

**GARDEN TOWNSHIP  
ORDINANCE NO. 2022-6**

**BOUNDARY LINE ADJUSTMENT ORDINANCE**

An ordinance to permit the Township Assessor the authority to approve boundary line adjustments in the Township; to provide application and approval procedures; to repeal inconsistent ordinance provisions and to provide an effective date.

**TOWNSHIP OF GARDEN, DELTA COUNTY MICHIGAN ORDAINS:**

**Title**

This ordinance shall be known as the Garden Township Boundary Line Adjustment Ordinance.

**Purpose**

The purpose of this ordinance is to promote public safety, health and general welfare and the orderly processing of boundary line adjustments as identified in the Michigan Land Division Act (formerly Subdivision Control Act), Public Act 288 of 1967, as amended, (MCL 60.101, et seq.) created by the transfer of land between 2 or more adjacent parcels, when the property taken from 1 parcel is added to an adjacent parcel.

The Michigan Land Division Act allows a municipality to adopt an ordinance to carry out its provisions. The Township Board finds it necessary and appropriate to create an ordinance that will require submittal of boundary line adjustments to the Township's Assessing Officer and provide a methodology for review and approval thereof so that the assessing office is notified of the boundary line adjustment and can reflect the adjustment in the Township's assessing records.

**Definitions**

For the purposes of this ordinance, the following words shall have the following meanings:

- A. **Applicant:** The person or entity holding an ownership interest in the land proposed to be transferred.
- B. **Boundary line adjustment:** A property transfer between 2 or more adjacent parcels if the property taken from 1 parcel ("transferred property") is added to an adjacent parcel. *Platted lots are not subject to this Ordinance – see Platted Lot Split Ordinance.*
- C. **Recipient:** The person or entity that shall own the transferred property after the boundary line adjustment is made.

## **Property Line Transfer Application and Approval Procedures and Rights Conferred**

- A. The applicant shall initiate Boundary Line Adjustment by filling out an application for the boundary line adjustment with the Township Assessor setting forth the parameters of the proposed boundary line adjustment, together with a survey and map showing the original parcel, that portion of the original parcel subject to the boundary line adjustment and the measurements thereof. The transferred property shall be legally described, either separately or as part of the recipient parcel. In the event the applicant is not the sole owner of the land proposed to be transferred, the application shall not be approved until all owners have concurred with the filing of said application by signing said application or otherwise giving evidence of their approval.
- B. The Township Assessor shall review the application and shall act on the application within forty-five (45) days of receipt of a complete application. If approved, the Township Assessor shall record his or her approval on the application which shall authorize the applicant to record a deed establishing the boundary line adjustment. When a copy of the recorded deed is transmitted to the Township Assessor, they shall adjust the Township's assessing records for the following assessment year to provide for such property line adjustment. The Township Assessor shall not approve a boundary line adjustment that does not comply with this ordinance or the Michigan Land Division Act nor will they recognize any property line adjustment that has not been approved under this Ordinance.
- C. The receipt of an approved boundary line transfer does not confer upon the applicant or recipient of such property transferred an approval for new construction or additional construction. Any such application for additional construction or new construction of any type is subject to Zoning and Building Code approval in accordance with the State, County and Township's Ordinances.

## **Prohibited Actions**

- A. No property subject to a property line adjustment may be deeded or transferred without first complying with the application and approval provisions of the Ordinance. Any resulting parcel so deeded or transferred shall be considered a violation and shall not be deemed a valid parcel by the Township for any purpose.
- B. Any resulting parcel (after boundary line transfer) shall not be considered a building site unless the parcel conforms to the Zoning Ordinance in place for this Township.
- C. The commencing of construction on, or the application for a building permit for such construction, on any portion of property subject to boundary line adjustment under this Ordinance without first obtaining approval for the boundary line adjustment, zoning and building code approvals from the designated Zoning Administrator or Building Official shall be a violation of this Ordinance.
- D. The submission of any document for recording at the Register of Deeds involving a boundary line adjustment without prior approval in accordance with this Ordinance shall be deemed to be a violation of this Ordinance.

### **Application Fees**

The fee for consideration of a Boundary Line Adjustment Application pursuant to this Ordinance shall be established by the Township Board and may from time to time be revised by the Township Board as deemed necessary.

### **Violations and Sanctions**

- A. **MUNICIPAL CIVIL INFRACTION:** Violations of the provision of this Ordinance or failure to comply with any of its requirements, including violations or conditions and safeguards established in connection with an approved application, shall constitute a Municipal Civil Infraction. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 <sup>st</sup> Offense within a 3-year period*	\$75.00	\$500.00
2 <sup>nd</sup> Offense within a 3-year period*	\$150.00	\$500.00
3 <sup>rd</sup> Offense within a 3-year period*	\$325.00	\$500.00
4 <sup>th</sup> Offense within a 3-year period*	\$500.00	\$500.00

\*Determined on the date of commission of the offense(s).

Additionally, the violator shall pay cost which may include all expenses direct and indirect to which the Township has incurred in connection with the Municipal Civil Infraction. In no case, however, shall Fines of more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. The Township may also take any action necessary to correct any official record to reflect the accurate boundaries of a parcel of property and change such actual costs to the original parcel as permitted by law. Each day that a violation of Ordinance exists shall constitute a separate violation of this Ordinance.

- B. **REMEDIES:** The Township Board may institute other appropriate proceedings to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are civil and criminal in nature. The imposition of any fine shall not exempt the violator from compliance with the provisions of this Ordinance. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. The Township Attorney may initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed, and the Township Board may initiate injunctive action in Circuit Court, or any such other remedy provided by Law.
- C. Nothing herein shall prevent the Township Board from taking such additional lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Michigan Land Division Act.

**Severability**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction such declaration shall not be deemed to affect the validity of any other part or portion of this Ordinance.

**Repeal**

Conflicting ordinances and provisions of ordinances are hereby repealed, but only to the extent to give this Ordinance full force and effect. However, the Township’s Land Division Ordinance and its Platted Lot Split Ordinance are deemed to not conflict herewith and are specifically retained. Any applicable Zoning Ordinances, Building Codes or other ordinances of the Township shall remain in full force and effect notwithstanding any land division approval hereunder.

**Effective Date**

This Ordinance shall take effect 30 days after publication of a summary thereof as required by law.

Approved this 13th day of September, 2022

AYES: 5

NAYS: 0

ABSENTIONS: None

\_\_\_\_\_  
Steven J. Freeman, Township Supervisor

\_\_\_\_\_  
Brenda Lee Lester, Township Clerk

**CERTIFICATION**

This is a true and complete copy of Ordinance No. 2022-6 which was declared adopted at a regular meeting of the Garden Township Board held on September 13, 2022. This ordinance was published in the Escanaba Daily Press on October 5, 2022 and will become effective on November 4, 2022.

\_\_\_\_\_  
Brenda Lester, Garden Township Clerk

\_\_\_\_\_  
Date