

CHAPTER 9

COMMUNITY WIDE ORDINANCES

Purpose: The following Ordinances are designed to protect the Health, Safety, and general Welfare of the residents of Lakefield Township, while maintaining the property values and the esthetic beauty of Lakefield Township.

SECTION 901: Inoperative or Junk Vehicles

SECTION 902: Outside Storage of Junk or Rubbish

SECTION 903: Abandoned and / or Dangerous Buildings

SECTION 904: Fence Ordinance

SECTION 905: Permitted Accessory Buildings

SECTION 906: Garage Sales

SECTION 907: Outdoor Wood-Fired Heaters

Enforcement and Penalties:

The owner, if possible, and the occupant of any property upon which any of the causes of undesirable conditions exist shall be notified in writing to remove or eliminate such conditions from the property within ninety (90) days after service of notice upon him. Additional time may be granted where bona fide efforts to remove or eliminate the undesirable causes are in progress.

(1) Failure to comply with such notice within the time allowed by the owner and / or occupant shall constitute a violation of these ordinances. This violation will be deemed a Civil Infraction which could result in a civil fine of up to \$500.00.

(a) These Ordinances shall be enforced by such persons as shall be designed by the Lakefield Township Board.

SECTION 901: INOPERATIVE OR DISMANTLED VEHICLES

The storage of dismantled, wrecked and / or unlicensed vehicles, including recreational equipment, in any zoning district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided said storage does not exceed one (1) week. Note that the storage period may be extended with written permission of the zoning enforcement officer.

SECTION 902: OUTSIDE STORAGE OF JUNK AND RUBBISH

All parcels must be kept free of all rubbish and junk, as defined in this ordinance. Rubbish and junk containers specifically designed for storage of these materials may be stored on a parcel until the next available collection date.

SECTION 903: ABANDONED and / or DANGEROUS BUILDINGS

(1) Unlawful Conduct

It is unlawful for any owner or owner's Agent to keep or maintain any building or structure or part of a building or structure which is a dangerous building.

(2) Definition

As used herein, "Dangerous Building" means a building or structure which has any of the following defects or is in any of the following conditions:

- (a) The existence of any structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable, or useful for its intended purpose, or is prohibited, or has become a threat to the health, safety, and welfare of the community.
- (b) The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the township building inspector and construction is ongoing and completed within the time allowed under the building permit.

(3) A Dangerous Building Shall Be Deemed a "Nuisance Per Se".

SECTION 904: FENCES, WALLS, AND SCREENS

All fences must satisfy standards in design for the intended purpose of fencing. Fences must be restricted by the following guidelines:

- (1) Height: No fence, wall, or structural screen, other than plant materials, shall exceed a height of three feet within street side yard or front yard setbacks of any street right-of-way line. Fences, walls or structural screens shall not exceed three feet in any front yard or six feet in any side of rear yard. On any corner lot or parcel, no fence or planting shall exceed a height of three feet within twenty feet of any corner so as not to interfere with traffic visibility across the corner.
- (2) Location: Fences shall be located outside of the road right-of-way and inside all property lines.
- (3) Material: Fences shall be constructed of metal, wire, iron, vinyl, composite, naturally durable wood or treated wood. Hedges, ornamental shrubs, trees, and bushes shall be considered fences when placed in a manner or position to serve as such.
- (4) Construction / Maintenance: It shall be the responsibility of the property owner to ensure that all fences and walls on the property are installed and maintained plumb. The property owner is responsible for maintenance of the property and upkeep of the fence within any property setback strip.

For all fences, walls or screens erected after November 10, 2009, the public face of such fences, walls or screens shall face the outside of the property with any visible posts, or supports being located on the inside of the fence, wall, or screen.

Fences, walls or screens already erected prior to November 10, 2009 may be maintained at their current height and location as long as such is in compliance with the law at the time of erection. However, the height and location of any such fence, wall, or screen must be made to comply with this amended ordinance if any change in fence material or design is made or if any structural alteration is necessary to maintain the fence, wall, or screen.

SECTION 905: ACCESSORY BUILDINGS

Permitted Accessory Building

No mobile home, tank, junk object, salvage materials, semi-trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure, provided however, that such requirement shall not be applicable to tool shed, or similar temporary storage structures utilized pursuant to the construction of a building as long as the period of construction does not exceed one (1) year.

(1) Required Yards

- (a) In front yards: No accessory building (attached or detached) shall not project into any front yard setback.
- (b) In a rear yard: No accessory building, including attached or detached garages, shall be closer than ten (10) feet to the rear lot line.
- (c) In a side yard: No accessory building, including garages shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except in a residential district, where an accessory building is located ten (10) feet or more to the rear of the principal building; then the accessory building shall be no closer than eight (8) feet to the side lot line.
- (d) On a corner lot: No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.

(2) GARAGE ENTRANCE

- (a) In no case shall the entrance to a garage be less than twenty-five (25) feet from a street right of way line.

- (3) IN ANY R OR B DISTRICT, detached accessory buildings shall comply with the regulations:
- (a) They shall not be used in any part for dwelling purposes.
 - (b) Rural Residential:
They shall not be more than one (1) story.

Communitywide Commercial:
They shall not be more than three (3) stories.
 - (c) Rural Residential:
They shall not occupy more than twenty five (25%) percent of the required side and rear yard area.

Communitywide Commercial:
There are no restrictions.

SECTION 906: GARAGE SALES

(1) Definitions

For the purpose of this ordinance the following definitions shall apply:

(a) GARAGE SALES

All sales entitled "garage sale", "rummage sale", "tag sale", "attic sale", "moving sale", "flea market sale", "lawn sale", "junk sale", or any other sale of tangible personal property by private individuals which is advertised or display by any means whereby the public at large is or can be made aware of the sale.

(b) GOODS

Any household or personnel merchandise being the object of a sale, excluding farm machinery and titled/registered vehicles or watercraft.

(c) REMOVAL FROM PUBLIC VIEW

Garage sale items shall be removed from the yard or driveway where they were displayed for sale, and placed in a structure or behind a fence out of public view.

(2) GARAGE SALE REGULATIONS

(a) LIMITATION OF NUMBER OF SALES ANNUALLY

Any person or address shall only by permitted to have a Garage sale maximum of three(3) times within a calendar year (1/1-12/31) and for no more than (4) consecutive calendar days each.

(b) REMOVAL FROM PUBLIC VIEW

Garage sale items (goods) shall only be on display when a garage sale is in effect. The garage sale items/goods shall be removed from public view when the garage sale is not in effect. After the completion of the sale, all signs pertaining to the said sale must be removed.

Section 907: OUTDOOR WOOD-FIRED HEATERS

(1) Definitions:

(a) CLEAN WOOD

Wood that has not been painted, stained, coated, preserved, or treated with chemicals such as cooper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris.

(b) NUISANCE

A nuisance is an "offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeat invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident to that property.

(c) OUTDOOR WOOD-FIRED HYDRONIC HEATER (OWHH) OR OUTDOOR WOOD BOILER

A fuel burning device designed to burn wood or other solid fuels that the manufacture specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds: and which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

(2) PERMIT REQUIREMENTS

No OWHH may be installed or relocated from one lot to another in any district without first obtaining a permit from the Building Department. Any new installation or relocation of an OWHH must be inspected by the Building Inspector prior to use.

(3) UNIT REQUIREMENTS

(a) No person shall from the effective date of this ordinance, operate an existing OWHH such operation conforms to the manufacturer's instruction regarding such operation and the requirements or this ordinance regarding solid fuels that may be burned in an OWHH.

(b) All new OWHH shall be constructed, established, installed, operated and maintained in conformance with the manufacture's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

- (c) All new OWHH shall be laboratory tested and listed to appropriate safety standards such as UL, CAN, CSA, ANSI or other applicable safety standards.
- (d) The owner of any new OWHH shall produce a copy of the manufacturer's Owner Manual or Installation Instructions and a site plan of Where the furnace will be located to the Building Department to Review prior to installation.

(4) SETBACK REQUIREMENTS

The OWHH shall be located:

- (a) A minimum of fifteen (15) feet from the property line.
- (b) At least one hundred fifty (150) feet from any residence that Is not served by the OWHH.

(5) PERMITTED FUELS

Permitted fuels that may be burned in an OWHH are:

- (a) Clean Wood, or wood pellets made from clean wood.
- (b) Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired OWHHS.
- (c) Biofuels recommended by the manufacturer.

(6) PROHIBITED FUELS

Prohibited Fuels include but are not limited to:

- (a) Wood that does not meet the definition of clean wood.
- (b) Garbage, tires, refuse, yard waste, or materials containing plastic or rubber.
- (c) Newspaper, cardboard or any product with ink or dye products.
- (d) Petroleum products, including asphalt products, other than those That are permitted fuels.
- (e) Paints, paint thinners, chemicals and bituminous coal.
- (f) Plywood, particleboard, manure or other animal products or wastes.

(7) FUEL STORAGE

Fuel must be stored in the rear or side yard and meet the minimum Setback requirements for accessory buildings.

(8) NUISANCE

If an existing OWHH is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, the following steps shall be taken by the owner and the appropriate department having jurisdiction:

- (a) Modifications made to the unit to eliminate the nuisance, such as extending the chimney/stack, or relocating the OWHH, or both.
- (b) Cease and desist operating the unit until reasonable steps can be taken to ensure that the OWHH will not be a nuisance.