

## **Ordinance 1985-1 Amendment**

Amendment to Ely Township Ordinance 1985-1, Articles 4 and 5 as follows:

**Article 4: Lots – Requirements For**

**Lot Size:** The lot width, depth, and area shall not be less than the particular district requirements of the Ely Township Zoning Ordinance.

**Lot Lines:** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

**Width Related to Length:** Narrow deep lots shall be avoided. The depth of a lot shall be in accordance with the depth to width ratio as stated in the Ely Township Zoning Ordinance. The width of the lot shall be measured at the front setback line.

**Corner Lots:** Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.

**Uninhabitable Area:** Land subject to flooding or otherwise deemed by the Township Board to be inhabitable shall not be platted for residential purposes, or for uses that may in the judgement of the Township Board increase the danger to health, life or property or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open space.

**Lot Frontage:** All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers or streams. The front line shall be the street or road unless otherwise shown on the plat.

**Lot Division:** The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in an area than permitted by Ely Township Zoning Ordinance. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the Marquette County Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be affidavit.

**Article 5: Penalties for Failure to Comply with this Ordinance**

**Penalties:** Penalties for failure to comply with the provisions of this Ordinance shall be as follows:

**Civil Infraction:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in Connection with variances and conditional uses, and violations of approved site plans, shall constitute a civil infraction. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements,

shall upon admission or judgement thereof, pay a civil fine of not less than Fifty Dollars (\$50), plus costs and other sanctions, for each infraction.

1. Each day such violation continues shall be considered a separate offense. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the Zoning Ordinance committed by a violator within any twelve-month period, for which the violator admits responsibility or is determined to be responsible.

2. The increased fine for a repeat offense under this Ordinance shall be as follows:

(a) The fine for an offense which is first repeat offense shall be not less than One Hundred Fifty Dollars (\$150), plus costs and other sanctions for each infraction; and,

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Three Hundred Dollars (\$300), plus costs and other sanctions for each infraction.

Remedies: In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

Officially adopted by the Township Board of the Township of Ely, Marquette County, Michigan on this 19<sup>th</sup> day of September, 1996.

Effective Date: Thirty days after publication.

Publication of notice of Ordinance Amendment to 1985-1 Adoption October 11, 1996.