

Township of Williamstown
Ingham County, Michigan

ORDINANCE TO REGULATE DIVISION OF LAND

Ordinance No.

*Contains proposed revisions to achieve compliance
with Michigan Public Act 591 of 1996*

*Recommended to the Township Board
by the Planning Commission
on March 18, 1997.*

Table of Contents

Article I	TITLE.....	1
Article II	PURPOSE AND SCOPE OF APPLICATION.....	1
Article III	DEFINITIONS	2
Article IV	APPLICATION REQUIREMENTS.....	4
Article V	REVIEW PROCEDURES	6
Article VI	STANDARDS FOR GRANTING APPROVAL.....	8
Article VII	FEES, PENALTIES, SEVERABILITY, EFFECTIVE DATE.....	12

Township of Williamstown
Ingham County, Michigan

ORDINANCE TO REGULATE DIVISION OF LAND

Ordinance No. 33

An Ordinance to authorize and regulate the partitioning or division of parcels of land, to establish review procedures for such action, to establish minimum standards for partitioning or dividing parcels of land, and to prescribe penalties for the violation of the provisions of this Ordinance.

THE Township OF WILLIAMSTOWN, INGHAM COUNTY, MICHIGAN ORDAINS:

Article I

TITLE

This Ordinance is hereby designated and shall be referred to as the "Williamstown Township Ordinance to Regulate the Division of Land."

Article II

PURPOSE AND SCOPE OF APPLICATION

Section 2.01 -- Legislative Determination

In the interest of protecting the public health, safety and welfare, the Board of Trustees of the Township of Williamstown finds that this Ordinance is necessary to regulate the division and partitioning of parcels of land which are not subject to platting procedures and requirements and to regulate division and partitioning of lots located in recorded subdivisions. This Ordinance is created pursuant to Michigan Public Act 184 of 1943, as amended; Public Act 288 of 1967, as amended by various Acts including Public Act 591 of 1996 and Public Act 87 of 1997; and Public Act 246 of 1945, as amended. This Ordinance, the adopted Zoning Ordinance, and the adopted Subdivision Control Ordinance, shall be considered the ordinances referred to in Section 105(b) of Public Act 591 of 1996, which have been adopted in part to carry out the provisions of said Act 591. **(revised 4/1/97; 12/1/98)**

Section 2.02 - Scope of Application

It shall be unlawful for a person to divide or partition any lot, outlot, or other parcel or tract of land in a recorded plat or divide or partition any unplatted parcel or tract of land, or transfer property between adjoining parcels or tracts, except in accordance with the provisions of this Ordinance, unless the division or partition is approved and a part of a recorded plat, pursuant to the Land Division Act, Michigan Public Act 288 of 1967, as amended, or unless the division or partition is approved pursuant to the Condominium Act, Michigan Public Act 59 of 1978, as amended. **(revised 12/1/98)**

ORDINANCE TO REGULATE THE DIVISION OF LAND

Article III

DEFINITIONS

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them:

Acreage Tract or Acreage Land: Land or real estate which is not located in, or a part of, a recorded plat.

Accessible: A parcel is accessible if it meets one or both of the following requirements:

- a. The parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Commission pursuant to Michigan Public Act 200 of 1969, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- b. The parcel is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Commission pursuant to Michigan Public Act 200 of 1969, as amended, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards. **(revised 4/1/97)**

Applicant: An individual, firm, association, partnership, corporation, or combination thereof, who holds ownership interest in land and is seeking approval for a division or partition of land in accordance with this Ordinance.

Date of Filing: The date on which an application for division of land is submitted to the Township in a form that complies with all of the application requirements specified in this Ordinance. **(revised 4/1/97)**

Division: The partitioning or splitting of a parcel or tract of land for the purposes of sale, or lease of more than one (1) year, or of building development, that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of Public Act 288 of 1967, as amended. "Division" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, and a division is not subject to the platting requirements of said Public Act 288. **(revised 4/1/97)**

Divide or Partition: The splitting or separating of a parcel of land into parts by changing the boundaries and/or legal description, where such splitting or separating of land is not accomplished pursuant to platting procedures under the Land Division Act, Michigan Public Act 288 of 1967, as amended, or the Condominium Act, Michigan Public Act 59 of 1978, as amended.

Land: All land areas occupied by real property. **(revised 4/1/97)**

Lot, Subdivision: A piece of land, the dimensions and configuration of which are shown on a subdivision plat or condominium subdivision plan recorded in the offices of the Ingham County Register of Deeds.

Lot, Zoning: A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership and control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located unless the zoning lot is legally nonconforming or the Zoning Board of Appeals has approved variances from applicable zoning requirements. When used in this Ordinance, the term "Lot" shall generally refer to a "zoning lot", unless otherwise specified.

Parcel: A measured portion of land which is described by virtue of a request to divide or partition the parcel in accordance with the provisions of this Ordinance. A parcel may be a subdivision lot or an acreage tract or acreage land.

Parent Parcel or Parent Tract: A parcel or tract lawfully in existence on the effective date of Public Act 591 of 1996. **(revised 4/1/97)**

ORDINANCE TO REGULATE THE DIVISION OF LAND

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Planner, Township: The Township Planner is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Plat: A map or chart of a subdivision of land which has been approved in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended.

Private Road: A road which for ingress and egress to and from land that does not abut a public road, which such road is not dedicated for use by the public.

Public Road: A road that is dedicated for use of the public for travel and which is maintained by a public agency, such as the the Township or Ingham County Road Commission.

Subdivide, Subdivision: The partitioning or splitting of a parcel or tract of land for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements specified in Public Act 288 of 1967, as amended. Subdivide or “subdivision” does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel. **(revised 4/1/97)**

Tract: Two (2) or more parcels that share a common property line and are under the same ownership.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

ORDINANCE TO REGULATE THE DIVISION OF LAND

Article IV

APPLICATION REQUIREMENTS

Section 4.01 -- Application Forms and Documentation

The application for division of land shall be made on the forms and according to the guidelines provided by the Township. The application shall be accompanied by the necessary fees and information as specified in this Ordinance.

Section 4.02 -- Information Required

Applications shall be accompanied by the following information:

1. Except for large acreage parcels (equal to or greater than forty (40) acres) that can be adequately described in reference to section or quarter section lines, three copies of a drawing shall be submitted, which may be an informal scale drawing (such as a tentative parcel map referred to in Section 109(1)(a) of Public Act 288 of 1967, as amended), which shall include all information listed below. A tentative decision may be made based on this informal scale drawing, with final approval withheld until receipt of a formal drawing prepared by a professional land surveyor registered in the state of Michigan. The final drawing shall be prepared according to the guidelines specified in Section 3 of Michigan Public Act 132 of 1970, as amended, showing the parcels that would result from the requested division of land, provided that the parcels are drawn as large as possible within the 8-1/2 by 14 inch format required by Act 132, and providing all of the following information: **(revised 4/1/97)**
 - a. Dimensions of all existing and proposed parcels.
 - b. All structures on and within fifty (50) feet of the proposed parcels.
 - c. Location of all existing and proposed public and private easements and rights-of-way.
 - d. Location of minimum setbacks on each proposed parcel, in accordance with the current Township Zoning Ordinance.
 - e. Location of surface water, lakes, ponds, streams, and wetlands. The initial investigation shall locate wetlands identified on the National Wetlands Inventory maps, prepared by the U.S. Department of Interior and available from the Michigan Department of Natural Resources. After subsequent investigation and on-site review, the Township Assessor or other reviewing body may require more detailed wetlands information if deemed necessary to make a decision regarding the proposed division of land.
 - f. The means of access from each resulting parcel to an existing road or street. **(revised 4/1/97)**
2. A legal description of existing parcels of land involved in the proposed land division.
3. Tentative approval may be granted without a formal legal description of all parcels that would result from the requested division of land, but a legal description must be received before final approval is granted. The legal description shall be in a form sufficient for recording with the Ingham County Register of Deeds, and shall indicate the acreage of all parcels.
4. Copies of existing or proposed deed restrictions related to the proposed parcels.
5. Sufficient information about previous land division activity to demonstrate that the parcel is eligible to be divided in the manner being proposed. **(revised 4/1/97)**
6. If any portion of the land is subject to a farmland development rights agreement pursuant to Michigan Public Act 116 of 1974, as amended, the Farmland and Open Space Preservation Act, then a copy of the agreement shall be provided to the Township for review.

ORDINANCE TO REGULATE THE DIVISION OF LAND

7. The Township Planner, Planning Commission, or Assessor may require additional information deemed necessary to determine compliance with the standards in Article VI.

ORDINANCE TO REGULATE THE DIVISION OF LAND

Article V

REVIEW PROCEDURES

Section 5.01 -- Submittal to Township Assessor and Planner

All applications for division of land shall be submitted, together with the required information, to the Township Assessor, or his/her designated representative, and to the Township Planner. In the event that the position of Township Planner is unoccupied, the duties assigned to the Township Planner by this Ordinance shall be performed by the person(s) designated by the Township Supervisor.

Section 5.02 -- Review by Township Planner

The Township Planner, or the person designated to perform the Planner's duties, shall review the application for completeness of data and to determine whether it is in compliance with this Ordinance and the Township Zoning Ordinance. If deemed necessary during the course of his/her review and if authorized by the Township Assessor, the Township Planner may submit the application to other Township staff, consultants, or county officials for review and recommendation, including but not limited to those having jurisdiction over assessing, planning, engineering, and/or building code enforcement. The Township Planner shall prepare and submit a written status report to the Township Assessor within ten (10) working days of receipt of the application.

Section 5.03 -- Review by the Planning Commission

Except where accelerated review occurs pursuant to Section 5.04, the Township Assessor shall submit the application to the Planning Commission for consideration. The Planning Commission is authorized to comment on and may provide a non-binding recommendation regarding each application for division of land.

Applications for division of land shall be placed on the Planning Commission's meeting agenda for consideration under unanimous consent procedures (i.e., "consent agenda"). Items on the consent agenda shall be considered en bloc unless a member of the commission requests that a particular item be placed on the regular agenda for discussion.

Items that remain on the consent agenda shall require unanimous consent of the Planning Commission; otherwise, each item shall be considered individually on the regular agenda. **(revised 4/1/97)**

Section 5.04 -- Accelerated Review

The above review procedures may be accelerated to accommodate administrative necessity at the discretion of the Township Assessor and Planner, when a routine application for division of land has been submitted and all Township ordinance requirements and other requirements have been met. The Township Assessor shall prepare a report explaining the reason for using an accelerated review and a detailed compliance report, and both shall be submitted to the Planning Commission and the Township Board for review at their next regular meetings.

Section 5.05 -- Decision by the Township Assessor

Upon review of the proposed division of land, and after consideration of the comments, if any, submitted by the Township Planner, Planning Commission, other staff, consultants, and county officials, the Township Assessor shall make a final decision concerning the proposed division, based on the standards set forth in this ordinance. The decision of the Township Assessor shall be made within thirty (30) days after the date of filing the application. The Township Assessor shall direct the Township Planner or other responsible person to indicate approved land divisions on the Township base map. **(revised 4/1/97)**

Section 5.06 -- Report to the Board of Trustees and Planning Commission

ORDINANCE TO REGULATE THE DIVISION OF LAND

The Township Assessor shall report in writing any approved divisions of land including acreage and parcel numbers, to the Township Board of Trustees, at the next regularly scheduled board meeting following said approval.

Section 5.07 -- Recording Deeds

Within sixty (60) days after approval of any division of land, the appropriate deeds and other transfer documents shall be recorded with the Ingham County Register of Deeds, if applicable, based on the descriptions and surveys set forth in the approved application. The recording of such deeds and transfer documents shall be the responsibility of the applicant.

Section 5.08 -- Appeals

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved by a decision by the Township Assessor or other body charged with enforcement of this Ordinance. In ruling on an appeal related to this Ordinance, the Zoning Board of Appeals shall follow the general guidelines for appeals as set forth in the adopted Township Zoning Ordinance. Nothing in this Ordinance shall prevent an applicant from seeking a variance from zoning requirements prior to submitting an application for division of land pursuant to this ordinance.

Section 5.09 -- Application for Site Plan Approval or a Building Permit

Following final approval of a division of land in accordance with this Ordinance, the property owner may apply for site plan review or a building permit, as applicable, to allow development in accordance with the Zoning Ordinance. Building permits shall not be issued for illegal lot splits or division of land. Notwithstanding this provision, nothing in this Ordinance is intended to prevent issuance of building permits or development on legal nonconforming lots of record, subject to compliance with Zoning Ordinance requirements.

Section 5.10 -- Issuance of a Building Permit Not Certain

Approval of a divisions of land is not a determination that the resulting parcels comply with other ordinances and regulations. The Township and its officers and employees shall not be liable for approving a land division if buildign permits for construction on the parcels are subsequently denied because of inadequate water supply, inadequate sewage disposal facilities, or other reasons. Any notice of approval of a division shall include a statement to this effect. *(revised 12/1/98)*

If, at the time the lands division proposal is acted on, insufficient information exists to determine whether a proposed lot can be built upon in compliance with the Zoning Ordinance, the proposed land division may still be approved provided that the property owner first submits an affidavit acknowledging that insufficient information has been compiled to determine usability of the resulting parcels for permitted uses in the zoning district in which the parcel(s) are located. Furthermore, the affidavit shall indicate that the property owner shall not allege any taking of property resulting from future denial of a use permit, where the denial is related to the insufficiency of information available to the Township at the time the parcel was created. *(revised 12/1/98)*

The affidavit shall be prepared in a form that is acceptable to the Township Attorney, and the applicant shall record the affidavit with the office of the Ingham County Register of Deeds relative to the parcels identified in the affidavit. Evidence that the affidavit has been recorded shall be submitted to the Township. *(revised 12/1/98)*

ORDINANCE TO REGULATE THE DIVISION OF LAND

Article VI

STANDARDS FOR GRANTING APPROVAL

The standards in this Article have been adopted to provide a uniform basis for decisions required by this Ordinance, and to allow land division where it would protect public health, safety and welfare; be consistent with the Township's Master Plan; minimize danger from fire and floods; protect and conserve the value of land and the value of buildings and improvements upon the land; minimize conflict between land uses; further the orderly layout and use of land; and provide the most beneficial relationship between the uses of land and buildings and circulation of traffic.

Section 6.01 -- General Requirements, Compliance with State Law

An application for division of land shall not be approved unless it is in compliance with the Land Division Act, Michigan Public Act 288 of 1967, as amended or replaced. Accordingly, the following conditions apply:

1. Division of the Parent Parcel or Parent Tract. The number of parcels created shall not exceed the amount specified by Section 108 of Michigan Public Act 288 of 1967, as amended. Accordingly, a proposed division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following:
 - a. For the first ten (10) acres or fraction thereof in the parent parcel or parent tract: four (4) parcels.
 - b. For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract: one (1) additional parcel, for up to a maximum of eleven (11) additional parcels.
 - c. For each whole forty (40) acres in excess of the first one hundred twenty (120) acres in the parent parcel or parent tract: one (1) additional parcel.
 - d. If the parent parcel or parent tract is twenty (20) acres or greater, the division may result in a total of two (2) additional parcels, provided that one or both of the following conditions exist:
 - (i) Because of the establishment of one (1) or more new roads, no new driveway access to an existing public road is required or created for any of the resulting parcels.
 - (ii) One of the resulting parcels comprises not less than sixty percent (60%) of the area of the parent parcel or parent tract.
 - e. A parcel of forty (40) acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted. **(revised 4/1/97)**
2. Additional Future Division. A parcel or tract created by an exempt split (as defined in Public Act 288 of 1967, as amended) or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of Public Act 288 of 1967, as amended, if all of the following requirements are met:
 - a. Not less than ten (10) years have elapsed since the parcel or tract was recorded.
 - b. The partitioning or splitting results in not more than the following number of parcels, whichever is less:
 - (i) Two (2) parcels for the first ten (10) acres or fraction thereof in the parcel or tract, plus one (1) additional parcel for each whole ten (10) acres in excess of the first ten (10) acres in the parcel or tract.
 - (ii) A total of seven (7) parcels, except that a total of ten (10) parcels may result if one of the resulting parcels under this subsection 2 comprises not less than sixty percent (60%) of the area of the parcel or tract being partitioned or split. **(revised 4/1/97)**

ORDINANCE TO REGULATE THE DIVISION OF LAND

3. Division of Land in a Recorded Plat. A subdivision lot, outlot, or other parcel of land in a recorded plat may be divided pursuant to the requirements of this Ordinance only if such lot, outlot, or other parcel is divided into not more than four (4) parts, and provided that:
- a. Each of the resulting parcels shall comply with minimum requirements for a buildable zoning lot, and
 - b. The total number of lots in the subdivision shall not increase above the number originally platted, and
 - c. The total land area within the subdivision shall not decrease below the area of the original plat.

Proposals to increase or decrease the total land area within a subdivision shall require a replat of all or part of the subdivision pursuant to Section 104 of Michigan Public Act 288 of 1967, as amended. Where land has been added to a subdivision lot resulting in expansion of the lot and subdivision boundaries, said lot shall not be subsequently divided in a manner that would decrease the size or amount of land encompassed by the original platted lot.

4. Depth-to-Width Ratio. Parcels created as a result of division of land that are ten (10) acres or smaller shall have a maximum depth-to-width ratio of 3 to 1, except where it is demonstrated that a deeper lot will protect natural resources, such as woodlands, wetlands, or wildlife habitat. **(revised 4/1/97)**
5. Irregularly Shaped Lots. The purposes of minimum lot area standards are to achieve adequate open space around and between dwelling units, achieve building development that is proportional to the area of the lot, provide adequate land on each lot to allow development without the need for variances, preserve the character of the neighborhood and surrounding area, and maintain privacy on each building lot. This can be accomplished on lots meeting the minimum area standards that are nearly rectangular in shape, but is more difficult to accomplish on irregularly-shaped lots, such as those with more than four sides and/or those where a portion of the required lot area is located in one or more appendages or extensions off of the main buildable portion of the lot (such as T-shaped or L-shaped lots).

Consequently, any proposal to create a new lot ten (10) acres or less in area shall not be permitted if the lot: (a) has more than four sides, and (b) is irregularly-shaped as a result of an appendage or extension, and (c) has less than the minimum lot area required if the area of the appendage or extension is not included in the lot area calculation. **(added 2/3/04)**

Section 6.02 -- Zoning Requirements

All parcels created as a result of division of land shall comply with all applicable zoning requirements, including minimum lot size, lot width, public road frontage, and parking requirements. Each parcel created as a result of division of land shall be accessible, as defined in Article III of this Ordinance. No parcel that is smaller in area than currently required by the Zoning Ordinance shall be further divided. **(revised 4/1/97)**

Notwithstanding these requirements, land division proposals may be approved in the following circumstances:

- 1. Where the proposed division of land would reduce the degree of existing nonconformity with zoning standards, or
- 2. Where the division of land is proposed with the intention of immediately combining portions of the original parcel with additional land for the purposes of creating a new parcel or parcels, provided that the new parcel or parcels is/are in compliance with zoning requirements or reduce the degree of nonconformity with zoning requirements.

ORDINANCE TO REGULATE THE DIVISION OF LAND

In each of these cases, the division shall be permitted only if the property owner records an affidavit or deed restriction with the Ingham County Register of Deeds which describes the property and the circumstances and conditions of approval. The affidavit or deed restriction shall be reviewed by the Township Planner and Assessor prior to recording, and the property owner shall provide a copy of the recorded affidavit or deed restriction to the Township.

An application for division of land in a commercial or industrial district shall not be approved if the division would result in a loss of parking so that: 1) an existing use or uses would no longer comply with the minimum parking requirements, and 2) development on a resulting parcel or parcels would be unable to comply with the minimum parking requirements.

Section 6.03 -- Taxes and Assessment Liens

Any due or unpaid taxes or special assessments upon the property shall be paid before the division of land is given final approval.

Section 6.04 -- Consent of the Title Holder

No division of land shall be approved without the written consent of the title or deed holder of the subject parcel.

Section 6.05 -- Disruption to Flow of Water

No division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement, unless evidence of a feasible alternate method of drainage is presented and approved by the County Drain Commissioner. **(revised 4/1/97)**

Section 6.06 -- Deed Restrictions

- a. The effect of proposed division of land on deed restrictions shall be considered by the Township Assessor in his/her review of the application. However, such deed restrictions shall not be binding upon the Township under this Ordinance.
- b. The deeds for all parcels of unplatted land shall meet the requirements of Section 109, sub-sections (3) and (4) of Public Act 288 of 1967, as amended. Evidence of compliance with these requirements (e.g., copies of recorded deeds) shall be submitted to the Township. **(revised 4/1/97)**

Section 6.07 -- Easements

Approval of a proposed division of land shall be subject to the dedication of any easements necessary for roads, public utilities, bicycle/non-motorized vehicle paths, sidewalks, or other necessary public facilities required.

Section 6.08 -- Buildability

- 1. An application for division of land shall not be approved unless the applicant demonstrates to the satisfaction of the Township Assessor that the resulting parcels have adequate usable land area, such that the parcels can be built upon or used in compliance with Zoning Ordinance standards. In determining whether this criterion has been met, issues that shall be taken into consideration include, but are not necessarily limited to the following:

ORDINANCE TO REGULATE THE DIVISION OF LAND

- a. Each resulting parcel shall either be served by a public sanitary sewer and wastewater treatment system or be capable of being served by an on-site sewage disposal system, such as a septic system, approved by the Ingham County Health Department;
 - b. Each resulting parcel shall either be served by a public water system or shall be capable of obtaining adequate potable water from an on-site well approved by the Ingham County Health Department;
 - c. Unusual topography which may prevent use of portions of a parcel;
 - d. Presence of easements or rights-of-way that restrict use of a parcel;
 - e. Wetlands, surface water, or floodplains that restrict or prevent use of portions of a parcel;
 - f. Soils that are incapable of supporting a foundation for a building;
 - g. The shape of a parcel and/or building footprint with respect to minimum practical dwelling unit dimensions. **(revised 4/1/97)**
2. Nothing in sub-sections a or b shall obligate the Township to provide public sanitary sewers, wastewater treatment, or public water utilities.
 3. If, at the time the land division proposal is submitted, insufficient information exists to determine whether a proposed lot can be built upon in compliance with the Zoning Ordinance, the proposed land division may still be approved provided that the property owner first submits an affidavit acknowledging that insufficient information has been compiled to determine useability of the resulting parcels for permitted uses in the zoning district in which the parcels are located. Furthermore, the affidavit shall indicate that the property owner shall not allege any taking of property resulting from future denial of a use permit, where the denial is related to the insufficiency of information available to the Township at the time the parcel was created.

ORDINANCE TO REGULATE THE DIVISION OF LAND

Article VII

FEES, PENALTIES, SEVERABILITY, EFFECTIVE DATE

Section 7.01 -- Fees

The Township may charge a fee for review of applications for division of land. The fee shall be established by resolution of the Township Board in an amount necessary to cover the cost of the review.

Section 7.02 -- Penalties

A violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. The cost of prosecution shall also be assessed against the violator.

Section 7.03. Severability

This Ordinance and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for an reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this Ordinance, which shall remain in full force and effect.

Section 7.04 -- Effective Date

Motion to approve having been made by Trustee _____ and seconded by ___, this Ordinance was made and passed by the Board of Trustees of Williamstown Township on the _____ day of _____, 1996. This Ordinance shall take effect on the _____ day of _____, 1996, thirty (30) days following publication in a newspaper of general circulation within Williamstown Township, as required by law.

Norman Obst, Supervisor

Shirley Graham, Township Clerk