

**TOWNSHIP OF BANKS, ANTRIM COUNTY, MICHIGAN
RESOLUTION RE-AFFIRMING ENFORCEMENT
OF SETBACKS FOR CERTAIN STRUCTURES
UNDER THE BANKS TOWNSHIP ZONING ORDINANCE**

Resolution No. 3 of 2020

At a regular meeting of the Banks Township Board held in the Township Hall located at 6520 Center Street, Ellsworth, Michigan, on Monday, September 21, 2020.

PRESENT: Mann, Heeres, Postmus, Rasmussen, Cooper

ABSENT: None

The following resolution was made by Heeres and seconded by Postmus, to-wit:

Recitals

- A. Banks Township (hereinafter the "Township") recognizes that it has not been diligently enforcing certain setback regulations within zoning districts under the Banks Township Zoning Ordinance.
- B. The zoning regulations regarding setbacks that have not been regularly enforced involve certain structures which heretofore were not properly reviewed for purposes of enforcing setbacks required in the zoning districts throughout the Township, to wit: propane tanks, generators, and similar structures.
- C. The Township desires to document the change in its zoning ordinance enforcement procedures with respect to these types of structures and ensure that the enforcement of setback requirements for these structures is pursued in the same manner as the enforcement of setbacks for all other structures within the Township.

Resolution

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The Township shall, subsequent to the adoption of this Resolution, ensure that decisions concerning the enforcement of its zoning ordinance with respect to setbacks applicable to structures such as propane tanks, generators, and similar structures is based upon the provisions of the applicable zoning ordinance, the facts surrounding any alleged zoning ordinance violation, and the reasonable exercise of its discretion considering the enforcement of the applicable setback provisions of its zoning ordinance.

2. The Township shall not be bound or influenced by any past decisions or lack of decisions by Township officials with respect to the enforcement or the failure to enforce setback provisions with respect to certain types of structures such as propane tanks and generators and similar structures.
3. The Township hereby declares this Resolution to be a "Watershed Event" that documents a conscious decision by the Board to fundamentally change and be more diligent on its enforcement philosophy with respect to setbacks applicable to propane tanks, generators and similar structures.

YES: Postmus, Mann, Cooper, Rasmussen, Heeres

NO: None

RESOLUTION DECLARED ADOPTED.

TOWNSHIP OF BANKS

By: 
Thomas Mann, Supervisor

I, the undersigned, the Clerk of the Township of Banks, Antrim County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality at its regular meeting held on September 21, 2020 relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: September 21, 2020


Donna L. Heeres, Clerk