

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP BOARD HELD JUNE 11, 2018.

The meeting was called to order by Chairman Jim Wierenga at 7:30 p.m.

Prayer for guidance by Richard VanderKlok

Pledge of Allegiance to the Flag

Roll Call

Members present: Jim Wierenga, Richard VanderKlok, Carol Scholma, Michael Bosch, Jason Minier, Becky Steele, John Schwalm

Also present: Daniel Carlton, Township Superintendent

Absent: None

#180611-01 - Agenda as presented for June 11, 2018

Moved by Richard VanderKlok, seconded by Becky, to approve the agenda as presented for June 11, 2018.

MOTION CARRIED UNANIMOUSLY.

Ottawa County Sheriff's Department 2017 Annual Report Presentation by Sgt. Jeff Steigenga

#180611-02 - Communications, letters and reports: Received for information, to be filed:

- a. [June 6, 2018](#) Finance Committee meeting minutes
- b. [June 7, 2018](#) Services Committee meeting minutes
- c. [June 6, 2018](#) Planning Commission meeting minutes
- d. [Ottawa County Sheriff's Department](#) 2017 Annual Report
- e. [Balance Sheet](#) and [GL Report](#)

#180611-03 – Public Comments for items remaining on the agenda

There were public comments.

#180611-04 - Consent agenda

Moved by Richard VanderKlok, seconded by Carol Scholma, to grant the following.

- a. Approval of minutes of the previous board meeting on May 14, 2018 meeting.
- b. Approval of the regular monthly bills for [May 28, 2018](#), [June 11, 2018](#) and [utility bills](#)
- c. Approval of the [Library Policy Manual](#), as recommended by the Services Committee.

MOTION CARRIED UNANIMOUSLY.

#180611-05 – Second Reading and Adoption of Ordinance No. 2018-07, Mineral Mining Ordinance Revision

Moved by Richard VanderKlok, seconded by Carol Scholma, to approve the second reading and adoption of Ordinance No. 2018-07, Mineral Mining Ordinance Revision, as recommended by the Finance Committee, as follows:

**ORDINANCE NO. 2018-07
AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER
TOWNSHIP MINERAL MINING ORDINANCE**

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Article I. Sec. 27-72 of the Mineral Mining Ordinance is revised to read as follows:

Sec. 26-72. Definitions.

For purposes of this article, the following definitions and provisions shall apply:

(a) Mineral mining official: The engineer zoning administrator of Georgetown Charter Township or such other person as from time to time appointed by resolution of the township board.

(d) Review board: A mineral mining review board (the "review board") is hereby created. The review board shall consist of two members of the township board appointed by the township board and two members of the township planning commission appointed by the township supervisor subject to confirmation by the township board and a mineral mining official. The terms of the members of the review board shall be three years but in no event longer than their respective official tenures. Meetings of the review board shall be open to the public and shall be held as necessary to consider applications for licenses or to take other actions as provided by this article. A meeting shall be held within 45 days of receipt by the township of an application for a license. Action of the review board requires a concurring vote of not less than a majority of the three members. The review board shall keep a record of its proceedings, findings and determinations, which shall be a public record and shall be filed in the office of the township clerk. The review board may establish rules to govern its procedures and may call on other township officials or boards for assistance in the performance of its duties.

Article II. Except as specified above, the balance of the Georgetown Charter Township Mineral Mining Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date this Ordinance/ordinance amendment or a summary thereof appears in the newspaper after adoption as provided by law.

Yeas: Jim Wierenga, Richard VanderKlok, Carol Scholma, Michael Bosch, Jason Minier, Becky Steele, John Schwalm
Nays: None
Absent: None

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2014

By _____
Richard VanderKlok
Georgetown Charter Township Clerk

#180611-06 – Second Reading and Adoption of Ordinance No. 2018-13, Liquor License and Control Ordinance Revision

Moved by Carol Scholma, seconded by Becky Steele, to approve the second reading and adoption of Ordinance No. 2018-13, Liquor License and Control Ordinance Revision, as recommended by the Finance Committee, as follows:

ORDINANCE NO. 2018-13

Chapter 1 AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP LIQUOR LICENSE AND CONTROL ORDINANCE TO ADD A NEW AND REVISED SUBSECTION 4-6(a)(18) IN CHAPTER 4 (AND DELETE SUBSECTIONS 4-6(a)(19) AND (20) IN CHAPTER 4) REGARDING DISTILLERIES, BREWERIES AND WINEMAKING.

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Article I. A new and revised Subsection 4-6(a)(18) is hereby added to the Georgetown Charter Township Liquor License and Control Ordinance (which will amend the existing Subsection 4-6(a)(18)) to read as follows:

- (1) **Any premises for a distillery, brewery or brew pub or winemaking unless approved as part of a bona fide restaurant on the premises pursuant to this Chapter 4 and the Georgetown Charter Township Zoning Ordinance.**

The Township Board may attach conditions to the operation of any such distillery, brewery or brew pub or wine making facility.

~~(18) Any premises that has a distillery that produces spirits on site that serves such spirits to customers on site is prohibited unless the activities, sales or dispensing regarding the spirits produced on site is limited to the following:~~

- ~~a. The sale of spirits in sealed bottles to a customer (not to be consumed on site);~~
- ~~b. Allowing members of the general public to taste or sample such spirits produced on site, and such tasting or sampling of spirits may involve the mixing of such spirits with other drinks (i.e. for tasting on site, the spirits produced on site may be mixed with soda pop, quinine water, juices, fruits, ice cream, drink mixes or other alcoholic beverages), but to prohibit the sale of spirits either alone or with other drinks for consumption on the premises;~~
- ~~c. If any food is served to customers, then the requirements of Subsections 4-6(a)(15) and (16) apply.~~

~~(19) A distillery that is open to the public shall also comply with all of the following:~~

- ~~a. The distillery may be open to the public only from 9 a.m. to 9 p.m.~~
- ~~b. The distillery shall have no more than 10 seats for members of the public unless it also meets the requirements for a restaurant pursuant to Subsection 4-6(a)(15) and (16).~~

~~(20) The Township Board may attach conditions to the operation of any such distillery.~~

This new Subsection 4-6(a)(18) shall replace and supersede Subsections 4-6(a)(18), (19) and (20) previously adopted by the Township Board for Georgetown Charter Township.

Article II. Except as specified above, the balance of the Georgetown Charter Township Liquor License and Control Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This ordinance shall become effective upon the expiration of the thirtieth day after publication after adoption. This ordinance was read for the first time on April 23, 2018, published on _____, 2018, read for the second time and adopted by the Georgetown Charter Township Board on _____, 2018, published for the second time on _____, 2018, and effective thirty days from second publication.

Yeas: Jim Wierenga, Richard VanderKlok, Carol Scholma, Michael Bosch, Jason Minier, Becky Steele, John Schwalm
Nays: None
Absent: None

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2014

By _____
Richard VanderKlok
Georgetown Charter Township Clerk

#180611-07 – Second Reading and Adoption of Ordinance No. 2018-14, Sidewalk Ordinance Revision

Moved by Richard VanderKlok, seconded by Becky Steele, to approve the second reading and adoption of Ordinance No. 2018-14, Sidewalk Ordinance Revision, as recommended by the Finance Committee, as follows:

ORDINANCE No. 2018-14

AN ORDINANCE TO REPLACE ARTICLE X ENTITLED “SIDEWALKS” IN THE GEORGETOWN CHARTER TOWNSHIP CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING NEW SECTIONS 10-211 THROUGH 230 THEREOF.

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Section 1. Article X entitled “Sidewalks” of the Code of Ordinances for Georgetown Charter Township (including Sections 10-211 through 10-230, inclusive) is hereby rescinded, amended and replaced with the following:

~~ARTICLE X. SIDEWALKS~~

~~Sec. 10-212. General construction requirements.~~

~~No person shall construct, rebuild, or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the zoning administrator.
(Ord. No. 2000-01, § 2, 5-8-00)~~

~~Sec. 10-213. Line and grade stakes.~~

~~The landowner shall be responsible for making careful and accurate measurements in constructing the work to the lines furnished by the zoning administrator.~~

~~Sec. 10-214. Sidewalk specifications.~~

~~Sidewalks shall be constructed in accordance with specifications on file in the office of the zoning administrator, copies of which shall be available to the public.~~

~~Sec. 10-215. Suspension or revocation of permit; stop work orders.~~

~~The zoning administrator may suspend any permit issued under the terms of this article for failure to comply with the terms of this article or the rules, regulations, plans and specifications established under the provisions of this article for the construction, reconstruction or repair of any sidewalk. The zoning administrator may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk by issuing a stop order whenever in his~~

~~judgment the provisions of this section are not complied with, and any such stop order shall be effective until the next regular meeting of the township board and if confirmed by the board at its next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.~~

Sec. 10-216. Construction by land owner; sidewalk locations.

~~The township board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paths, pursuant to township sidewalk and/or non-motorized path specifications, in any area of the township it deems reasonably necessary in order to protect the health, safety or welfare of the residents of the township.~~

~~Concrete sidewalks shall be installed, constructed, and maintained adjacent to paved streets in all new residential developments given final plat approval after June 1, 2000, and all developments given site plan or planned unit development approval after June 1, 2000.~~

~~Non-motorized paths eight feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in all new residential developments given final plat approval after January 1, 2006, and all developments given site plan or planned unit development approval after January 1, 2006, in place of sidewalks along the following streets:~~

- ~~(a) 48th Avenue.~~
- ~~(b) 36th Avenue from Baldwin Street to Fillmore Street.~~
- ~~(c) 40th Avenue from Bauer Road to Fillmore Street.~~
- ~~(d) Bauer Road from 36th Avenue to 48th Avenue.~~
- ~~(e) Fillmore Street from 36th Avenue to 48th Avenue.~~

~~In all instances of plats given final plat approval after June 1, 2000, or other developments where sidewalks are required, the sidewalks and/or non-motorized paths shall be constructed by the property owner on all property within the plat or development adjacent to all paved streets no later than seven (7) years from the date of final plat approval or other approval of the development by the township whether or not construction has taken place on such property. Where a developer or property owner does not desire to construct and install a sidewalk or sidewalks pursuant to the initial construction or installation of improvements within the plat or development involved and has obtained township approval, the township shall have the authority to require that financial security be filed with the township (in the form of a cash deposit, bond, or irrevocable letter of credit, and in a form, amount, and from a financial institution deemed acceptable to the township) in an amount estimated by the township to be sufficient to cover the costs of installation of sidewalks in all portions of the plat or development plus reasonable incidental additional costs and expenses.~~

~~Existing commercial or industrial developments which receive substantial additions or improvements, defined as a construction cost of \$20,000.00 or more within a 12-month period, shall construct, install, and maintain township-approved concrete sidewalks. Non-motorized paths eight feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in place of sidewalks along the following streets:~~

- ~~(a) 48th Avenue.~~
- ~~(b) 36th Avenue from Baldwin Street to Fillmore Street.~~
- ~~(c) 40th Avenue from Bauer Road to Fillmore Street.~~
- ~~(d) Bauer Road from 36th Avenue to 48th Avenue.~~
- ~~(e) Fillmore Street from 36th Avenue to 48th Avenue.~~

~~Sidewalks and/or non-motorized paths shall be shown on the site plans submitted to the township for approval and shall be constructed prior to the issuance of the occupancy permit. All required sidewalk and non-motorized path construction herein shall be at the sole cost and responsibility of the owner of the property involved.~~

~~The following projects shall be exempt from such sidewalk requirements: all developments located in the AG and RR zoning districts except for those developments, projects, or uses within the AG or RR zoning districts which are of such a size or which will have such potential impacts that the township board deems it reasonably necessary that sidewalks shall be installed, constructed, and maintained in order to protect the health, safety, and welfare of the residents and property owners in the area; exterior cosmetic alterations which do not increase the usable area or exterior limits of the building; interior alteration work; and projects which do not require the submission to and approval of a site plan by the township.~~

~~The township board shall have the authority to waive the sidewalk and/or non-motorized path requirement (as well as sidewalk and/or non-motorized path construction standards) if, in the opinion of the township board, the requirement would result in significant unfairness or unreasonable hardship.~~

~~Sec. 10-217. Construction by township.~~

~~If the owner of any lot or premises shall fail to build any particular sidewalk within the time and in the manner required thereby, the zoning administrator is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided for single lot assessments.~~

~~Sec. 10-218. Reserved.~~

~~Sec. 10-219. Sidewalk repair.~~

~~Whenever the zoning administrator shall determine that a sidewalk is unsafe for use, notice may be given to the owner to the lot or premises adjacent to and abutting upon said sidewalk of such determination. Thereafter, it shall be the duty of the owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this section, the zoning administrator shall have the sidewalk repaired. If the zoning administrator determines that the condition of said sidewalk is such that immediate repair is necessary to protect the public, (s)he may dispense with said notice. The cost of repairs hereunder may be shared by the township as provided by the township board and shall be charged against the premises which said sidewalk adjoins and the lot owner of said premises, and shall be collected as provided for single lot assessments.~~

~~Sec. 10-220. Sidewalks to be cleared.~~

~~The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within 24 hours after such cessation. When a fall or snow or ice shall have ceased during the nighttime, it shall be cleared from sidewalks by 6:00 p.m. of the day following.~~

ARTICLE X. SIDEWALKS.

Sec. 10-211. Authority; purpose.

This Article is enacted pursuant to various Michigan statutes, including, but not necessarily limited to, Public Act No. 359 of 1947 (MCL 42.1 et seq.), Public Act No. 288 of 1967 (MCL 560.101 et seq.) and Public Act No. 246 of 1931 (MCL 41.288a et seq.). The purpose of this Article is to provide for the installation, construction, maintenance, snowplowing and repair of sidewalks, paths and general snow removal for the safety of the public.

Sec. 10-212. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting, adjoining or adjacent property means any lot or parcel of land adjoining, next to, bordering, and/or touching a street as defined herein. A property is adjacent to and/or abuts and/or adjoins a street regardless of whether the property extends under a street easement or right-of-way or merely touches, fronts on or extends to a street easement or right-of-way.

Adjacent sidewalk means that portion of the sidewalk located within the street right-of-way or easement, public utility easement, or sidewalk easement next to, along or adjoining an abutting or adjacent parcel, lot or property.

Lot means any platted lot, site condominium unit or parcel of land.

Paved pathway or path means an asphalt paved surface, separated from the improved roadway by at least three feet and designed for non-motorized vehicle and pedestrian travel. A pathway or path is a type of sidewalk.

Sidewalk means that portion of the street right-of-way or abutting easement improved with concrete or asphalt and designed for pedestrian travel. A paved pathway is one type of sidewalk. Unless otherwise expressly provided in this Article, all requirements for sidewalks shall also apply to pathways.

Street means a dedicated or other public right-of-way or easement that is a state, county or municipal roadway, or a private road easement, adjoining or affording the principal means of access to abutting, adjacent or adjoining property. A street also includes the land between or within the street right-of-way or easement lines, whether improved or unimproved. A private road includes the land within the required private road easement.

Sec. 10-213. Required sidewalk installation and construction.

- (a) Sidewalks shall be required in all new developments and projects (and shall be installed or paid for by the developer or land owner) as follows:

- (1) All new plats and subdivisions.
 - (2) All new site condominium and other condominium projects or developments.
 - (3) Any new commercial, industrial, business or office use or development and for which a zoning site plan approval is required.
 - (4) Any expansion of or addition to the development or project specified in subsection (1), (2) or (3) above.
- (b) The Township Board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paved pathways to the specifications required by this Ordinance in any area of the Township (including in long existing neighborhoods, subdivisions and developments) where the Township Board deems it reasonably necessary in order to protect the health, safety and/or welfare of the residents, property owners and motorists of the Township. The owner of a lot or parcel adjoining or abutting the sidewalk shall be responsible for the costs of installing, constructing, maintaining, snowplowing and repairing the sidewalk adjacent to or abutting that owner's lot or parcel.
For new sidewalks, the Township may either:
- (i) Require the owner of the lot or parcel adjoining or abutting the sidewalk area to construct and install the sidewalk along the lot or parcel; or
 - (ii) The Township may construct and install the sidewalk and assess the costs to the adjoining or abutting lot or parcel.
- (c) Where sidewalks are required pursuant to this Article, the sidewalks shall be conventional sidewalks with concrete construction, unless a specific provision of this Article or the Township Board requires the installation of a paved pathway instead (in which situation, a pathway complying with this Article shall be installed).
- (d) Non-motorized paths eight (8) feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in all new residential developments given final plat approval after January 1, 2006, and all developments given site plan or planned unit development approval after January 1, 2006, in place of concrete sidewalks along the following streets:
- (1) 48th Avenue.
 - (2) 36th Avenue from Baldwin Street to Fillmore Street.
 - (3) 40th Avenue from Bauer Road to Fillmore Street.
 - (4) Bauer Road from 36th Avenue to 48th Avenue.
 - (5) Fillmore Street from 36th Avenue to 48th Avenue.
- (e) Where a developer or property owner does not desire to construct and install a sidewalk or sidewalks pursuant to the initial construction or installation of improvements within the plat or development involved, the Township shall have the authority to extend sidewalk completion time limits and may require that financial security be filed with the Township (in the form of a cash deposit, bond, or irrevocable letter of credit, and in a form, amount, and from a financial institution deemed acceptable to the Township) in an amount estimated by the Township to be sufficient to cover the costs of installation of sidewalks in all portions of the plat or development

plus reasonable incidental additional costs and expenses. The Township may also impose additional reasonable conditions on any time extension.

- (f) Where a site plan is required for any zoning approval, sidewalks shall be shown on the site plan where required and shall be installed by the developer or land owner consistent with the approved site plan.

Sec. 10-214. Relation to planned unit developments.

Modifications from the requirements of this Article are allowed in planned unit developments if such modifications are expressly approved by the Township in the PUD approval process.

Sec. 10-215. Timing of sidewalk construction.

Sidewalks shall be fully installed and completed by the earliest date of the following:

- (a) For a new residential development (including, but not limited to, a plat, subdivision or site condominium development), prior to final zoning compliance approval being granted for a dwelling on the abutting or adjoining lot or parcel.
- (b) For a new commercial, industrial, office or business use, before zoning compliance approval occurs for any of the buildings involved.
- (c) For all other developments and situations, the Township Board may set deadlines for the installation and completion of the sidewalks.
- (d) For all residential plats, subdivisions or site condominiums, sidewalks shall be installed and completed adjacent to every lot, parcel and condominium unit (including vacant properties) within the plat, subdivision or site condominium involved within four years of that plat, subdivision or site condominium receiving final development approval.
- (e) Where no deadline is specified, sidewalks shall be installed within one (1) year of the completion of the building or improvements on the abutting lot or parcel involved.

Sec. 10-216. Construction standards; Ottawa County Approval.

- (a) Sidewalks shall be installed and constructed to meet or exceed the specifications required by the Ottawa County Road Commission for sidewalks. Paved pathways shall be paved with asphalt 8 feet wide.
- (b) No person shall install, construct, or repair any sidewalk or pathway except in full compliance with this Article.
- (c) The Township Board may approve alternative construction standards and/or locations for sidewalks or pathways. The Planning Commission may transmit a recommendation to the Township Board regarding the request for alternative construction standards

and/or locations. If the Township Board approves sidewalks or pathways outside of the public street right-of-way or easement, a recorded easement shall be required for the sidewalk. Any alternative construction standards for sidewalks must also be approved in writing by the Ottawa County Road Commission.

- (d) No sidewalk or pathway shall be installed, replaced, rebuilt or substantially repaired unless and until a permit has been issued by both the Township and the Ottawa County Road Commission (or its successor). All new sidewalks and pathways shall be inspected and approved by the Ottawa County Road Commission (or its successor) or the Township, whichever is applicable.
- (e) The Township may suspend any Township permit issued under this Article for failure to comply with the terms of this Article or any rules, regulations, plans or specifications established under the provisions of this Article for sidewalks or pathways. The Township may cause work to be stopped under any Township permit granted for the construction, reconstruction or repair of any sidewalk or pathway by issuing a written stop work order for such sidewalk construction.

Sec. 10-217. Removal of obstructions and repair of sidewalks.

- (a) It shall be the responsibility of the owner of every lot to maintain and keep the sidewalks adjacent to or abutting the owner's lot at all times in good repair and condition and to promptly remove all obstructions from such sidewalk. In addition, it shall be the responsibility of the owner of every lot to keep the sidewalks adjacent to or abutting the owner's lot cleared of snow and ice at all times. Furthermore, property owners, tenants, and other persons having authority and control over the removal of snow and ice from driveways and parking areas on their premises shall not permit the deposit of snow or ice on sidewalks, pathways, driveways, or parking areas to block or impede the use of sidewalks by pedestrians in any manner. Snow and ice must be removed within 24 hours of the end of any accumulation of 2 inches or more of snowfall.
- (b) In addition, the owner of a lot or parcel abutting or adjoining a sidewalk shall not store or keep any item within the sidewalk that shall in any way impede, interfere with or slow down pedestrian use of the sidewalk, and shall remove, cut or trim any landscaping plants, trees, bushes or other foliage that may grow over the sidewalk or impede pedestrian use of the sidewalk.
- (c) Sidewalks shall be promptly repaired or replaced by the owner of the lot abutting or adjoining the sidewalk when the sidewalk's condition is detrimental to the safety of the public. Conditions requiring repair or replacement include, but are not limited to, the following:
 - (1) A vertical displacement of more than one inch between any two sections of sidewalk.
 - (2) More than two cracks of one-quarter inch in width or more in any two linear feet of section.

- (3) Any section of sidewalk that is tilted in excess of one inch per foot from inside/outside edge to outside/inside edge.
 - (4) Any five-foot linear section of sidewalk, where more than 25 percent of the surface has scaled off to a depth of one-quarter inch or greater.
 - (5) Any condition that arises regarding a sidewalk that would render it unsafe for use or otherwise unfit for public pedestrian travel.
- (d) Upon receipt of a written notice from the Township, the owner of the lot involved shall make the sidewalk repairs or replacement necessary to conform to this Article within 60 days of receipt of said notice. The Township may extend said 60-day time period if weather conditions or road repairs prevent such repair and/or replacement.

Sec. 10-218. Use of snow removal equipment.

No person shall use any mechanically driven vehicle or apparatus for the removal of snow or ice from sidewalks or other public pedestrian easements in the Township which, by virtue of its use for such purpose, will cause damage to the areas from which snow/ice is being removed. If any such vehicle or apparatus is used and it damages the sidewalk, the owner of the lot adjoining or abutting the sidewalk shall be responsible for repairing or replacing such damaged sidewalk area at the lot owner's expense pursuant to Section 10-217 of this Article.

Sec. 10-219. Construction or repair by the Township.

- (a) If the owner or occupant of any lot adjoining or abutting a sidewalk fails to comply with section 10-217, the Township may remove or cause to be removed such snow, ice or other obstruction or repair or replace such sidewalk and shall assess the cost thereof against the abutting or adjoining lot.
- (b) Whenever the Township shall determine that a sidewalk is unsafe for use or in need of repair, notice may be given by the Township to the owner of the lot or premises adjacent to or abutting upon said sidewalk of such determination. Thereafter, it shall be the duty of the lot owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than twenty-one days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the time limit therefore, or in a manner otherwise than in accordance with this section, the Township shall have the sidewalk repaired and shall assess the costs to the lot involved. If the Township determines that the condition of said sidewalk is such that immediate repair is necessary to protect the public, the Township may dispense with said notice. The cost of repairs hereunder shall be charged against the lot which said sidewalk adjoins or abuts and to the lot owner of said premises, and shall be collected as a single lot assessment or as otherwise allowed by law.
- (c) If the owner of any lot or premises abutting or adjoining a sidewalk shall fail to install any particular sidewalk within the time and in the manner required, the Township is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner

thereof, and collected as provided for single lot assessments or as otherwise allowed by law.

Sec. 10-220. Obstruction of vision.

A lot owner or occupant who clears a driveway or sidewalk of snow shall not permit such snow to be deposited on the traveled portion of a street or sidewalk, or to be piled to a height of three feet or higher so as to obstruct vision between any driveway and street or between any street and another street. Snow removed by a lot owner or occupant (or by their agent or contractor) must be returned to the lot from which it was removed unless permission to deposit the snow on another's lot has been received by the owner of that lot.

Sec. 10-221. Violation a municipal civil infraction.

Any person who violates this Article is responsible for a municipal civil infraction, punishable as provided in Sec. 1-11 of this Code of Ordinances. Any property or sidewalk in violation of this Article is both a common law nuisance and a nuisance *per se*.

Sec. 10-222. Liability and responsibilities of the lot owner.

(a) In addition to the penalties provided in this Article, any lot owner who shall refuse or neglect to comply with the provisions of this Article or any notice to install or repair under this Article shall be liable for and compelled to pay to the Township all damages to persons or property for which the Township may be liable or sued by reason of injury or damages resulting therefrom, which sum may be recovered by the Township in proceedings brought for such purpose in any court of competent jurisdiction.

(b) A lot or parcel owner is responsible under this Article for the acts, inaction, activities, negligence and/or actions of the lot owner's family, lessee, agent and contractor.

Sec. 10-223. Rules and regulations.

The Township Board shall have the authority to adopt rules, regulations and/or additional requirements regarding sidewalks and paths to further implement the purpose and requirements of this Article. A violation of any such rule, regulation or requirement is also a violation of this Article.

Sec. 10-224. Appeals and waivers.

The Township Board may waive some or all of the requirements of this Article regarding sidewalks for a specific lot or parcel if the Township Board finds that either of the following standards is applicable:

- (a) The presence of a sidewalk is not reasonably necessary for public health, safety and welfare.
- (b) A particular requirement of this Article is unreasonable with regard to the lot or parcel involved, and there is an alternative available which reasonably meets all of the purposes and intent of this Article.

In waiving or lessening any sidewalk requirement, the Township Board may impose additional reasonable conditions.

Section 2. The balance of the Code of Ordinances for Georgetown Charter Township remains unchanged and in full force and effect.

Except as expressly amended by this Ordinance, the rest of the Code of Ordinances for Georgetown Charter Township shall remain unchanged and in full force and effect.

Section 3. Severability.

Should any portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance, which shall remain in full force and effect.

Section 4. Effective Date.

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance (or a summary thereof) appears in the newspaper as provided by law.

Yeas: Jim Wierenga, Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm

Nays: Michael Bosch

Absent: None

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2014

By _____
Richard VanderKlok
Georgetown Charter Township Clerk

#180611-08 – Introduction and First Reading of Ordinance No. 2018-16, International Fire Code

Moved by Richard VanderKlok, seconded by Carol Scholma, to approve the introduction and first reading of Ordinance no. 2018-16, International Fire Code, as recommended by the Services Committee.

**LEGISLATION FOR ADOPTION OF THE INTERNATIONAL FIRE CODE
ORDINANCE NO. 2018-16**

AN ORDINANCE of Georgetown Township Adopting the 2015 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions

hazardous to life or property in the occupancy of buildings and premises in the **Georgetown Township**; providing for the issuance of permits and collection of fees therefor; repealing the 2003 Edition of the International Fire Code of **Georgetown Township** and all other ordinances or parts of laws in conflict therewith.

The **Board of Georgetown Township** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **Clerk of Georgetown**, being marked and designated as the *International Fire Code*, 2015 edition, including Appendix Chapters (*see International Fire Code*, section 101.2.1, 2015 edition) as published by the International Code Council, be and is hereby adopted as the Fire Code of **Georgetown Township** in the state of **Michigan** regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of **Georgetown Township** are hereby referred to, adopted, and made a part hereof, as if fully set out in the legislation, with the additions, insertions, deletions and changes, if any prescribed in Section 2 of this ordinance.

Section 2. That the following sections are hereby revised:

Section 101.1. Insert: **Georgetown Township**

Section 109.4. Insert: **Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a municipal civil infraction punishable by a fine as set forth in the Schedule of Civil Fines and court cost. Equitable relief may also be awarded as permitted by Michigan law. Each day shall be deemed a separate offense**

Section 111.4. Insert; **Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a municipal civil infraction punishable by a fine as set forth in the Schedule of Civil Fines and court cost. Equitable relief may also be awarded as permitted by Michigan law. Each day shall be deemed a separate offense**

Section 3. That the geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): **Georgetown Township**

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): **Georgetown Township**

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): **Georgetown Township**

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): **Georgetown Township**

Section 4. That the 2003 Edition of the International Fire Code of **Georgetown Township** and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 5. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **Georgetown Township Board** hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 7. That the **Georgetown Township Clerk** is hereby ordered and directed to cause this legislation to be published.

Section 8. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon the expiration of the thirtieth day after publication after adoption.

Yeas: Jim Wierenga, Richard VanderKlok, Carol Scholma, Michael Bosch, Jason Minier, Becky Steele, John Schwalm
Nays: None
Absent: None

MOTION CARRIED UNANIMOUSLY.

#180611-09 – (REZ1806) Ordinance No. 2018-12

GEORGETOWN CHARTER TOWNSHIP
OTTAWA COUNTY, MICHIGAN
(Ordinance No. 2018-12)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on June 11, 2018, the following Ordinance/ordinance amendment was offered for adoption by Township Board Member Michael Bosch, and was seconded by Township Board Member Richard VanderKlok, upon recommendation from the Planning Commission ([staff report](#)):

AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP
ZONING ORDINANCE CHAPTER 13, 14, 15, 16, 20, 24

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Article I. The Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended as follows:

Chapter 24 – DISTRICT REGULATIONS.

DISTRICT	Minimum Lot Size Per Unit (a)		Maximum Lot Coverage (percent)	Minimum Yard Setbacks (b)(o)(v)			Maximum Building Height (p) Feet	
	Area (Square Feet)	Width (Feet)		Front (s) (t)	Side			Rear
					Least One	Total		
I Industrial	40,000	150	40	45 (r)	20 (m)	40	40 <u>(X)</u>	45

(X) When an Industrial parcel’s rear lot line abuts another Industrial parcel, the minimum required rear yard setback is reduced to (20) twenty feet.

Sec. 20.4 SITE DESIGN STANDARDS.

(K) Day care centers.

~~(1) There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility up to a total of 20 clients. Further, there shall be provided a minimum of an additional fifty (50) square feet of usable outdoor recreation for each client over the first 20 clients. (revised 9/27/2010)~~

- (1) ~~(2)~~ The **Any** outdoor recreation area shall be fenced and screened from any abutting residential district by a greenbelt, in accordance with the requirements of Section 3.11.
- (2) ~~(3)~~ In addition to required off-street parking, off-street pick-up and drop-off areas shall also be provided.
- (3) ~~(4)~~ The facility shall comply with all applicable State licensing requirements.

Sec. 13.2 PERMITTED USES.

~~(J) Day care centers~~

Sec. 13.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

~~(F) Day care centers (revised 10-25-06)~~

Sec. 14.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

~~(B) Day care centers.~~

Sec. 15.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

~~(E) Day Care Centers.~~

Sec. 16.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

~~(K) Daycare center.~~

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment was as follows:

YEAS: Jim Wierenga, Richard VanderKlok, Carol Scholma, Michael Bosch, Jason Minier, Becky Steele, John Schwalm
NAYS: None
ABSENT/ABSTAIN: None

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,
By _____
Richard VanderKlok
Georgetown Charter Township Clerk

#180611-10 – Request for Cost Sharing of Community Service Deputy

Moved by Richard VanderKlok, seconded by Becky Steele, to approve [proposal](#), as recommended by the Services Committee.

Yeas: Jim Wierenga, Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm
Nays: Michael Bosch

MOTION CARRIED.

#180611-11 – Updates to DPW Garage

Moved by Richard VanderKlok, seconded by Carol Scholma, to recommend to the Township Board to approve the plan to [update](#) the DPW garage, as recommended by the Services Committee.

Yeas: Jim Wierenga, Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm
Nays: Michael Bosch

MOTION CARRIED.

#180611-12 – Public Comment

There were public comments.

#180611-13 – Discussion and General information

There was discussion.

#180611-14 – Meeting Start Times

Moved by Richard VanderKlok, seconded by Becky Steele, to change the meeting starting time to 7:00 p.m. beginning with the August 13, 2018 meeting.

MOTION CARRIED UNANIMOUSLY.

#180611-15 – Superintendent Updates

The Superintendent presented construction updates on Cottonwood Dr., Kenowa Trail and Edson Dr. Sewermain. He provided an update on the odor issues along Chicago Dr. He reviewed the new concept drawing for the Senior Center parking lot. He provided a status update on the library project ([early library concept drawing 1](#), [early library concept drawing 2](#)).

#180611-16 - Meeting Adjourned

Moved by Richard VanderKlok, seconded by John Schwalm, to adjourn the meeting at 9:00 p.m.

MOTION CARRIED UNANIMOUSLY.

Jim Wierenga, Supervisor

Richard VanderKlok, Clerk