

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Ordinance No. 10. The Orleans Township Residential Dwelling Ordinance, Orleans Township Ordinance No. 10, as amended (hereinafter referred to as the "Residential Dwelling Ordinance"), is amended to read in its entirety as follows:

**ORLEANS TOWNSHIP ORDINANCE NO. 10
RESIDENTIAL DWELLING ORDINANCE**

An ordinance to protect the public health, safety, and general welfare of persons and property within the Township of Orleans, Ionia County, Michigan, by regulating the conditions of placement within the Township of all residential dwellings, except mobile homes located within mobile home parks and except any building or structure or portion of a building or structure used as living quarters for migratory laborers located within agricultural labor camps; to provide for the enforcement of the ordinance; and to provide penalties for the violation of the ordinance.

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1. Name. This Ordinance shall be known and cited as the Orleans Township "Residential Dwelling Ordinance."

Section 2. Purpose. The purpose of this Ordinance is to protect the public health, safety, and general welfare of persons and property within the Township of Orleans by regulating the conditions of placement of all residential dwellings in the Township, except mobile homes located within mobile home parks and except any building or structure or portion of a building or structure used as living quarters for migratory laborers located within agricultural labor camps.

Section 3. Definitions. As used in this Ordinance, the following words and terms shall have the meanings set forth in this section. Any word or term used in this Ordinance which is not defined in this section shall be considered to be defined in accordance with its common or standard definition.

(a) "Agricultural labor camp" means a parcel or tract of land, including all permanent or temporary buildings or other structures or portions thereof used as living quarters for migratory laborers, which is licensed as an agricultural labor camp under Act No. 368 of the Public Acts of 1978, as amended (MCLA 333.12401 et seq.) and the regulations promulgated under that act.

(b) "Dwelling, Residential" or "Dwelling" means a building designed primarily for residential use, including a structure erected on-site, a mobile or manufactured home, or mobile structure, a pane-manufactured or pane-cut structure, above or below ground.

(c) "Floor area, habitable" means the horizontal areas of all rooms used for habitation within a dwelling, including living rooms, dining rooms, kitchens, bedrooms and bathrooms, but not including cellars, attics, garages, porches, and roofed terraces, or unheated areas such as enclosed porches.

(d) "Migratory laborer" means a person working, or available for work, primarily in agriculture or related food processing, who moves seasonally one or more times from one place to another from within or without the state for purposes of such employment or availability for seasonal employment, as provided under Act No. 368 of the Public Acts of 1978, as amended (MCLA 333.12401 et seq.) and the regulations promulgated under that act.

(e) "Manufactured Home" or "Mobile Home" means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air/conditioning and electrical systems contained in the structure.

(f) "Manufactured Home Park" or "Mobile Home Park" means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility use or intended for use incident to the occupancy of a manufactured or mobile home, as governed by Act 96 of the Public Acts of 1987, as amended (MCLA 125.2301 et seq.) and the regulations promulgated under the Act.

(g) "Recreational vehicle or equipment" includes travel trailers; pick-up campers or coaches (designed to be mounted on automotive vehicles); motorized dwellings (sometimes referred to as "motor homes"); tent trailers; boats; and similar vehicles or equipment. "Recreational vehicle or equipment" does not include "mobile home" as defined by this Ordinance.

(h) "Width" means the largest overall width of a dwelling when in place on a permanent foundation, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is not interior space.

Section 4. Placement requirements for residential dwellings. All residential dwellings within the Township of Orleans, except mobile homes located within a mobile home park and except any building or structure or portion of a building or structure used as living quarters for migratory laborers located within agricultural labor camps, shall meet the requirements of this section, as follows:

(a) Each dwelling shall have a minimum habitable floor area of 900 square feet as measured from the outside of all exterior walls which enclose habitable floor area (as defined by Section 3(c) of this Ordinance).

(b) Each dwelling shall have a minimum width across any front, side or rear elevation of 12 feet.

(c) Each dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the Ionia County Health Department.

(d) Each dwelling shall have either a roof overhang of not less than six (6) inches on all sides, or alternatively, shall have window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

(e) Each dwelling shall have steps connected to exterior door areas or to porches connected to the exterior door areas where steps are required due to a difference in elevation from the exterior door area to ground level.

(f) Each dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal structure. The storage area required for each dwelling by this subsection shall be equal to 10 percent of the habitable floor area of the dwelling.

(g) A dwelling shall not contain additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachments to the principal structure and construction of a foundation as required by this ordinance.

(h) If a dwelling is a mobile home, it shall be installed with the wheels covered or removed and the towing mechanism, undercarriage or chassis shall not be exposed.

(i) If a dwelling is a mobile home, skirting which meets the requirements of this section shall be installed within sixty (60) days of placement of the mobile home on a site:

- (1) The skirting shall be vented with louvered or similar vents at a minimum of 600 square inches per 1,000 square feet of living space.
- (2) A minimum of one (1) vent shall be placed at the front and rear of the mobile home and a minimum of two (2) vents shall be placed at each exposed side.
- (3) An access panel of sufficient size to allow full access to utility hook-ups located beneath the mobile home shall be installed.
- (4) All skirting shall be manufactured of fire-resistant material and shall be certified as such by the manufacturer.
- (5) Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow, and rain.

(j) Each dwelling, and any additions to a dwelling, shall be firmly attached to a permanent frost-free foundation constructed on the site in accordance with all building and other pertinent construction codes applicable to residential dwellings within the Township, and as provided by this section. If a dwelling is a mobile home, the dwelling shall be installed in compliance with all of the following requirements:

- (1) The mobile home shall be installed pursuant to the manufacturer's instructions specifying the location and required minimum imposed load capacity of pillars and the location and the required minimum imposed load capacity of any other stabilizing devices.
- (2) In the absence of manufacturer's installation instructions for a mobile home, the installation of the mobile home shall, at a minimum, comply with all of the following specifications:
 - (A) Pillars shall be installed directly under each main frame beam of a mobile home. If the distance between the main frame beams does not conform to the pad or pillars that are permanently installed on the mobile home site, crossbeams shall be used. These crossbeams may be of steel or pressure-treated wood which resists decay and which has an imposed load capacity of 3,000 pounds per square foot (PSF). The crossbeams shall extend a minimum of 6 inches beyond each main frame beam, but shall not extend beyond the sides of the mobile home. A wood beam shall not rest on the ground, but shall rest on the cap. If the crossbeam interferes with a utility to the mobile home, the crossbeam placement may be between blocks. If a crossbeam is used between blocks, it shall be a minimum of 6 inches by 8 inches.
 - (B) Pillars shall be placed on 10-foot centers along the length of each main frame beam, but may be placed at less than 10-foot centers. If the pillars interfere with the axle area, they may be placed to a maximum of 13-foot centers, but the pillar placement shall not be less in number than if placed on 10-foot centers.
 - (C) The pillars nearest each end of the mobile home shall be within 3 feet of either end.
 - (D) All grass and organic material shall be removed and the pillar or platform shall be placed on stable soil.
 - (E) Pillars shall be constructed of solid concrete; cored concrete blocks, unless other cored concrete blocks are supplied by the consumer; or a heavy metal screw column which bears on both frame and foundation or shall be constructed using any other acceptable design and construction meeting mobile home industry standards.

- (F) Concrete block pillars shall be constructed of regular 8-inch by 8-inch by 16-inch blocks and placed on the pillar platform. The blocks shall be placed with the open cells vertical and the blocking of the pillar shall be single-tiered. A cap shall be placed on top of the pillar. A wood plate 1 inch by 8 inches by 16 inches or 2 inches by 8 inches by 16 inches may be placed on top of the cap for leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame and shall not take up more than 1 inch of vertical height.
- (G) Pillars shall be installed perpendicular to the main frame of the mobile home.
- (3) Solid concrete pillars may be of cone or pyramid design with a minimum 16-inch base tapered to a minimum 9-inch top. Shimmiing shall be the same as for the concrete block pillar.
- (4) All pillars shall have a minimum imposed load capacity of 3,000 pounds.
- (5) If the manufacturer's recommended installation specifications or their equivalent exceed the minimum specifications stated in these rules, the manufacturer's specifications shall in all cases be complied with. The burden of reasonable proof of equivalency rests with the installer/repairer.
- (6) Mobile homes may be installed on a basement or crawl space-type foundation if the foundation complies with applicable building and other construction codes as provided by this Ordinance and meets the manufacturer's specifications for pillar placement and imposed load capacity.
- (k) If a dwelling is a mobile home, it shall have an anchoring system that complies with all of the following requirements:
- (1) The anchoring system shall be designed and construed in compliance with the "Manufactured Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR part 1700 et seq., as amended.
- (2) The anchoring system shall be installed in compliance with the manufacturer's specifications.
- (3) The anchoring system shall be approved for sale and use within this state by the Michigan Construction Code Commission as provided by Act No. 230 of the Public Acts of 1972 (MCL 125.1501 et seq.), as amended.
- (4) The model number shall be permanently marked on each anchoring system.

(l) Each dwelling shall comply in all respects with all applicable building, plumbing, electrical, mechanical, fire and other pertinent construction and safety codes. If a dwelling is required by law to comply with any federal or state standards or regulations for construction or safety which standards or regulations are different than the requirements of construction codes otherwise applicable within the Township, then and in that event such different federal or state standards or regulations shall apply. In the case of a mobile home, all construction and all plumbing, electrical apparatus, heating and cooling equipment, and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development ("HUD"), being 24 CFR 3280 et seq., as amended. If a dwelling is a mobile home brought into the Township or moved within the Township to a different parcel after the effective date of Ordinance No. 77, then it must contain a HUD label certifying that it was constructed in accordance with the Manufactured Home Construction and Safety Standards in effect following the 1994 amendments to such standards, as evidenced by the data plate. The person in charge of enforcing this Ordinance as designated by the Township Board may verify compliance with applicable construction codes, standards or regulations through information regarding construction materials or standards provided by a manufacturer, by reference to other evidence of compliance such as a certification label or data plate which has been affixed to the dwelling unit as required by state or federal laws or regulations, or by conducting tests and inspections.

(m) Except to the extent otherwise required by law, the requirements of this section shall not apply to a mobile home located in a licensed mobile home park.

(n) Except to the extent otherwise required by law, the requirements of this section shall not apply to a building or structure or portion of a building or structure used as living quarters for migratory laborers located within a licensed agricultural labor camp. However, any such building, structure or portion thereof shall at least conform with the minimum standards of construction, health, sanitation, sewage, water supply, plumbing, garbage and rubbish disposal, and other applicable standards as provided by Act No. 368 of the Public Acts of 1978, as amended (MCLA 333.12401 et seq.), by the regulations promulgated under that act, or by any other applicable law, ordinance or regulation. Further, the exception provided by this subparagraph from the requirements of this section shall apply only while the license for the agricultural labor camp remains valid and in effect.

(o) Notwithstanding other provisions of this section, excluding to the extent otherwise required by law, all residential dwellings and their accessory buildings shall be setback from all front, side, or rear property lines as follows:

(1) Front setback: 35 feet.

(2) Rear and side setback: 10 feet.

(3) Residential dwellings shall include all structures so defined by this Ordinance, including mobile homes and structures used for migratory labor housing. Other accessory buildings shall mean those buildings which are customarily incidental

and subordinate to the residential dwelling or use and are on the same lot as the residential dwelling. Accessory building shall include private garages, car ports, barns, pre-fabricated or site constructed storage buildings, and similar buildings.

(4) The front property line shall be that line that separates the parcel, premises, or lot from the public road right-of-way or easement, or private road easement. In the case of a corner lot, both the road right-of-way or easement lines shall be considered the front lot line.

(p) Lot Accessibility.

1. No dwelling shall be built upon a lot unless the lot abuts upon a public street or upon a private street which provides a permanent unobstructed access easement of record to a public street.

2. Where a road, driveway or street is to provide a means of ingress and egress to three (3) or more dwellings after the effective date of this subsection, the road, driveway or street shall be deemed a private street and shall meet the following requirements:

(a) Each private street shall have a name that is not the same or similar to any other public or private street name in Ionia County. The property owners benefited by the private street shall file an application with the Township listing the proposed name for the private street. The Township will forward a copy of the application to the Ionia County Road Commission for review and commission action to determine that no other public or private street with the same or similar name exists. In the event that another street within Ionia County has the same or similar name as the applicant's proposed private street name, then the applicants shall submit to the Township a new private street name.

(b) The private street easement width shall be a minimum of 66 feet.

(c) All regulations contained in this ordinance shall apply to all private streets in the same manner as if the same were dedicated streets.

(d) The layout of private streets in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, horizontal curves, curb openings at intersecting streets, etc. shall conform to the Ionia County Road Commission standards for platted streets. In addition, curb openings at intersecting public streets or roads shall have the curbing, guttering and surfacing to the property line as required under Ionia County Road Commission standards completed within one year from completion of the private street.

(e) The construction of the roadway shall conform to the Ionia County Road Commission standard for a local road-22 feet wide with eight (8) inch gravel base (MDSH 23A), six (6) feet for each side shoulder, side ditches with 1 on 3 front slope and 1 on 2 back slope at five-tenths (0.5%) grade minimum. Ditches shall outlet into a cross culvert or drainage course. In impervious soils (clay or other unsuitable materials), a twelve (12) inch sand sub base, graded

parallel to the road surface (extending into the front ditch slope), shall be constructed. Bituminous surfacing and storm sewer will not be required.

(f) Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes and grades shall be determined using the Ionia County Drain Commission storm runoff calculations formula. Applicants shall also submit culvert construction plans to the Ionia County Drain Commission for review and approval. Materials for culverts shall also conform to Ionia County Drain Commission requirements.

(g) A recordable private street maintenance agreement or restrictive covenant agreement, which agreement shall run with the land, shall be recorded with the Ionia County Register of Deeds and filed with the assessor or designee specifying the method of private financing of all maintenance, improvements, and snow removal, and apportionment of these costs among those benefited. The agreement shall also specify the right of the Township to perform maintenance, improvements and snow removal in the event of a failure of those benefited to privately perform these duties for the health, safety and general welfare of the area. In addition, the agreement shall specify the right of the Township to assess the costs associated with the maintenance, improvements and snow removal of the private street against those properties benefited, plus a 25 percent administrative fee. Before the agreement is recorded, a copy shall be furnished to the Township together with the private street application required under Subsection (a) above.

(h) This Ordinance is not applicable to private streets existing before the effective date of this subsection and that have been constructed to lesser standards than required under this Ordinance. Any such private streets shall be brought up to the standards required under this Ordinance before the street may be used to provide ingress and egress to new dwellings or structures.

(i) A stop sign shall be erected at the intersection of the private street with another private or public street. The stop sign must conform with the State Manual of Uniform Traffic Control Devices.

(j) Any intersection between private and public streets, or private and private streets, shall continuously have a clear vision triangular area of no less than ten (10) feet in length. For streets that present increased safety risks as a result of topographic, vegetative or other factors, the Township may require an additional clear vision triangle to as great as twenty-five (25) feet.

(k) In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be maintained for the entire width of the road surface.

(l) "Private Street" means a road, driveway or street contained within a permanent unobstructed access easement of record which is privately owned and maintained and which provides for a permanent means of ingress and egress to three (3) or more dwellings, lots, or parcels of land.

3. Every resident, occupant or owner of a dwelling with an address within the Township that is not already in conformance with Article IV (Addressing System) of

the Ionia County Address Ordinance of 2000, shall be in conformance within thirty (30) days of the effective date of this subsection.

4. In order to provide for the accurate dispatching of emergency vehicles, each public and private street within the Township shall not have a name that is the same or similar to any other public or private street name in Ionia County. If there is a street with the same or similar name to another street in Ionia County, the Township may proceed on its own initiative to rename the street after a public hearing. Notice of the public hearing regarding the proposed name change is to be published in a newspaper of general circulation not less than ten (10) days before the public hearing. Notice of the public hearing shall also be given to all owners of record of property directly abutting the affected street of the public hearing. Upon approval of a street name change by the Township, the Township Clerk shall notify all Federal, State and County agencies and affected property owners as required by law.

Section 5. Temporary Use of Mobile Homes.

A. Temporary Residence. Unless otherwise expressly permitted by this Ordinance, mobile homes which do not conform to the standards of Section 4 of this Ordinance shall not be used for dwelling purposes within the Township except for purposes of a temporary residence as provided by this Section.

B. Permit Required. Any person desiring to use a mobile home as a temporary residence shall file an application with the Township for a temporary residence permit, together with a non-refundable permit fee in the amount established by resolution of the Township Board. Said temporary residence permit shall comply with all requirements and other applicable standards as referenced in this Ordinance. The Township Board may grant a permit to use a mobile home as a temporary residence for a period not to exceed one year if (i) the applicant for the permit demonstrates to the satisfaction of the Township Board the ability and intent to erect a dwelling on the premises; and (ii) if the mobile home to be occupied as a temporary residence is located upon premises having running water and sewage facilities approved by the Ionia County Health Department. Upon expiration of the original one year period for which a permit was granted, the Township Board may renew the permit for an additional period of one year if the applicant demonstrates to the satisfaction of the Township Board that the construction of the dwelling could not practicably be completed within one year, but that substantial progress towards completing the construction has been made.

C. Storage or Sale of Mobile Homes. Any person desiring to store on a lot a mobile home that is not connected to a public or private sewer and water supply or a mobile home not used as a permanent residential dwelling shall file an application with the Township for a storage permit, together with a non-refundable permit fee in the amount established by a resolution of the Township Board. Said storage permit shall comply with all requirements and other applicable standards as referenced in this Ordinance. An unoccupied mobile home may be temporarily stored or offered for sale on any property not otherwise occupied by another residential dwelling if the mobile home complies with all set up, placement, provisions of this Ordinance, for a period of six months. Where the placement or set up of the mobile home does not comply with the

provisions of the Ordinance or where the sale of the mobile home exceeds the six month period, the owner or other interested party may apply to the Township Board for a permit for up to a six month period where the applicant can demonstrate that the mobile home is actually being marketed for sale or that the placement and/or set up as required by the Ordinance, is unavailable and unnecessary.

D. Security for Removal. The Township Board may require that the applicant provide a cash deposit, certified check, irrevocable bank letter of credit, surety bond, or other acceptable method of security, an amount acceptable to the Township Board, conditioned upon the removal of the mobile home from the premises within a time limit stated on the permit.

Section 6. Building permit required.

A) Building Permit Required. Any person desiring to construct a dwelling shall file an application with the Township for a building permit, together with a non-refundable permit fee in the amount established by resolution of the Township Board. Said building permit shall comply with all applicable building code provisions and requirements and other applicable standards and requirements as referenced in this Ordinance.

B) Demolition Permit Required. Any person desiring to demolish or otherwise take apart a dwelling or a mobile home located on a lot shall file an application with the Township for a demolition permit, together with a non-refundable permit fee in the amount established by resolution of the Township Board. Said demolition permit shall comply with all requirements and other applicable standards as referenced in this Ordinance.

Section 7. Use of Recreational Vehicles or Equipment.

A. Prohibited Activities. Recreational vehicles or equipment shall not be used for living, sleeping, or housekeeping purposes, or otherwise used as a residential dwelling, when parked or stored on any parcel of land used or intended for use for residential dwelling purposes or in any other location within the Township not expressly approved for those purposes.

B. Recreational Uses. The recreational use of recreational vehicles is permitted when used exclusively for owner-occupied recreational purposes. Recreational vehicles may be permitted upon the following conditions:

1. Rental or lease of the recreational vehicle offered to the general public is prohibited.

2. Any recreational vehicle placed on the property for recreational use for more than seventy-two (72) hours shall require a permit issued by an officer so authorized by the Township Board. The permit shall be granted when it is found that:

a. The recreational vehicle is located on one acre of land and placed no closer than 75 feet from the front property line and 30 feet from the side and rear property lines; or if the recreational vehicle is located in a plat recorded in the

Ionia County Register of Deeds, the recreational vehicle shall be no closer than 75 feet from the front property line and 10 feet from the side and rear property lines.

b. That provisions are made for potable water and sanitary waste disposal as approved by the County Health Department.

c. The placement of the recreational vehicle shall not be detrimental or diminish the value of the land, building, or structures, or change the essential character of the surrounding properties; that the use of the recreational vehicle will not be significantly more objectionable to nearby property by reason of traffic, noise, vibration, dust, fumes, odor, or disposal of waste; or that the use shall not increase hazard from fire or other danger to the property or adjacent property.

d. The maximum period of place shall be for 180 days in any calendar year.

3. Occupancy for more than 30 days in any calendar quarter is prohibited unless specifically approved by the authorized official for not more than 30 days. Any further extension shall only be permitted upon approval by the Township Board subject to the conditions set forth in subsection 2. above.

4. The placement of the recreational vehicle shall conform to all applicable state, federal, and local laws and ordinances.

C. Storage of Recreational Vehicles and Equipment. Storage of recreational vehicles and equipment shall be as follows:

1. Unoccupied recreational vehicles may be stored indefinitely on any property when located in an enclosed building; or when located outdoors if the location is on property which is occupied by a residential dwelling or mobile home, provided such recreational vehicle is located behind or on the side of the occupied dwelling and no closer than 10 feet from the side or rear lot line.

2. Boats may be stored on any property between the dates of September 15th and May 31st of each year. During other times of the year boats must be stored in accordance with the provision of Section 1 above.

Section 8. Penalties, Nuisance, Enforcement.

A. Civil Infraction Violation. Unless specified otherwise in this Ordinance, violations of this Ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this Ordinance, but which is not a crime under this Ordinance, and for which civil sanctions, including without limitations, fines,

damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this Ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within a two year period of any prior admission or determination of responsibility (unless some other period is specifically provided by this Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

3. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment

4. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damages, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

5. A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

B. Misdemeanor Violations. It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment; for any person who:

(1) makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this Ordinance or other state or federal law; or

(2) commits a violation of this Ordinance by operating, conducting, or residing in a building, dwelling, or mobile home after suspension or revocation of a permit.

C. Nuisance. Maintenance of, or allowing the maintenance of, any cause of blight or blighting factor as defined in this Ordinance, in violation of this Ordinance, is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Orleans Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

D. Continuing Offenses. Each day on which a violation of the Ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

E. Parties Liable. Any person who violates any of the provisions contained in this Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, employee or in any other capacity shall be liable as a principle.

F. Enforcement Actions. This Ordinance shall be enforced by the person or persons designated by the Orleans Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.

Section 9. Appeals and Variances.

The Township Board may act upon all questions that arise in the administration of this Ordinance:

(A) It may hear and decide appeals from and review any order, requirement or determination made by an administrative official charged with enforcement of this Ordinance. An appeal may be taken by any person aggrieved by any action under this Ordinance.

(B) It may grant variances to this Ordinance where the literal enforcement of its requirements would involve practical difficulties or cause undue hardship because of exceptional physical constraints or conditions of the land, building, or structure; or the use or development of the property immediately adjoining the property in question. In granting a variance, the Township Board shall insure that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

(C) The Township Board may grant such variances only upon finding, from reasonable evidence, that the following facts and conditions exists:

(1) That there are exceptional or extraordinary or conditions applying to the property that do not apply generally to other properties in the same residential area or general vicinity, and are not the result of actions of the applicant.

(2) That such a variance is necessary for preservation and enjoyment of a substantial property right similar to that possessed by other properties in the general vicinity. The possibility of increased financial return shall not be deemed sufficient to warrant a variance.

(3) That the authorizing of such a variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

(4) That the condition or situation affecting the property is not so general or recurrent as to make reasonably practical the formulation of a general regulation.

(D) The determination by the Township Board of any appeal or variance shall be stated in the public record. The Township Board may adopt special rules of procedure for considering variances and appeals under this Ordinance. The Township Board may impose conditions on the granting of a variance or an appeal to insure that the public services and facilities will be capable of accommodating the proposed use; to protect the natural environment and conserve natural resources; to insure compatibility with adjacent uses of land; and to promote the use of the land in a socially and economically desirable manner.

Section 10. Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are severable if any part, section, paragraph, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 11. Non-Repeal. This Ordinance shall not be construed to repeal by implication any other ordinance of Orleans Township pertaining to the same subject matter.