

GRANT TOWNSHIP, CLARE COUNTY, MICHIGAN

BUILDING SETBACK ORDINANCE

Ordinance No. 2018-1

Adopted: _____, 2018
Effective: _____, 2018

At a meeting of the Township Board of Grant Township, Clare County, Michigan ("Township") held at the Grant Township Hall on _____, 2018, at _____ p.m., the following Ordinance was offered for adoption:

An Ordinance to protect the public health, safety and general welfare by regulating the setbacks of buildings from lot lines and providing for municipal civil infractions, civil forfeitures and other remedies for violations of this Ordinance within Grant Township, Clare County, Michigan.

THE TOWNSHIP OF GRANT, CLARE COUNTY, MICHIGAN, ORDAINS:

Section 1. Title, Authority and Purpose. This Ordinance shall be known as the Grant Township Building Setback Ordinance. Pursuant to the authority granted by MCL 41.181 and other applicable law, the Grant Township Board adopts this Ordinance to protect the public health, safety and general welfare of persons and property within Grant Township, including promoting traffic safety along public and private roads, preventing excessive encroachment by parking in public road rights-of-way by providing adequate space for off-street parking, maintaining safe sight lines at driveways and road intersections, and preventing the spread of fire between adjacent buildings.

Section 2. Definitions. Any word or term not defined below shall be considered to be defined in accordance with its common or standard definition. As used in this Ordinance, the following words and terms shall have the following specific meanings:

- A. Building:** Anything constructed or erected in or upon the ground and having a temporary or permanent location in or upon the ground including, but not limited to, principal buildings, garages and other accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, satellite dishes, decks and platforms. Utility poles and facilities, mailboxes, sidewalks, driveways, streets, parking areas, or patios with no parts above the ground surface shall not be considered to be structures for the purposes of this Ordinance. Lawful fences or walls shall not be considered to be structures for the purposes of this Ordinance, provided that they are outside any front setback.
- B. Lot:** A parcel of land, excluding any public road right-of-way or private road easement. A lot may consist of one or more contiguous (1) lots described in a recorded subdivision, (2) lots described by metes and bounds in a land division, deed or conveyance, or (3) condominium units described in a condominium master deed.

C. Lot Lines: The lines that mark the exterior perimeter of a lot, including the following:

1. **Front Lot Line:** A lot line separating a lot from a road right-of-way or a private road easement. A lot that abuts more than one road right-of-way or private road easement, such as a corner lot, shall have a front lot line along each such road or private road.
2. **Rear Lot Line:** A lot line opposite from a front lot line.
3. **Side Lot Line:** A lot line other than a front lot line or rear lot line.

D. Person: Includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or entity of any type or combination, as well as natural person

E. Road Easement, Private: A private easement that reserves an area for transportation by vehicles and pedestrians, location of utilities, and other authorized purposes, which is delineated by legally established lines or boundaries. The outside boundaries of a private road easement, if not otherwise established, shall be thirty-three (33') feet on each side of the center line of a private road.

F. Road Right of Way: An area permanently reserved by law or by public dedication for transportation by vehicles and pedestrians, location of utilities, rail transport, transmission lines, pipelines and other authorized public or quasi-public purposes, which is delineated by legally established lines or boundaries. The outside boundaries of a road right-of-way, if not otherwise established by dedication or law, shall be thirty-three (33') feet on each side of the center line of a road, street, alley or other public thoroughfare.

G. Setbacks: The minimum unoccupied distance between a lot line and any building, extending for the full length along the lot line, including the following:

1. **Front Setback:** The minimum unoccupied distance between a front lot line and any building on the lot.
2. **Rear Setback:** The minimum unoccupied distance between a rear lot line and any building on the lot.
3. **Side Setback:** The minimum unoccupied distance between a side lot line and any building on the lot.

H. Township: Grant Township, Clare County, Michigan

I. Township Code Enforcement Officer: The person designated by the Township Board to enforce the provisions of Township Ordinances.

J TownshipTownship Building Official: Building Official: The person designated to enforce the Building Code within the Township.

Section 3. Setback Requirements.

- A. Minimum Front Setbacks.** Minimum front setbacks shall be twenty (20') feet. (Recommended front setbacks are thirty (30') feet.)
- B. Minimum Rear Setbacks.** Minimum rear setbacks shall be ten (10') feet. (Recommended rear setbacks are thirty (30') feet.)
- C. Minimum Side Setbacks.** Minimum side setbacks shall be ten (10') feet. (Recommended side setbacks are fifteen (15') feet.)
- D. Other Minimum Setbacks.** This Ordinance shall not supersede other minimum setbacks established by private covenants or restrictions in a recorded subdivision plat or condominium master deed.

Section 4. Violations.

- A. Civil Infractions:** Any person who causes or permits to continue a violation of this Ordinance is responsible for a municipal civil infraction and subject to a civil fine of not more than \$500.00, plus costs, together with additional sanctions, remedies and judicial orders as authorized under Michigan law, including without limitation injunctive relief against such violations. Each day a violation of this Ordinance continues constitutes a separate violation.
- B. Public Nuisance:** A violation of this Ordinance is hereby declared to be a public nuisance, and may be abated by order of any court of competent jurisdiction.
- C. Enforcement:** The Township Supervisor, the Township Code Enforcement Officer, and their designees and sworn law enforcement officers are authorized to enforce the provisions of this Ordinance. In addition, the Township Building Official, upon discovery of a violation of this Ordinance, may withhold or revoke any building permits, or may cause a stop work order to be issued. It is not the responsibility of the Township to verify property boundaries for determining the location of any required setbacks.

Section 5. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. Severability. This Ordinance and the various provisions thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after publication as required by law.

The foregoing Ordinance was moved for adoption by Township Board Member _____, and seconded by Township Board Member _____.

Roll Call Vote:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

Ordinance Declared Adopted:

Dan Dysinger, Grant Township Supervisor

AFFIDAVIT OF POSTING, FILING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted the Grant Township Board at a meeting held on _____, 2018, pursuant to the required statutory procedures.
2. The Ordinance was posted at the Township Clerk's office on _____, 2018 and filed with the Clare County Clerk on _____, 2018.
3. The attached Notice of Adoption of the Ordinance was duly published in the _____ newspaper, which circulates within Grant Township, on _____, 2018, not more than seven (7) days after the adoption of the Ordinance.

ATTESTED:

Susan Wentworth, Grant Township Clerk

**GRANT TOWNSHIP, CLARE COUNTY, MICHIGAN
BUILDING SETBACK ORDINANCE
Ordinance No. 2018-1**

Notice of Adoption

On _____, 2018, the Grant Township Board adopted Ordinance No. 2018-1, the Grant Township Building Setback Ordinance, in order to protect the public health, safety and welfare of Grant Township, Clare County, Michigan, by regulating building setbacks within the Township. The Ordinance contains the following sections and catch lines: Section 1: Title, Authority and Purpose; Section 2: Definitions; Section 3: Setback Requirements; Section 4: Waivers; Section 5: Violations; Section 6: Repealer; Section 7: Severability; and Section 8: Effective Date, which is thirty (30) days after this publication. A true copy of the Ordinance is available for inspection or to receive copies at the Grant Township offices, Corner of Grant Avenue and Surrey Road, Clare MI 48617.

Susan Wentworth, Grant Township Clerk