

**VALLEY TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN**

**SUBDIVISION - SITE CONDOMINIUM ORDINANCE - NO. 207**

**ADOPTED: May 10, 1999**

**EFFECTIVE: June 19, 1999**

**THE TOWNSHIP OF VALLEY ORDAINS:**

**SECTION 1: This Ordinance shall be known as the "Township Subdivision - Site Condominium Ordinance".**

**Section 1.1 Purpose.** The purpose of this Ordinance is to regulate and control the subdivision of land into plats pursuant to 1967 PA 288; 1996 PA 591; and 1997 PA 87 to regulate the minimum standards to be met by the subdivider and to regulate the development of land within the Township under the provisions of the Condominium Act, P.A. 59 of 1978, and set the minimum standards to be met by the developer, and shall be reviewed with the objective interest of achieving the same source characteristics and land use results as if the development and improvements were being proposed in accordance with general subdivisions, including all requirements of the Township Zoning Ordinance. It is the intent of the Township to insure that the appearance of each type of project, the size of the lots or building sites are equal to the minimal lot size of the zoning district in which the project is located and in so doing to treat each type of development in the same manner.

**Section 1.2 Definitions**

- A. **Building site.** Within a condominium development the same shall mean that portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public or private street or road.
- B. **Common elements.** The portions of a condominium project other than the condominium units.
- C. **Condominium project.** A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.
- D. **Condominium plan.** The plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.

- E. **Condominium unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.
- F. **Consolidating master deed.** The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- G. **Contractible Condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- H. **Limited common elements.** The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
- I. **Lot.** A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered or otherwise designated, which has frontage on a public or private street or road.
- J. **Master deed.** The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
- K. **Parcel.** A continuous area, tract or acreage of land which has not been divided or subdivided (i.e., platted) pursuant to, and/or in accordance with the Land Division Act, 1967 PA 288, as amended; 1996 PA 591 and 1997 PA 87.
- L. **Plat.** A map or chart of a subdivision of land.
- M. **Setback.** The minimum distance a building or structure, or any portion thereof, is required to be located from the property lines of the lot, parcel or building site upon which the same is situated from adjacent buildings or structures or from public or private rights-of-way.

**Section 1.3 Township Planning Commission Review: Preliminary Condominium Plan-Plat Plan Development.** Every person, firm or corporation which shall hereafter submit a proposed preliminary condominium plan or preliminary plat plan to the Township Planning Commission for tentative approval shall submit not less than 4 or more than 10 legible copies of said proposed preliminary plan. Said condominium plan or preliminary plat plan should be drawn by a Registered Civil Engineer, or to the same standards as commonly furnished by same. Said copies must contain, as a minimum, the following information and fees:

- A. Proposed name of the project.
- B. Full legal description to adequately describe the lots, parcels or building sites comprising the project.
- C. Names and addresses of the applicant, owners, and professionals who designed the project.
- D. The names and addresses of the proprietors and the ownership interest in each in the land included in the Preliminary Plan including a legal opinion showing the legal and equitable owners of the land to be platted, plus all grants, reservation, deed restrictions and easements of record which condition the use of the property.
- E. Scale of the plan (maximum scale shall be 100 feet to an inch).
- F. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for site condominium or platted subdivision including those areas across abutting roads.
- G. Show relief of area proposed to be developed with not more than 4-foot contour intervals.
- H. Indicate road layout and the type of street construction and drainage structures or facilities intended to be installed.
- I. Indicate lot layout, showing size and shape of proposed lots.
- J. Indicate whether proposed site condominium or platted subdivision plan will be served by sanitary sewer, septic system, private well and/or public water.
- K. Location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for a subdivision.
- L. The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the projects area having a caliper of twelve (12) inches or greater at a height of two (2) feet above existing grade.
- M. Indicate the general location and size of any flood plain possibly located within the area to be platted.
- N. Indicate in general the methods proposed for storm water disposal.
- O. When the proprietor owns and anticipates platting adjoining land, he shall submit, with the preliminary plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.

- P. Letter from the Allegan County Road Commission and the State Highway Department, where applicable, with said agencies' recommendation to the township as to the suitability of the street layout and conformity to the location, alignment and construction requirements of such commission and/or department.
- Q. Indicate the location of proposed street lights with a letter of agreement by the developer that the same shall be added to the Township's general street light district unless a waiver is granted from such requirement by the Township Board.
- R. A fee equal to the sum of \$250.00 for up to ten (10) lots or building sites and for those lots or building sites developed in excess of ten (10), the fee shall be \$250.00 plus \$25.00 per lot or building site in excess of ten (10).

**SECTION 2: Township Planning Commission: Preliminary Condominium Plan- Preliminary Plat Plan - Initial Review and Recommendation (Step One approval).**

**Section 2.1.** Upon receipt of copies of said proposed preliminary condominium plan or plat plan for tentative approval, the Township Planning Commission shall examine said proposed preliminary plan with such assistance and review by an Engineer and Township Attorney as the Township Board shall require. The Township Planning Commission shall determine whether said proposed preliminary condominium subdivision plan or plat plan complies with all Township Ordinances and State Statutes as well as makes adequate provision for the following:

- A. Streets:
  - 1. Compliance with a major street thoroughfare plan adopted by the Township, if any.
  - 2. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new condominium project or plat.
  - 3. Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project or plat shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.
  - 4. Direct access to a County primary road or major thoroughfare shall be prohibited for all building sites or lots abutting such roads or thoroughfares. Where the proposed development abuts or contains a county primary road or major thoroughfare as defined in the township Major Thoroughfare Plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through traffic from local traffic.



5.(a) **Determination for Private Streets.** Private streets may be permitted by the Township Board, after preliminary review by the Planning Commission, if the Township Board finds that private streets within the condominium project or plat will not adversely affect public health, safety or welfare. In determining same, the Board shall consider:

- (1) The number of dwelling units, building sites or lots to be served by said streets;
- (2) The layout of the proposed development;
- (3) Ability to access with emergency vehicles;
- (4) Whether the street will serve as a link between different public roads;
- (5) How the development blends and harmonizes with, and enhances the adjoining properties and surrounding neighborhood; and
- (6) All other relevant factors.

(b) **Procedural Requirements:**

- (1) **Preliminary Approval for Private Road Permit.** Prior to the commencement of the installation, construction or establishment of a private street or road within the scope of this Section, a preliminary private road permit must be obtained from the Township Planning Commission (to be considered during Step-One Approval).

In order to obtain a private road permit, the following must be provided to the Township.

- a. Application for preliminary private road permit;
- b. Initial plans and specifications regarding the design and proposed construction of the private street or road;
- c. Any and all easements required herein;
- d. Maintenance agreement required herein. The maintenance agreement shall be separate from all other plat or condominium documents and shall provide unequivocal notice that the roads within the development are private and will not be maintained by the Township but shall be maintained by the abutting land owners regardless of whether the subdivision association, the condominium

association and/or the condominium development is dissolved.

e. Non-refundable application fee in the amount of \$500.00.

- (2) Final Approval of Preliminary Private Road Permit. At the time the Township Board considers the preliminary site condominium plan for final approval (Step-Two Approval) the Township Board shall consider the final approval of the preliminary private road. A permit shall be issued if the Township Board determines that a private street will not adversely affect the public health, safety or welfare pursuant to sub-part (a) above and the same is reviewed and approved by an engineer, if necessary.
  - (3) Final Private Road Permit. Prior to issuance of building permit, a final private road permit must be obtained from the Township. The final private road permit shall be issued after the construction of a private street or road for which a preliminary permit was granted, after review and approval of said private street or road by the Township's engineer, and after payment of final permit fee of which costs would include any Township Engineer costs, attorney fees incurred by the township, and any other costs that may arise with respect to the application being considered.
  - (4) Other Permits. Nothing in this Section shall relieve any person, firm, corporation or other entity from compliance with other permit requirements of the County or State.
- (c) Design and Construction Requirements. All private streets or roads within the scope of this section shall comply with the following standards and requirements of design and construction:
- (1) All streets or roads shall be located upon a right-of-way of not less than 66 feet.
  - (2) All streets or roads shall be paved and constructed in accordance with Allegan County Road Commission standards and specifications.
  - (3) The condominium project shall provide a minimum of two access streets connecting same to a public street or streets unless the Township Board determines that the additional access(es) would not improve traffic safety because of particular characteristics of the proposed development.

(d) Documentary Requirements:

Utility Easements. No private street or road within the scope of this Section shall be established unless an easement is provided to the Township within or adjoining said private street or road for all public utilities.

Access Easements. No private street or road within the scope of this Section shall be established unless all necessary access easements are provided to the benefitted properties and/or to the Township.

A Maintenance and Repair Agreement. No private street or road within the scope of this Section shall be established unless a maintenance and repair agreement, recordable with the County Register of Deeds is supplied providing:

- (1) Legal description(s) of all property enjoining a right to utilize the private street or road, i.e., "benefitted properties";
  - (2) Legal description(s) of all right-of-way and public utility easements;
  - (3) Legal description(s) of all property having a responsibility for repair, maintenance and/or snow removal for the private street or road, i.e., "responsible properties";
  - (4) A description of the respective responsibilities, monetary and otherwise, of such responsible party(ies) for repair, maintenance and/or snow removal;
  - (5) The method by which decisions regarding repair, maintenance or snow removal are to be made by the owner(s) of the responsible property(ies);
  - (6) A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefitted and responsible property(ies);
  - (7) Signatures of all persons having any interest in the property or properties on which the street or road is located, benefitted properties and responsible parties.
6. All new streets shall be named as follows: Streets with predominant north-south directions shall be named, "Street"; streets with predominant east-west directions shall be named, "Avenue"; meandering streets shall be named, "Drive," "Lane", "Path," "Road" or "Trail," etc., and cul-de-sacs shall be named, "Circle," "Court," "Way" or "Place," etc.

7. Streets should intersect at 90° or closely thereto and in no case less than 80° unless the applicant can show a practical difficulty.
8. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
9. The maximum length allowed for residential blocks shall be 1,320 feet.
10. All primary road rights-of-way, as designated by the Township Board, within or abutting plats hereafter recorded, shall provide a 50-foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 1,320 feet in length and temporary dead-end streets in excess of 660 feet in length as measured from the through intersection or "T" intersection shall be prohibited unless a variance is granted by the Township Board, and is to be granted only where the topography of the area, rivers, streams, or other natural conditions or prior development of the area causes practical difficulties or unnecessary hardships in plat layout, and an extension can be granted without creating a safety hazard.
11. A plat or condominium project creating a total of 50 or more units must be developed so as to provide 2 or more access streets.
12. Street lighting shall be adequate to service the proposed subdivision given its size and layout. The Township Board shall consider the recommendation of the electrical utilities and of the Township Engineer in determining the adequacy of proposed street lighting.

B. Lot/Building Sites:

1. The minimum size of lots or building sites shall be:
  - (a) Lots or building sites served by public sewer and public water:
    - (1) Single-family residential: 80-foot minimum width at the building setback line; 10,560-square-foot minimum area.
    - (2) Two-family residential: 100-foot minimum width at the building setback line; 13,200-square-foot minimum area.
  - (b) Lots or building sites served by public water or public sewer:
    - (1) Single-family residential: 100-foot minimum width at the building setback line; 15,000-square-foot minimum area.

- (2) Two-family residential: 120-foot minimum width at the building setback line; 18,000-square-foot minimum area.
  - (c) Lots or building sites not served by either public water or public sewers:
    - (1) Single-family residential: 100-foot minimum width at the building setback line; 22,000-square-foot minimum area.
    - (2) Two-family residential: 120-foot minimum width at the building setback line; 30,000-square-foot minimum area.
  - (d) Area located within a flood plain shall not be included in calculating the minimum square foot area required by this Ordinance.
2. The minimum size of lots or building sites abutting more than one street must be sufficient to provide area to meet building setback requirements contained in the Township Zoning Ordinance from all such abutting streets.
3. A lot or building site shall be considered "served" by public water or public sewer where any of the following exist:
- (a) The mains exist in the abutting street or other public places and are suitable for connection and service.
  - (b) The mains will exist in the abutting streets or other public places prior to the sale of any building sites and will then be suitable for connection and service.
  - (c) A contract has been entered into between the Township and others providing for the extension of the mains to the condominium project and the mains within the plat are constructed prior to or during the platting of the property in suitable manner for connection to the public system.
  - (d) A legal petition has been filed with the Township Clerk, signed by sufficient property owners under Michigan Public Act 188 of 1954, as amended, requesting the creation of a special assessment district of sufficient size and location to fund a main from the existing main to the proposed condominium project; and mains within the condominium project are either constructed prior to or during the development of the property in suitable manner for connection to the public system.
  - (e) Any combination of the foregoing which provides assurance to the Township that public water or sewer service will be supplied to the plat.

- (f) Other legal arrangements or conditions are provided or exist which, in the absolute discretion of the Township Board, provide assurance that public water and/or public sewer service will be furnished to and utilized in the proposed condominium project in the immediate future and before any substantial development within the plat has been completed.

**C. General Provisions:**

1. Privately held reserve strips controlling access to streets shall be prohibited.
2. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, watercourses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
3. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable should not be developed for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.

If the Township Planning Commission determines that the proposed preliminary condominium subdivision plan complies with all applicable ordinances and statutes, plat plan or preliminary plan, the Planning Commission shall recommend approval of the preliminary plan to the Township Board which approval shall confer upon the proprietor for a period of one year from date of approval for development purposes, the lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the Township Board upon application of the proprietor.

**Section 3. Township Board Review: Preliminary Plat Plan - Preliminary Condominium Plan ( Step Two approval).**

**Section 3.1.** Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat plan or preliminary condominium plan to the Township Board for final approval shall submit the relevant data and fees as follows:

- A. Evidence that all requirements imposed by the Township Planning Commission at the time of granting tentative approval have been incorporated into the proposed plan.
- B. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said condominium project. Prior to submitting copies of the preliminary condominium plan or preliminary plat plan to the Township Board for final approval,



the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.

- C. A fee equal to the sum of \$250.00 for up to ten (10) lots or building sites for those developments in excess of ten (10) lots or building sites, the fee shall be \$250.00 plus \$25.00 per lot or building site in excess of ten (10).
- D. A letter from the Allegan County Health Department together with percolation tests and test analysis, with respect to the suitability of the land included in the plat for the use of septic tank, dry wells and tile fields, if individual sewage disposal systems are proposed and public sewage facilities are not available.

**Section 3.2.** Upon receipt of all required copies of the final condominium plan or plat plan for final approval, the Township Board shall examine the same with such assistance and review by the Township Engineer and Township Attorney as said Township Board shall request. Upon completing its review, the Township Board shall determine whether said plat plan or condominium plan complies with the requirements imposed by the Township Planning Commission at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements or to correct County Road Commission Standards for public roads whichever is greater:

- A. All roads both public and private shall be paved and constructed to the then existing Allegan County Road Standards.
- B. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 125 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet. Temporary dead-end streets shall be provided at the closed end with a turnaround constructed the full width of the right-of-way. A permanent dead-end street is defined as one which is not reasonably anticipated to be extended within the following 10 years.
- C. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the Township Board, upon recommendation of the Township Engineer, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what is equivalent and sufficient drainage shall be left to the Township Board upon the recommendation of the Township Engineer.

- D. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed subdivision.
- E. In the discretion of the Township Board, the proprietor shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plan.
- F. Storm water disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
- G. No lot or building site, out-lot or land within the subdivision may be isolated from a public highway, nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels. Such isolation may be avoided and direct access to a public street or highway be satisfied and accomplished through a dedicated easement for ingress and egress, and all public utilities, shown upon the recorded plat, which easement shall be of suitable width of not less than 20 feet assuring permanent access to such lot, out-lot or parcel of land.
- H. Indicate the location of proposed street lights with a letter of agreement by the developer that the same shall be added to the Township's general street light district unless a waiver is granted from such requirement by the Township Board.
- I. Sidewalks may be required by the Township Board when the Township Board determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete 4 feet in width, 4 inches in depth, upon a 2-inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete 6 inches depth.
- J. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot proposed to be included within the subdivided area.

**Section 4. Submission of Final Plat Plan or Final Condominium Plan for Final Approval (Step Three approval).**

If the Township Board determines that the preliminary plat plan or preliminary condominium plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall grant final approval of the preliminary condominium development plan which shall confer upon the proprietor for a period of 2 years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said 2-year period may be extended in the discretion of the Township Board upon application by the proprietor.

**Section 4.1.** Every person, firm or corporation which shall hereafter submit a proposed final plat or condominium development plan to the Township Board for final approval shall also submit the following relevant data and fees:

- A. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
- B. Evidence that all requirements imposed by the Township Planning Commission and Township Board at the time of the preliminary approval have been incorporated into the proposed plan.
- C. A fee equal to the sum of \$250.00 for up to ten (10) lots or building sites and for those developments in excess of ten (10) lots or building sites, the fee shall be \$250.00 plus \$25.00 per lot or building site in excess of ten (10).
- D. Letter from the Allegan County Health Department confirming that construction of septic tank, dry well or tile field area has been completed as shown on the preliminary plat.

**Section 4.2 Review by Township Board - Final Approval.** The Township Board shall review the proposed Final Plat or condominium Development Plan and determine that:

- A. All monuments required to be placed in the plat or condominium project have either been placed or a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors.
- B. All road, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
- C. If the plat or condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the proprietors.
- D. If any flood plain are involved in the proposed plat or condominium project, then such flood plain shall be restricted as provided by the Condominium Act, and such

restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the Plat or Master Deed or contemporaneously with the recording of the Master Deed.

- E. All utilities servicing the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or building site line or a cash or equivalent deposit has been made with the Township Board sufficient in amount to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
- F. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Plat or Master Deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usually 6 feet dedicated from each lot or parcel except side lot easements 3 feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.
- G. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by the Township Engineer or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.
- H. The proposed final plat or condominium project complied with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
- I. That the Plat or Master Deed is executed by all required owners and recorded with the County Register of Deeds and filed with the Township before issuance of any building permits.

**Section 4.3.** In the event the Developer shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the Deposit Agreement executed by the proprietors.

**Section 5. Amendment.** All amendments to the plat or condominium project shall be submitted for review and approval under Sections 2 and 3, above.

**Section 6. Variance procedure.**

**Section 6.1.** Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board shall have power in passing upon proposed condominium or plat projects to modify any of the terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

**Section 7. Enforcement; violations and penalties.**

**Section 7.1.** Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a find according to the following schedule:

First offense .....	\$75.00
Second offense within 3 years of first offense .....	150.00
Third offense within a 3-year period .....	325.00
Fourth offense within a 3-year period .....	500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance.

**Section 8. Amendment procedures.**

**Section 8.1.** The Township Board may from time to time amend, supplement or repeal the regulations and provisions of this Ordinance in the manner prescribed by law for the amendment of Ordinances.

**Section 9. Validity.**

**Section 9.1.** Should any section, clause or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid. Should this Ordinance be found to be invalid to the extent it no longer provides for effective review of condominium developments, the same shall be reviewed under the site plan provisions of the Valley Township Zoning Ordinance.

**Section 9.2.** This Ordinance shall take effect on the 19<sup>th</sup> day of June, 1999. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.