

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009
269.375.4260

June 26, 2018

PUBLIC COMMENT SESSION

6:00 p.m.

AGENDA

- A. Call to Order
- B. Public Comment
- C. Discussion on Parks & Recreation Level of Service
- D. Discussion on Addressing Standards (Continued)
- E. Updates & Other Business

REGULAR MEETING

7:15 p.m.

AGENDA

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
 - a. Approve Minutes –June 12, 2017 Regular Meeting
 - b. Receipts & Disbursements Report
 - c. Employee Handbook Amendments
 - i. Sick Leave Applicable to 24 Hour Firefighter Positions
 - ii. Appendix B – PTO
 - d. Stadium Drive Non-Motorized Contract Documents Agreement
 - e. Consultant for Maple Hill South Sub-Area Zoning Regulations
- 5. Consideration of Drainage District for South Maple Hill Drive
- 6. Consideration of Drake Farmstead Park Phase 2 MNRTF Project Development Agreement
- 7. Consideration of Ordinance Amendments: Section 66.200 Area Requirements and Section 68.300 Drive Aisle Widths – First Reading
- 8. Consideration of General Ordinances – First Reading
 - a. Anti-Noise Ordinance Amendment
 - b. Blight Elimination Ordinance
- 9. Consideration of Resolution Regarding Separation of Children from Families
- 10. Citizen Comments
- 11. Other Township Business
- 12. Public Comment
- 13. Board Member Comments
- 14. Adjournment

Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment or Citizen Comment on Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)
(revised 5/14/2013)

Policy for Public Comment
6:00 p.m. "Public Comment"/Portion of Township Board Meetings

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

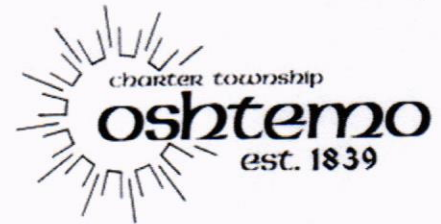
While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)
(revised 5/14/2013)

4, C, i



Memorandum

Date: 21 June 2018
To: Township Board
From: HR Committee
Subject: Sick Leave Applicable to 24 Hour Firefighter Positions

Objective

Address employee concern regarding the current PTO schedule, as it pertains to 24-hour firefighters.

Summary:

The current PTO schedule is tailored for 8 work hours, or less, i.e., an annual bank of 168 PTO hours equates to 21 days for 40 hour/week employee but 7 days for a 24-hour firefighter. The HR Committee reviewed the policy of other jurisdictions that employ 24-hour firefighters and found most other jurisdictions provide consideration of the work schedule differential, similar to what is recommended herein. HR determined to make this special consideration distinct by adding an additional sick time benefit for this employee subgroup. The HR Committee is recommending establishing a sick time policy applicable to the 24-hour firefighter positions, providing them with 48 hours sick time annually.

Information Included:

New Appendix – Sick Leave Applicable to 24 Hour Firefighter Positions

Core Values Recognized:

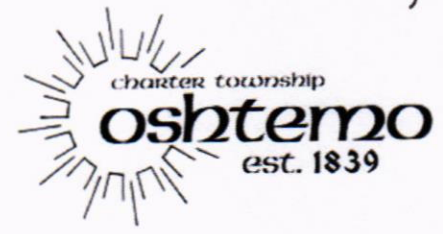
Sustainability
Integrity

APPENDIX :

SICK LEAVE APPLICABLE TO 24 HOUR FIREFIGHTER POSITION

- A. Effective January 1, 2018, employees classified as 24-hour firefighters will receive annually 48 hours of sick time. These hours can be used in minimum of one-hour increments. Any unused sick time is forfeited on December 31st of that same year.
- B. Sick leave may not be used for vacations. Employees may use sick leave for personal illness, or medical and dental appointments for themselves or their immediate family members.
- C. Sick leave must be reviewed and approved by the Fire Chief or his/her designee. To facilitate the required efficiencies of the Fire Department, an employee classified as a 24-hour firefighter must notify the Fire Chief or his/her designee at least 1 hour prior to their assigned shift start time.
- D. The Personnel Director, for the following reasons, may deny paid sick leave:
 - 1. Failure to notify the Fire Chief or his/her designee at least 1 hour prior to assigned shift start time.
 - 2. Abuse of sick leave time.
- E. Employees may be required to have a physician's statement, or other adequate proof of illness to receive sick leave payments.

4, c, ii



Memorandum

Date: 21 June 2018
To: Township Board
From: HR Committee
Subject: Amendment to PTO Policy

Objective

Amend current PTO Policy to address use of PTO for sick time.

Summary:

During discussions regarding sick time for 24 hour firefighter positions it came to our attention that the current PTO policy does not address guidelines for use of PTO as sick time.

Information Included:

Appendix B with proposed additional language.

Core Values Recognized:

Sustainability
Integrity

APPENDIX B:

PAID TIME OFF (PTO)

- A. Full-time and part-time employees working a minimum of twenty (20) hours a week (except on-call Fire Department employees) will be granted paid time off (PTO) subject to the regulations contained herein. Other part-time employees are not eligible for PTO benefits.
- B. Employees' use of PTO must be submitted to their Department Head. PTO taken for vacation purposes shall be scheduled in writing in advance with approval from the Department Head prior to being taken. All other PTO must be reported to the Department Head. All PTO time taken must be noted on the employee's time sheet. Staff must enter PTO time taken for vacation purposes on the staff calendar.
- C. Department Heads must ensure appropriate coverage for their Department. When scheduling conflicts occur, employees with greater length of service will be given preference for vacation dates.
- D. PTO will be at the employee's current regular rate of pay.
- E. PTO benefits shall accrue in the following manner:

Days/hours will be granted based on years of service:

0-6 months	0
6 months – 1 year	14 days / 112 hours
1 year – 5 years	21 days / 168 hours
5 years – 15 years	26 days / 208 hours
15 years +	31 days / 248 hours

For 2008, any accrued vacation time that could have been carried over will be allowed to do so and added to the PTO issued at 1/1/08.

Any sick time currently accrued will be frozen, and employees may use up that time, under the old sick time guidelines, before having to use their PTO.

APPENDIX B

Revised Title, Paragraphs A,B,D,E - Effective 01/01/08

Revised Paragraphs B & C - Effective 10/08/13

Revised Paragraph B – Effective 06/24/14

- F. Employees working a minimum of twenty (20) hours per week shall be given PTO time in an amount equal to the percentage of hours they normally work in a forty (40) hour week; i.e., a twenty (20) hour per week worker shall receive fifty percent (50%) of the PTO time of an employee working a forty (40) hour week as set forth in Paragraph E based on years of service; whereas, an employee working thirty-two (32) hours per week shall receive eighty percent (80%) of the PTO time of an employee working forty (40) hours per week as set forth in Paragraph E, based on years of service.
- G. Employees are eligible to take PTO time when it is earned but not before. PTO will run from calendar year to calendar year. At an employee's anniversary date, the increase in PTO earned will be prorated for the balance of the year.
- H. When taking unscheduled PTO for illness or injury, employees are required to notify their immediate supervisor within one (1) hour of their regular starting time. Illnesses lasting more than 5 calendar days may require a doctor's slip before returning to work. An inordinate use of unscheduled PTO or failure to provide the required notice may subject the employee to discipline.
- H. I. Total PTO at the beginning of any year cannot exceed 1½ times the annual allotted time. (50% of total days/hours granted can be carried over)
- H. J. If time off is needed/wanted, and the employee has no PTO in his/her bank, the time off, if approved, will be taken without pay.
- H. K. If an employee terminates his/her employment with the Township, he/she will be paid for 50% of any accrued PTO.

APPENDIX B

Revised Paragraphs F,G,H,I - Effective 01/01/08
New Paragraphs J & K - Effective 01/01/08
Revised Paragraph F - Effective 03/25/08
Revised Paragraph F - Effective 10/13/09
New Paragraph H & Relettering Paragraphs H-J - Effective _____

- ~~K.L.~~ If an employee is terminated by the Township, no payout shall occur.
- ~~L.M.~~ Each employee shall take the equivalent number of days equal to his/her normal work week off each calendar year in consecutive succession as part of his/her PTO time.

APPENDIX B

New Paragraph L – Effective 04/10/12
Relettering Paragraphs K & L – Effective _____

Memo



To: Oshtemo Charter Township Board
From: Julie Johnston, AICP
Planning Director
Date: June 20, 2018
Mtg. Date: June 26, 2018
Subject: Development of Maple Hill South Sub-Area Zoning Ordinance

OBJECTIVE

Request Township Board authorization to enter into a contract with Wade Trim to assist with the development of a new zoning ordinance for the Maple Hill South Sub-Area of the Township Master Plan.

BACKGROUND

The Maple Hill South Sub-Area Plan was adopted as part of the 2017 Master Plan Update, approved by the Township Board on March 13, 2018. To ensure the development of the Sub-Area Plan per the approved Master Plan, new zoning regulations are needed.

Staff would like to contract with Wade Trim to assist with the development of the new ordinance. As the consultant supporting the 2017 Master Plan Update, their familiarity with both the Sub-Area Plan and Oshtemo Township will be beneficial to the construction of new ordinance language.

The Planning Department does not have this project specifically delineated in the 2018 budget. However, no budget amendment is needed. A miscellaneous consultant line item was established for 2018 with a budget of \$4,000. Staff would like to utilize \$2,900 of this budget for the contract with Wade Trim.

INFORMATION PROVIDED

Wade Trim Proposal



Wade Trim Associates, Inc.
500 Griswold • Suite 2500 • Detroit, MI 48226
313.961.3650 • www.wadetrim.com

April 23, 2018

Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

Attention: Ms. Julie Johnston, AICP
Planning Director

Re: Proposal for Professional Assistance to Develop Language for a new Maple Hill South Sub-Area Zoning District

Dear Ms. Johnston:

As requested, we are providing a Scope of Work and Cost Estimate to assist the Township in developing zoning language for the proposed Maple Hill South Sub-Area Zoning District. As you know, we assisted the Township in the recent planning process for the Maple Hill South Sub-Area, and the development of this new zoning district is one of the recommendations of the plan.

Scope of Work

The new zoning for the Maple Hill South Sub-Area would either be an overlay district or a stand-alone district. Ultimately, the Township would make this determination. Whether an overlay district or stand-alone district, the district would include regulations pertaining to the following:

- Applicability of the overlay zone or district
- Intent of the overlay zone or district
- Uses permitted
- Development standards, including building and site orientation, setbacks, minimum/maximum heights, required open space, parking, etc.
- Design guidelines or “cues,” which provide direction for acceptable architectural character, building materials, signage and other elements. It is anticipated that precedent imagery will be used for this purpose, as opposed to custom drawn graphics or illustrations.
- Private/common open-space standards
- Potential incentives for the inclusion of public spaces, uses and/or amenities
- Review and approval procedures and standards

We recommend that the zoning district be designed to provide flexibility to the Township from a regulatory/administrative perspective, which would also allow for design creativity by property owners and prospective developers.

Language Development Process

We will first provide a recommended regulatory approach and outline for the zoning district to the Township Planning Director for review and discussion. Then, we will prepare an initial draft of the zoning district language and provide it to the Township Planning Director for review. We will also attend one work-session with the Planning Commission where the draft language will be reviewed. Based on comments provided by the Township, we will make final revisions to the zoning language, in a format that can be used by the Township to facilitate adoption of the new zoning district.

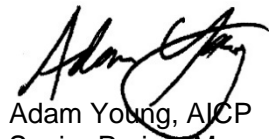
Cost Estimate

Wade Trim proposes to prepare the language for the above-described zoning district at an estimated cost of \$2,900. This cost includes Wade Trim's attendance at one Planning Commission work session. Attendance at additional Township meetings would be billed at a flat rate of \$400 per meeting.

We look forward to working with the Township on this important project. If you have any questions concerning the work plan, please contact us.

Very truly yours,

Wade Trim Associates, Inc.



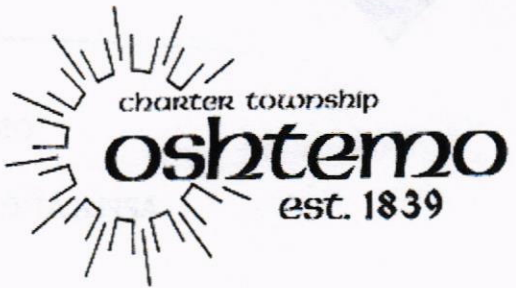
Adam Young, AICP
Senior Project Manager

ACY:jel

AAA 8140-18

PW\Documents\Client Info\Client\O\Oshtemo Township, Kalamazoo County - MI (Osh)\Proposals\Maple Hill PUD Language – 2018\Maple Hill Zoning Language Proposal 4-23-18.docx

Memo



To: Oshtemo Charter Township Board
From: James W. Porter *[Signature]*
Date: June 26, 2018
Subject: Elks Plat Drainage District - Drain #328

OBJECTIVE

To establish a drainage district operated by the Kalamazoo County Drain Commissioner to control storm water flows along South Maple Hill Drive.

BACKGROUND

In 1987, a Special Assessment Drainage District with a pump station was established by the Township, at the request of the Elks Plat property owners, to control excessive storm water run-off along the south end of Maple Hill Drive. The Township agreed to be responsible for maintaining the drainage facilities and pump handling the excess storm water along South Maple Hill Drive. In 2006, the Township proceeded to jettison all of its storm water responsibilities because of the escalating costs involved with the new Phase 2 storm water requirements being imposed on it by the State of Michigan. The records reflect that the Supervisor or Township Counsel would follow up to see that these districts were transferred to the Drain Commissioner's Office at that time. I am not sure what happened subsequent to that time, but the transfer of responsibility never took place.

The pump station failed due to construction in the area. It has been repaired, but the questions of continued operation and maintenance remain.

INFORMATION PROVIDED

I have attached hereto a copy of the Application for Laying Out and Designating a Drainage District for Elks Plat Drain #328, the legal description and map of the Drainage District of which the Township wants the Drain Commissioner's Office to take control.

STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE

Asking the Board to approve the Application to submit to the Drain Commissioner's Office to establish the Elks Plat Drain Drainage District.



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

OSHTEMO CHARTER TOWNSHIP

APPLICATION FOR LAYING OUT AND DESIGNATING A DRAINAGE DISTRICT

Elks Plat DRAIN (#328)

To the Kalamazoo County Drain Commissioner:

The undersigned is Oshtemo Township, Kalamazoo County, Michigan. This application has been duly authorized by the governing body of Oshtemo Township and requests that the Elks Plat Drain Drainage District be laid out and designated under the provisions of Chapter 3 of Public Act 40 of 1956, as amended.

The proposed drain is necessary for the public health, convenience or welfare and is further necessary for the protection of the public health of Oshtemo Township.

Oshtemo Township will be liable for an assessment at large against it for a percentage of the cost of the proposed Elks Plat Drain.

The tentative location of the proposed Elks Plat Drain is as follows:

SEE ATTACHED LEGAL DESCRIPTION AND MAP

Dated: _____, 2018

By: Elizabeth Heiny-Cogswell
Its: Supervisor

By: Dusty Farmer
Its: Clerk

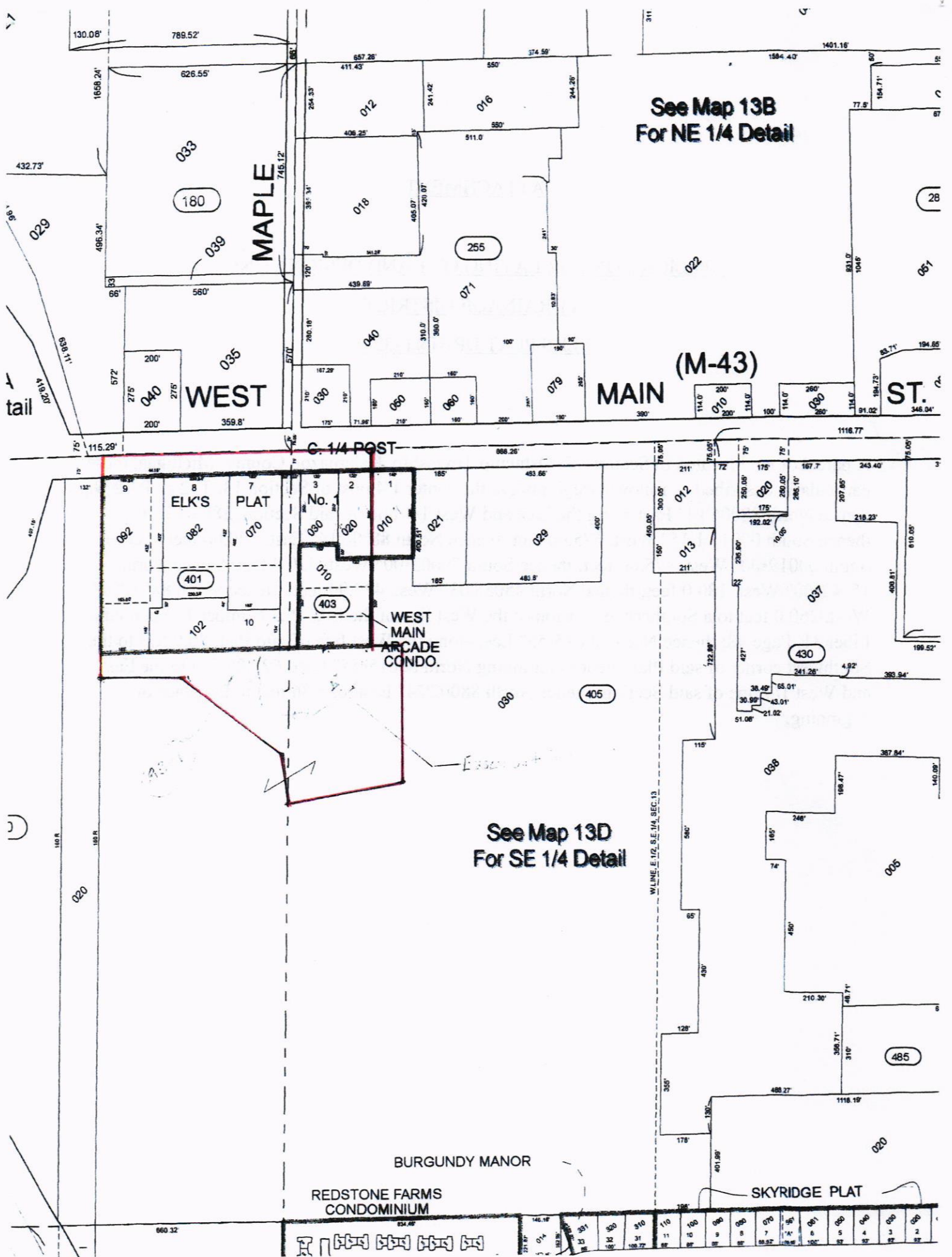
ATTACHMENT

APPLICATION FOR LAYING OUT AND DESIGNATING

A DRAINAGE DISTRICT

ELKS PLAT DRAIN (#328)

A parcel of land located in Section 13, Oshtemo Township, Kalamazoo County, Michigan, more particularly described as follows: Beginning at the center 1/4 post of Section 13, T. 2 s., R 12 w.; thence North 88°06'14" East along the East and West 1/4 line of said Section, 288.03 feet; thence South 00°11'15" West, 675.06 feet; thence North 88°06'14" East, 100.00 feet; thence South 00°19'00" West, 475.00 feet; thence South 79°03'00" West, 420.0 feet; thence North 15°42'00" West, 180.0 feet; thence North 48°58'03" West, 429.94 feet; thence South 88°02'24" West, 260.0 feet to a Southerly extension of the West line of the Elks Plat Number 1, recorded in Liber 31, Page 48; thence North 00°15'55" East along the West line of said Plat, 80.0 feet to the Southwest corner of said Plat; thence continuing North 00°15'55" East, 675.06 feet to the East and West 1/4 line of said Section; thence North 88°02'24" East, 658.86 feet to the place of beginning.



See Map 13B
For NE 1/4 Detail

(M-43)

See Map 13D
For SE 1/4 Detail

MAPLE

WEST

MAIN

ST.

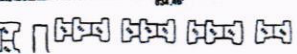
ELK'S PLAT

WEST MAIN
ARCADE
CONDO.

BURGUNDY MANOR

REDSTONE FARMS
CONDOMINIUM

SKYRIDGE PLAT



660 32

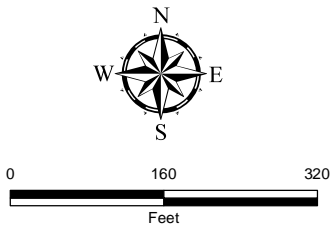
tail

C. 1/4 POST

W. LINE, E. 1/2, S.E. 1/4, SEC. 13



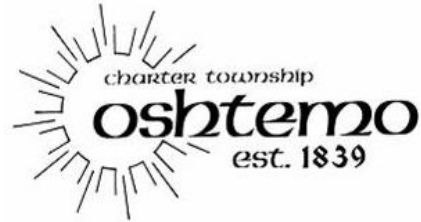
Oshtemo Township
 Kalamazoo County, Michigan
 Elks Plat No. 1
 Special Assessment District 83-1



Date Printed: 6/20/2018

Prein&Newhof

Memorandum



Date: June 21, 2018
To: Township Board
From: Karen High, Parks Director
Subject: Consideration of Resolution for Drake Farmstead Park Improvements

OBJECTIVE

Consideration of a resolution authorizing the Supervisor to accept the terms of the Development Project Agreement from the Michigan Department of Natural Resources (DNR) for a 2017 Development Grant from the Michigan Natural Resources Trust Fund (MNRTF) for Drake Farmstead Park Improvements.

BACKGROUND

In December 2017, the Township's grant application to the MNRTF for improvements at Drake Farmstead Park was approved. The project scope includes construction of a picnic shelter, gravel parking lot, trails, and interpretive signs. Total cost is projected to be \$195,000, with \$136,500 from the MNRTF and \$58,500 from the Township. This project is included in the 2018 budget.

A contract with OCBA Landscape Architects for professional design services was signed in May 2018. A topographic survey is currently underway by Prein & Newhof. Once the topo survey is complete, the Parks Committee will begin working with the design consultant. Construction is expected to begin this fall or spring of 2019. The Project Agreement requires that the project be completed by June 30, 2020.

The DNR requires that the Development Project Agreement be approved by resolution. Please see attached resolution for more details.

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

**Resolution Authorizing Development of Project Agreement
For Project TF 17-0190 – Drake Farmstead Park Improvements**

June 26, 2018

WHEREAS, Oshtemo Charter Township has undertaken a Five-Year Parks and Recreation Master Plan study of existing recreational facilities and actions to be taken to improve and maintain those recreational facilities; and

WHEREAS, the Township has completed a Master Plan for Drake Farmstead Park; and

WHEREAS, the Township Board authorized a public hearing to consider a grant for the development of Drake Farmstead Park through the Michigan Natural Resources Trust Fund on March 14, 2017; and

WHEREAS, the Township Board approved the submittal of the grant application to the Michigan Department of Natural Resources for the development of Drake Farmstead Park; and

WHEREAS, the Michigan Department of Natural Resources approved the grant funding for Drake Farmstead Park Improvements; and

WHEREAS, the Michigan Department of Natural Resources has submitted a Natural Resources Trust Fund Development Project Agreement, Project TF 17-0190, entitled, “Drake Farmstead Park Improvements” to the Township Board for its approval.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Oshtemo Charter Township does hereby accept the terms of the Agreement as received by the Michigan Department of Natural Resources, and that the Township does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide FIFTY-EIGHT THOUSAND FIVE HUNDRED (\$58,500) DOLLARS to match the grant authorized by the Michigan Department of Natural Resources.

2. To maintain satisfactory financial accounts, documents, and records to make them available to the Michigan Department of Natural Resources for auditing at reasonable times.

3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.

4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.

5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

A motion was made by _____, seconded by _____, to adopt the foregoing Resolution.

Upon a roll call vote, the following voted "Aye":

The following voted "Nay":

The following "Abstained":

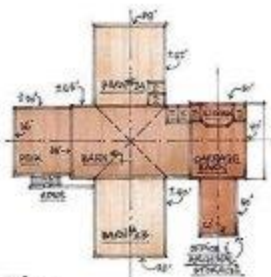
The Supervisor declared that the Resolution has been adopted.

DUSTY FARMER, Clerk
Oshtemo Charter Township

CERTIFICATE

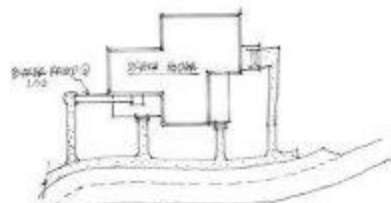
I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on June 26, 2018, at which meeting _____ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

DUSTY FARMER, Township Clerk



Barn Plan

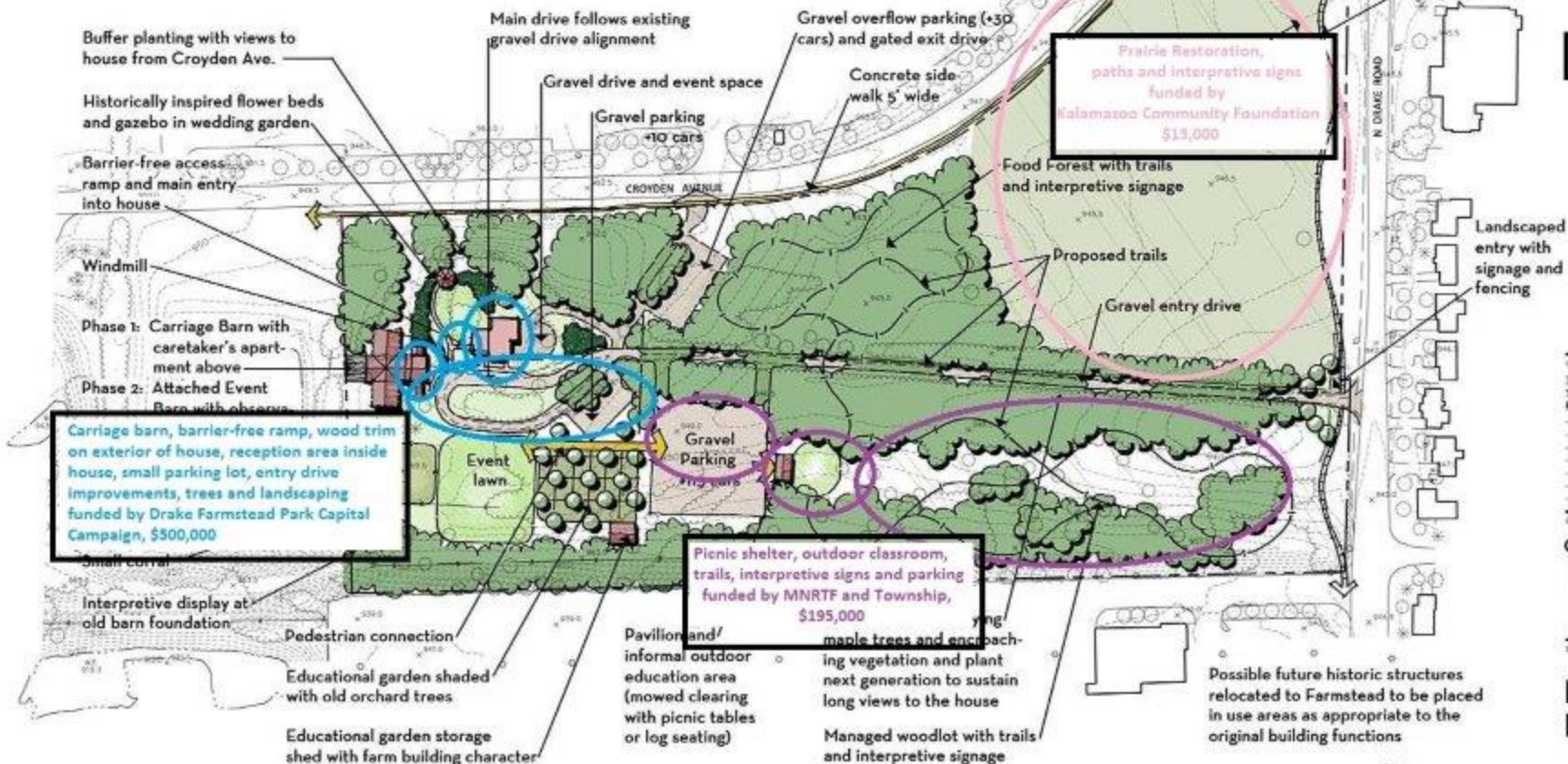
SCALE: 1/8" = 1'-0" T-15-18 A-1004/08



Ramp at House Plan

SCALE: 1/8" = 1'-0" T-15-18 A-1004/08

Updated 1/31/18



Site Plan

Issued For:	Date:
Township Review	2/7/15
Township Board	4/6/15
Final Master Plan	10/22/15

Oaheimo Drake Farmstead Master Plan

Oaheimo Township, MI
Sheet Title

Master Plan



Memo



To: Oshtemo Charter Township Board
From: Julie Johnston, AICP
Date: June 19, 2018
Mtg. Date: June 26, 2018
Subject: Zoning Ordinance Amendments – Area Requirements and Drive Aisle Widths

OBJECTIVE

Consideration of first reading for amendments to Section 66.200: Dimensional Requirements for Parcels, Lots, and Building Sites and Section 68.300: Off-Street Parking and Site Circulation Requirements.

BACKGROUND

Area Requirements

On June 12, 2018, the Township Board completed final reading on a new Ordinance for the development of attached residential condominiums called Section 61.000: Residential Condominium Development Standards. During the development of this ordinance, staff reviewed associated zoning regulations related to residential development. This review revealed language in Section 66.200: Dimensional Requirements for Parcels, Lots, or Building Sites that was in conflict with the density outlined in the new Condominium Ordinance. Changes to Section 66.200 were suggested to the Planning Commission, who forwarded a recommendation of approval to the Township Board at their May 10, 2018 meeting.

Currently, Section 66.200 outlines different area requirements for one and two-family dwellings. For example, if a project has public water and sewer, a single-family dwelling requires 10,560 square feet where a two-family dwelling requires 13,200 square feet. In a platted subdivision or site condominium, this ordinance actually incentivizes two-family dwellings. The density in a R-2 District single-family subdivision or site condominium would equate to 4.12 dwelling units per acre. In this same subdivision or site condominium, two-family construction increases the density to 6.60 dwelling units per acre.

Density is determined by dividing the total required square footage per lot into an acre (43,560 square feet). The increase in density realized for two-family developments is that on every 13,200 square foot lot or building site, two dwelling units are permitted.

Staff recommended changing the name of the table that outlines these requirements from “*Area Requirements*” to “*Area Requirements per Dwelling Unit*.” This would stipulate that each individual residential unit have the same amount of property square footage, regardless of the number of units planned for the parcel or lot. A two-unit with public water and sewer would be required to have a lot that is 21,120 square feet (10,560 for each unit, which is the same as single-family). This recommended change aligns with the densities allowed in the recently approved Section 61.000: Residential Condominium Development Standards ordinance and ensures a level playing field for density regardless of the number of attached or detached units planned.

Circulation Aisle Widths

In December of 2017, the Planning Commission forwarded amendments to the Township Board for changes to the Off-Street Parking Ordinance. The amendments primarily centered on ensuring ADA compliance for accessible spaces and regulating circulation aisles. As part of the discussion with the Township Board, a request was forwarded back to the Planning Commission that circulation aisle widths be reviewed. The overall intent of the request was to determine if there were certain circumstances when drive aisle widths could be reduced to help decrease asphalt on site.

There are several types of circulation aisles that can be found on a non-residential site, such as within parking lots, dedicated fire lanes, to get to loading/unloading facilities, to ensure access around the entirety of the building, etc. The recently approved changes to the Off-Street Parking Ordinance would require all circulation aisles be 24-feet in width for two-way traffic and 20-feet in width for one-way traffic.

The Planning Commission spent around three months reviewing research from other communities and amending ordinance language provided by staff. Based on the Planning Commission discussions during this time period, the recommended amendments to Section 68.300.C: Circulation Aisle Width allows the reviewing body (Planning Commission or Zoning Board of Appeals) to reduce drive aisle widths based on the applicants’ request. Each request will be evaluate based on a set of criteria as they apply to the individual site. This allows each reviewing body an opportunity to assess every request separately based on the merits of the site. The criteria for review are as follows:

1. overall circulation of the site,
2. access to public rights-of-way,
3. public safety,
4. volume of traffic,
5. visibility,
6. location of nonmotorized traffic,
7. grade or slope of the drive,
8. other site considerations which may impact general circulation.

INFORMATION PROVIDED

Ordinance Amendments
Planning Commission Minutes – Excerpt from May 10, 2018

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING
CONDUCTED MAY 10, 2018.

The Oshtemo Charter Township Planning Commission hereby recommends
APPROVAL of the following amendments to Sections 66.200 and 68.300.

See Attachment

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Date: May 10, 2018

By:


James W. Porter
Township Attorney

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____
_____ DENIED _____
_____ REFERRED BACK TO PLANNING COMMISSION

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____, 2018

Effective: _____, 2018

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the revision of Section 66.000 Area Requirements, Dwelling Standards and Residential Occupancy, Subsection 66.200 Dimensional Requirements for Parcels, Lots, and Building Sites; and the amendment of Section 68.000 Off-Street Parking of Motor Vehicles, Subsection 68.300 Off-Street Parking and Site Circulation Requirements. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED SECTION 66.000 AREA REQUIREMENTS, DWELLING STANDARDS AND RESIDENTIAL OCCUPANCY, SUBSECTION 66.200 DIMENSIONAL REQUIREMENTS FOR PARCELS, LOTS, AND BUILDING SITES.

Section 66.000, Subsection 66.200 is amended to read as follows:

66.000 AREA REQUIREMENTS, DWELLING STANDARDS AND RESIDENTIAL OCCUPANCY

66.200 Dimensional requirements for parcels, lots, and building sites.

Minimum Required Area per Dwelling Unit	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels (unplatted)	50,000 sq. ft.	Refer to Section 25.401(C)
Lots (platted) / Building sites:		
None	22,000 sq. ft. (Single Family) and 30,000 sq. ft. (Two-Family)	
Sewer or Water	15,000 sq. ft. (Single Family) and 18,000 sq. ft. (Two-Family)	
Sewer and Water	10,560 sq. ft. (Single Family) and 13,200 sq. ft. (Two-Family)	

Minimum Required Frontage or Width Required	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels Frontage (unplatted)	200 ft.	Refer to Section 25.401(B)
Lots (platted) / Building Sites (Width at Building Setback)	100 ft. (Single Family) and 160 ft. (Two-Family)	

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED SECTION 68.000 OFF-STREET PARKING OF MOTOR VEHICLES, SUBSECTION 68.300 OFF-STREET PARKING AND SITE CIRCULATION REQUIREMENTS. Section 68.000, Subsection 68.300 is amended to read as follows:

68.000 OFF-STREET PARKING OF MOTOR VEHICLES

68.300 Off-Street Parking and Site Circulation Requirements.

Requirements for all parking spaces, parking lots, and circulation aisles (except those for single- and two-family dwellings, for mobile homes or single- or two-family dwellings in a mobile home subdivision, or for farms) shall be as follows:

- A. *Space size.* Each automobile parking space shall not be less than 200 square feet nor less than ten feet wide exclusive of driveway and aisle space. For parking lots with over 100 spaces, minor adjustments of the dimensions prescribed in this Section may be authorized by the reviewing body for up to 25 percent of the required spaces, provided the design remains consistent with generally recognized design standards for off-street parking facilities.
- B. ~~*Circulation and Parking Aisle Width.*~~ Aisles shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. Consideration will be given to alternate widths for one-way aisles in conjunction with angled parking other than 75 to 90 degrees.
- C. ***Circulation Aisle Width.*** Aisles for the general vehicular circulation of the public shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. The reviewing body may grant, upon request, reduced widths for circulation aisles. The reviewing body will consider the following before making a determination if drive aisles may be reduced:
 - 1. overall circulation of the site,
 - 2. access to public rights-of-way,
 - 3. public safety,
 - 4. volume of traffic,
 - 5. visibility,
 - 6. location of nonmotorized traffic,
 - 7. grade or slope of the drive,
 - 8. other site considerations which may impact general circulation.
- ~~C.~~D. *Pavement.* All off-street parking facilities **and site circulation**, including private drives thereto, shall be constructed of materials which will have a paved surface resistant to erosion. Use of permeable materials, similar to a paved surface, is encouraged.
- ~~D.~~ E. *Accessible accommodations.* Any barrier free parking spaces or accessible loading aisles between said spaces shall be designed and constructed in accordance with the Americans with Disabilities Act of 1990, using the 2010 or most recent design standards. Barrier free parking spaces, accessible loading aisles between said spaces, and ramps shall be constructed of aggregate cement concrete or a similar, pre-approved hard-surface alternate, subject to Township Staff approval. Flexible paving is not allowed.
- ~~E.~~ F. *Backing into or from a street is prohibited.* All trucks and vehicles shall enter and exit the lot, parcel, or site using forward movement from and to the abutting street.

- F. **G.** *Bicycle parking.* Provision of parking facilities for bicycles is strongly encouraged and may be required as part of Special Exception Use approval.
- G. **H.** *Maximum number of spaces.* To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than 110% of the minimum parking space requirements except as may be approved by the reviewing body
- H. **I.** *Additional Parking Allowance.* In granting any additional space, the reviewing body shall determine that the parking is necessary, based upon documented evidence of actual use and demand provided by the applicant. The reviewing body shall also consider impacts on the property and surrounding properties including any natural features thereon. Use of pervious pavement is encouraged. This allowance shall apply only to those parcels, lots or building sites with a minimum of 50 parking spaces as required by Sections 68.302 and 68.400.

SECTION III. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHEMO CHARTER TOWNSHIP

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MAY10, 2018

Agenda

PUBLIC HEARING: BARN CAMP

CONSIDERATION OF AN APPLICATION FROM DOREEN BELTZ FOR A SPECIAL EXCEPTION USE, TO ALLOW A CHILDREN'S BARN CAMP AS A TEMPORARY OUTDOOR EVENT PURSUANT TO SECTION 20.410 AND 60.000 OF THE TOWNSHIP ZONING ORDINANCE. THE SUBJECT PROPERTY ADDRESS IS 2582 SOUTH 6TH STREET IN THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-28-430-041.

PUBLIC HEARING: CONSIDERATION OF DRAFT ZONING ORDINANCE TEXT AMENDMENTS

- a. SECTION 66.200: DIMENSIONAL REQUIREMENTS FOR PARCELS, LOTS AND BUILDING SITES**
- b. SECTION 68.300: OFF-STREET PARKING AND SITE CIRCULATION REQUIREMENTS**

OLD BUSINESS

- a. AGRITOURISM (DISCUSSION CONTINUED FROM APRIL 22ND MEETING)**
-

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 10, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Fred Antosz
Ollie Chambers
Dusty Farmer, Secretary
Micki Maxwell
Bruce VanderWeele, Vice Chairperson

MEMBERS ABSENT: Cheri Bell, Chairperson
Mary Smith

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and two interested persons.

PUBLIC HEARING: CONSIDERATION OF DRAFT ZONING ORDINANCE TEXT AMENDMENTS

- a. **SECTION 66.200: DIMENSIONAL REQUIREMENTS FOR PARCELS, LOTS AND BUILDING SITES**
- b. **SECTION 68.300: OFF-STREET PARKING AND SITE CIRCULATION REQUIREMENTS**

Vice Chair VanderWeele asked Ms. Johnston to review this item for the Board.

Area Requirements

Ms. Johnston said on March 22, 2018, the Planning Commission forwarded a recommendation of approval to the Township Board for the Residential Condominium Development Standards. In reviewing associated ordinances related to residential development, Staff recommended changes to the Schedule of Area, Frontage, and/or Width Requirements (Section 66.200) at the April 12th Planning Commission meeting.

Currently, she said, Section 66.200 outlines different area requirements for one and two-family dwellings. For example, if a project has public water and sewer, a single-family dwelling requires 10,560 square feet where a two-family dwelling requires 13,200 square feet. In a platted subdivision or site condominium, this ordinance actually incentivizes two-family dwellings. The density for single-family would equate to 4.12 dwelling units per acre while the density for two-family increases to 6.60 dwelling units per acre.

Density is determined by dividing the total required square footage per lot into an acre (43,560 square feet). The increase seen for two-family is that on every 13,200 square foot lot or building site, two dwelling units are permitted.

Staff recommended changing the table from “*Area Requirements*” to “*Area Requirements per Dwelling Unit*.” This would stipulate that each individual residential unit have the same amount of area, regardless of the number of units planned for the parcel or lot. A two-unit with public water and sewer would be required to have a lot that is 21,120 square feet. This recommended change aligns with the densities allowed in the Residential Condominium Development Standards Ordinance and ensures a level playing field for density regardless of the number of attached or detached units planned.

Circulation Aisle Widths

Ms. Johnston explained in December of 2017, the Planning Commission forwarded amendments to the Township Board for changes to the Off-Street Parking Ordinance. The amendments primarily centered on ensuring ADA compliance for accessible spaces and regulating circulation aisles. As part of the discussion with the Township Board, a request was forwarded back to the Planning Commission that

circulation aisle widths be reviewed. The overall intent of the request was to determine if the Township could allow for reduced widths and therefore reduced asphalt on site.

She said there are several types of circulation aisles that could be found on a non-residential site, such as within parking lots, dedicated fire lanes, to get to loading/unloading facilities, to ensure access around the entirety of the building, etc. The recently approved changes to the Off-Street Parking Ordinance would require all circulation aisles be 24-feet in width for two-way traffic and 20-feet in width for one-way traffic.

Over the last three months, the Planning Commission reviewed research from other communities and amended Ordinance language provided by staff. Based on the Planning Commission discussions during this time period, these recommended amendments to Section 68.300.C: Circulation Aisle Width, were:

- C. *Circulation Aisle Width.* Aisles for the general vehicular circulation of the public shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. The reviewing body may grant, upon request, reduced widths for circulation aisles. The reviewing body will consider the following before making a determination if drive aisles may be reduced:
1. overall circulation of the site,
 2. access to public rights-of-way,
 3. public safety,
 4. volume of traffic,
 5. visibility,
 6. location of nonmotorized traffic,
 7. grade or slope of the drive,
 8. other site considerations which may impact general circulation.

Ms. Johnston endorsed a recommendation of approval by the Planning Commission be forwarded to the Township Board.

Vice Chair VanderWeele determined there was neither public comment, nor any Board discussion on this item and asked for a motion.

Mr. Chambers made a motion to approve the changes to 66.200 and 68.300 as proposed and recommend them to the Township Board for approval. Ms. Maxwell supported the motion. The motion was approved unanimously.

OLD BUSINESS

- a. **Agritourism** (discussion continued from April 22nd meeting)

Given that two Planning Commission Members were absent, it was the consensus of the Board to table this discussion until the May 24 work session.

ANY OTHER BUSINESS

Ms. Johnston said she had flyers for any Board Members who might be interested in attending a free Planning Commissioner's ToolKit training workshop on Thursday, June 7th.

PLANNING COMMISSIONER COMMENTS

Ms. Farmer said she is planning to compile educational accomplishments of Boards and Staff for inclusion in the Township Newsletter.

ADJOURNMENT

Hearing no further comments, Vice Chairperson VanderWeele asked for a motion to adjourn.

Ms. Farmer made a motion to adjourn the Meeting of the Planning Commission. Ms. Maxwell supported the motion. The motion was approved unanimously.


The Planning Commission meeting adjourned at approximately 7:52 p.m.

Minutes prepared:
May 12, 2018

Minutes approved:
May 24, 2018

MEMORANDUM

TO: Township Board

FROM: James W. Porter 

DATE: June 20, 2018

SUBJECT: Revised Anti-Noise Ordinance, and new Blight Elimination Ordinance

OBJECTIVE

At the behest of our Ordinance Enforcement Officer, and with the help of other Township Officials- including those in Planning and Zoning, we met and reworked what was previously referred to as the Township Anti-Noise and Public Nuisance Ordinance. After revising the provision regarding noise, at the recommendation of legal counsel, we separated the blight provisions from the ordinance, and created a separate Blight Elimination Ordinance. The purpose of this change, was to add clarity for ordinance enforcement purposes.

BACKGROUND

The Township has had an Anti-Noise and Public Nuisance Ordinance for years, but it was determined that additional clarification was needed. Perhaps one of the most significant changes was in Section IV, eliminating an exception for firearm noise. Noise from firearms will now be treated as any other nuisance in the Township. The Blight Elimination Ordinance added a great deal of clarity regarding nuisances which might not normally fall under the provisions of our Plant Growth Ordinance, or the previous provisions of our Public Nuisance Ordinance.

INFORMATION PROVIDED

I have attached a copy of the redlined versions of the proposed Anti-Noise Ordinance and the new Blight Elimination Ordinances.

STATEMENT OF ASKING BOARD TO APPROVE

Accept the Anti-Noise and Blight Elimination Ordinances for first reading, and set the second reading for the next Township Board meeting.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____, 2018

Effective: _____, 2018

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Anti-Noise and Public Nuisance Ordinance No. 176, specifically Compiled Sections 214.001; 214.003, Subsection B, Paragraphs 4, 8 and 14; Subsection C, the addition of Paragraph 7; the amendment of 214.004, Subsection A, Paragraph 4 and renumbering of Paragraphs 5 and 6; the deletion of 214.005; the renumbering of 214.006 and 214.007; the addition of 214.007; the amendment of 214.008 and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION 214.001, TITLE.
Compiled Section 214.001 Title is hereby amended to read as follows:

214.001 Title.

Sec. I. This Ordinance shall be known and cited as the Township Anti-Noise ~~and Public Nuisance~~ Ordinance.

SECTION II. AMENDMENT OF COMPILED SECTION 214.003, SUBSECTION B, PARAGRAPHS 4, 8 AND 14. Subsection B of Section 214.003 Anti-Noise Regulations, Paragraphs 4, 8 and 14 are hereby amended to read as follows:

214.003 Anti-Noise Regulations.

Sec. III.

B. Specific violations. The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:

4. Domestic animals. The keeping, ~~permitting or allowing~~ of any domestic animal which emanates noise for an extended period of time (60 minutes or more) which shall unreasonably disturb the quiet, comfort and repose of any person in the vicinity, and can be clearly heard from any nearby property. When investigated by the Ordinance Enforcement Officer or Animal Control Authority, if reasonable cause to believe a violation has occurred, a municipal civil infraction citation may be issued. If the officer cannot establish reasonable cause based solely upon his/her personal investigation, further investigation shall be pursued, and if, based upon witnesses' statements, there is reasonable cause to believe a violation has occurred, the matter shall be referred to the Township Attorney's office for a determination as to whether a citation shall be issued.

8. ~~Construction projects. Construction in the following Zoning Districts can occur from 07:00 a.m. through 10:00 p.m. on any day:~~

~~All Zoning Districts that require a minimum of a 20-foot side line and a rear property line setback.~~

~~a. 9.~~ Construction activities may occur between the hours of 07:00 a.m. and 10:00 p.m. However, when a residentially-zone and occupied dwelling is within 1,000 feet of the active area of a nonresidential construction site, all construction activities within that area of the site must cease by 7:00 p.m. each day.

~~Construction in the following Zoning Districts can occur from 07:00 a.m. until 7:00 p.m. on each day:~~

~~a. All Zoning Districts that require a minimum of a 10-foot side line and a rear property line setback.~~

~~14. Farm animals. Pigs, cows, horses and other "farm" animals fall under the Right to Farm Act and shall be referred to and enforced by the Department of Agriculture.~~

14. Roosters. The keeping of roosters is prohibited except in the Agricultural District.

C. Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

7. Farm animals ~~Pigs, cows, horses and other "farm" animals fall~~ protected under the Right-to-Farm Act.

SECTION III. DELETION COMPILED SECTION 214.004, SUBSECTION A, PARAGRAPH 4, AND RENUMBERING OF PARAGRAPHS 5 AND 6. Subsection A, Paragraph 4 of Section 214.004 Anti-noise regulations based upon dB(A) criteria is hereby deleted and Paragraphs 5 and 6 are hereby renumbered to read as follows:

214.004 Anti-Noise Regulations.

Sec. IV.

A.

~~4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.~~

~~5.~~ 4. Any commercial, agricultural or industrial use of property which ~~exists now or in the future as is~~ a legal non-conforming use (as defined in the Township Zoning Ordinance) ~~In a higher zoning classification~~ shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:

a. The noise level emitted by such use at the time it became a legal non-conforming use as a result of the enactment of an amendment of the Township Zoning Ordinance if available.

b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial or agricultural or industrial) where such a use is specifically allowed as a permissible use.

~~6.~~ 5. Noises emanating from any vehicle or equipment designed and used for the purpose of snow and/or ice removal when in use for such purposes.

SECTION IV. DELETION OF COMPILED SECTION 214.005. Compiled Section 214.005 Public nuisance regulations is hereby deleted.

~~214.005 Public nuisance regulations.~~

~~Sec. V.~~

~~No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.~~

SECTION V. COMPILED SECTION 214.006 VALIDITY IS RENUMBERED TO AS COMPILED SECTION 214.005.

SECTION VI. AMENDMENT OF COMPILED SECTION 214.007 PENALTIES.
Compiled Section 214.007 Penalties is renumbered and amended to read as follows:

214.006 Penalties.

Sec. VI.

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction.

Upon determination of responsibility, the person, corporation, firm or other entity shall pay a fine according to the following schedule:

- First offense ...\$75.00
- Second offense within three years of first offense ...150.00
- Third offense within three-year period ...325.00
- Fourth and each subsequent offense within three-year period are each ...500.00

~~If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.~~

Each day during which a violation continues shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

~~Nothing herein contained shall prevent the Township Board, public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance.~~

SECTION VI. ADDITION OF COMPILED SECTION 214.007. Compiled Section 214.007 Enforcement is hereby added as follows:

214.007 Enforcement.

Sec. VII.

The Township Ordinance Enforcement Officer is hereby authorized to enforce this Ordinance in accordance with the terms herein. Nothing contained within the construction of this Ordinance shall be construed as preventing the Township Board, a public official, or private citizen from taking such lawful action as is necessary to restrain, or prevent, any violation of this Ordinance.

The Township may seek abatement of a nuisance, and such other relief as may be obtained by civil proceedings in court, in addition to the fines listed under Section IV (C) of this Ordinance. If a determination is made by a court having jurisdiction over this matter, the court may impose fines as provided for by law in addition to the fines imposed by the Township in accordance with the schedule listed under Section IV of this Ordinance.

SECTION VII. AMENDMENT OF COMPILED SECTION 214.008. Compiled
Section 214.008 is hereby amended to read as follows:

214.008. Effective date; repeal.

Sec. VIII.

This Ordinance shall take effect ~~on October 4, 1984~~ **thirty (30) days after publication**. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DEBORAH L. EVERETT, CLERK
OSHTEMO CHARTER TOWNSHIP

CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. ____

BLIGHT ELIMINATION ORDINANCE

Adopted: _____, 2018

Effective: _____, 2018

An Ordinance to prevent, reduce or eliminate blight, blighting factors, or causes of blight within Oshtemo Charter Township; to provide for the enforcement thereof; to provide penalties for the violation thereof; and to repeal existing Ordinances or parts of Ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION I. NAME.

This Ordinance shall be known and cited as the “Oshtemo Charter Township Blight Elimination Ordinance.”

SECTION II. PURPOSE.

The purpose of this Ordinance is to prevent, reduce, or eliminate blight, or potential blight, in Oshtemo Charter Township by the prevention or elimination of certain environmental causes of blight, or blighting factors, which exist, or which may exist in the future, in the Township.

SECTION III. DEFINITIONS OF BLIGHT

- A. Any inoperable or unlicensed vehicle upon premises not zoned for such activities (except for vehicles or trailers that are temporarily inoperable because of minor mechanical failure but which are not, in any manner, dismantled and have substantially all main component parts attached), which may remain upon such

private property for no more than consecutive 14 days, unless otherwise stored in a fully-enclosed building which does not violate any zoning or building laws of the Township.

- B. Any inoperable or unlicensed motor vehicle, recreational vehicle, house trailer, travel trailer, cargo or utility trailer parked on a public street (except for cargo or utility trailers if there is, in force, a valid building permit issued by Oshtemo Charter Township for construction upon said property, and only when said cargo or utility trailer is intended for use in connection with such authorized/permitted construction).

- C. Any “junk” which term shall be read to include, but not to be limited to: dismantled motor vehicles; parts of machinery or motor vehicles; unlicensed, inoperative, or inoperable trailers; unused, disused, or inoperable stoves, refrigerators, water heaters, or other appliances; discarded scrap metal; discarded scrap building materials; garbage, trash, or other cast-off material; organic refuse not including managed compost bins; food waste ashes; fish; dead animals, offal, animal bones and/or hides; rotten soap, grease tallow; shells; food containers or wrappings, cans, bottles, jars, or crockery; discarded furniture; cartons; boxes; crates; rags; discarded clothing; bedding; floor coverings or carpets; wallpaper; sweepings; waste paper, newspaper, or magazines; animal excrement; rotten materials; construction debris (including, but not limited to: lumber, bricks, blocks, plumbing or heating materials, concrete, cement, electrical materials, roofing, or siding); piled yard debris or rubbish (including, but not limited to: grass and/or hedge clippings, detached shrub or tree branches, and discarded planting materials within lawn areas); industrial waste; unclean or nauseous fluids or gas; and any other materials deemed to be noxious, a blight, or detrimental to the health, safety, or welfare of Township residents.

- D. Any exterior storage of “building materials” which term shall be read to include, but not to be limited to: lumber, bricks, concrete or cinder blocks; plumbing

materials; electrical wiring or equipment; heating ducts or equipment; shingles, mortar, concrete, or cement; nail screws or any other materials used in constructing any structures (unless there is in enforce a valid building permit issued by Oshtemo Charter Township for construction upon said property and the subject materials are intended for use only in connection with said authorized construction).

- E. Any exterior storage of "Landscaping Materials" which term shall be read to include, but not to be limited to: lumber, timbers, lattice, woodchips, bricks, mortar, rocks, pavers, sand, stones, plants, top soil, fertilizer, lawn or garden edging, or weed killing fabric used in landscaping; unless the materials are for use in a landscaping project upon said property and the subject materials are intended for use only in connection with said landscaping project. However, storage of such landscaping materials shall at no time exceed a thirty (30) day period.

- F. Any "litter" which term shall be read to include, but not to be limited to: all rubbish, refuse, waste materials (including liquid waste), garbage, offal, paper, boxes, wood, scrap lumber or building materials, tree branches and yard trimmings within lawn areas, rubber tires, plastics, glass, bottles, cans, metal, motor vehicle parts, household appliances, furniture not designed for outdoor use, trash, debris or other foreign substances detrimental to the health, safety, or welfare of Township residents.

- G. Any "blighted structure" which term shall be read to include, but not to be limited to: any dwelling, garage or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was intended.

- H. Any vacant dwelling, garage, or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up, and are otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.
- I. Any partially-completed structure, unless said structure is in the course of construction in accordance with a valid and existing building permit issued by the Township, and unless such construction is completed within a reasonable time.
- J. Any “inoperable motor vehicle,” meaning a vehicle which does not mechanically operate, or which does not have sufficient body components to operate legally upon a public highway.
- K. Any unlicensed motor vehicles not having a valid license plate shall be presumed inoperable for the purposes of this Ordinance.

SECTION IV. REGULATIONS.

It shall be unlawful for any person, firm or corporation, either as the owner or occupant of any property, to cause, permit, or allow blight to exist upon any property, public or private, within the Township, and the same is declared a blight which may be enjoined or subject the violator to civil charges, fines, and penalties as provided for in this Ordinance; except that the following additional restrictions shall apply:

- A. Not more than one vehicle in fully operating condition (such as a stock car, modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured) may be stored on the property outside a fully enclosed building, provided no building or garage is located upon the premises in which the same could be parked or stored, any such vehicle may not be parked in the front or side yard area of a residential premises.
- B. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle, trailer, or parts thereof, upon any public right-of-way, public property, or upon any property not zoned for such activities for a period in excess of 24 hours (except such as shall: be accomplished within fully enclosed buildings; will not constitute a blight or annoyance to adjoining property owners

or occupants; and does not violate any provisions of the Oshtemo Charter Township Zoning Ordinance). Any such work within such 24-hour period allowed shall not, however, consist of any major repair, re-designing, modifying, or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle, trailer, or parts thereof in normal operating condition.

The foregoing regulations contained in this section shall not apply to litter which is being neatly and properly stored between regular public litter collections from the premises or otherwise by the Township or its licensed agents, if the same are scheduled not less frequently than monthly, nor to natural fertilizers customarily used by agriculturists or by farmers for nutrients to their crops in the reasonable normal cultivation of their produce. Any refrigerator, cooker, chest of cabinets, or other similar items awaiting disposal shall first have the doors, levers, or latches removed to prevent anyone from inadvertently being locked inside them.

In the event the foregoing regulations create any special or particular hardship beyond the control of a particular violator thereof because of unforeseen circumstances, the Ordinance Enforcement Officer is given authority to grant permission to an applicant to operate, contrary to the provisions of the regulations, for a period not to exceed 14 days, provided no adjoining property owner or occupant is unreasonably and adversely affected thereby, and the spirit and purpose of the Ordinance are still observed.

SECTION V. CONSTRUCTION.

This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Oshtemo Charter Township Zoning Ordinance, and shall be in addition to any other laws or Ordinances respecting rubbish, refuse, litter, trash or junk control and regulations.

SECTION VI. ABATEMENT OF BLIGHT— PENALTIES.

- A. Notice to abate blight. Whenever a blight condition described above shall exist on a private premises within the Township, the Ordinance Enforcement Officer shall give notice in writing, in person, by posting or by first class mail addressed to the owner or occupant of record of the property where the blight exists or to the

person(s) otherwise responsible for the blight condition. The notice shall specify the location and nature of the blight, and shall indicate that such owner, occupant, or person otherwise responsible is required to abate or otherwise remove the blight condition within 14 days of the mailing of the notice. The Notice shall further state that if the blight condition is not abated or otherwise removed, the Township Ordinance Enforcement Officer shall charge the owner or occupant as specified herein. If the actual owner or occupant of the premises is unknown, or cannot be located through reasonable means, notice may be given by posting a copy upon a conspicuous part of the property where the blight is located, or by mailing a copy by first class mail to the owner or party of interest at the address show in the Township tax records at least 14 days before further action by the Township will occur.

- B. Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction.
- C. Upon determination of responsibility, the person, corporation, firm or other entity shall pay a fine according to the following schedule:

	<u>Minimum Fine</u>
First Offense	\$ 75.00
Second Offense within three years of first offense	\$ 150.00
Third Offense within three-year period	\$ 325.00
Fourth and each subsequent offense within three-year period are each	\$ 500.00

Each day during which a violation continues shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

SECTION VII. ENFORCEMENT.

The Township Ordinance Enforcement Officer is hereby authorized to enforce this Ordinance in accordance with the terms herein. Nothing contained within the construction of this

Ordinance shall be construed as preventing the Township Board, a public official, or private citizen from taking such lawful action as is necessary to restrain, or prevent, any violation of this Ordinance.

The Township may seek abatement of a nuisance, and such other relief as may be obtained by civil proceedings in court, in addition to the fines listed under Section IV (C) of this Ordinance. If a determination is made by a court having jurisdiction over this matter, the court may impose fines as provided for by law in addition to the fines imposed by the Township in accordance with the schedule listed under Section IV of this Ordinance.

SECTION. VIII. VALIDITY.

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

SECTION IX. REPEAL.

All Ordinances or parts of Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

SECTION X. EFFECTIVE DATE.

This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

**Resolution to Denounce U.S. Policy Separating Children
from their Parents at the U.S. Southern Border**

June 26, 2018

WHEREAS the Township recognizes its duties and responsibilities are to the residents of Oshtemo Charter Township and the protection of their health, safety, and welfare; and

WHEREAS the Township is a voice for its citizens; and

WHEREAS the Township recognizes that what happens elsewhere in the United States affects the health, safety, and welfare of the residents of Oshtemo Charter Township;

NOW THEREFORE, BE IT HEREBY RESOLVED, that Oshtemo Charter Township Denounces the separation of children from their parents at the United States Southern Border, and, on behalf of the residents of Oshtemo Charter Township, respectfully requests that the United States Federal Government cease and desist its separation and detention of minor children from their parents when dealing with detainees under United States Immigration Policy.

The motion was made by _____, and seconded by _____, to adopt the above Resolution.

Upon a roll call vote,

The following voted "Aye":

The following voted "Nay":

The following "Abstained":

The Supervisor declared that the Resolution has been _____.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on June 26, 2018, at which meeting ___ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

Dusty Farmer, Township Clerk