

Torch Lake Township News - May 2007

TORCH LAKE TOWNSHIP, EASTPORT, MICHIGAN

BOARD APPROVES FACILITY PLAN AND BUDGET

After several months of review, modification and analysis, members of the Township Board unanimously approved a facility design concept and its estimated cost at their April 17, 2007 meeting. Ray Kendra of Clark-Walter-Sirrinc, A/E, presented the latest design and Jodi Bergman of Comstock Construction presented the projected cost analysis along with a guaranteed maximum price of \$1,735 Million excluding interior furnishings.

During the past several years, the Board had set aside over \$900,000 to build and furnish a new facility for township and emergency services. Additional financing for the project was needed and has been arranged through Alden State Bank.

The bank agreed to provide \$1 Million at an interest rate of 4.75%. Annual interest and principal payments on this installment purchase agreement



will be made for 15 years beginning in May 2008. After thorough financial analyses, Board members concluded that this financial arrangement will not create a need for an increase in the property tax rates that are currently in effect in the Township.

Site development work will begin in the near future, once all permits and sub-contractors have been identified. A ground-breaking ceremony has been scheduled at 5:30 PM on Monday, June 4th at the site of the new facility located on the west side of N US 31 north of San Marino Trail. Persons interested in attending the ceremony should meet at the Township Hall in Eastport and ride a shuttle bus to the facility site. The latest facility elevations can be viewed on the website of Clark Walter Sirrinc A/E. There is a link to that website on the Township's site: www.torchlaketownship.org. Hopefully, the new facility will be ready for use by January 2008.

PUBLIC HEARING SCHEDULED FOR LAND USE PLAN

Torch Lake Township's Planning Commission will hold a Public Hearing at the Township Hall at 7:30 P.M. on Tuesday, June 12, 2007. Its purpose is to receive public commentary about content of the Planning Commission's proposed Township Land Use Plan (sometimes referred to as a "Township Master Plan").

Torch Lake Township has had a Land Use Plan in effect since 1984. Its purpose is to provide a thoughtful vision of future land use planning; but, in and of itself, it does not change anything. It is primarily intended to be used as a guide to Township officials concerning development of future poli-

cies and/or ordinances that help regulate land use and development within the Township.

The proposed Land Use Plan has been under study by Planning Commission members for several years. Its content has also been reviewed by members of the Antrim County Planning Commission, among others. It is an important document and Township residents and property owners are encouraged to familiarize themselves with its content, as well as to attend the scheduled public hearing. Comments can also be submitted to Don Gaskell, P.O. Box 536, Eastport, MI 49627 or to Zoning Administrator, Bill Briggs.

IN THIS ISSUE:

ACCESS & MOORING	2
FIREWORK PERMITS	2
SHORT TERM RENTALS	3
BURNING PERMITS	4



LADY SLIPPER

PUBLIC ACCESS AND MOORING ORDINANCE

The Board of Trustees, at its March 24, 2007 meeting and after months of discussion, approved the final wording of a new ordinance entitled "Public Access and Mooring Ordinance." It is intended to regulate activities at road endings and lake access sites in Torch Lake Township, as well as to regulate the anchoring, hoisting and mooring of boats on shorelines and bottomlands of inland lakes within its boundaries.

The ordinance defines terms used in its content, explains regulations related to public access and mooring and provides information regarding violations, penalties and enforcement. In April the new ordinance was published in its entirety in the Antrim Review newspaper and it subsequently went into effect on May 5, 2007. Copies of the new ordinance can be obtained at the Township's office or on the website at www.torchlaketownship.org.

FIREWORKS - DO I REALLY NEED TO OBTAIN A PERMIT?

Michigan's Fireworks Law, MCL 750.243a *et seq.*, prohibits the sale, possession, transportation and use of most fireworks - such as firecrackers, bottle rockets and roman candles - without a permit.

The only fireworks devices allowed without a permit are snap-pops and other trick noisemakers, toy smoke devices, sparklers, flitter sparklers, flat paper caps, cone and cylinder fountains that shoot showers of sparks and toy snakes.

It is the Township's responsibility to grant permits for fireworks displays and storage. MCL 750.243b states that, "the township board of a township, upon application in writing, on forms provided by the director of state police, may grant a permit for the use of fireworks otherwise prohibited by Section 243a, within their political jurisdiction."

It is important to note that *any* group or township resident age 18 or older wishing to conduct a fireworks display, must apply to the Township for a permit in order to legally conduct that display.

Michigan's Fireworks Law also states that the sale, possession, transportation and/or use of the following are prohibited by any person, firm, partnership or corporation (except as provided in 243b, 243c and 243d) shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any of the following: firecrackers, torpedoes, skyrockets, roman candles, daygo bombs,

bottle rockets, whistling chasers, rockets on sticks or other fireworks of like construction.

Also prohibited under Michigan Law are fireworks containing explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulfides of lead, barium, antimony, arsenic, mercury, nitroglycerin, phosphorus, or a compound containing these or other modern explosives.

The upshot of all of this technical language is that very few devices commonly referred to as "fireworks" can be legally used in Michigan without having first received a fireworks permit from the local unit of government.

So, what's a person to do if they want to legally conduct a fireworks display?

Contacting the Township office to learn about the standards that must be met in order to receive a fireworks permit is a good place to start. Another is to obtain a copy of the National Fire Protection Association Pamphlet 1, 2000 edition at www.nfpa.org or call (800) 344-3555. It is also a good idea to check with your property and liability insurance provider to determine if your coverage remains in effect if fireworks are used without a permit and property damage or personal injury results.

Please be informed, be safe and be legal.



SHORT-TERM RENTALS: WHAT IS THE REAL STORY?

As another summer season approaches, inquiries about short term rentals in the Township will escalate. So, to make sure that residents and property owners are well informed about the Township’s short-term rental “rules,” here is an explanation of them.

Short-term rentals are those of less than thirty (30) days. Rentals of thirty (30) days or longer are considered to be residential use, therefore are not subject to short-term rental rules.

Here is a chronology of rulings that govern the short-term rentals in Torch Lake Township:

September 10, 2003:

The Township Zoning Board of Appeals, in response to a citizen’s request, determined that weekly rentals *in the village zone* were a commercial activity and would be legal only if the renting property owner had obtained a Special Use Permit.

February 17, 2004:

The Antrim County Circuit Court upheld the above ZBA decision (*Klutzinger v. Torch Lake Township*).

April 13, 2005:

The ZBA further defined “weekly” rentals to be illegal in the R-1 (single family), R-2 (two family) and R-3 (multiple family) residential zones in the Township.

July 13, 2005:

The ZBA further clarified “weekly” (short term) rentals to be any rental period of less than thirty (30) days.

Property owners who can document their involvement in short term rental activity that pre-dates the existence of the Township’s Zoning Ordinance, August 9, 1983, are “grandfathered,” thus, are permitted to engage in short term rentals. Others are not permitted to do so.

Last year, the Planning Commission surveyed all Torch Lake Township property owners and residents concerning their thoughts about short term rentals. Here is a summary of the results of that survey:

First of all, a description of the survey mailings:

- 1074 surveys were mailed out, one to each household in the Township.
- Five (5) surveys were returned as undeliverable.
- 571 (53%) of the surveys were completed, returned and compiled.

Next, results of the compilation of responses:

- 41 (7.2%) of the respondents said they sometimes rent.
- 100 (17.5%) don’t rent currently, but might some day.
- 437(76.5%) are not involved in any rental activity.
- 32 (5.6%) want to be able to rent short-term with no restrictions.
- 113 (19.7%) feel that short-term rentals should be permitted, but with restrictions.
- 398 (69.7%) prefer to see no change in current Township regulations.

Essentially, seventy percent (70%) of the Township residents and property owners who responded to this survey indicated that they “prefer to see no change in current Township regulations” concerning short term rentals in R-1, R-2 and R-3 zones.

Please be informed that the Township’s Zoning Administrator will be enforcing the rulings of the Township’s Zoning Board of Appeals and Antrim County Circuit Court referenced above. Everyone’s understanding and cooperation regarding short term rentals will avoid the necessity of enforcement actions on the part of Township personnel.

Thank you and have a great summer!



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ADDRESS SERVICE REQUESTED



PLAN TO BURN YARD WASTE? PLEASE REMEMBER THAT A DNR BURNING PERMIT IS NEEDED!

Here's a friendly reminder from Torch Lake Township's Fire Chief, Stan Dawson:

Now that summer is almost here, township residents are raking leaves and cleaning up yard and garden wastes that accumulated since last fall. Property owners who plan to burn leaves and other yard debris are reminded that, prior to doing so, they must first obtain a burning permit from the DNR. For the record, burning permits are required whenever open fires exist, unless the fire is a campfire, is on snow-covered ground or has an agricultural exemption.

Homeowners and farmers in northern lower Michigan are now able to obtain a burning permit on-line from the Department of Natural Resources on the Internet by going to www.michigandnr.com/burnpermits. Permit seekers will be advised whether or not conditions are too dry or windy to burn. If so, a permit will not be issued that day.

Michigan fire laws do allow burning of natural vegetation in a burn pile, but only if a permit has been issued. However, construction materials and waste, old furniture and other non-vegetative materials may not be legally burned.

Homeowners and farmers should also be aware that a person who sets a fire that burns out of control will be liable for all damages the fire causes, even if a permit was issued. In cases of negligence, fines may also be levied. So, please plan ahead, be cautious and make sure that any fire you start is completely burned out before you leave it.

Also, a request . . . if and when you burn your yard debris, be considerate of your neighbors. Check wind direction and the amount of smoke that may be drifting their way. Breathing disorders such as asthma and emphysema are not uncommon and breathing difficulties can be triggered by the smoke that drifts into their houses from your fire. So, please be a considerate neighbor.

Additional information about burning permits and the State's fire laws can be obtained by calling the DNR at (866) 922-2876. Torch Lake Township's firefighters and I encourage you to practice "safety first" when it comes to fires. And please remember, never leave a fire unattended.

Thank you. Have a great summer!

Stan Dawson

