

STATE OF MICHIGAN
COUNTY OF NEWAYGO

TOWNSHIP OF BROOKS

SUBDIVISION CONTROL ORDINANCE NO. 99-20

Adopted: 2-15-99

Effective: 4-2-99

An ordinance to regulate the subdivision of land in Brooks Township, Newaygo County, Michigan; to require and regulate the preparation and presentation of preliminary and final plats, to establish minimum standards which must be met or guaranteed by the subdivider, to set forth a procedure to be followed by the township in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this ordinance.

THE TOWNSHIP OF BROOKS, NEWAYGO COUNTY, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known as the Brooks Township Subdivision Control Ordinance.

Section 2: Purpose

The purpose of this ordinance is to regulate and control the subdivisions of land within the township in order to promote the public safety, health, and general welfare.

Section 3: Welfare

This ordinance is enacted pursuant to the authority granted by the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, and Public Act 246 of 1945, as amended, which authorizes township boards to adopt ordinances, to secure the public health, safety, and general welfare.

Section 4: Submission of Plat

- A. The procedure for submitting a plat must be in accordance with 3.13 as of Brooks Township Ordinance.
- B. Every person, firm or corporation which shall hereafter submit a proposed plat to the township, shall submit not less than 10 copies of said proposed plat. Said copies must conform to Article 17, Site Plan Review of the Brooks Township Ordinance.
- C. Fees – The Township Board shall establish by resolution a schedule of fees for administering this Ordinance. No permit or certificate shall be issued unless such fees have been paid in full.

Section 5: Township Planning Commission Review of Plat for Tentative Approval

- A. The procedure for the township reviewing plats shall be in accordance with 3.13 of the Brooks Township Ordinance.

B. The township's review of plat shall follow guidelines established in Article 17 of the Brooks Township Ordinance.

Section 6: Submission and Review by the Township Board of final Plat for Final Approval

Every person, firm or corporation which shall hereafter submit a proposed final plat to the township board for final approval shall also submit the following relevant data:

A. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.

B. All roads, streets, bridges, and culverts have been completed and installed or a cash or equivalent deposit has been made with the township and a deposit agreement executed by the proprietors.

C. If the subdivision has any waterways or lagoons, etc., as set forth in Section 188 of the Michigan Subdivision Control Act, that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the township and a deposit agreement executed by the proprietors.

D. If any flood plains are involved in the proposed subdivision, then such flood plains shall be restricted as provided by the Michigan Subdivision Control Act and such restrictions shall be submitted to the township board for review and approval prior to recording, and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat.

E. All utilities serving the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the township board sufficient in amount to insure completion thereof within the time specified and a deposit agreement executed by the proprietors.

F. All underground utilities installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for each lot or parcel, except side lot easements three feet wide granted for street lighting drop-outs. These easements should be direct and continuous from block to block.

G. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the township board, have been completed and installed or a cash or equivalent deposit has been made with the township sufficient in amount to insure completion with the time specified and a deposit agreement executed by the proprietors.

H. The proposed final plat complies with all applicable state statutes and township ordinances and has received the requisite statutory approval of other governmental agencies.

I. That dedication is executed by all required owners.

Section 7: Penalty in Case of Failure to Complete the Construction of a Public Improvement

In the event the sub divider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements; it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the sub divider has deposited with the township or it may take such steps as may be necessary to require performance in accordance with the deposit agreement executed by the proprietors.

Section 8: Subdivision Lot Division

After a subdivision has been recorded, platted lots may thereafter be partitioned or devised with the approval of the township board into not more than four parts, provided that the resulting lots or parcels or combinations (sic) or portions of two or more divided lots shall not be less in width or size than the more restrictive of this ordinance, the township zoning ordinance of the Michigan Subdivision Control Act of 1967, and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this ordinance, and also to public utilities necessary or required to service such lot, and provide further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Subdivision Control Act of 1967 and all township ordinances.

Section 9: Variance Procedure

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance, the township board or Zoning Board of Appeals shall have power in passing upon proposed subdivision to vary or modify any of the terms and provisions of this ordinance so that the spirit of the ordinance shall be observed and public health, safety, and welfare secured.

Section 10: Enforcement and Penalties for Failure to Comply with the Ordinance

Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 days or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the township board or public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or the Michigan Subdivision Control Act.

Section 11: Effective Date

This ordinance shall take effect 30 days after publication following its adoption.

Lora L. Jones CMC
Brooks Township Clerk