

**PRESQUE ISLE TOWNSHIP  
(PRESQUE ISLE COUNTY, MICHIGAN)**

ORDINANCE NUMBER ONE (#1) of 2022 TO AMEND LAND DIVISION ORDINANCE #2  
ADOPTED JUNE 28, 1999

**AN ORDINANCE TO AMEND THE PRESQUE ISLE TOWNSHIP LAND DIVISION ORDINANCE**

AN ORDINANCE TO AMEND THE PRESQUE ISLE TOWNSHIP LAND DIVISION ORDINANCE, BY CHANGING THE PORTION OF THE ORDINANCE ADDRESSING THE DEPTH TO WIDTH RATIO PROVISIONS FOR PARCELS BORDERING LAKE HURON OR AN INLAND LAKE, AND BY STATING THE CONSEQUENCES OF NONCOMPLIANCE WITH THE ORDINANCE, INCLUDING MAKING A VIOLATION OF THE ORDINANCE A MUNICIPAL CIVIL INFRACTION.

**THE TOWNSHIP OF PRESQUE ISLE, PRESQUE ISLE COUNTY, MICHIGAN, ORDAINS:**

**SECTION 1. PURPOSE.**

Presque Isle Township initially adopted a Land Division Ordinance (Ordinance No. 2 of 1999) on June 28, 1999. The Township subsequently amended the Land Division Ordinance by adopting Ordinance No. 2 of 2002 on April 8, 2002. The Township is now further amending the Ordinance to address the depth to width ratio provisions of the Land Division Ordinance for parcels bordering Lake Huron or an inland lake, and to state the consequences of noncompliance with Ordinance, including making a violation of the Ordinance a municipal civil infraction.

**SECTION 2. AMENDMENT OF SECTION VII, PARAGRAPHS C.1. and C.2. OF THE LAND DIVISION ORDINANCE.**

Section VII, Paragraphs C.1. and C.2. of the Land Division Ordinance are hereby amended to now read in full as follows:

C.1. Other than as provided for in Paragraph C.2. below, the ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

C.2. The ratio of depth to width may be increased to not exceed a ten to one ratio if the following criteria and standards are satisfied:

- a. The increase of up to a ten to one depth to width ratio shall apply only to parcels bordering Lake Huron or an inland lake.
- b. For purposes of this Paragraph C.2., the “width” of the parcel and the resulting parcels is that width that is parallel to the lakeshore.
- c. The “width” of the parcel and resulting parcels shall not be less than the minimum lot width as required by the Presque Isle Township Zoning Ordinance for lots in the zoning district in which the parcels are located, except that, for any parcel that qualifies for a depth to width ratio of greater than four to one under this Paragraph C.1, the width of the parcel at the abutting road right-of-way may not be less than 75% of the minimum lot width as required by the Presque Isle Township Zoning Ordinance.
- d. The parcels allowed under this Paragraph C.1. and created by such land divisions may not be further divided to create back lots from parcels fronting on the lakeshore, and the legal titleholder of the parcel proposed for the division must execute a recordable document that includes a restrictive covenant that will run with the land which prohibits any further division of the parcel in contravention of this Paragraph C.2.d., and which shall be enforceable by Presque Isle Township and Presque Isle Township property owners.
- e. A proposed land division under this Paragraph C.2. may be allowed by Presque Isle Township, through its Board of Trustees, upon application and upon a determination by the Board of Trustees that the criteria and standards set forth in this Paragraph C.2. have been satisfied.

### **SECTION 3. AMENDMENT OF SECTION VIII OF THE LAND DIVISION ORDINANCE.**

Section VIII of the Land Division Ordinance is hereby amended to now read in full as follows:

#### **SECTION VIII**

#### **CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS**

A. A violation of this Ordinance shall constitute a nuisance per se, and, in addition to any remedies available at law or under this Ordinance, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this Ordinance.

B. Any parcel created in violation of this Ordinance shall not be eligible for any building permits, zoning permits, or zoning approvals, such as approval of a variance, issuance of a special land use permit, or approval of a site plan.

C. Any person or organization who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended (“Public Act 236”).

D. The Presque Isle Township Zoning Administrator, the Presque Isle Township Supervisor, and other Township officials and employees as may be authorized by the Presque Isle Township Board of Trustees are authorized to administer and enforce this Ordinance and issue municipal civil infraction citations.

E. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.

F. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

G. A defendant found responsible by the judge or magistrate for a violation of this Ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

H. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this Ordinance, in accordance with Section 8302 of Public Act 236.

I. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

J. Each day on which any violation of this Ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

#### **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect 30 days after its publication as required by law.

#### **SECTION 5. PUBLICATION; RECORDATION; AUTHENTICATION.**

This Ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Presque Isle Township, and qualified under state law to publish legal notices, within 30 days after its

adoption; this Ordinance shall be recorded in the record of ordinances book of the Township; and the Township Clerk shall authenticate this Ordinance by placing her official signature upon the ordinance.

**SECTION 6. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this Ordinance, which shall continue in full force and effect.

**CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Presque Isle Township Board of Trustees at a regular meeting held on the 20 day of June, 2022.

I further certify that the following Board members were present at the meeting: J. W. Wozniak, M. O. Nish, M. Dean, S. Paavola and that the following Board members were absent: \_\_\_\_\_

I further certify that the Board member Mike Owens moved for adoption of the ordinance, and the motion was supported by the Board member Cynthia Paavola.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: 5 approved, and the following Board members voted against the adoption of the ordinance: \_\_\_\_\_

Adopted and approved this 20 day of June, 2022, by the Presque Isle Township Board of Trustees.

Cynthia Paavola  
Cynthia Paavola  
Presque Isle Township Clerk

**CERTIFICATION AS TO PUBLICATION, RECORDATION, AND AUTHENTICATION**

I hereby certify that the above ordinance was published in the PC on the 20 day of June, 2022; that the ordinance has been recorded in the Township record of ordinances book on the 28 day of June, 2022; and that the ordinance is hereby authenticated by the placement of my signature below.

Dated: 6/20/22

Cynthia Paavola  
Cynthia Paavola  
Presque Isle Township Clerk