

**LOT DIVISION ORDINANCE**

**TOWNSHIP OF MANCELONA**

**COUNTY OF ANTRIM, STATE OF MICHIGAN**

**ORDINANCE NUMBER 6**

**Adopted:** February 16, 1998

**Effective:** April 3, 1998

**LOT DIVISION ORDINANCE**

An Ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the Township, enacted pursuant, but not limited to, *Michigan Public Act 246 of 1945*, as amended, and MCL 560.263, as amended; to prescribe a penalty for the violation of the provisions of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

**TOWNSHIP OF MANCELONA**

**Antrim County, Michigan**

**ORDAINS:**

**SECTION I**

**TITLE**

This Ordinance shall be known as the Mancelona Township Lot Division Ordinance.

**SECTION II**

**PURPOSE**

The purpose of this Ordinance is to promote and secure the public health, safety, and general welfare of persons, property owners, and property in the Township of Mancelona, by providing for the review of proposed divisions of lots in plated sub-divisions within the Township, and to maintain orderly development of the community.

### SECTION III

#### PRIOR APPROVAL REQUIREMENT FOR LOT DIVISIONS

The Mancelona Township Board, after obtaining review and comments from the Township Assessor, may, by resolution, approve the further partition or division of any lot, outlot, or other parcel of land in a recorded plat into not more than four (4) parts, provided that any lot, outlot, or other parcel of land not serviced by public sewer and public water systems shall not be partitioned or divided, if any resulting lots, outlots, or their parcel are less than the minimum width and area required by 1967 PA 288, as amended. As a further condition of approval of any proposed partition or division, all deeds of conveyance for any resulting lot, outlot, or other parcel that does not meet the requirements of said Act 288 shall contain restrictions, in perpetuity that: such resulting lot, outlot, or other parcel may only be owned, proposed, occupied, and used by the owner of a specific adjacent and contiguous lot, outlot, or other platted parcel within the same recorded plat which meets those requirements; and the resulting lot, outlot, or other parcel and such adjacent or contiguous lot, outlot, or other platted parcel are, together, to be treated as one parcel.

The resolution of approval shall include a legal description of each resulting lot, outlot, or other parcel of land, and shall set forth any and all special requirements or conditions for approval, and any and all restrictions related to the ownership, possession, occupancy, and use of each resulting lot, outlot, or other parcel. The resolution shall be recorded in the office of the Antrim County Register of Deeds.

### SECTION IV

#### CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the

violator to the penalties and enforcement actions set forth in Section V of this Ordinance, and as may otherwise be provided by law.

#### SECTION V

##### PENALTY

Any person, firm, partnership, limited liability company, or corporation who shall violate or assist in the violation of any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$ 100.00, or imprisonment in the County jail for a period not exceeding ninety (90) days, or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this Ordinance.

Any person who violates any provision of this Ordinance shall also be subject to a civil action seeking invalidation of the lot division and appropriate injunctive or other relief.

#### SECTION VI

##### ENFORCEMENT

The Township Supervisor is hereby authorized to enforce this ordinance. The Supervisor may delegate the enforcement of this ordinance to the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or any other delegatee permitted by law. Prosecutions may be commenced by Appearance Ticket issued by the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or by a Complaint and Warrant from the District Court.

#### SECTION VII

##### SEPARATE COURT ACTION

Nothing in this Ordinance shall prohibit the Township or any interested party or agency from seeking such other relief as may be permitted in law or in equity regarding the violation of this Ordinance.

**SECTION VIII**

**VALIDITY**

If any section, provision, or clause of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**SECTION IX**

**REPEAL**

All ordinances, parts of ordinances, resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed upon the effective date of this Ordinance.

**SECTION X**

**EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days after its publication in the Antrim County News.

Dated: 4-3-98

  
MARGARET CHAPMAN, Clerk  
Mancelona Township

MANCELONA TOWNSHIP

ORDINANCE CERTIFICATION

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, held in the Mancelona Township Hall, located at 202 W. State St., Mancelona, Antrim County, Michigan, on February 16, 1998, at 7:00 p.m.:

PRESENT: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

ABSENT: none

Ordinance No. 6, the LOT DIVISION ORDINANCE was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YES: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

NO: none

I, Margaret Chapman, as Mancelona Township Clerk, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County News on *March 4*, 1998, and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.

  
MARGARET CHAPMAN, Clerk  
Mancelona Township

TOWNSHIP OF MANCELONA

RESOLUTION REGARDING CHANGING CEMETERY  
SCHEDULE OF FEES AS SET FORTH IN ORDINANCE NO. 7

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, on May 20, 2002, at 7:00 p.m., the following members were:

Present: Daniel Bean, Charles Johnson, Maurice McGleish, C. Sue Robinson

Absent:

WHEREAS, the Board of Mancelona Township, Antrim County, Michigan, in exercising its responsibilities, has determined that certain charges set forth in Section VIII, Schedule of Fees, of Ordinance No. 7, known as the Mancelona Township Cemetery Ordinance, should be amended, and now:

THEREFORE BE IT RESOLVED, that Section VIII, entitled, "Schedule of Fees", as set forth in Ordinance No. 7, together with any resolution amending same prior to this Resolution, is hereby amended as follows:

<u>Grave space (each):</u> \$	350.00	<u>Adult grave opening:</u>
		Mon. - Fri. - \$ 350.00
		Saturday - \$ 350.00
		Sun. & holiday - \$ 450.00
<u>Child grave opening:</u>		<u>Storage rates:</u> \$ 100.00 per season
Mon. - Fri. - \$ 200.00		
Saturday - \$ 200.00		
Sun. & holiday - \$ 350.00		
<u>Cremation opening:</u>		<u>Disinterments: (Adult)</u>
Mon. - Fri. - \$ 100.00		Mon. - Sat. - \$ 350.00
Saturday - \$ 200.00		Sun. & holiday - \$ 450.00
Sun. & holiday - \$ 500.00		
<u>Disinterments: (Child)</u>		
Mon. - Sat. - \$ 200.00		
Sun. & holiday - \$ 350.00		
<u>Average adult grave space &amp; grave opening for weekday:</u>	\$ 700.00	
<u>Average child grave space &amp; grave opening for weekday:</u>	\$ 550.00	
<u>Average cremation space &amp; grave opening for weekday:</u>	\$ 450.00	

THE MANCELONA TOWNSHIP RESOLUTION REGARDING THE CHANGING CEMETERY SCHEDULE OF FEES AS SET FORTH IN ORDINANCE NO. 7 was considered by the Board and upon motion duly made and seconded, and upon a roll-call vote, the Township Board duly adopted said Resolution upon the following roll-call vote:

Yes: Daniel Bean, Charles Johnson, Maurice McGleish, C. Sue Robinson

No:

I, Maurice McGleish, as Mancelona Township Clerk, hereby certify that said Resolution was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; and that a true and complete copy of said Resolution can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.



Maurice McGleish  
Mancelona Township Clerk

**MANCELONA TOWNSHIP**

**RESOLUTION CHANGING CEMETERY SCHEDULE OF FEES**

A regular meeting of the Board of Mancelona Township was held the 21st day of September, 1998, at 7:00 p.m..

Members Present: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

Members Absent: none

The following Resolution was discussed by the Board and subsequently adopted:

NOW BE IT HEREBY RESOLVED that:

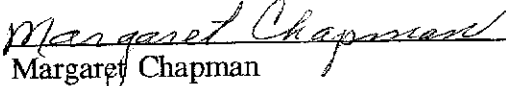
The schedule of fees set forth in Section VIII of Ordinance No. 7, under "Cremation Opening: Saturday, Sunday-holiday", is hereby amended by changing the amount of \$110.00 to \$125.00.

Upon motion duly made and seconded and upon a roll-call vote, the resolution set forth above was adopted by the Township Board.

Members Voting "Yes": Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

Member Voting "No": none

The undersigned, duly qualified and acting as Clerk for the Township of Mancelona, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board at a regular meeting held on September 21, 1998, and that notice of the meeting was given to the public as required by law.

  
Margaret Chapman  
Mancelona Township Clerk