

**CHARTER TOWNSHIP OF MONITOR
COUNTY OF BAY, MICHIGAN**

ORDINANCE 50-A

AN ORDINANCE AMENDING ORDINANCE NO. 50 TO PROVIDE THAT THE TOWNSHIP ASSESSOR BE THE TOWNSHIP'S REPRESENTATIVE AND VESTED WITH THE AUTHORITY TO REVIEW AND APPROVE OR DISAPPROVE ALL LAND DIVISION APPLICATIONS SUBMITTED PURSUANT TO ORDINANCE NO. 50 AND THE MICHIGAN LAND DIVISION ACT.

THE CHARTER TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN
ORDAINS:

SECTION I

Section III of Ordinance No. 50 shall be amended by the addition of sub-section C. which shall provide as follows:

C. "Act" - The Michigan Land Division Act (Public Act 288 of 1967) as it may hereafter be amended.

SECTION II

Section IV of Ordinance No. 50 shall be amended by the modification of sub-section C. which shall provide as follows:

C. An exempt split as defined in this Ordinance, other partitioning or splitting that results in parcels of twenty (20) acres or more if each is not accessible and the parcel was in existence on March 31, 1977 or resulted from exempt splitting under the Act.

SECTION III

Section V of Ordinance 50 shall be amended to read as follows:

SECTION V - APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor for review of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed

division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.

- D. Proof that all standards of the Act and this Ordinance have been met.
- E. Detailed information about the terms and availability of the proposed division rights transfer if a transfer of division rights is proposed in the land transfer.
- F. A fee to cover the costs of review of the application and administration of this Ordinance and the Michigan Land Division Act. The amount of such fee shall be established, and from time to time amended, by resolution of the Township Board.

SECTION IV

Section VI of Ordinance No. 50 shall be amended to read as follows:

- A. The Township Assessor shall approve or disapprove the land division applied for within forty-five (45) days after receipt of a complete application conforming to this Ordinance's requirements and the Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for the denial.
- B. The Assessor shall be authorized to utilize Township staff, elected officials and professional support personnel including but not necessarily limited to the Township Planner and Township Attorney in the review of such applications.
- C. Any person or entity aggrieved by the decision of the Township Assessor may, within thirty (30) days of the decision, appeal the decision to the Township Board, or such other body or person designated by the Township Board, which shall consider and resolve such appeal by a majority vote of said Board, or by the appellate designee, at its next regular meeting or session. Such meeting or session shall be scheduled to afford sufficient time for a written notice to be sent to the applicant (and appellant where other than the applicant) not less than twenty (20) days prior to the meeting. The notice shall show the time, date and place of the meeting and appellate hearing.
- D. The Township Assessor under the direction of the Clerk, shall maintain an official record of all approved and accomplished land divisions or transfers.
- E. Approval of a division is not determination that the resulting parcels comply with other ordinances or regulations.

F. The Township and the Township's officers, employees and consultants shall not be liable for damages resulting from approval of a land division of building permits for construction on parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, Zoning Ordinance requirements and violations of other ordinances or any other reason, and any notice of approval shall include a statement to this effect.

SECTION V

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

SECTION VI

This Ordinance shall not be construed to repeal any provision in the Zoning Ordinances or other ordinances of the Township not specifically amended herein, which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION VII

This Ordinance shall be published in a newspaper of general circulation within the Township of Monitor, Bay County, Michigan and shall take effect on the 31st day after publication.

THE CHARTER TOWNSHIP OF MONITOR

Date of 1st reading:
March 08, 2004

By: Marvin E. Neumeyer,
Its Supervisor

Date of 2nd reading:
March 22, 2004

By: Cindy L. Kowalski,
Its Clerk

Date of Publication:
March 25, 2004

Effective Date:
April 25, 2004