use allowed in the "R-2" Low Density Residential District."

2. Amend Section 10.4 of the Martin Township Zoning Ordinance, designating the density, area, height, bulk and placement requirements applicable in the "C-1" Neighborhood Business District, so as to add new language referencing the requirements applicable to the allowed residential uses, reading as follows:

"Notwithstanding all of the preceding requirements in this section, residential uses allowed in this zoning district pursuant to Section 10.3, subsection 3, of this Ordinance shall be subject to the density, area, height, bulk and placement requirements set forth at Section 8.4 of this Ordinance."

3. Amend Section 11.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-2" General Business zoning district of Martin Township, so as to revise existing subsection 1 of same to read as follows:

"1. All permitted uses allowed in the C-1 Neighborhood Business District."

ADOPTED JUNE 8, 1994  
EFFECTIVE JUNE 15, 1994

*Georgia Kraas*  
*Martin Twp. Clerk*

TOWNSHIP OF MARTIN  
COUNTY OF ALLEGAN, STATE OF MICHIGAN  
MARTIN TOWNSHIP ORDINANCE NO. 55  
ADOPTED: June 8, 1994  
EFFECTIVE: June 15, 1994  
(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend Sections 10.3 and 10.4 of the Martin Township Zoning Ordinance so pertaining to the uses allowed in the "C-1" Neighborhood Business District; to amend Section 11.2 of the Martin Township Zoning Ordinance pertaining to the uses allowed in the "C-2" General Business District; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN  
ALLEGAN COUNTY, MICHIGAN  
ORDAINS:

SECTION I

AMENDMENT OF SECTION 10.3 PERTAINING TO DESIGNATED SPECIAL  
EXCEPTION USES IN THE "C-1" NEIGHBORHOOD BUSINESS DISTRICT

Section 10.3 of the Martin Township Zoning Ordinance, designating the various special exception uses allowed in the "C-1" Neighborhood Business zoning district of Martin Township, is hereby amended so as to renumber existing subsection 3 of same to be subsection 4, and so as to add a new subsection 3 designating a new special exception use, reading as follows:

"3. Any residential permitted use allowed in the "R-2" Low Density Residential District."

SECTION II  
AMENDMENT OF SECTION 10.4 PERTAINING TO REQUIREMENTS  
APPLICABLE TO RESIDENTIAL USES ALLOWED IN "C-1"  
NEIGHBORHOOD BUSINESS DISTRICT

Section 10.4 of the Martin Township Zoning Ordinance, designating the density, area, height, bulk and placement requirements applicable in the "C-1" Neighborhood Business District, is hereby amended so as to add new language referencing the requirements applicable to the allowed residential uses, reading as follows:

"Notwithstanding all of the preceding requirements in this section, residential uses allowed in this zoning district pursuant to Section 10.3, subsection 3, of this Ordinance shall be subject to the density, area, height, bulk and placement requirements set forth at Section 8.4 of this Ordinance."

SECTION III  
AMENDMENT OF SECTION 11.2 PERTAINING TO DESIGNATED  
PERMITTED USES IN THE "C-2" GENERAL BUSINESS DISTRICT

Section 11.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-2" General Business zoning district of Martin Township, is hereby amended so as to revise existing subsection 1 of same to read as follows:

"1. All permitted uses allowed in the C-1 Neighborhood Business District."

SECTION IV  
AMENDMENT TO SECTION 7.3 PERTAINING TO DESIGNATED SPECIAL EXCEP-  
TION        USES IN THE "R-1" RURAL ESTATES ZONING DISTRICT

Section 7.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 7 providing as follows:

7.    Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION V  
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

  
GEORGIA KRAAI, Clerk  
Martin Township

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 8, 1994 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 55, hereinbefore recorded, to become effective immediately upon publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that Ordinance No. 55 was published in its entirety in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on June 15, 1994; that said Ordinance No. 55 was recorded in the official Ordinance Book on the \_\_\_\_\_ day of \_\_\_\_\_, 1994; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the \_\_\_\_\_ day of \_\_\_\_\_, 1994.

Dated: \_\_\_\_\_

\_\_\_\_\_  
GEORGIA KRAAI, Clerk  
Martin Township



**ORDINANCE # 56**  
**DEFERRED COMPENSATION PLAN**  
**ORDINANCE**  
**EFFECTIVE: JUNE 8, 1994**

COPY

**BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.**  
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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THOMAS M. CANNY  
ROBERT E. THALL

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND  
OF COUNSEL

June 9, 1994

Penasee Globe  
Wayland, MI 49344

Re: Publication of Notice of Adoption/Summary  
of Ordinance for Martin Township  
(Ordinance No. 56)

Ladies:

Please publish the enclosed Notice of Adoption/Summary of  
Martin Township Ordinance No. 56 in the Penasee Globe on:

Wednesday, June 15, 1994

Please forward your statement, together with one Affidavit of  
Publication, to the Township Clerk, Georgia Kraai, 1399 10th  
Street, Martin, MI 49070, and forward two Affidavits of  
Publication to this office.

Thank you for your attention to this matter. Please give me  
a call if you have any questions or problems.

Sincerely,

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

  
Craig A. Rolfe

CAR:bj

Enclosure

c: Georgia Kraai  
Bert Schipper

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

**ATTORNEYS AT LAW**

132 W. SOUTH STREET, SUITE 500

**KALAMAZOO, MICHIGAN 49007-4781**

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OF COUNSEL

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

THOMAS M. CANNY  
ROBERT E. THALL

June 6, 1994

Georgia Kraai  
Clerk, Martin Township  
1499 10th Street  
Martin, MI 49070

Re: Proposed Deferred Compensation Plan Ordinance

Dear Georgia:

Following-up on your previous inquiries, I am enclosing a proposed Martin Township Deferred Compensation Plan Ordinance, using the format endorsed by my colleague, Linda Thomsen, who is the firm's specialist on this subject. This ordinance is broadly drafted so as to authorize the Township to approve appropriate contracts and agreements fully setting forth the specific provisions of the deferred compensation plan desired by the Township.

This proposed ordinance is a considerable improvement upon the proposed Pension Plan Ordinance supplied to the Township, apparently by MTA, which is out of date and otherwise deficient for a variety of reasons.

If the Township Board adopts this proposed ordinance please give me a call the next day with the proper ordinance number. I will supply you with the appropriate original of the ordinance as adopted, and otherwise take care of the post-adoption processing of the ordinance. I will note, in that regard, that I already have a pre-prepared summary of the ordinance to use for publication purposes.

Please give me a call if you have any questions.

Sincerely,

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

  
Craig A. Rolfe

CAR:bj  
Enclosures  
c: Bert Schipper

MARTIN TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION/SUMMARY  
OF DEFERRED COMPENSATION PLAN ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,  
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board held on June 8, 1994 the Board adopted Ordinance No. 56, which provides for the establishment of a deferred compensation plan. The sections of this ordinance are summarized as follows:

SECTION I. DEFERRED COMPENSATION PLAN ESTABLISHED. This Section of Ordinance No. 56 provides for the establishment of an "eligible deferred compensation plan" in order to permit an officer, official or employee of the Township to be eligible to defer federal and state income tax liability on a portion of their compensation as allowed by the Internal Revenue Code.

SECTION II. IMPLEMENTATION. This Section of Ordinance No. 56 provides for the implementation of an eligible deferred compensation plan established pursuant to the ordinance by the execution of appropriate contracts and agreements complying with applicable provisions of the Internal Revenue Code.

SECTION III. DEFERRED COMPENSATION AGREEMENT. This Section of Ordinance No. 56 provides for an eligible employee desiring to be a participant in the deferred compensation plan to enter into an agreement with the Township in accordance with the Internal Revenue Code.

SECTION IV. EMPLOYMENT AND OTHER RIGHTS. This Section of Ordinance No. 56 provides that nothing in the ordinance shall be construed to limit the right of the Township to terminate an employee participating in an eligible deferred compensation plan; requires any such implemented plan to comply with all applicable legal requirements; and provides that any benefits payable under such a plan are independent of and in addition to any other retirement plan of the Township, or other applicable benefits plan or program, to the extent not inconsistent with applicable provisions of the Internal Revenue Code.

- SECTION V. ADMINISTRATION AND INTERPRETATION OF THE PLAN. This Section of Ordinance No. 56 provides that an eligible deferred compensation plan established pursuant to the ordinance shall be administered by the Township Board, and the Board has the authority to adopt rules and regulations for the administration of the plan consistent with the provisions of the plan.
- SECTION VI. TAX EXEMPTION. This Section of Ordinance No. 56 provides that the eligible deferred compensation plan authorized by the ordinance and the contracts and agreements provided for therein for deferment of compensation are contemplated to comply with applicable provisions of the Internal Revenue Code, but the Township assumes no responsibility for any adverse tax consequences to any plan participant or beneficiary. This provision of the ordinance further provides that the plan established pursuant to the ordinance, any contract or agreement executed pursuant to the ordinance, and any Township regulations pertaining to deferred compensation are superseded by any contrary Internal Revenue Code revisions or regulations.
- SECTION VII. RATIFICATION OF EXISTING PLAN. This Section of Ordinance No. 56 provides that the Township Board ratifies and confirms the validity of any deferred compensation plan in existence on the effective date of this ordinance.
- SECTION VIII. EFFECTIVE DATE. This Section of Ordinance No. 56 provides that the Ordinance shall take effect immediately upon publication and that all inconsistent ordinances are repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the original of Ordinance No. 56 may be inspected and a copy of same may be purchased by contacting the Martin Township Clerk, Georgia Kraai, at the address and telephone number set forth below during regular business hours of regular working days, and at such other times as may be arranged.

GEORGIA KRAAI  
Martin Township Clerk

Martin Township Offices  
1499 10th Street  
Martin, MI 49070  
616/672-5193

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

**ATTORNEYS AT LAW**

132 WEST SOUTH STREET, SUITE 500

**KALAMAZOO, MICHIGAN 49007-4781**

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LYNDA E. THOMSEN  
JOHN K. LOHRSTORFER  
THOMAS M. CANNY  
ROBERT E. THALL

June 9, 1994

Georgia Kraai  
Clerk, Martin Township  
1499 10th Street  
Martin, MI 49070

Re: Ordinance No. 56  
(Deferred Compensation Plan Ordinance)

Dear Georgia:

I am enclosing the original of the Notice of Adoption/Summary for Ordinance No. 56 as adopted by the Township Board at the June 8 Board meeting. Also enclosed is the original of Ordinance No. 56 as adopted.

Your partially completed Clerk's Certificate for this ordinance is also enclosed, to be completed and filed at the appropriate time in the official ordinance book along with the other materials pertinent to this matter, including the enclosed processing form. Please note that since the Township office is not open to the public during regular hours on each business day state law requires the Township Clerk to file an attested copy of the ordinance with the County Clerk within one week after publication of the ordinance. The Clerk's Certificate includes a provision for this filing date.

Finally, I am also enclosing a copy of a letter to the Penasee Globe, arranging for the required publication of the Notice of Adoption/Summary of the Ordinance.

Sincerely,

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

  
Craig A. Rolfe

CAR: bj

Enclosures

c: Bert Schipper, Supervisor

MARTIN TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION/SUMMARY  
OF DEFERRED COMPENSATION PLAN ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,  
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board held on June 8, 1994 the Board adopted Ordinance No. 56, which provides for the establishment of a deferred compensation plan. The sections of this ordinance are summarized as follows:

- SECTION I. DEFERRED COMPENSATION PLAN ESTABLISHED. This Section of Ordinance No. 56 provides for the establishment of an "eligible deferred compensation plan" in order to permit an officer, official or employee of the Township to be eligible to defer federal and state income tax liability on a portion of their compensation as allowed by the Internal Revenue Code.
- SECTION II. IMPLEMENTATION. This Section of Ordinance No. 56 provides for the implementation of an eligible deferred compensation plan established pursuant to the ordinance by the execution of appropriate contracts and agreements complying with applicable provisions of the Internal Revenue Code.
- SECTION III. DEFERRED COMPENSATION AGREEMENT. This Section of Ordinance No. 56 provides for an eligible employee desiring to be a participant in the deferred compensation plan to enter into an agreement with the Township in accordance with the Internal Revenue Code.
- SECTION IV. EMPLOYMENT AND OTHER RIGHTS. This Section of Ordinance No. 56 provides that nothing in the ordinance shall be construed to limit the right of the Township to terminate an employee participating in an eligible deferred compensation plan; requires any such implemented plan to comply with all applicable legal requirements; and provides that any benefits payable under such a plan are independent of and in addition to any other retirement plan of the Township, or other applicable benefits plan or program, to the extent not inconsistent with applicable provisions of the Internal Revenue Code.

- SECTION V.        ADMINISTRATION AND INTERPRETATION OF THE PLAN.  
This Section of Ordinance No. 56 provides that an eligible deferred compensation plan established pursuant to the ordinance shall be administered by the Township Board, and the Board has the authority to adopt rules and regulations for the administration of the plan consistent with the provisions of the plan.
- SECTION VI.      TAX EXEMPTION.    This Section of Ordinance No. 56 provides that the eligible deferred compensation plan authorized by the ordinance and the contracts and agreements provided for therein for deferment of compensation are contemplated to comply with applicable provisions of the Internal Revenue Code, but the Township assumes no responsibility for any adverse tax consequences to any plan participant or beneficiary.    This provision of the ordinance further provides that the plan established pursuant to the ordinance, any contract or agreement executed pursuant to the ordinance, and any Township regulations pertaining to deferred compensation are superseded by any contrary Internal Revenue Code revisions or regulations.
- SECTION VII.     RATIFICATION OF EXISTING PLAN.    This Section of Ordinance No. 56 provides that the Township Board ratifies and confirms the validity of any deferred compensation plan in existence on the effective date of this ordinance.
- SECTION VIII.    EFFECTIVE DATE.    This Section of Ordinance No. 56 provides that the Ordinance shall take effect immediately upon publication and that all inconsistent ordinances are repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the original of Ordinance No. 56 may be inspected and a copy of same may be purchased by contacting the Martin Township Clerk, Georgia Kraai, at the address and telephone number set forth below during regular business hours of regular working days, and at such other times as may be arranged.

GEORGIA KRAAI  
Martin Township Clerk

Martin Township Offices  
1499 10th Street  
Martin, MI 49070  
616/672-5193



MARTIN TOWNSHIP  
COUNTY OF ALLEGAN, STATE OF MICHIGAN  
MARTIN TOWNSHIP ORDINANCE NO. 56

Adopted: June 8 1994

Effective: June 15 1994

**(DEFERRED COMPENSATION PLAN ORDINANCE)**

An Ordinance to provide for an eligible deferred compensation plan for officers, officials, or employees of the Township of Martin; to authorize the execution of agreements to implement same; and to provide for the establishment, maintenance and administration of said plan in conformity with the provisions of Section 457 of the Internal Revenue Code, as amended.

MARTIN TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I: DEFERRED COMPENSATION PLAN

In order to permit an officer, official or employee of Martin Township to be eligible to defer a portion of that employee's compensation, said deferred compensation to be paid by the Township or its agent to said officer, official or employee according to the terms of an "Eligible Deferred Compensation Plan" as defined by Section 457 of the Internal Revenue Code, as amended, and thereby to provide future income for said officer, official or employee and to defer federal and state income tax liability resulting from said deferred compensation to the time of receipt by said person, or

beneficiary of said person, the Township of Martin hereby establishes an "Eligible Deferred Compensation Plan" as more fully set forth herein.

#### SECTION II: IMPLEMENTATION

The "Eligible Deferred Compensation Plan" established pursuant to this Ordinance shall be implemented by the execution of contracts and agreements setting forth the terms of the Plan in full compliance with the requirements of Section 457 of the Internal Revenue Code, as amended.

The Township Board, by Resolution, shall provide for the execution of such contracts and agreements complying with Section 457 of the Internal Revenue Code, as amended, as it deems appropriate, and fully setting forth the provisions of the Plan.

#### SECTION III: DEFERRED COMPENSATION AGREEMENT

In the event that any eligible employee, as defined in the "Eligible Deferred Compensation Plan" implemented as provided for in this Ordinance, desires to be a participant in the deferred compensation plan of the Township, an agreement shall be entered into between the Township and said person which shall set forth the terms of said Eligible Deferred Compensation Plan as implemented pursuant to Section II of this Ordinance.

The terms of said agreement shall conform to the requirements of Section 457 of the Internal Revenue Code, as amended, and the provisions of the "Eligible Deferred Compensation Plan" as implemented by the Township Board pursuant to contract and Resolution as hereinbefore provided.

#### SECTION IV: EMPLOYMENT AND OTHER RIGHTS

A. Nothing contained herein shall be construed to limit the right of the Township to terminate the employment of any employee. The Plan, as implemented, shall comply in all respects with the requirements of law for eligible deferred compensation plans.

B. The benefits payable under any agreement executed pursuant to this Ordinance are independent of and in addition to any other retirement plan of the Township, or other Township fringe benefits plan or sheltered annuity program, to the extent same now exist or are hereafter established. Notwithstanding this provision, to the extent that Section 457 of the Internal Revenue Code, as amended, requires that the provisions of the "Eligible Deferred Compensation Plan" implemented pursuant to this Ordinance contain provisions which are inconsistent with the provisions of this subsection B, the provisions of said Section 457 of the Internal Revenue Code as amended shall be deemed to supersede the provisions of this subsection B.

#### SECTION V: ADMINISTRATION AND INTERPRETATION OF THE PLAN

The "Eligible Deferred Compensation Plan" established pursuant to this Ordinance shall be administered by the Township Board of Martin Township. The Board, or its authorized agent or official, shall screen and approve any insurance company seeking to act as agent for the Township in connection with the "Eligible Deferred Compensation Plan." The Township Board shall have full power and authority to adopt rules and regulations for the administration of the plan, provided that they are not inconsistent with the

provisions of the "Eligible Deferred Compensation Plan" and to interpret, alter, amend or revoke any rules or regulations so adopted.

#### SECTION VI: TAX EXEMPTION

It is contemplated that the "Eligible Deferred Compensation Plan" authorized by this Ordinance and the contracts and agreements provided for herein for deferment of compensation shall comply with the Internal Revenue Code, as amended, and specifically Internal Revenue Code Section 457, as amended, pertaining to eligible deferred compensation plans. Any compensation of a participant which is deferred pursuant to the "Eligible Deferred Compensation Plan" adopted pursuant to this Ordinance is intended to not be taxable until actually received by said person or his beneficiary. The administration of the "Eligible Deferred Compensation Plan" and the operation and interpretation of the contracts and agreements provided for herein shall not be accomplished in such a manner as to result in said deferred compensation becoming taxable before the time of receipt by said person or beneficiary. Any provision contained in this Ordinance resulting in the taxability prior to receipt of said deferred compensation shall be deemed to be null and void. However, although it is the belief of Martin Township that the "Eligible Deferred Compensation Plan" and the contracts and agreements provided for herein will result in deferment of federal income tax and Michigan income tax for compensation deferred hereunder, no guarantee is given to any participant or beneficiary as to its non-taxability and Martin Township assumes no

responsibility in the event of any adverse tax consequences to any participant or beneficiary.

Any provision of the "Eligible Deferred Compensation Plan" established pursuant to this Ordinance, or any contract or agreement executed pursuant to this Ordinance, or any Township regulations pertaining to deferred compensation which are contrary to Internal Revenue Code sections or regulations shall be deemed to be superceded by such Internal Revenue Code sections or regulations.

SECTION VII: RATIFICATION OF EXISTING PLAN

The Martin Township Board hereby ratifies and confirms the validity of any deferred compensation plan in existence on the effective date of this ordinance.

SECTION VIII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication. Any Ordinances inconsistent herewith shall be deemed to be repealed by this Ordinance and shall be of no further force and effect.

GEORGIA KRAAI  
Martin Township Clerk  


CLERK'S CERTIFICATE

I, GEORGIA KRAAI, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 8, 1994 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 56, hereinbefore recorded, to become effective immediately upon publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that a summary of Ordinance No. 56 was published in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on June 15, 1994; that said Ordinance No. 56 was recorded in the official Ordinance Book on the \_\_\_\_\_ day of \_\_\_\_\_, 1994; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the \_\_\_\_\_ day of \_\_\_\_\_, 1994.

Dated: \_\_\_\_\_

\_\_\_\_\_  
GEORGIA KRAAI, Clerk  
Martin Township

**ORDINANCE # 57**  
**G.L.A.S.A. AMENDMENT (ARTICLE**  
**V, SECTION E)**  
**EFFECTIVE: MARCH 1, 1995**

**WAYLAND TOWNSHIP  
MARTIN TOWNSHIP  
ORANGEVILLE TOWNSHIP  
YANKEE SPRINGS TOWNSHIP**

**JOINT NOTICE OF ORDINANCE ADOPTION**

**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY AND ORANGEVILLE AND YANKEE SPRINGS, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:**

**PLEASE TAKE NOTICE that the following described Ordinance was adopted by the Township Boards of the Townships of Wayland, Martin, Orangeville and Yankee Springs February 6, 1995, February 8, 1995, February 7, 1995, and February 9, 1995, respectively.**

**WAYLAND TOWNSHIP ORDINANCE NO. 0-01-95  
Adopted: February 6, 1995  
Effective: March 1, 1995**

**MARTIN TOWNSHIP ORDINANCE NO. 57  
Adopted: February 8, 1995  
Effective: March 1, 1995**

**ORANGEVILLE TOWNSHIP ORDINANCE NO. 2-95  
Adopted: February 7, 1995  
Effective: March 1, 1995**

**YANKEE SPRINGS TOWNSHIP ORDINANCE NO. 48  
Adopted: February 9, 1995  
Effective: March 1, 1995**

**An Ordinance to amend the Sewage Disposal System Ordinance of the Township by the amendment of Article V, Section E thereof, User fees, by providing for wastewater flow to be metered; establishing a rate of \$2.68 per 1,000 gallons of flow where wastewater flow is metered; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date.**

**THE TOWNSHIPS OF WAYLAND AND MARTIN,  
ALLEGAN COUNTY, MICHIGAN,**

**AND**

**THE TOWNSHIPS OF ORANGEVILLE AND YANKEE SPRINGS,  
BARRY COUNTY, MICHIGAN,**

**ORDAIN:**

**SECTION I**

**AMENDMENT TO ARTICLE V**

**Article V, Section E, of the Sewage Disposal System Ordinance**



Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the quarter amount of the above schedule applicable to one (1) residential usage equivalent.

The Authority may authorize metering of wastewater flow by use of approved meters paid for by the user. Where metered flow is used as a basis for calculating the user charge, the user fee shall be \$2.68 per 1,000 gallons of flow. Metered flow shall only be used as a basis for billing where the user has paid (or is paying pursuant to contract) a connection charge for more than 10 residential equivalent units. Bills for users whose flow is metered shall be provided in the same manner as bills for nonmetered users.

## SECTION II

### EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on March 1, 1995. All Ordinances or parts of Ordinances that are in conflict herewith are hereby repealed.

Wayland Township  
Martin Township  
Orangeville Township  
Yankee Springs Township

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on the 8th day of February, 1995, at the Martin Township Hall, located at 1499 10th Street, Martin, Michigan, at which the following members were present, the Board enacted and passed Ordinance No. 57, hereinbefore recorded, to become effective March 1, 1995, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nays:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Absent:

\_\_\_\_\_  
\_\_\_\_\_

I do further certify that Ordinance No. 57, was published in the Allegan Gazette, a newspaper printed in Allegan, Michigan, and circulated in Martin Township, on February 23, 1995; and that said Ordinance No. 57 was recorded in the official Ordinance Book on the \_\_\_\_ day of \_\_\_\_\_, 1995.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Georgia Kraai, Clerk  
Martin Township

2-20-95/r

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND  
OF COUNSEL

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

THOMAS M. CANNY  
ROBERT E. THALL

**February 20, 1995**

Bobby Wilkins  
Hastings Banner  
P.O. Box B  
Hastings, MI 49058

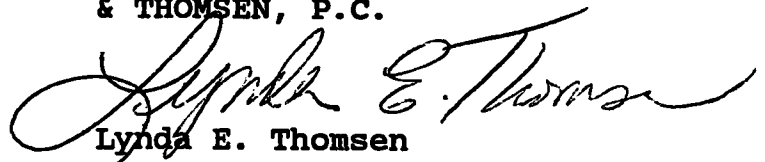
Dear Ms. Wilkins:

Please publish the enclosed Notice of Adoption of Ordinance on Thursday, February 23, 1995.

Please forward the bill for publication to me. After publication please forward two Affidavits of Publication, along with statement for same to each of the following townships: Orangeville Township, P.O. Box 8, Shelbyville, MI 49344 and Yankee Springs Township, 248 N. Briggs Road, Middleville, MI 49333 and forward one Affidavit of Publication to the undersigned.

Very Truly Yours,

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



Lynda E. Thomsen

LET/tlm

Enclosure(s)

cc: Gun Lake Sewer & Water Authority  
Wayland Township  
Martin Township  
Orangeville Township  
Yankee Springs Township

2-20-95

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

**ATTORNEYS AT LAW**

132 WEST SOUTH STREET, SUITE 500

**KALAMAZOO, MICHIGAN 49007-4781**

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND  
OF COUNSEL

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

THOMAS M. CANNY  
ROBERT E. THALL

**February 20, 1995**

**Allegan Gazette✓  
235 North Street  
Allegan, MI 49010**

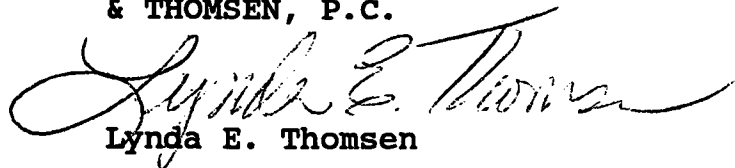
**Attn: Legal Notices**

**Please publish the enclosed Notice of Adoption of Ordinance  
on Thursday, February 23, 1995.**

**Please forward your bill for publication to me. After  
publication please forward two Affidavits of Publication, along  
with statement for same to each of the following townships:  
Wayland Township, 73 127th Avenue, Wayland, MI 49348 and Martin  
Township, 1499 10th Street, Martin, MI 49070 and forward one  
Affidavit of Publication to the undersigned.**

**Very Truly Yours,**

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

  
Lynda E. Thomsen

**LET/tlm**

**Enclosure(s)**

**cc: Gun Lake Sewer and Water Authority  
Wayland Township  
Martin Township  
Orangeville Township  
Yankee Springs Township**

**ORDINANCE # 58**  
**ZONING ORDINANCE TEXT**  
**AMENDMENT (AMEND SECTION 3.1,**  
**ADD SECTION 4.29, AMEND SECTION**  
**9.4, AMEND APPENDIX A)**  
**EFFECTIVE:**

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND  
OF COUNSEL

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

THOMAS M. CANNY  
ROBERT E. THALL

April 24, 1995

Georgia Kraai  
Clerk, Martin Township  
1409 10th Street  
Martin, MI 49070

Re: Proposed Ordinance No. 58  
(Zoning Ordinance Text Amendments)

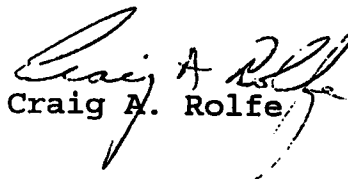
Dear Georgia:

I am enclosing a copy of proposed Ordinance No. 58 for Township Board consideration at the May 10 Board meeting. This proposed ordinance reflects the amendments to the text of the Martin Township Zoning Ordinance recommended for approval by the Martin Township Zoning Board at its March 28 proceedings. These recommendations were approved by the Allegan County Planning Commission on April 10. A copy of the Minutes of those proceedings is enclosed.

Please let me know on May 11 if the proposed ordinance was adopted, so I may proceed with the necessary follow-up processing of the ordinance. As usual, give me a call if any questions or problems arise.

Sincerely,

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

  
Craig A. Rolfe

CAR/lb  
Enclosures  
cc: Terry Sturgis  
John Schipper

TOWNSHIP OF MARTIN  
COUNTY OF ALLEGAN, STATE OF MICHIGAN  
~~MARTIN TOWNSHIP ORDINANCE NO. 24~~

ADOPTED: May 10, 1995  
EFFECTIVE: May 17, 1995

**DRAFT**

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend Section 3.1 of the Martin Township Zoning Ordinance regarding the definition of "Lot"; to add new Section 4.29 to the Martin Township Zoning Ordinance pertaining to private road development; to amend Section 9.4 of the Martin Township Zoning Ordinance pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District; to amend Appendix A to the Martin Township Zoning Ordinance to correct a typographical error; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN  
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION 1

AMENDMENT OF SECTION 3.1 PERTAINING TO DEFINITION OF "LOT"

Section 3.1 of the Martin Township Zoning Ordinance is hereby amended so as to revise the first sentence of the definition for the term "Lot" at subsection 37 therein to read as follows:

"A parcel of land adjoining a dedicated public street, or a private road established and approved pursuant to this Ordinance, but exclusive of any public street right-of-way or any legal easement, and separated from other parcels by legal description, deed, or subdivision plot."

## SECTION II

### ADDING NEW SECTION 4.29 PERTAINING TO PRIVATE ROAD DEVELOPMENT

The Martin Township Zoning Ordinance is hereby amended so as to add a completely new Section 4.29 pertaining to private road development, reading as follows:

#### "4.29 PRIVATE ROAD DEVELOPMENT

1. "Overlay" Special Exception Use: Notwithstanding any other provisions of this Ordinance, in any zoning district where residential development is allowed a lot without the lot width/frontage on a public street required by this Ordinance may be considered a conforming buildable lot for residential development purposes if it has the required lot width/frontage on a private road established and approved as set forth herein. Such private road development is an "overlay" special exception use in all such zoning districts pursuant to the provisions of this Section, the provisions of Article XIII governing special exception uses generally, and Section 4.28 governing site plan review.
2. Application and Process:
  - A. A special exception use application for a private road shall comply with Section 13.2 of this Ordinance, and shall also specifically include the following:
    - (1) A written description of the proposed development to be served by the private road.
    - (2) A site plan complying with Section 4.28 of this Ordinance, and a detailed construction plan including a diagram of the "Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots



adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein. (Notwithstanding the foregoing, a diagram of the "Standard Cross Section and Layout" shall not be required to be submitted as part of the application for a private road proposed to serve 1-3 dwelling units.)

- (3) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefitted lots. Such property owner maintenance agreement, and any revised version of same required by the Zoning Board, shall be in recordable form and shall provide that the obligations thereunder run with the benefitted lots.
  - (4) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Martin Township and Allegan County from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of the proposed private road, and shall extend to the successors and assigns of said lot owners.
- B. The application form and all required application materials shall be reviewed by appropriate Township officials for administrative completeness. An administratively complete application shall be processed and reviewed by the Zoning Board as required by Section 13.2 of this Ordinance; provided, that if the Zoning Board determines that the applicant has met the standards for approval, the approval shall be considered a "tentative" approval unless and until the Zoning Administrator gives final approval pursuant to subsection 6 herein.

3. **Review Standards:** The Zoning Board shall review and decide all special exception use applications for a private road pursuant to the generally applicable standards for reviewing special exception uses in Section 13.1 of this Ordinance. The Zoning Board shall also review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required by subsection 4, 5 or 6 herein (whichever is applicable).
4. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for One-Three Dwelling Units:**
- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
  - B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
  - C. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
  - D. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
  - E. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with stabilized road material, graded parallel to the road surface and extending into the front ditch slope. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches.
  - F. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
  - G. The private road shall be named and signed as requested by and in coordination with the Allegan

County Road Commission and the Allegan County Sheriff's Department.

- H. Upon construction the private road shall be properly maintained.

5. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for Four-Fifteen Dwelling Units:

- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to accommodate vehicle speeds of at least 15 mph.
- D. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods. Side ditches shall have a three on one front slope and a one on two back slope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course.
- E. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
- F. The private road shall have a road bed of at least 18 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDSH 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sand sub-base of at least 12 inches. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting

public street for a distance of at least 50 feet from the center line of the street.

- G. The end of a private road shall include a cul-de-sac with a minimum radius of 30 feet constructed herein as required for the roadway; provided, however, that the Zoning Board may waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.
- H. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
- I. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- J. Upon construction the private road shall be properly maintained.

6. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for more than Fifteen Dwelling Units:

Subsections 5A.- J. are hereby incorporated by reference, with the following exceptions and changes:

- (1) The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- (2) The private road shall have a road bed of at least 22 feet in width, plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed.
- (3) The private road shall be designed and constructed to accommodate vehicle speeds of at least 25 mph.
- (4) The Zoning Board may require the roadway to be paved.
- (5) The end of a private road shall include a cul-de-sac with a minimum radius of 50 feet

constructed herein as required for the roadway; provided, however, that the Zoning Board may decrease or waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

7. **Certification of Construction/Inspection Fee:** Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed in accordance with the approved site plan and construction plan, and the tentative approval of the Zoning Board. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township Engineer as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (Notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road proposed to serve 1-3 dwelling units; the completion of such private road in accordance with the approved site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The Zoning Board's tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:
- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
  - B. Proof of recording in the records of the Allegan County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
  - C. Proof that the applicant has furnished the location and description of the completed private road to the Allegan County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
8. **Issuance of Building Permits:** Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.

9. Driveway Access to Private Road: Lots with frontage on both a private road and a public street shall have their driveways for ingress and egress intersect only the private road.
10. Maintenance and Repair Responsibility: All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefitted lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Allegan County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the Allegan County Road Commission and accepted by said Commission as a dedicated public street.
11. Prior Nonconforming Private Roads/Conforming Private Road Upgrade: Any existing lawfully created private road/drive shall not be extended or expanded to serve additional lots unless such private road is approved by the Zoning Board as provided herein. In addition, a private road approved pursuant to the requirements of this Ordinance for 1-3 or 4-15 dwelling units shall not be extended or otherwise made available to serve more than the approved number of dwelling units unless the road is upgraded and approved by the Zoning Board for such expanded use pursuant to the special exception use process set forth herein."

### SECTION III

#### AMENDMENT OF SECTION 9.4 PERTAINING TO MINIMUM LOT AREA FOR A MULTI-FAMILY DWELLING IN THE "R-3" MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

Section 9.4, subsection 1.D., of the Martin Township Zoning Ordinance, pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District, is hereby amended so as to read as follows:

"Multi-family dwelling (not in mobile home park): 4,500 square feet per dwelling unit for lots served with public sewer and water; 10,000 square feet per dwelling unit for lots not served with public water and sewer."

#### SECTION IV

##### AMENDMENT OF APPENDIX A TO CORRECT TYPOGRAPHICAL ERROR

Appendix A to the Martin Township Zoning Ordinance is hereby amended to correct a typographical error in the legal description for the portion of land Section 16 zoned "R-3" Medium Density Residential and Mobile Home Park District, by revising the pertinent language to read as follows:

"The southeast quarter of the northwest quarter of Section 16."

#### SECTION V

##### EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk  
Martin Township

**TOWNSHIP OF MARTIN**  
**COUNTY OF ALLEGAN, STATE OF MICHIGAN**

**MARTIN TOWNSHIP ORDINANCE NO. 58**

**ADOPTED: May 10, 1995**

**EFFECTIVE: May 17, 1995**

**(ZONING ORDINANCE TEXT AMENDMENTS)**

An Ordinance to amend Section 3.1 of the Martin Township Zoning Ordinance regarding the definition of "Lot"; to add new Section 4.29 to the Martin Township Zoning Ordinance pertaining to private road development; to amend Section 9.4 of the Martin Township Zoning Ordinance pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District; to amend Appendix A to the Martin Township Zoning Ordinance to correct a typographical error; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN**  
**ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**AMENDMENT OF SECTION 3.1 PERTAINING TO DEFINITION OF "LOT"**



Section 3.1 of the Martin Township Zoning Ordinance is hereby amended so as to revise the first sentence of the definition for the term "Lot" at subsection 37 therein to read as follows:

"A parcel of land adjoining a dedicated public street, or a private road established and approved pursuant to this Ordinance, but exclusive of any public street right-of-way or any legal easement, and separated from other parcels by legal description, deed, or subdivision plot."

## SECTION II

### ADDING NEW SECTION 4.29 PERTAINING TO PRIVATE ROAD DEVELOPMENT

The Martin Township Zoning Ordinance is hereby amended so as to add a completely new Section 4.29 pertaining to private road development, reading as follows:

#### "4.29 PRIVATE ROAD DEVELOPMENT

1. **"Overlay" Special Exception Use:** Notwithstanding any other provisions of this Ordinance, in any zoning district where residential development is allowed a lot without the lot width/frontage on a public street required by this Ordinance may be considered a conforming buildable lot for residential development purposes if it has the required lot width/frontage on a private road established and approved as set forth herein. Such private road development is an "overlay" special exception use in all such zoning districts pursuant to the provisions of this Section, the provisions of Article XIII governing special exception uses generally, and Section 4.28 governing site plan review.
2. **Application and Process:**
  - A. A special exception use application for a private road shall comply with Section 13.2 of this Ordinance, and shall also specifically include the following:

- (1) A written description of the proposed development to be served by the private road.
- (2) A site plan complying with Section 4.28 of this Ordinance, and a detailed construction plan including a diagram of the "Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein. (Notwithstanding the foregoing, a diagram of the "Standard Cross Section and Layout" shall not be required to be submitted as part of the application for a private road proposed to serve 1-3 dwelling units.)
- (3) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefitted lots. Such property owner maintenance agreement, and any revised version of same required by the Zoning Board, shall be in recordable form and shall provide that the obligations thereunder run with the benefitted lots.
- (4) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Martin Township and Allegan County from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of

the proposed private road, and shall extend to the successors and assigns of said lot owners.

- B. The application form and all required application materials shall be reviewed by appropriate Township officials for administrative completeness. An administratively complete application shall be processed and reviewed by the Zoning Board as required by Section 13.2 of this Ordinance; provided, that if the Zoning Board determines that the applicant has met the standards for approval, the approval shall be considered a "tentative" approval unless and until the Zoning Administrator gives final approval pursuant to subsection 6 herein.
- 3. **Review Standards:** The Zoning Board shall review and decide all special exception use applications for a private road pursuant to the generally applicable standards for reviewing special exception uses in Section 13.1 of this Ordinance. The Zoning Board shall also review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required by subsection 4, 5 or 6 herein (whichever is applicable).
  - 4. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for One-Three Dwelling Units:**
    - A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
    - B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
    - C. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
    - D. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements

of the Allegan County Road Commission and the Allegan County Drain Commissioner.

- E. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with stabilized road material, graded parallel to the road surface and extending into the front ditch slope. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches.
- F. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
- G. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- H. Upon construction the private road shall be properly maintained.

5. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for Four-Fifteen Dwelling Units:**

- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to accommodate vehicle speeds of at least 15 mph.
- D. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods. Side ditches shall have a three on one front slope and a one on two

back slope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course.

- E. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
- F. The private road shall have a road bed of at least 18 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDSH 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sand sub-base of at least 12 inches. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting public street for a distance of at least 50 feet from the center line of the street.
- G. The end of a private road shall include a cul-de-sac with a minimum radius of 30 feet constructed herein as required for the roadway; provided, however, that the Zoning Board may waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.
- H. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
- I. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- J. Upon construction the private road shall be properly maintained.

6. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for more than Fifteen Dwelling Units:**

Subsections 5A.- J. are hereby incorporated by reference, with the following exceptions and changes:

- (1) The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- (2) The private road shall have a road bed of at least 22 feet in width, plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed.
- (3) The private road shall be designed and constructed to accommodate vehicle speeds of at least 25 mph.
- (4) The Zoning Board may require the roadway to be paved.
- (5) The end of a private road shall include a cul-de-sac with a minimum radius of 50 feet constructed herein as required for the roadway; provided, however, that the Zoning Board may decrease or waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

7. **Certification of Construction/Inspection Fee:** Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed in accordance with the approved site plan and construction plan, and the tentative approval of the Zoning Board. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township

Engineer as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (Notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road proposed to serve 1-3 dwelling units; the completion of such private road in accordance with the approved site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The Zoning Board's tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:

- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
  - B. Proof of recording in the records of the Allegan County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
  - C. Proof that the applicant has furnished the location and description of the completed private road to the Allegan County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
8. **Issuance of Building Permits:** Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.
9. **Driveway Access to Private Road:** Lots with frontage on both a private road and a public street shall have their driveways for ingress and egress intersect only the private road.
10. **Maintenance and Repair Responsibility:** All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefitted lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Allegan County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the Allegan County Road Commission and accepted by said Commission as a dedicated public street.

11. **Prior Nonconforming Private Roads/Conforming Private Road Upgrade:** Any existing lawfully created private road/drive shall not be extended or expanded to serve additional lots unless such private road is approved by the Zoning Board as provided herein. In addition, a private road approved pursuant to the requirements of this Ordinance for 1-3 or 4-15 dwelling units shall not be extended or otherwise made available to serve more than the approved number of dwelling units unless the road is upgraded and approved by the Zoning Board for such expanded use pursuant to the special exception use process set forth herein."

### SECTION III

#### AMENDMENT OF SECTION 9.4 PERTAINING TO MINIMUM LOT AREA FOR A MULTI-FAMILY DWELLING IN THE "R-3" MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

Section 9.4, subsection 1.D., of the Martin Township Zoning Ordinance, pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District, is hereby amended so as to read as follows:

"Multi-family dwelling (not in mobile home park): 4,500 square feet per dwelling unit for lots served with public sewer and water; 10,000 square feet per dwelling unit for lots not served with public water and sewer."

### SECTION IV

#### AMENDMENT OF APPENDIX A TO CORRECT TYPOGRAPHICAL ERROR

Appendix A to the Martin Township Zoning Ordinance is hereby amended to correct a typographical error in the legal description for the portion of land Section 16 zoned "R-3" Medium Density



Residential and Mobile Home Park District, by revising the pertinent language to read as follows:

"The southeast quarter of the northwest quarter of Section 16."

#### SECTION V

##### EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk  
Martin Township

# **ORDINANCE # 59**

**TOWNSHIP OF MARTIN**  
**COUNTY OF ALLEGAN, STATE OF MICHIGAN**

**MARTIN TOWNSHIP ORDINANCE NO. 59**

**ADOPTED: JULY 12, 1995**

**EFFECTIVE: JULY 19, 1995**

**(REZONINGS OF PROPERTY IN SECTIONS 19 AND  
15 AND CORRESPONDING LAND USE PLAN AMENDMENTS)**

An Ordinance to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Sections 19 and 15 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designation of the rezoned property; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN**  
**ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**REZONING OF PROPERTY IN SECTION 19**

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "R-2" Low Density Residential District zoning classification to the "C-2" General Business District zoning classification the following described property in land Section 19 of the Township:

Commencing at the south 1/8 post of the southwest quarter of Section 19, thence north 621.00 feet along the north and south 1/8 line of said southwest quarter of Section 19 to the point of beginning, thence north 162.00 feet along said 1/8 line, thence east 200.00 feet, thence south 162.00 feet parallel with said 1/8 line, thence west 200.00 feet to the point of beginning, excepting that southerly portion of same that is presently zoned "C-2" General Business District (approximately the south 39 feet of the described area).

## SECTION II

### AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section I of this ordinance from the Low Density Residential classification to the General Business classification.

## SECTION III

### REZONING OF PROPERTY IN SECTION 15

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 15 of the Township:

Commencing at a point on the south line of Section 15, 867 feet west of the southeast corner of Section 15, thence north 3° 48' east 865.10 feet, thence north 46° 44' 20" east 409.10 feet to the center line of the ditch, thence north 54° 17' 20" west 135.3 feet to Pratt Lake, thence southerly along Pratt Lake to the north and south 1/8 line of the southeast quarter of Section 15, thence south on the 1/8 line to the south line of Section 15, thence east on the south line of Section 15 466.53 feet

to the place of beginning, excepting that portion of same bordering the meander line of Pratt Lake to a depth of 200 feet (which is presently zoned "R-2" Low Density Residential).

#### SECTION IV

##### AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section III of this ordinance from the Agricultural classification to the Low Density Residential classification.

#### SECTION V

##### EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk  
Martin Township

# **ORDINANCE # 60**

**TOWNSHIP OF MARTIN**  
**COUNTY OF ALLEGAN, STATE OF MICHIGAN**

**MARTIN TOWNSHIP ORDINANCE NO. 60**

**ADOPTED: September 13, 1995**

**EFFECTIVE: September 20, 1995**

**(REZONING OF PROPERTY IN SECTION 30 AND  
CORRESPONDING LAND USE PLAN AMENDMENT)**

An Ordinance to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Section 30 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designation of the rezoned property; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN  
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 30

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "C-2" General Business District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 30 of the Township:

Commencing 65768 feet north of the southwest corner of Section 30, thence north 1986.64 feet, thence east 801.36 feet to the west right-of-way line of U.S. 131, thence southeasterly along said right-of-way 2001.94 feet, thence west 1065.79 feet to the point of beginning; accepting the westerly 50 feet thereof.

## SECTION II

### AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section I of this ordinance from the General Business classification to the Low Density Residential classification.

## SECTION III

### EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk  
Martin Township