

**Hamilton Township
Planning Commission
Minutes of 2-19-2019**

Call to Order by Melanie Conway at 6:00 PM and the Pledge of Allegiance was recited.

Roll Call:

Present: Melanie Conway, Linda Barkell, Mike Conway, Marsha McKee and Rick LaBoda

Absent: none

Staff Present: Mark Janeczko, BEO and Zoning Administrator

Guests: 5

Approval of the Agendas: Agendas reviewed and motion by Mike Conway and 2nd by McKee to accept and approve the agendas as written. All in favor, M/C.

Public Hearing: We then opened the floor for the Public Hearing to amend the Police Power Ordinances. Amendments were explained to all in attendance and floor was opened for comments from the public. There were no comments for or against these amendments. The amendments are as follows:

Municipal Civil Infractions Ordinance: No Changes.

Hamilton Township Ordinance for the Control and Regulation of Campers: Section 3 J. removed sentence 1 & 2. Replaced 1 & 2 to read: 1. Subject to other provision of this ordinance, a Special Exception permit may be applied for at the Township office for property owners of lots consisting of five (5) or more acres in size, whether built or un-built. 2. A fifteen (15) day grace period on a built lot without a permit. K. removed sentence 2, 3 and 4. Section 5 Penalties. Changed see below.

Cemetery Ordinance: Penalties changed.

Hamilton Township Nuisance Animal Ordinance: Penalties changed.

Hamilton Township Open Burning Ordinance: Penalties Changed.

Ordinance 53, Beach, Park & Boat Launch: Section 2, A. Hours, after local time added unless posted and Penalties changed.

Hamilton Township Junk and Blight Ordinance: Section 3 Definitions, added pallets. Penalties changed.

Hamilton Township Anti-noise and Public Nuisance Ordinance: Penalties changed.

ORV Ordinance: Penalties changed.

The Penalty changes for all Ordinances except Municipal Civil Infraction Ordinance will now read:

- A. First Violation is a Municipal Civil Infraction.** A violation of this Ordinance, first offense, is a municipal civil infraction. Any property owner or legally responsible party who violates this Ordinance shall, as a first offense, be responsible for a civil infraction, for which the fine shall be \$250.00.
- B. Second Violation (within two years after municipal civil infraction).** A second or repeat violation (within two years after a municipal civil infraction) is a misdemeanor. Any property owner or legally responsible party who violates any provision of this Ordinance a second time within 24 months of the date a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or for some other offense under this Ordinance) shall upon conviction and in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of \$500.00, plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.
- C. Third Violation (within two years after municipal civil infraction)** Any property owner or legally

responsible party who violates any provision of this Ordinance a third time within 24 month of the date of a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or some other offense under this Ordinance) shall upon conviction in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of \$500.00 and/or imprisonment for a period of not more than 93 days, plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.

Motion by Mike Conway and 2nd by Rick LaBoda for a Resolution to recommend to the Hamilton Township Board the amendments to the Police Power Ordinances for adoption.

Roll Call: Melanie Conway, yes. Linda Barkell, yes. Rick LaBoda, yes. Mike Conway, yes and Marsha McKee, yes.

During the Public Hearing Mr. Rob Higgs of 6528 Townline Lake Rd brought up the blighted condition of his neighbor's house. There is a lot of stuff in the yard and on their porch. Mark is aware of the problem and has talked to the homeowner in the past. He will follow up with them again.

Motion by Mike Conway and 2nd by Rick LaBoda to close the Public Hearing at 6:23 PM

At 6:30 PM Melanie then opened the regular Planning Commission meeting.

Approval of the Minutes: Barkell read the minutes of 1-8-2019 to all present. Motion by Mike Conway and 2nd by McKee to approve the minutes with 1 correction. The correction is to remove on page 2 after regular meeting information "articles 5 & 6 & 7". All in Favor, M/C.

Public Comments: none

Reports: Mark had no report. The blight case on Cathy St was postponed until 3-12-2019.

New Business: We reviewed and discussed Article 1,2,3 and 4 of the Zoning Ordinance. Changes are: Article 1 no changes, Article 2 no changes, Article 3 change Sec 3.6 para B, after the word including add "but not limited to", 3.10 change the Violation, Penalties and Remedies to the same as the Police Power Ordinances to keep consistency. Article 4 Table 4-1 add description of the R1 A zoning district and under Table 4-4 add the R1 A Site Development Requirements.

Unfinished Business: Discussed the new Zoning District for Birch Hills Sportsman Club and there were no further questions. Melanie will draft up some further information and a Public Hearing will be set. RESD. Cemetery Ordinance: Melanie reports that she has been in contact with Tracy Connelly and Stacy Stocking with the City of Harrison and is speaking to them about the purchase of a cremains vault. She is looking into pricing and possible piggy backing with the City of Harrison for a discount rate. Planning Commission members are to review Articles 5 & 6 7 & 8 of the Zoning Ordinance and be ready to review.

Next regular PC meeting is Tuesday, March 12, 2019 at 6:30 PM.

Motion by Mike Conway and 2nd by LaBoda to adjourn at 7:21 PM, All in Favor, M/C.

Linda Barkell Secretary.