

TOWNSHIP OF BOSTON

COUNTY OF IONIA, MICHIGAN

ORDINANCE NO. 98-2, AS AMENDED

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF BOSTON, IONIA COUNTY, MICHIGAN, BY REGULATING THE DIVISION OF A LOT IN A RECORDED PLAT AND BY REGULATING THE NUMBER OF DWELLINGS TO BE LOCATED ON PLATTED LANDS AND ON UNPLATTED LANDS; TO PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE ORDINANCE

THE TOWNSHIP OF BOSTON ORDAINS:

SECTION 1. TITLE. This ordinance shall be known and may be cited as the Boston Township Ordinance Regulating the Division of Recorded Plats and Regulating the Number of Dwellings to be Located on Platted and Unplatted Lands.

SECTION 2. PURPOSE. The purpose of this Ordinance is to promote the general health, safety and welfare of the residents and property owners of Boston Township by regulating the division of a lot in a recorded plat and by regulating the number of dwellings to be located on platted lands and on unplatted lands.

SECTION 3. LOT DIVISION. The division of a lot in a recorded plat is prohibited unless the Township Board approves the division, following review of a completed application.

(a) The application for the division of a lot shall comply with the following:

(i) The application shall be filed with the Township Clerk.

(ii) The application shall include a survey map prepared by a registered surveyor.

(iii) The application shall state the reasons for the proposed division.

(b) The Township Board, in its discretion, may request that the County Planning Commission review and comment on the application.

(c) No building permit shall be issued, nor shall any building construction be commenced, prior to (1) receipt of the Township Board's approval of such a division and (2) receipt of all necessary county or district health department approvals of any proposed building.

(d) No lot in a recorded plat shall be divided so as to conflict with any other applicable provision of state or local law, including the provisions of the Land Division Act or the provisions of any local ordinance implementing that Act.

SECTION 4. NUMBER OF DWELLINGS ON A PARCEL OF LAND. No more than one dwelling shall be located on a parcel of land, except as stated below in this section.

For purposes of this Section 4, a “parcel” shall mean contiguous land in the same ownership which is not divided by any public street, private road or alley, and a “dwelling” shall be any building, including a mobile home or manufactured home, which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily.

However, the prohibition on more than one dwelling being located on a parcel of land shall not apply to seasonal migrant worker housing or other agricultural tenant housing located on farms of 20 acres or more; duplexes, but only where there is no detached, single family dwelling on the parcel of land; motels and other tourist homes; apartments, attached condominium dwellings and other attached multiple family housing, but only where there is no detached, single family dwelling on the parcel of land.

A dwelling that was lawfully in existence on April 24, 2002, and does not comply with the one dwelling per parcel requirement of this Section shall be a legal nonconforming dwelling for purposes of this section. Such a legal nonconforming dwelling may be maintained, remodeled and modernized, but the area of the building or structure shall not be expanded or enlarged. Such a legal nonconforming dwelling, if damaged or destroyed by wind, fire or other casualty, may be restored, replaced or re-constructed if such restoration, replacement or reconstruction is commenced within 12 months of the date of the casualty and is thereafter diligently pursued to completion. A nonconforming dwelling that is removed, deconstructed or abandoned for a continuous period of 12 months or more shall not be rebuilt, re-occupied or re-established on the parcel except in compliance with the one dwelling per parcel limit contained in this Section 4.

Notwithstanding the foregoing, a manufactured home in existence on a parcel as of April 24, 2002, and otherwise permitted as a legal nonconforming dwelling under this Section 4, may be replaced with a different manufactured home, including a larger manufactured home, upon approval of the Township Board. The Township Board shall grant such approval if it determines that the proposed replacement manufactured home promotes safety, is accessible by fire and emergency vehicles, will not unduly alter traffic patterns, and will not create any nuisance or otherwise jeopardize the public health, safety and welfare. The Township Board, in granting such approval, may impose such reasonable conditions as it deems appropriate to insure the public health, safety and welfare.

SECTION 5. PENALTIES AND ENFORCEMENT.

(a) *Municipal Civil Infraction.* A violation of this ordinance or a violation of any approval granted hereunder is a municipal civil infraction, for which the fine shall be \$500 for the first offense, and not less than \$1,000 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purposes of this section, “subsequent offense” means a violation of this ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) *Injunctive Relief.* In addition, a violation of this ordinance or a violation of any approval granted hereunder is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and imposition of the foregoing municipal civil infraction penalties against a violator shall not prohibit the Township from also seeking injunctive relief against a violator, in order to abate the violation or to seek such other relief provided by law.

SECTION 6. SEVERABILITY. Each portion of this ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, sentence or clause hereof be declared by a court of competent jurisdiction to be unconstitutional, invalid, or be rejected by referendum or similar process, such holding shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional, invalid or rejected.

TOWNSHIP OF BOSTON

Lori Spoelstra
Township Clerk

Ordinance No. 98-2, adopted February 11, 1998, and effective March 23, 1998
Ordinance No. 02-2, adopted February 13, 2002, and effective March 21, 2002
Ordinance No. 02-11, adopted April 10, 2002, and effective April 25, 2002
Ordinance No. 09-1, adopted March 11, 2009, and effective March 20, 2009
Ordinance No. 09-04, adopted September 9, 2009, and effective October 19, 2009