

Ontwa Township Board of Trustees Meeting Minutes

May 12, 2025

www.ontwatwp.org

Call to Order: The regular monthly meeting of the Ontwa Township Board was called to order by Supervisor Meryl Christensen at 6:00pm on May 12, 2025.

Pledge of Allegiance:

Roll Call: Supervisor Christensen, Clerk VanBelle, Treasurer Leist, Trustees Bolock, Marchetti, Kozinski, and Stutsman were present.

Approval of Agenda: Trustee Bolock made a motion to amend the Agenda by adding an Ordinance pertaining to land splits, second by Trustee Kozinski. All in favor motion carried.

Public Comment: Information attached of those who addressed the Board.

Approval of Consent Agenda: Trustee Stutsman made a motion to approve the Consent Agenda, seconded by Trustee Bolock. Motion carried on a roll call vote.

Commissioner's Report: Reports presented by Commissioners Barrera and Marchetti. See attachment.

Committee Board Reports: No reports this month.

Old Business: Report presented by Trustee Kozinski

New Business:

Gutter Repair: Trustee Stutsman made a motion to have Epic Maintenance of Benton Harbor, MI repair sections of gutter on the Township Building due to damage from the tornado, second by Trustee Kozinski. Motin passed unanimously on a roll call vote, 7 ayes, 0 nays.

Ordinance to Regulate Splitting of Platted Lots in Ontwa Township: Proposed ordinance presented by Trustee Bolock, seconded by Trustee Kozinski is attached. Motin passed unanimously on a roll call vote, 7 ayes, 0 nays.

Announcements: Next regular Township Board meeting will be June 9th, Ambulance Board June 11th, Police Board June 12th, Planning Commission June 4th, Wastewater Board May 28th.

Supervisor Christensen made a motion to adjourn the meeting, seconded by Trustee Kozinski. Meeting adjourned at 6:26pm.

Respectfully submitted:

Tina VanBelle, Ontwa Township Clerk

Date Approved: _____

Linda Weaver, Recording Secretary

Phone #

Name:

Peggy Hnath

Address:

23682 S Shore Dr.

Concern:

Unanswered question

regarding 23674 S.
Shore Dr.

*Please fill out this form and give it to the recording secretary
when approaching the microphone.*

Please limit your remarks to 3 minutes.

Thank you

①

Name: Jill Weininger

Address: 2469 7 14. Shore

Concern: Canon Inc.

*Please fill out this form and give it to the recording secretary
when approaching the microphone.*

Please limit your remarks to 3 minutes.

Thankyou

Name: Vicki LIOTS

Address: 23597 S. Shore Dr.

Concern: Equipment.

re: recording of Bot Meeting

Memor: Not for recording Bot

Please fill out this form and give it to the recording secretary
when approaching the microphone.

Please limit your remarks to 3 minutes.

Thank you

May 2025, Report to Commissioner Districts

The Cass County Board of Commissioners met May 1, 2025 for the regular business meeting. We heard presentations from Karee Krause, County Veteran's Director and from Kai Gritter, MSUE Interim Director. Motions were passed to add April McKee as a signer to the Friend of the Court bank account, to approve the 2025 Remonumentation grant contracts and to make appointments to the Cass District Library Board, the Parks and Recreation Board and to the Economic Development Corporation Board/Brownfield Development Authority Board. Prior to the May 1, 2025 Board meeting we interviewed three applicants for the administrator position. It was unanimously agreed to interview two of the three applicants on May 15, 2025 and then to follow up with a special meeting to discuss the position. On April 23, 2025 the Board sponsored the Hazardous Waste, Used Tire and used electronic drop off at the Cass County Road Commission. As before, it was a great success with over 300 vehicles and representation from every township, village and the city of Dowagiac. The next drop off will be September 24, 2025. Our county clerk Monica McMichael has new software which helps to prevent property fraud. You must sign up for the fraud alert and it is easy. Go to the county website, casscountymi.org, scroll down and you will see a box with information on how to sign up. Our next meeting will be May 15, 2025 Committee of the Whole. The second interview of two candidates for administrator will also be on May 15, 2025 beginning at 12:30 pm.

EPIC MAINTENANCE
7784
1881 SWEET ST
BENTON HARBOR, MI 49022
269-769-3916 OR 269-247-2332
epicmaint@yahoo.com

Estimate:

Date: 5-4-2025

Materials and labor to remove sections of damaged gutters.
Straighten existing gutters as much as possible.
Realign and resecure down spot to the gutter opening.
Remount gutter and secure in place.
Clean out debris and remount rain shield.

Total ----- \$ 758.00

Remittance information:
Dennis Closson
1881 Sweet St.
Benton Harbor, MI 49022

1 Down R.C.
2 left

Your signature below is acceptance of this estimate description and amount and assurance to pay the invoice in full upon job completion.

X _____
Date: _____

ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

AN ORDINANCE TO REGULATE THE SPLITTING OF PLATTED LOTS IN ONTWA TOWNSHIP, CASS COUNTY, MICHIGAN; TO PRESCRIBE PROCEDURES TO BE FOLLOWED BY THE TOWNSHIP IN APPLYING REGULATIONS AND STANDARDS ASSOCIATED WITH LOT SPLIT APPLICATIONS; TO PRESCRIBE PROCEDURES TO BE FOLLOWED BY AN APPLICANT IN THE PREPARATION AND PRESENTATION OF APPLICATION MATERIALS ASSOCIATED WITH LOT SPLIT REQUESTS; AND TO PRESCRIBE SANCTIONS FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

THE TOWNSHIP OF ONTWA, CASS COUNTY, COUNTY, MICHIGAN ORDAINS:

Section 1. Title

This ordinance shall be known as the Ontwa Township Platted Lot Split Ordinance.

Section 2. Purpose and Enabling Authority

The purpose of this ordinance is to promote the public safety, health and general welfare by facilitating the proper review and orderly layout and development of building sites created by splitting of lots previously platted under the Michigan Land Division Act (formerly Subdivision Control Act), Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), to create one or more additional platted lots therefrom or to allow the split lot to be combined with existing platted lots and non-platted land to create a larger parcel; pursuant to the Land Division Act and the Township Ordinances Act, Public Act 246 of 1945, as amended (MCL 41.181, *et seq.*).

Section 3. 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 lot proposed to be split.
- B. Split/Splitting: To divide or partition an existing platted lot or otherwise modify the boundaries of such lot.

Section 4. Lot Split Authority and Approval Criteria

The Ontwa Township Assessor may approve the partitioning or division of a previously platted lot in an approved and recorded subdivision or plat in the following circumstances:

- A. No Intent to Create a Separate Buildable Lot: When the application states that the sole purpose of the requested split is to add land to adjoining existing lots or parcels and not to create a new separate buildable lot, the Land Division Official may approve the application if the requested division will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this Ordinance, or the provisions of such zoning ordinance as may be in effect at the time of such application concerning minimum lot frontage, lot width, minimum lot area, and minimum setbacks.
- B. Intent to Create New Buildable Lot: In situations not within the scope of the subsection (A) above, the Ontwa Township Assessor may approve one or more splits of a lot upon determining that the following criteria are satisfied:
 - 1. All of the resulting lots comply with the applicable requirements of this Ordinance, such zoning ordinance as may be in effect at the time of said application with respect to minimum lot frontage, lot width, lot area, setbacks and nonconforming lot provisions, and all other applicable ordinances and the Land Division Act including the number, area and width limitations of Sections 186 and 263 of such Act; or that the resulting lots comply with the applicable requirements of a zoning variance granted as to a particular lot or group of lots by the Township Zoning Board of Appeals. If approval of such a platted lot split is based on a variance granted by the Ontwa Township Zoning Board of Appeals, the Applicant shall indicate the date on which the variance was granted and the applicant shall attach a copy of the minutes to the application for platted lot split.
 - 2. No variance that has been granted by the Ontwa Township Zoning Board of Appeals pursuant to the Ontwa Township Zoning Ordinance, in association with a proposed lot split shall be interpreted as an approval of a platted lot split application. Such approval is reserved to the Ontwa Township Assessor. If a land division application is intended to create a new buildable lot and such building envelope or proposed structure requires a variance, the applicant shall first go to the Zoning Board of Appeals for variance approval prior to making the platted lot split application.
 - 3. Access to such lots complies with the zoning ordinance as may be in effect at the time of such application and any other applicable ordinance.
 - 4. The resulting lots will each have access to public and/or private utility services.
 - 5. The proposed split and likely development that will result will not cause an unreasonable alteration in the essential character of the area or otherwise be detrimental to any adjoining property.
 - 6. The proposed division will not for any other reason be contrary to the public health, safety, or general welfare.

Section 5. Platted Lot Split Application Procedures

- A. The applicant shall initiate a platted lot split approval request by filing an application with the Township's Assessor setting forth the purpose of the proposed split. The application form shall be accompanied by a survey showing the original lot and all lots proposed to result from the requested split, including all dimensions thereof and the legal descriptions therefore, and a survey or other scaled drawing identifying property lines and the location of existing buildings, to proposed and existing lines, on all lots adjacent to the lot to be split including any lots and buildings on the opposite side of the road at the discretion of the Township Assessor.
 1. In the event the applicant is not the sole owner of the subject lot, 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.
 2. If the Zoning Board of Appeals has acted on an application for variance or interpretation as to the particular lot contained in the application, the applicant shall provide a copy of the minutes of the ZBA meeting and the ZBA decision form, if any, to the Township Assessor with the application packet.
- 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.
- C. The Township Assessor's decision shall be based on the approval criteria of Section IV of this Ordinance. The Township Assessor has the authority to grant the application for platted lot split, to deny the application, to grant the application with conditions, or to request further information from designated persons.

Section 6. Prohibited Actions

- A. The following actions are prohibited:
 1. The splitting of a lot in a recorded plat without prior approval of the Township's Township Assessor as required by this Ordinance.
 2. The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot in a plat that was split without prior approval of the Township Assessor as required by this Ordinance.
 3. The submission of any document for recording involving the splitting of a lot in a recorded plat without prior approval of such splitting by the Township Assessor as required by this Ordinance.

Section 7. Application Fees

The fee for consideration of a lot division application pursuant to this Ordinance shall be established by motion by the Township Board and may from time to time be revised by the Township Board as deemed necessary.

Section 8. Violations and Sanctions

- A. Violations as Municipal Civil Infractions: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of 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:

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

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

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township of Ontwa has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township of Ontwa 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. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

- B. Remedies: The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both 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. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. 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 or a private citizen from taking such additional lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Michigan Land Division Act.

Section 9. 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, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

Section 10. Repeal

This Ordinance is intended to repeal any existing Township ordinance regulating the division of lots in recorded plats which conflict with this Ordinance. This Ordinance shall not be construed to repeal a provision of any ordinance regulating the division of land outside of platted subdivisions, or any other ordinance.

Section 11. Effective Date

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

Ontwa Township
Tina VanBelle, Clerk
26225 US 12
Edwardsburg, MI 49112

(269) 663-2347
<http://ontwatwp.org>

The vote to adopt this Ordinance was as follows:

ROLL CALL VOTE:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.