

**ORDINANCE # 61
ZONING ORDINANCE TEXT
AMENDMENT (DELETE
SECTION 4.11, AMEND SECTION
11.2 AND 11.3)**

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

November 30, 1995

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

Re: Proposed Ordinance No. 61
(Zoning Ordinance Text Amendments)

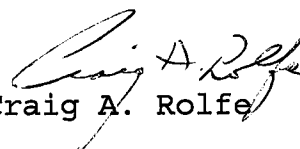
Dear Georgia:

I am enclosing a copy of proposed Ordinance No. 61 for Township Board consideration at the December 13 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 October 18 proceedings. These recommendations were approved by the Allegan County Planning Commission on November 13. A copy of the Minutes of those proceedings is enclosed.

Please let me know on December 14 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/le
Enclosures
cc: Terry Sturgis
John Schipper

PS: Please note that the enclosed proposed ordinance does not include one other zoning ordinance text amendment that was reviewed by the Township Zoning Board on October 18 and also reviewed by the County Planning Commission on November 13. This other matter involved a proposal to amend Section 11.4,

subsection 6 of the zoning ordinance as proposed by the US 131 Raceway so as to increase the maximum building or structure height requirement in the C-2 General Business zoning district from 35 feet to 65 feet, across the board. The Zoning Board did not recommend this proposed amendment, and the County Planning Commission agreed with this action of the Zoning Board recommending denial of the request to amend Section 11.4, as presented.

If the Township Board agrees with the Zoning Board recommendation to not amend Section 11.4, subsection 6, in the manner requested by the US 131 Raceway, then the Township Board should adopt a motion to this effect at the December 13 meeting.

If the Township Board does have interest in approving the US 131 Raceway amendment of Section 11.4 the applicable statutory procedures require that the matter first be referred back to the Township Zoning Board for further review and consideration of their initial recommendation on the matter. Accordingly, this particular matter is not part of proposed Ordinance No. 61.

Finally, the Township Board should be aware that the Zoning Board is apparently interested in pursuing a more limited change to the structure height requirements, and made a recommendation in that regard at its October 18 proceedings, concerning Section 4.13 of the zoning ordinance. However, this particular proposal was not noticed for hearing at the October 18 Zoning Board proceedings, so the Zoning Board recommendation on the matter at that time cannot be submitted to the Township Board for formal action. The Zoning Board does have a public hearing scheduled for December 6 on its more limited proposal to amend Section 4.13 of the zoning ordinance. After the Zoning Board makes a recommendation on that new proposal it will of course be submitted to the County Planning Commission as required by law and be brought before the Township Board as soon as possible thereafter.

I realize this may be about as clear as mud, so I will try to have a telephone conversation with the Supervisor before the December 13 Township Board meeting.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 61

ADOPTED: _____

EFFECTIVE: _____

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to delete Section 4.11 of the Martin Township Zoning Ordinance; to amend Sections 11.2 and 11.3 of the Martin Township Zoning Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

DELETION OF SECTION 4.11 PERTAINING TO
SETBACKS FOR STRUCTURES ADJACENT TO STREETS

Section 4.11 of the Martin Township Zoning Ordinance is hereby deleted in its entirety.

Editorial Note: This change deletes from the Zoning Ordinance certain special setback requirements that were sometimes conflicting with other provisions of the Zoning Ordinance specifying the road setback requirements applicable in the various zoning districts. These other generally applicable provisions are not affected by this change.

SECTION II

AMENDMENT OF SECTIONS 11.2 AND 11.3 PERTAINING TO USES IN THE C-2 GENERAL BUSINESS DISTRICT

Section 11.2 of the Martin Township Zoning Ordinance is hereby amended so as to delete subsection 3 therein (presently designating "amusement enterprises" as a permitted use in the C-2 General Business District).

Section 11.2 of the Martin Township Zoning Ordinance is hereby further amended so as to designate "automotive raceway" as a permitted use in the C-2 General Business District, as a new subsection 3 therein.

Section 11.3 of the Martin Township Zoning Ordinance is also hereby amended so as to add a new subsection 6 therein designating "amusement enterprises" as a special exception use in the C-2 General Business District.

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

ORDINANCE # 62
ZONING ORDINANCE BOOK
REPLACEMENT PAGES

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

December 15, 1995

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

Re: Zoning Ordinance Book Replacement Pages

Dear Georgia:

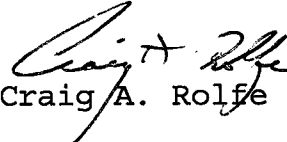
Enclosed is one "master" set of new pages 25, 65 and 68 of the Martin Township Zoning Ordinance. These replacement pages were generated as a result of the recent adoption of Ordinance No 62 amending the Zoning Ordinance in several respects.

Please take care of the distribution of these new pages to various Township officials. In this regard, please distribute 3-hole punched sets of these replacement pages to each member of the Township Board, Zoning Board, Zoning Board of Appeals, and to any other Township official who has a complete Zoning Ordinance book, such as the Township's Ordinance Enforcement Officers. Existing pages 25, 65 and 68 should be discarded.

Thank you for your assistance in this regard.

Sincerely,

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


Craig A. Rolfe

CAR/le

Enclosure

cc: Terry Sturgis (w/o enc)
John Schipper (w/o enc)

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
 4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.
 5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-2" Low Density Residential zoning district.
- 4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.
- 4.11 (Deleted by Ordinance No. 63, adopted 12/13/95).
- 4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. All permitted uses allowed in the C-1 Neighborhood Business District.
2. Ambulance services.
3. Automotive raceway.
4. Antique shop, provided all articles for sale are displayed or stored within the shop.
5. Automotive and other vehicle sales.
6. Automotive repair shop or garage, including major repair operations.
7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
8. Bank, loan and finance offices including drive-in branches.
9. Bowling alley, including bars and restaurant.
10. Bus station and travel agency.
11. Business or trade school.
12. Car wash facility.
13. Catering service, delicatessen and confectionery store.
14. Clinic - dental and medical including laboratory.
15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.

3. Theater, drive-in, in accordance with Section 4.26 of this Ordinance.
4. Landing and take-off areas for roto-craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

6. Amusement enterprises.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENT: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

December 18, 1995

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

Re: Cover Page for Zoning Ordinance


Dear Georgia:

After I sent out the replacement pages for the zoning ordinance books last week I noticed that the cover page of the zoning ordinance has not been changed for some time. Since the substantive pages of the zoning ordinance books are being kept up-to-date it would probably be nice if the cover page was also.

So, a revised cover page is now enclosed for you to copy and distribute to the usual people, three hole punched. Thanks.

Sincerely,

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


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis (w/o enc)
John Schipper (w/o enc)

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

MARTIN TOWNSHIP ZONING ORDINANCE
(Ordinance No. 30, as amended)
Adopted Date: September 10, 1986
Effective Date: September 24, 1986

REVISED THROUGH ORDINANCE NO. 62
ADOPTED DECEMBER 13, 1995
EFFECTIVE DECEMBER 20, 1995

ORDINANCE # 63

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 63

ADOPTED: December 13, 1995

**EFFECTIVE: January 20, 1996 (or upon
approval by State Construction Code Commission)**

STATE MECHANICAL AND PLUMBING CODES ORDINANCE

An Ordinance to assume responsibility for administration and enforcement of certain portions of the State Construction Code Act of 1972 (1972 PA 230), as amended, and the State Construction Code promulgated thereunder, within the political boundaries of the Township of Martin; and to provide for the designation of an enforcing agency to discharge the responsibilities of the Township hereunder, and to reserve the right to provide by agreement or contract with any other township, village, city or county for joint administration and enforcement hereunder; and to provide for the establishment of a fee schedule by the Township Board; and to provide for criminal penalties and civil remedies for the violation of this Ordinance or the portions of the Act or State Construction Code promulgated thereunder and adopted herein; and to repeal all existing Township ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the Martin Township State Mechanical and Plumbing Codes Ordinance.

SECTION II

ASSUMPTION OF CERTAIN STATE CONSTRUCTION CODE/ ACT RESPONSIBILITIES BY TOWNSHIP

In accordance with and pursuant to Section 8 and Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of portions of said Act within its political boundaries, and hereby adopts by reference portions of the State Construction Code currently in effect and as same may from time to time be modified or amended; specifically, the portions of said Act and State Construction Code constituting and pertaining to the Mechanical Code and Plumbing Code of the State of Michigan, and all other administrative portions of said Act/State Construction Code pertinent thereto.

This Section shall be construed to reverse any previous actions of the Township, if any, exempting the Township from said specified portions of the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes.

SECTION III

DESIGNATION OF ENFORCING AGENCY/ RESERVATION OF RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

In accordance with the aforereferenced Act, and pursuant to the provisions of the State Construction Code, the Martin Township Board is hereby authorized to designate by resolution an enforcing agency that shall discharge the responsibilities of the Township under the portions of said Act and the State Construction Code promulgated thereunder and adopted herein, which shall be any person or persons qualified by experience or training to perform the duties associated with construction code administration and enforcement, and otherwise in accordance with the Building Officials and Inspectors Registration Act (1986 Public Act 54; MCLA 338.2301 et seq). The Board is further authorized to remove by resolution any such person(s) from said position, in the sole discretion of said Board. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county in the State of Michigan for joint enforcement and administration of this Ordinance and the portions of the Act and the State Construction Code promulgated thereunder and adopted herein.

SECTION IV

ESTABLISHMENT OF FEE SCHEDULE

The Martin Township Board is hereby given the authority to establish by resolution at any public meeting a schedule of fees,

rates and charges for the administration and enforcement of this Ordinance and the portions of the Act and the State Construction Code promulgated thereunder and adopted herein, and for the conducting of various activities authorized by said Act/Code and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Township Board shall further have the right to amend by resolution the aforementioned schedule from time to time within the foregoing limits of reasonableness.

SECTION V

VIOLATIONS/PENALTIES

Any violation of this Ordinance or the portions of the Act or the State Construction Code promulgated thereunder and adopted herein shall be a misdemeanor punishable upon conviction by a fine not to exceed \$500.00, plus costs, and/or imprisonment in the County Jail for a term not to exceed 90 days. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance and said Act and Code.

SECTION VI

SEVERABILITY

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

SECTION VII

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith, including any mechanical or plumbing codes/ordinances previously adopted by the Township, if any, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Georgia Kraai, Clerk
Township of Martin

**ORDINANCE # 64
ZONING ORDINANCE TEXT
AMENDMENTS AND REZONINGS OF
PROPERTY IN SECTIONS 30 AND 35
AND CORRESPONDING LAND USE
PLAN AMENDMENTS**

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

December 19, 1995

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

Re: Proposed Ordinance (Zoning Ordinance Text Amendments and
Rezoning/Land Use Plan Amendments)


Dear Georgia:

Pursuant to a public hearing held December 6 the Martin Township Zoning Board has made recommendations on two zoning ordinance text amendment proposals and two proposed rezonings/Land Use Plan amendments. These recommendations were submitted to the Allegan County Planning Commission on December 7, but the County Planning Commission declined to consider these matters at their subsequent meeting, notwithstanding a personal appeal by John Schipper that they do so. This means that the County will not act upon these Zoning Board recommendations until their next meeting, which I understand is on January 8, two days before the January Township Board meeting. Since the statutory 30 day county review opportunity will elapse on or about January 8, the Martin Township Board may legally act upon the Zoning Board recommendations at the January 10 Township Board meeting, regardless of whatever action is taken on these matters on January 8 by the County Planning Commission.

Accordingly, I am enclosing a proposed Ordinance incorporating the December 6 Zoning Board recommendations, for consideration at the January 10 Township Board meeting. Please let me know on January 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/le
Enclosures
cc: Terry Sturgis
John Schipper

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 64

ADOPTED: January 17, 1996

DRAFT

EFFECTIVE: January 17, 1996

(ZONING ORDINANCE TEXT AMENDMENTS, AND
REZONINGS OF PROPERTY IN SECTIONS 30 AND
35 AND CORRESPONDING LAND USE PLAN AMENDMENTS)

An Ordinance to amend the text of Sections 4.13 and 6.3 of the Martin Township Zoning Ordinance; to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Sections 30 and 35 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designations 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

AMENDMENT OF SECTION 4.13 PERTAINING TO
HEIGHT EXCEPTIONS FOR BUILDINGS/STRUCTURES

Section 4.13 of the Martin Township Zoning Ordinance is hereby amended to read as follows:

"4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, light towers, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing

necessary mechanical appurtenances, television and radio reception and transmission antennas and towers which do not exceed fifty feet in height, and grandstand structures and attached press boxes and viewing suites which do not exceed fifty-five feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building."

SECTION II

AMENDMENT OF SECTION 6.3 PERTAINING TO SPECIAL EXCEPTION USES IN THE AGRICULTURAL DISTRICT

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended so as to revise subsection 18 therein to read as follows:

"18. Custom race car chassis assembly, and automotive engine or other component rebuilding, including minor fabrication, and sales of high performance automotive parts."

SECTION III

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 "R-1" Rural Estates 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 at a point 70 rods north of the southeast corner of Section 30, thence north 50 rods, thence west to the north and south 1/4 line of Section 30, thence south to the railroad right-of-way, thence southeasterly along the easterly side of the railroad right-of-way to a point due west of the point of beginning, thence east to the point of beginning; except the north 330 feet thereof."

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 so as to be consistent with the "R-2" Low Density Residential zoning classification.

SECTION V

REZONING OF PROPERTY IN SECTION 35

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-1" Rural Estates District zoning classification the following described property in land Section 35 of the Township:

"A parcel of land commencing 529 feet north of the southeast corner of Section 35, thence north 281 feet, thence west 297 feet, thence south to the north line of the Michigan Railway right-of-way, thence southeast along that right-of-way to the point of beginning; except the north 125 feet thereof."

SECTION VI

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 V of this ordinance so as to be consistent with the "R-1" Rural Estates zoning classification.

SECTION VII

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. 64

ADOPTED: January 10, 1996

EFFECTIVE: January 17, 1996

**(ZONING ORDINANCE TEXT AMENDMENTS, AND
REZONINGS OF PROPERTY IN SECTIONS 30 AND
35 AND CORRESPONDING LAND USE PLAN AMENDMENTS)**

An Ordinance to amend the text of Sections 4.13 and 6.3 of the Martin Township Zoning Ordinance; to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Sections 30 and 35 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designations 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

**AMENDMENT OF SECTION 4.13 PERTAINING TO
HEIGHT EXCEPTIONS FOR BUILDINGS/STRUCTURES**

Section 4.13 of the Martin Township Zoning Ordinance is hereby amended to read as follows:

"4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning

districts: parapet walls not exceeding four feet in height, chimneys, light towers, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, television and radio reception and transmission antennas and towers which do not exceed fifty feet in height, and grandstand structures and attached press boxes and viewing suites which do not exceed fifty-five feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building."

SECTION II

AMENDMENT OF SECTION 6.3 PERTAINING TO SPECIAL EXCEPTION USES IN THE AGRICULTURAL DISTRICT

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended so as to revise subsection 18 therein to read as follows:

"18. Custom race car chassis assembly, and automotive engine or other component rebuilding, including minor fabrication, and sales of high performance automotive parts."

SECTION III

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 "R-1" Rural Estates 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 at a point 70 rods north of the southeast corner of Section 30, thence north 50 rods, thence west

to the north and south 1/4 line of Section 30, thence south to the railroad right-of-way, thence southeasterly along the easterly side of the railroad right-of-way to a point due west of the point of beginning, thence east to the point of beginning; except the north 330 feet thereof."

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 so as to be consistent with the "R-2" Low Density Residential zoning classification.

SECTION V

REZONING OF PROPERTY IN SECTION 35

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-1" Rural Estates District zoning classification the following described property in land Section 35 of the Township:

"A parcel of land commencing 529 feet north of the southeast corner of Section 35, thence north 281 feet, thence west 297 feet, thence south to the north line of the Michigan Railway right-of-way, thence southeast along that right-of-way to the point of beginning; except the north 125 feet thereof."

SECTION VI

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 V of this ordinance so as to be consistent with the "R-1" Rural Estates zoning classification.

SECTION VII

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 # 65
AMENDMENT OF STATE
MECHANICAL AND PLUMBING
CODES ORDINANCE**



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

August 22, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen. P.C.
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

Thank you for your prompt response to my August 20, 1996, letter.

The applications, Ordinance No. 65, and amendment to Ordinance No. 65 will be presented for approval to the State Construction Code Commission at its next scheduled meeting of September 12, 1996.

This office will be in contact with the township following the meeting, informing them of the Commission's action on their applications and ordinances.

If you have any questions, please feel free to contact me.

Sincerely,

Mark Sisco
Deputy Director

MS/la

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

August 22, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of
Consumer & Industry Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Amendment of Martin Township Ordinance No. 65
State Mechanical and Plumbing Codes Ordinance

Dear Mr. Sisco:


With reference to your letter of August 22 received by fax today, thank you for your quick attention to this matter. Please be advised that the proposed amendment to Ordinance No. 65 is now being submitted to the Martin Township Board for approval at its next meeting, which I understand is September 11. I am absolutely certain that this amendatory ordinance will be adopted unless some horrible disaster occurs.

Thus, pursuant to your letter of August 22 we are expecting Martin Township Ordinance No. 65, and the proposed amendatory ordinance, to be submitted to the Construction Code Commission for approval at its September 12 meeting in conjunction with the Township's Application to Administer and Enforce the State Mechanical and Plumbing Codes.

After the Township Board meeting I will formally submit the amendatory ordinance to you with the appropriate ordinance number and adopted and effective dates, but this should just be a formality. Please contact me if you see any problems in the meantime.

Sincerely,

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


Craig A. Rolfe

CAR/le
cc: Terry Sturgis
Tracie Moored

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

August 22, 1996

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: Proposed Amendment of Ordinance No. 65 (State Mechanical
and Plumbing Codes Ordinance)

Dear Terry:

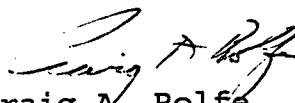
By letter faxed to me today (copy enclosed) the Bureau of Construction Codes has informed me that Ordinance No. 65 and the proposed amendment to that ordinance will be presented for approval to the State Construction Code Commission at its September 12 meeting. Thus, it is very important that the amendment to Ordinance No. 65 be adopted by the Township Board at your September 11 meeting. A copy of this proposed ordinance is enclosed.

If you or the Clerk will give me a call the day after your meeting I will provide the Clerk with an as-adopted original of the ordinance with the appropriate adopted and effective dates for filing in the Township records, and otherwise take care of the post-adoption legal requirements. When you or Tracie call please be sure to indicate the number for this ordinance.

Unless the Bureau once again does a number on us I think we are finally going to get this construction code matter straightened out.

Sincerely,

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


Craig A. Rolfe

CAR/le
Enclosure
cc: Tracie Moored

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. _____

ADOPTED: _____

DRAFT

EFFECTIVE: _____

AMENDMENT OF STATE MECHANICAL AND PLUMBING CODES ORDINANCE
(ORDINANCE NO. 65 ADOPTED 2/14/96)

An Ordinance to amend Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996).

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

ASSUMPTION OF CERTAIN STATE CONSTRUCTION
CODE/ACT RESPONSIBILITIES BY TOWNSHIP

Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996) is hereby amended to read as follows:

"In accordance with and pursuant to Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of said Act and the State Mechanical Code and State Plumbing Code and all other administrative portions of said Act/State Construction

Code pertinent thereto currently in effect and as same may from time to time be modified or amended; the Township having previously similarly assumed responsibility for the administration and enforcement of the State Building Code and State Electrical Code pursuant to Ordinance No. 45 adopted April 14, 1993 and accepted by the State Construction Code Commission on July 7, 1993.

This Section shall be construed to reverse any previous actions of the Township, if any, that exempted the Township from the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes."

SECTION II

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Tracie Moored, Clerk
Township of Martin

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

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

THOMAS M. CANNY
ROBERT E. THALL

HARRY F. SMITH
1906-1972

July 23, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of Labor
P.O. Box 30254
Lansing, Michigan 48909

Re: Martin Township Ordinance No. 65
State Mechanical and Plumbing Codes Ordinance

Dear Mr. Sisco:

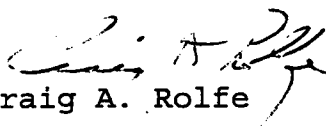
By letter dated February 15, 1996 we submitted for State Construction Code Commission approval Martin Township Ordinance No. 65, which provides for Martin Township (Allegan County) to assume responsibility for administration and enforcement of the State Mechanical Code and State Plumbing Code within Martin Township.

Shortly after the March Commission meeting you informed me that the ordinance was not submitted to the Commission at that time because the Bureau had not also received the appropriate Application for Approval to Administer and Enforce for the mechanical and plumbing codes. The Township Supervisor has called today inquiring about the status of the ordinance, indicating that the appropriate Applications to Administer and Enforce were submitted to the Bureau some time ago.

Accordingly, please advise me of the status of Martin Township Ordinance No. 65 relative to Commission approval. Thank you.

Sincerely,

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


Craig A. Rolfe

CAR/le

cc: Terry Sturgis, Martin Township Supervisor
Tracie Moored, Martin Township Clerk



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

July 30, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen. P.C.
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

I am writing regarding your letter received July 24, 1996, concerning the township's Applications for Approval to Administer and Enforce the state mechanical and plumbing codes and Ordinance No. 65.

The applications and Ordinance No. 65 will be presented for approval to the State Construction Code Commission at its next scheduled meeting of September 12, 1996.

Following the meeting, this office will be in contact with the township informing them of the Commission's action on their applications and ordinance.

If you have any questions, please feel free to contact me.

Sincerely,

Mark Sisco
Deputy Director

MS/la

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

August 1, 1996

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: Ordinance No. 65 (State Mechanical and Plumbing Codes
Ordinance)


Dear Terry:

Enclosed is a copy of a July 30 letter from the Bureau of
Construction Codes advising that Ordinance No. 65 will be presented
to the State Construction Code Commission for approval at its next
meeting scheduled for September 12.

I will be in touch with you upon hearing from the Bureau after
this meeting.

Sincerely,

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


Craig A. Rolfe

CAR/le
Enclosure
cc: Tracie Moored

FILED
8-21-96

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

August 21, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of
Consumer & Industry Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Amendment of Martin Township Ordinance No. 65
State Mechanical and Plumbing Codes Ordinance

Dear Mr. Sisco:

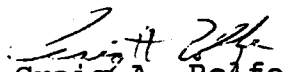
Your letter of August 20, 1996 advises that Martin Township Ordinance No. 65 is not acceptable, notwithstanding your letter of July 30, 1996 indicating that the ordinance would be presented for approval to the State Construction Code Commission at its September 12 meeting.

We hope you understand that this is quite a frustrating situation for the Township, especially in light of the fact that your most-recent thinking about the sufficiency of the ordinance language was only brought to light pursuant to our recent telephone conversation discussing the sufficiency of a similar ordinance submitted for another Township. The bottom line is that the Township of course desires to simply get this administrative problem resolved.

For this reason I am enclosing a proposed amendatory ordinance for your review, amending Section II of Ordinance No. 65 to address your most recent concern. Before I even submit this proposed ordinance to the Township I would like you to advise, in writing, whether the Bureau will once again recommend Commission approval of Martin Township Ordinance No. 65 pursuant to the contemplated adoption of the amendatory ordinance at the next Township Board meeting, which will be held before the September 12 Construction Code Commission meeting. Considering the circumstances I hope you will be able to attend to this within the next couple days and fax me your response so I can proceed accordingly with the Township Board for their next meeting.

Sincerely,

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


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis
Tracie Moored

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

October 10, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of
Consumer & Industry Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Adoption of Martin Township Ordinance No. 66, Amending
State Mechanical and Plumbing Codes Ordinance (Ordinance
No. 65)

Dear Mr. Sisco:

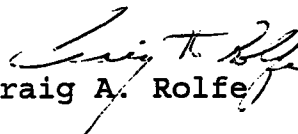
Pursuant to your letter of September 24 you advised that Martin Township Ordinance No. 65 (State Mechanical and Plumbing Codes Ordinance) and the proposed amendment to that ordinance received by you on August 21 were approved by the Construction Code Commission at its meeting on September 12, 1996. You further advised that once the amending ordinance is formally adopted and a copy is forwarded to your office the Township will be notified of the date it becomes responsible for the administration and enforcement of the state mechanical and plumbing codes within the Township.

I am pleased to enclose a copy of the amending ordinance, Ordinance No. 66, adopted by the Martin Township Board on October 9, 1996. Accordingly, we now anxiously await your formal authorization for the Township to assume responsibility for the administration and enforcement of the state mechanical and plumbing codes within Martin Township. We request that this authorization be coordinated with the effective date of the amendatory ordinance stated at the top of Ordinance No. 66.

Thank you in advance for your attention to this matter.

Sincerely,

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


Craig A. Rolfe

CAR/le

Enclosure

cc: Terry Sturgis (w/o enc)
Tracie Moored (w/o enc)
Kirk Scharphorn (w/ enc, including various materials received
with Sisco 9/24/96 letter)

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 65

ADOPTED: February 14, 1996

**EFFECTIVE: March 23, 1996 (or upon
approval by State Construction Code Commission)**

STATE MECHANICAL AND PLUMBING CODES ORDINANCE

An Ordinance to assume responsibility for administration and enforcement of the State Construction Code Act of 1972 (1972 PA 230), as amended, and certain portions of the State Construction Code promulgated thereunder within the political boundaries of the Township of Martin, for which such responsibility has not previously been assumed by the Township; and to designate an enforcing agency to discharge the responsibilities of the Township hereunder, and to reserve the right to provide by agreement or contract with any other township, village, city or county for joint administration and enforcement hereunder; and to provide for the establishment of a fee schedule by the Township Board; and to provide for criminal penalties and civil remedies for the violation of this Ordinance or the portions of the Act or State Construction Code promulgated thereunder and adopted herein; and to repeal all existing Township ordinances in conflict herewith, including Ordinance No. 63 adopted December 13, 1995.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the Martin Township State Mechanical and Plumbing Codes Ordinance.

SECTION II

ASSUMPTION OF CERTAIN STATE CONSTRUCTION CODE/
ACT RESPONSIBILITIES BY TOWNSHIP

In accordance with and pursuant to Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of said Act within its political boundaries, and hereby adopts by reference the State Mechanical Code and State Plumbing Code and all other administrative portions of said Act/State Construction Code pertinent thereto currently in effect and as same may from time to time be modified or amended; the Township having previously similarly assumed responsibility for the administration and enforcement of the State Building Code and State Electrical Code pursuant to Ordinance No. 45 adopted April 14, 1993 and accepted by the State Construction Code Commission on July 7, 1993.

This Section shall be construed to reverse any previous actions of the Township, if any, that exempted the Township from

the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes.

SECTION III

DESIGNATION OF ENFORCING AGENCY/RESERVATION OF RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

In accordance with the aforereferenced Act, and pursuant to the provisions of the State Construction Code, the Martin Township Board hereby designates the Mechanical Official of Martin Township and the Plumbing Official of Martin Township as the enforcing agency to discharge the responsibility of Martin Township assumed hereunder. The Martin Township Board is hereby authorized to designate by resolution/motion the person or persons qualified by experience or training to perform the duties associated with the offices of Mechanical Official of Martin Township and Plumbing Official of Martin Township, and otherwise in accordance with the Building Officials and Inspectors Registration Act (1986 Public Act 54; MCLA 338.2301 et seq). The Board is further authorized to remove by resolution/motion any such person(s) from said offices, in the sole discretion of the Board. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county in the State of Michigan for joint enforcement and administration of this Ordinance and the Act and the State Mechanical Code and State Plumbing Code promulgated thereunder and adopted herein.

SECTION IV

ESTABLISHMENT OF FEE SCHEDULE

The Martin Township Board is hereby given the authority to establish by resolution/motion at any public meeting a schedule of fees, rates and charges for the administration and enforcement of this Ordinance and the Act and the State Mechanical Code and State Plumbing Code promulgated thereunder and adopted herein, and for the conducting of various activities authorized by said Act/Codes and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Township Board shall further have the right to amend by resolution/motion the aforementioned schedule from time to time within the foregoing limits of reasonableness.

SECTION V

VIOLATIONS/PENALTIES

Any violation of this Ordinance or the Act or the State Mechanical Code and State Plumbing Code promulgated thereunder and adopted herein shall be a misdemeanor punishable upon conviction by a fine not to exceed \$500.00, plus costs, and/or imprisonment in the County Jail for a term not to exceed 90 days. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent

jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance and said Act and Codes.

SECTION VI

SEVERABILITY

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

SECTION VII

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith, including Ordinance No. 63 adopted December 13, 1995, any other mechanical or plumbing codes/ordinances previously adopted by the Township, if any, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Georgia Kraai, Clerk
Township of Martin

ORDINANCE # 66
AMENDMENT OF STATE
MECHANICAL AND PLUMBING
CODES ORDINANCE

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

December 11, 1995

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: State Plumbing and Mechanical Code Ordinance

Dear Terry:

Pursuant to your telephone call this morning Martin Township has recently been informed by the Bureau of Construction Codes in Lansing that Allegan County is no longer providing administration and enforcement of the State Mechanical Code and State Plumbing Code within the County. In fact, it appears that Allegan County may have decided to relinquish this responsibility back in 1994, but very little seems certain in that regard.

In any event, you have indicated that the Township Board desires to retain local administration and enforcement of the State Mechanical Code and the State Plumbing Code. Pursuant to the applicable statutes this necessitates adoption of an appropriate ordinance by the Martin Township Board, and submission of that ordinance and an Application to Administer and Enforce form to the State for approval of the State Construction Code Commission. A proposed ordinance is enclosed in this regard for the Board to consider adopting at its meeting on December 13.

If the Township Board adopts this proposed ordinance the Township Board should also designate, pursuant to Section III of the ordinance, a qualified person or persons to perform the duties associated with administration and enforcement of the State Mechanical Code and State Plumbing Code. I have discussed with you and with Kirk Scharphorn that Kirk, individually, would quite likely be the person designated by the Township Board to assume this responsibility. However, I have also made you and Kirk aware that the State may not readily approve this situation because Kirk is also employed by a private construction code inspection company and some of the State people believe this presents a "conflict of interest" situation. We will simply have to address that problem when and if it is raised by the State.

Finally, if the Township Board approves the proposed ordinance and designates appropriate plumbing/mechanical code officials for

Terry Sturgis
December 11, 1995
Page 2

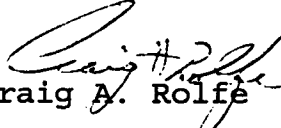
Martin Township, the Township will also need to prepare an Application to Administer and Enforce with respect to the State Mechanical Code and State Plumbing Code. I suggest that you confer with Kirk about the filling-out of such an Application and the submission of same to the Bureau of Construction Codes in Lansing.

I will take care of submitting the ordinance to the Bureau for approval of the Construction Code Commission, upon being advised that the ordinance was adopted. Please make sure that someone gives me a call in this regard.

Give me a call if you have any questions.

Sincerely,

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


Craig A. Rolfe

CAR/le
Enclosure
cc: Kirk Scharphorn
Georgia Kraai

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

ADOPTED: _____

DRAFT

EFFECTIVE: _____

STATE MECHANICAL AND PLUMBING CODES ORDINANCE

An Ordinance to assume responsibility for administration and enforcement of certain portions of the State Construction Code Act of 1972 (1972 PA 230), as amended, and the State Construction Code promulgated thereunder, within the political boundaries of the Township of Martin; and to provide for the designation of an enforcing agency to discharge the responsibilities of the Township hereunder, and to reserve the right to provide by agreement or contract with any other township, village, city or county for joint administration and enforcement hereunder; and to provide for the establishment of a fee schedule by the Township Board; and to provide for criminal penalties and civil remedies for the violation of this Ordinance or the portions of the Act or State Construction Code promulgated thereunder and adopted herein; and to repeal all existing Township ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the Martin Township State Mechanical and Plumbing Codes Ordinance.

SECTION II

ASSUMPTION OF CERTAIN STATE CONSTRUCTION CODE/ ACT RESPONSIBILITIES BY TOWNSHIP

In accordance with and pursuant to Section 8 and Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of portions of said Act within its political boundaries, and hereby adopts by reference portions of the State Construction Code currently in effect and as same may from time to time be modified or amended; specifically, the portions of said Act and State Construction Code constituting and pertaining to the Mechanical Code and Plumbing Code of the State of Michigan, and all other administrative portions of said Act/State Construction Code pertinent thereto.

This Section shall be construed to reverse any previous actions of the Township, if any, exempting the Township from said specified portions of the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes.

SECTION III

DESIGNATION OF ENFORCING AGENCY/ RESERVATION OF RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

In accordance with the aforereferenced Act, and pursuant to the provisions of the State Construction Code, the Martin Township Board is hereby authorized to designate by resolution an enforcing agency that shall discharge the responsibilities of the Township under the portions of said Act and the State Construction Code promulgated thereunder and adopted herein, which shall be any person or persons qualified by experience or training to perform the duties associated with construction code administration and enforcement, and otherwise in accordance with the Building Officials and Inspectors Registration Act (1986 Public Act 54; MCLA 338.2301 et seq). The Board is further authorized to remove by resolution any such person(s) from said position, in the sole discretion of said Board. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county in the State of Michigan for joint enforcement and administration of this Ordinance and the portions of the Act and the State Construction Code promulgated thereunder and adopted herein.

SECTION IV

ESTABLISHMENT OF FEE SCHEDULE

The Martin Township Board is hereby given the authority to establish by resolution at any public meeting a schedule of fees, rates and charges for the administration and enforcement of this Ordinance and the portions of the Act and the State Construction

Code promulgated thereunder and adopted herein, and for the conducting of various activities authorized by said Act/Code and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Township Board shall further have the right to amend by resolution the aforementioned schedule from time to time within the foregoing limits of reasonableness.

SECTION V

VIOLATIONS/PENALTIES

Any violation of this Ordinance or the portions of the Act or the State Construction Code promulgated thereunder and adopted herein shall be a misdemeanor punishable upon conviction by a fine not to exceed \$500.00, plus costs, and/or imprisonment in the County Jail for a term not to exceed 90 days. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance and said Act and Code.

SECTION VI

SEVERABILITY

Should any portion of this Ordinance, or 1972 PA 230, as amended, or the State Construction Code promulgated thereunder and

adopted herein be declared unconstitutional, illegal, or otherwise of no force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith, including any mechanical or plumbing codes/ordinances previously adopted by the Township, if any, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Georgia Kraai, Clerk
Township of Martin

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

October 10, 1996

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Publication of Ordinance for Martin Township
(Ordinance No. 66)

Ladies:

Please publish the enclosed Notice of Adoption and the attached Martin Township Ordinance No. 66, in that order, on:

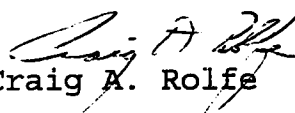
Monday, October 21, 1996

Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, and forward one Affidavit 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/le
Enclosure
cc: Tracie Moored
Terry Sturgis

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

October 10, 1996

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

Re: Ordinance No. 66
(Amendment of State Mechanical and Plumbing Codes
Ordinance)

Dear Tracie:

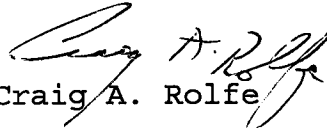
I am enclosing the original of the Notice of Adoption for Ordinance No. 66, and the original of Ordinance No. 66 itself, as adopted by the Township Board at the October 9 Board meeting.

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/le
Enclosures
cc: Terry Sturgis



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

October 21, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

Thank you for forwarding a copy of the township's amending Ordinance No. 66.

Although the ordinance reflects the adoption and effective dates, it is not a certified copy.

Please forward a certified copy of the ordinance prior to November 4, 1996, to assure the township's assumption of the mechanical and plumbing codes on the effective date of November 21, 1996.

If you have any questions, please contact me at 517/322-5247.

Sincerely,

Mark Sisco
Deputy Director

MS/la

cc: Bert Schipper
Kirk Scharphorn
Steve Herrema
Tennison Barry
Bob Konyndyk
Bill Lycos
Emmett Kelley

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

October 28, 1996

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

Re: Ordinance No. 66

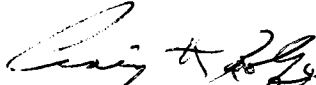
Dear Tracie:

Enclosed is a copy of an October 21 letter from the Bureau of Construction Codes, requesting a "certified" copy of Ordinance No. 66 prior to November 4.

To make the Bureau happy please send a certified copy of Ordinance No. 66 to the Bureau at your very earliest convenience. Thank you.

Sincerely,

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


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

November 13, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

I am attaching a copy of a letter sent to you requesting a certified copy of the township's Ordinance No. 66. To date, no response has been received. Perhaps you have overlooked this or did not realize the importance of a response.

A certified copy of the ordinance must be submitted to this office before the township can assume responsibility for mechanical and plumbing code administration and enforcement.

Please contact me at 517/322-5247, if you have questions.

Sincerely,

Mark Sisco
Deputy Director

MS/la
Attachment

cc: Bert Schipper
Kirk Scharphorn
Steve Herrema
Tennison Barry
Bob Konyndyk
Bill Lycos
Emmett Kelley

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

THOMAS M. CANNY
ROBERT E. THALL

November 15, 1996

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

Re: Ordinance No. 66

Dear Tracie:

By a letter to me dated October 21 the Bureau of Construction Codes requested a "certified" copy of Ordinance No. 66 prior to November 4.

By my letter to you dated October 28 I enclosed a copy of the October 21 letter from the Bureau and requested that you send the requested certified copy of Ordinance No. 66 to the Bureau at your very earliest convenience.

I am now enclosing a copy of a November 13 letter to me from the Bureau advising that they have received no response to the original October 21 request for a certified copy of Ordinance No. 66. This November 13 letter further advises that a certified copy of the ordinance must be submitted to the Bureau before the Township can assume responsibility for mechanical and plumbing code administration and enforcement.

Accordingly, please immediately submit a "certified" copy of Ordinance No. 66 to the attention of the Deputy Director of the Bureau of Construction Codes in Lansing at the address indicated on the enclosed November 13 letter. Please copy me on that mailing. Thank you.

Sincerely,

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


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis
Kirk Scharphorn
Mark Sisco

PS: Please also inform the Bureau of Construction Codes, again, that Bert Schipper is no longer the Supervisor of Martin Township, and provide them with the correct address and telephone information for Terry Sturgis.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ORDINANCE AMENDING
STATE MECHANICAL AND PLUMBING CODES 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 the October 9, 1996 meeting of the
Martin Township Board the following Ordinance No. 66 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be
inspected or a copy purchased by contacting the Martin Township
Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070,
(616)672-5027 during regular business hours of regular working
days, and at such other times as may be arranged.

CLERK'S CERTIFICATE

I, TRACIE MOORED, 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 October 9, 1996 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. 66, hereinbefore recorded, to become effective 30 days after publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows: *See attached*

*Supple - yes Meerd - yes McGuire - yes Sturgis - yes
Brenner - yes*

I do further certify that Ordinance No. 66 was published in its entirety in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on October 21, 1996; that said Ordinance No. 66 was recorded in the official Ordinance Book on the 13 day of November, 1996; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 13 day of November, 1996.

Date: November 13, 96

Tracie A. Moored
TRACIE MOORED, Clerk
Martin Township

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 66

ADOPTED: October 9, 1996

EFFECTIVE: November 21, 1996

AMENDMENT OF STATE MECHANICAL AND PLUMBING CODES ORDINANCE
(ORDINANCE NO. 65 ADOPTED 2/14/96)

An Ordinance to amend Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996).

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

ASSUMPTION OF CERTAIN STATE CONSTRUCTION
CODE/ACT RESPONSIBILITIES BY TOWNSHIP

Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996) is hereby amended to read as follows:

"In accordance with and pursuant to Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of said Act and the State Mechanical Code and State Plumbing Code and all other administrative portions of said Act/State Construction

Code pertinent thereto currently in effect and as same may from time to time be modified or amended; the Township having previously similarly assumed responsibility for the administration and enforcement of the State Building Code and State Electrical Code pursuant to Ordinance No. 45 adopted April 14, 1993 and accepted by the State Construction Code Commission on July 7, 1993.

This Section shall be construed to reverse any previous actions of the Township, if any, that exempted the Township from the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes."

SECTION II

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Tracie Moored, Clerk
Township of Martin

ORDINANCE # 67
CONSUMERS ENERGY COMPANY
GAS FRANCHISE ORDINANCE

ORDINANCE NO. 67

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, hereby grants to CONSUMERS ENERGY COMPANY, a Michigan Corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

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

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

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

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules

regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.


SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the township board on September 28, 1967 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, on the 13 day of August, 1997.



Township Supervisor
Terry J. Sturge S

Attest:



Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN:

That CONSUMERS ENERGY COMPANY, hereby accepts the franchise granted to it by your Township Board, on the 13th day of August, 1997, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By



Carl L. English, Vice President

Dated: August 13, 1997.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF ALLEGAN)

I, Tracie M. Wood Township Clerk of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of the ordinance granting CONSUMERS ENERGY COMPANY, a gas franchise, as adopted by the Township Board at a regular meeting on the 13 day of August, 1997.

I FURTHER CERTIFY that the acceptance, a copy of which is attached hereto, was filed with me as Township Clerk, on the 13 day of August, 1997; that I have compared the attached copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I FURTHER CERTIFY that a copy of the foregoing ordinance was published, as appears by proof thereof on file in my office, in the Penasee/Globe a newspaper circulated in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, on the 25 day of August, 1997; and that all of said proceedings were regular and in accordance with all legal requirements.

Tracie M. Wood
Township Clerk

Dated: August 20, 1997

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

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

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

HARRY F. SMITH
1906-1972

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

ROXANNE C. SEEBER

August 12, 1998

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

**Re: Proposed Ordinance No. 67 (Rezoning of Property in Land
Section 22 and Related Amendment of Land Use Plan)**

Dear Tracie:

I am enclosing a copy of a proposed Ordinance No. 67 for consideration by the Township Board at its next meeting. This proposed ordinance reflects the rezoning of property in land Section 22, and a corresponding amendment of the Land Use Plan, recommended for approval by the Martin Township Zoning Board at its April 10, 1997 proceedings. This recommendation was approved by the Allegan County Planning Commission on July 13, 1998. A copy of the minutes of those proceedings is enclosed.

Please contact me the day after the Township Board meeting to let me know whether 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

Page Two
Tracie Moored
August 11, 1998

CAR:ckj

Encs.

cc: Terry Sturgis
Darl Evers

P.S. As I advised the Allegan County Planning Commission, the April 10, 1997 date of the Township Zoning Board consideration of this matter is correct. The Zoning Board recommendation could not be submitted to the County, and then on to the Township Board, until the owner of the property provided the Township with an accurate legal description of the area recommended for rezoning. That information was not received by this office until the latter part of June 1998, and the matter was thereafter promptly submitted to the County.

If the Township Board does not approve the recommended rezoning and Land Use Plan amendment it should of course not adopt the proposed ordinance.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 67

ADOPTED: ~~_____~~ **DRAFT**

EFFECTIVE: _____

**(REZONING OF PROPERTY IN SECTION 22 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 22 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 22

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

That part of the Northwest 1/4 of Section 22, Town 2 North, Range 11 West described as commencing at the Northwest corner of said Section; thence North 89° 26' 26" East on North section line, 735.13 feet to the place of beginning of this description; thence continuing North 89° 26' 26" East on the North section line, 1387.21 feet to a point South 89° 26' 26" West, 530.89 feet from the North 1/4 post of said section; thence South 00° 09' 23" East parallel to the North and South 1/4 line, 220.00 feet; thence South 89° 26' 26" West parallel to the North section line, 483.00 feet; thence South 00° 09' 23" East, 911.00 feet; thence North 89° 26' 26" East 483.00 feet; thence North 00° 09' 23" West, 174.0 feet; thence North 89° 26' 26" East, 530.89 feet to the North and South 1/4 line; thence South 00° 09' 23" East on said 1/4 line, 374.00 feet; thence South 89° 25' 25" West parallel to the East and West 1/8 line of the Northwest 1/4, 517.00 feet; thence South 00° 09' 23" East, 491.36 feet; thence South 89° 25' 25" West, 814.31 feet; thence North 00° 00' 32" West on the North and South 1/8 line of the Northwest 1/4, 501.51 feet; thence South 89° 25' 25" West on the East and West 1/8 line of the Northwest 1/4, 506.13 feet; thence North 03° 42' 24" West, 1323.38 feet to the place of beginning.

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 Agricultural classification to the Low Density Residential classification.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on the eighth day after publication or on such later date as may be required by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Tracie Moored, Clerk
Martin Township

ORDINANCE # 68

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

MARTIN TOWNSHIP ORDINANCE NO. 68

ADOPTED: February 10, 1999

EFFECTIVE: March 2, 1999

REZONING OF PROPERTY IN SECTION 30

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; 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

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended as follows:

33.68 acres of the property described below is rezoned from a Commercial to an "R-3" Residential classification;

The front most northern 3.91+/- acres of the property described below adjacent to Michigan Route 222, shall remain zoned for commercial use;

That part of the west fractional one half of the northwest fractional one quarter of Section 30, T2N, R11W, Martin Township, Allegan County, Michigan, lying east of the easterly right of way line of US Highway 131, commencing at the North one quarter corner of said Section 30.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**MARTIN TOWNSHIP
Tracie Moored, Clerk**

COPY

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF 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 on February 10, 1999, the Board adopted an ordinance which rezones certain property located within the Township. The Township Board considered rezoning the following described parcel consisting of 37.59 acres from commercial to "R-3" Residential:

That part of the west fractional one half of the northwest fractional one quarter of Section 30, T2N, R11W, Martin Township, Allegan County, Michigan, lying east of the easterly right of way line of US Highway 131, commencing at the North one quarter corner of said Section 30.

PLEASE TAKE FURTHER NOTICE that the Board DENIED the rezoning of the front most northern 3.91+/- acres of the above described property adjacent to Michigan Route 222, which portion shall remain zoned for commercial use.

PLEASE TAKE FURTHER NOTICE that the Township Board APPROVED the rezoning of the remaining 33.68 acres of the above described property from a Commercial to an "R-3" Residential classification.

PLEASE TAKE FURTHER NOTICE that a full and complete copy of the Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, (616) 672-5027 during regular business hours of regular working days, and at such other times as may be arranged.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
114 Templeton
Martin, MI 49070**

MARTIN TOWNSHIP ALLEGAN COUNTY, MICHIGAN —NOTICE—

OF ADOPTION OF 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 on February 10, 1999, the Board adopted an ordinance which rezones certain property located within the Township. The Township Board considered rezoning the following described parcel consisting of 37.59 acres from commercial to "R-3" Residential:

That part of the west fractional one half of the northwest fractional one quarter of Section 30, T2N, R11W, Martin Township, Allegan County, Michigan, lying east of the easterly right of way line of US Highway 131, commencing at the North one quarter corner of said Section 30.

PLEASE TAKE FURTHER NOTICE that the Board DENIED the rezoning of the front most northern 3.91 +/- acres of the above described property adjacent to Michigan Route 222, which portion shall remain zoned for commercial use.

PLEASE TAKE FURTHER NOTICE that the Township Board APPROVED the rezoning of the remaining 33.68 acres of the above described property from a Commercial to an "R-3" Residential classification.

PLEASE TAKE FURTHER NOTICE that a full and complete copy of the Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, (616) 672-5027 during regular business hours or regular working days, and at such other times as may be arranged.

MARTIN TOWNSHIP
Tracie Moored, Clerk
114 Templeton
Martin, MI 49070

1 FEB 25 1999 PC
Gen


State of Michigan, County of Allegan

In the Matter of Legal Notice for Martin Township - Adoption of Ordinance

COUNTY OF
ALLEGAN—ss.

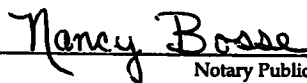
RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Penasee/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

2/22	A.D. 19 99	A.D. 19
	A.D. 19	A.D. 19
	A.D. 19	A.D. 19

 (Ron Carlson)

Subscribed and sworn before

me this twenty-second day of February A.D. 19 99



Notary Public, Allegan County, Michigan

(Nancy Bosse)

My Commission Expires November 15, A.D. 2002.

FAXED
2-17-99

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

ROXANNE C. SEEGER
JAMES W. PORTER

February 17, 1999

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Legal Notice for Martin Township

Ladies:

Please publish the enclosed Notice for Martin Township on Monday, February 22, 1999. Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, and forward one Affidavit of Publication to this office.

Yours truly,

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


John K. Lohrstorfer

JKL:bap

Enclosure

cc: Tracie Moored, Clerk

C:\WPDOCS\Martin Twp\Penasee Globe.wpd

ORDINANCE # 69
FIRE RUN CHARGES ORDINANCE

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

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

ROXANNE C. SEEBER
JAMES W. PORTER

March 30, 1999

Penasee Globe
133 East Superior
Wayland, MI 49348


Re: Legal Notice for Martin Township

Ladies:

Please publish the enclosed Notice for Martin Township on Monday, April 5, 1999. Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 1850 10th Street, Michigan 49070-9732, and forward one Affidavit of Publication to this office.

Yours truly,

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



John K. Lohrstorfer

JKL:bap

Enclosure

cc: Tracie Moored, Clerk

C:\WPDOCS\Martin Twp\Penasee Globe 2.wpd

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF 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 on March 10, 1999, the Board adopted an ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951, as amended (Michigan Compiled Law 41.806) to provide methods for the collection of such charges and exemptions therefrom, and to repeal all ordinances or parts of ordinances in conflict herewith.

ORDINANCE NO. 69

Section I. Purpose. This section sets forth the purpose for establishing fire run charges.

Section II. Charges. This section establishes a minimum charge of \$500.00 per run from the time of departure from the fire station for up to five hours; thereafter, an additional charge for the actual costs of labor and materials.

Section III. Time for Payment. This section establishes that charges shall be due and payable within 30 days of the date an invoice is rendered and provides procedures for default and delinquencies.

Section IV. Exemptions. This section establishes that false alarms, fires involving Township property and fires of unknown origin on road right-of- ways, shall be exempt.

Section V. Non-Exclusive Charge. This section provides for other costs if needed and collection by way of special assessment or voted millage.

Section VI. Severability. This section provides that should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid then the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section VII. 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.

PLEASE TAKE FURTHER NOTICE that a complete copy of the Ordinance is available from the Township Clerk.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027**

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

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH

1906-1972

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

ROXANNE C. SEEGER
JAMES W. PORTER

March 2, 1999

Tracie L. Moored, Clerk
Martin Township
1850 10th Street
Martin, MI 49070-9732

Re: Proposed Fire Run Charges Ordinance

Dear Ms. Moored:

Enclosed is the proposed Fire Run Charges Ordinance for your Board's review. If the Board decides to adopt said Ordinance, please let me know. If you have any questions or concerns about the same please call me.

Yours truly,

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


John K. Lohrstorfer

JKL:bap
enclosure
cc/w/enc: Terry Sturgis, Supervisor

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

FIRE RUN CHARGES ORDINANCE NO. 69

Adopted: March 10, 1999

Effective: April 9, 1999

An ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951, as amended (Michigan Compiled Law 41.806) to provide methods for the collection of such charges and exemptions therefrom, and to repeal all ordinances or parts of ordinances in conflict herewith.

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

ORDAINS:

SECTION I

PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the Township for providing fire protection services and/or other emergency services from those receiving direct benefits from the service available.

SECTION II

CHARGES

The Treasurer shall bill any recipient of fire or emergency protection services provided by the Township a minimum charge of \$500.00 per run from the time of departure from the Fire Station for up to five hours; thereafter, an additional charge for the actual costs of labor and materials will be made.

SECTION III

TIME FOR PAYMENT

It shall be the responsibility of the Township Treasurer to send a bill to the responsible party by first class mail as soon as practical after the services are rendered. All of the foregoing charges shall be due and payable within 30 days of the date invoice is rendered. In the event of default in payment, the amount due shall be collectable through proceedings in District Court or in any other court of competent jurisdiction as a matured debt. The Township Board may also order the assessment of all delinquent fire run bills to be levied against property owners determined to be delinquent.

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

FIRE RUN CHARGES ORDINANCE NO. ____

Adopted: _____

Effective: _____

An ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951, as amended (Michigan Compiled Law 41.806a) to provide methods for the collection of such charges and exemptions therefrom, and to repeal all ordinances or parts of ordinances in conflict herewith.

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

ORDAINS:

SECTION I

PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the Township for providing fire protection services and/or other emergency services from those receiving direct benefits from the service available.

SECTION II

CHARGES

The Treasurer shall bill any recipient of fire or emergency protection services provided by the Township a minimum charge of \$500.00 per run from the time of departure from the Fire Station for up to five hours; thereafter, an additional charge for the actual costs of labor and materials will be made.

SECTION III

TIME FOR PAYMENT

It shall be the responsibility of the Township Treasurer to send a bill to the responsible party by first class mail as soon as practical after the services are rendered. All of the foregoing charges shall be due and payable within 30 days of the date invoice is rendered. In the event of default in payment, the amount due shall be collectable through proceedings in District Court or in any other court of competent jurisdiction as a matured debt. The Township Board may also order the assessment of all delinquent fire run bills to be levied against property owners determined to be delinquent.

SECTION IV

EXEMPTIONS

The following properties and services shall be exempt from the foregoing charges:

- A. False alarms (except faulty alarm systems).
- B. Fires involving Township buildings, grounds and/or property.
- C. Fires of unknown origin on road right of ways.

SECTION V

NON-EXCLUSIVE CHARGE

The foregoing rates and charges shall not bar other charges that may be made by the Township for the costs of expenses of maintaining and operating fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION VI

SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VII

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.

MARTIN TOWNSHIP
Tracie L. Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027

SECTION IV

EXEMPTIONS

The following properties and services shall be exempt from the foregoing charges:

- A. False alarms (except faulty alarm systems).
- B. Fires involving Township buildings, grounds and/or property.
- C. Fires of unknown origin on road right of ways.

SECTION V

NON-EXCLUSIVE CHARGE

The foregoing rates and charges shall not bar other charges that may be made by the Township for the costs of expenses of maintaining and operating fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION VI

SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VII

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.

MARTIN TOWNSHIP
Tracie L. Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027

ORDINANCE # 70
PUBLIC NUDITY ORDINANCE

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

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

ROXANNE C. SEEGER
JAMES W. PORTER

HARRY F. SMITH
1906-1972

April 7, 1999

**Martin Township
Terry Sturgis, Supervisor
1850 10th Street
Martin, MI 49070-9732**

Re:

Dear Mr. Sturgis:

I received copies of some ordinances regarding public nudity. I have enclosed a draft of a general law ordinance for your review. In addition, I am enclosing a proposed amendment to your Zoning Ordinance which would also regulate the placement of adult businesses within the Township. Further, I am submitting what Kalamazoo Township recently adopted regarding the regulation of public entertainment and should such a business become established in your Township the Township may well consider adopting such an ordinance. I do not see the necessity to adopt an entertainment ordinance at this time, but I believe you should definitely look at amending your zoning ordinance.

Let me know if I can be of any further assistance to you and the Township.

Yours truly,

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


John K. Lohrstorfer

JKL:bap
enclosures

C:\WPDOCS\Martin Twp\Sturgis ltr.wpd

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

**PUBLIC NUDITY ORDINANCE
NO. 70**

SECTION 1 - PURPOSE

The purpose of this ordinance is to protect and secure the public health, safety, morals, and general welfare of person and property by prohibiting public nudity within the Township of Martin.

SECTION 2 - TITLE

This Ordinance shall be known and cited as the "Township Public Nudity Ordinance".

SECTION 3 - DEFINITION

As used herein "public nudity" is hereby defined as knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include: breast feeding of a baby; material as defined in Section 2 of Act No. 343; or, sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MSA 25.254(3).

SECTION 4 - PROHIBITION OF PUBLIC NUDITY

No person shall engage in public nudity. No business establishment, including but not limited to owners, officers, or persons in charge of, or in control of premises, shall permit persons to engage in public nudity.

SECTION 5 - PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500.00) dollars plus court costs and costs Of prosecution, or by imprisonment in the County jail for a term not exceeding ninety (90) days, or both, at the discretion of the court.

SECTION 6 - SEVERABILITY

Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

Martin Supply
Support Machine
To Resale

Storage w/ call
to print

SECTION 7 - REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective thirty (30) days following publication after adoption.

TOWNSHIP OF MARTIN
Tracie Moored, Clerk
1850 10th Avenue
Martin, MI 49070
616-672-9398

CERTIFICATE OF ADOPTION

The within Ordinance was adopted by the Martin Township Board on the _____ day of _____, 1999.

Tracie Moored, Clerk

Attested:

Terry Sturgis, Supervisor

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

AMENDMENT TO TOWNSHIP ZONING ORDINANCE

Adopted: _____

Effective: _____

An ordinance to amend Section 11 of the Township Zoning Ordinance to regulate the location of adult business establishments, to repeal all conflicting ordinances, and to provide for an effective date of the same.

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

ORDAINS:

SECTION I

Section 11 of the Township's Zoning Ordinance is amended to add the following language:

11.03 Special Exception Uses

7. Commercial and service establishments of an adult nature as listed and defined below are subject to special use regulations and other conditions:

A. In order to prevent concentration of such uses, the following uses and activities shall not be located within one thousand (1,000) feet of two other such uses nor within (2,500) feet of school/church and (1,000) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:

- (1) Adult bookstore.**
- (2) Adult motion picture theater.**
- (3) Adult mini motion picture theater.**
- (4) Adult smoking or sexual paraphernalia store.**
- (5) Massage parlor.**
- (6) Host or hostess establishments offering socialization with a host or hostess for consideration.**
- (7) Open dance hall.**

- (8) Tavern or cabaret providing live or projected entertainment where alcoholic liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception.
- (9) Any combination of the foregoing.

B. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designation shall have the following meanings:

- (1) **Adult bookstore** means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) **Adult mini motion picture theater** means an enclosure with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined for observation by patrons therein.
- (3) **Adult motion picture theater** means an enclosure with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined for observation by patrons therein.
- (4) **Adult smoking or sexual paraphernalia store** means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, controlled substances or other stimulating or hallucinogenic drug-related substances.
- (5) **Massage parlor** means an establishment where persons conduct or permit to be conducted or engaged in massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means or preparations to provide relaxation or enjoyment to the recipient.

- (6) ***Open dance hall*** means an establishment where open public dancing by patrons is available during at least four days per week or without partners furnished by the establishment.
- (7) ***Host or hostess establishment*** means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- (8) ***Sauna, hot tub or other similar health or body improvements enterprises*** means an establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business.
- (9) ***Specified sexual activities:***
 - i. Acts of human masturbation, sexual intercourse or sodomy.
 - ii. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
 - iii. Human genitals in a state of sexual stimulation or arousal.
- (10) ***Specified anatomical areas:***
 - i. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect thirty days after publication following its adoption. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP

Tracie Moored, Clerk