

**Village of Lawton**  
**REGULAR PLANNING COMMISSION MEETING**  
**125 S. MAIN, LAWTON MI 49065 269.624.6407**  
**Tuesday, September 2, 2025 at 7:00PM**

**AGENDA**

1. **Call to Order:**
2. **Roll Call:**
3. **Approval of Agenda:** Motion to approve the Planning Commission Agenda for September 2, 2025 as presented (or as amended with additions/changes/deletions).
4. **Approval of Minutes:** Motion to approve the Planning Commission Minutes of August 5, 2025 (or amended with additions/changes/deletions)
5. **Public Comment / Communications:** (related to agenda items only - limit 3 min/person)
6. **Public Hearings/Appointments:**
  - A. Public Hearing to Amend Cell Tower and Solar Ordinance.....Open Public Hearing
  - B. Receive Public Comment—Please limit comments to 3 minutes.....Hear Public Comment
  - C. Chairperson Closes Public Hearing.....Close Public Hearing
  - D. Planning Commission Recommends Ordinance 04-2025 to Council for approval.....Staff Recommends Approval
7. **New Business:**
  - A. Set Public Hearing for Zoning Ordinance Updates.....Staff Recommends Approval
8. **Unfinished Business**
9. **Public Comment/ Hear from the Audience:** (Limit of 3 min/person for general comments)
10. **Planning Commissioner Comments:**
11. **Adjournment:**

**Village of Lawton**  
**REGULAR PLANNING COMMISSION**  
**125 S. MAIN, LAWTON MI 49065 269.624.6407**  
**Tuesday, August 05, 2025 - 7:00 PM**

**MINUTES**

- 1. Call to Order:** J. Peterson called the meeting to order at 7:00 p.m.
- 2. Roll Call:** Present: J. Peterson, P. Rathbun, P. Chmiel, M. Dudek, and C. Knapp. Absent: B. Allen and S. Knudstrup. Also Present: T. Hackenberg, and M. Leonard.
- 3. Approval of Agenda:** P. Rathbun, supported by D. Dudek, made a motion to approve the Planning Commission Agenda as presented. Motion approved by unanimous voice vote.
- 4. Approval of Minutes:** P. Chmiel, supported by C. Knapp, made a motion to approve the Planning Commission Minutes of June 03, 2025, as is. Motion approved by unanimous voice vote.
- 5. Public Comment / Communications:** None.
- 6. New Business:**

**A. Set Public Hearing for Cell Tower Zoning Amendment**

J. Peterson apologized to the Planning Commission, explaining that the Village must schedule a new public hearing for the proposed cell tower zoning amendment due to procedural errors in the previous version.

The revised amendment, prepared by the Village's legal representatives, includes provisions that better define the authority of the Village Manager, outlining what actions can be taken without needing to bring the matter before the Planning Commission. Additionally, the original amendment lacked the necessary legal language to protect the Village in the vent of potential litigation.

The Planning Commission agreed to hold the Public Hearing on Tuesday, September 02, 2025 at 7:00 PM in the Council Chambers.

**B. Updates Needed on Zoning Ordinance Codification**

It's typical for municipalities to update their codification annually; however, it has been several years since the Village last completed an update. To address this, the Village has partnered with CivicPlus to organize and codify its ordinances.

While the codification process is still underway, it is expected to be completed and available for review at the next Planning Commission meeting.

During the process, CivicPlus identified several discrepancies in ordinance definitions, including missing or incomplete explanations. As a result, a public hearing will need to be held in October to review and approve the necessary corrections.

- 7. Unfinished Business:** None.

**8. Public Comment / Hear from the Audience:** None.

**9. Planning Commissioner Comments:** None.

**10. Adjournment:** M. Dudek, supported by P. Rathbun, made a motion to adjourn the meeting at 7:29pm. Motion approved by acclamation.

Respectfully Submitted,  
Melina Leonard

# Bloom Sluggett, PC

Counselors & Attorneys

## MEMORANDUM

TO: Village of Lawton  
CC: David Eberle  
DATE: July 30, 2025  
RE: Staff Report regarding AN ORDINANCE TO AMEND TABLES 5.02.A AND 5.03.A, AMEND SECTION 5.04, ENACT SECTIONS 5.26 AND 5.27, AMEND SECTION 11.04, AND ENACT SECTIONS 11.13–18 OF THE ZONING ORDINANCE FOR THE VILLAGE OF LAWTON

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Attached to this memorandum is a proposed ordinance entitled AN ORDINANCE TO AMEND TABLES 5.02.A AND 5.03.A, AMEND SECTION 5.04, ENACT SECTIONS 5.26 AND 5.27, AMEND SECTION 11.04, AND ENACT SECTIONS 11.13–18 OF THE ZONING ORDINANCE FOR THE VILLAGE OF LAWTON (the “Proposed Ordinance”). The purpose of the Proposed Ordinance is to correct deficiencies identified in the previously adopted Ordinance No. 03 of 2025 entitled “An Ordinance to Amend the Zoning Ordinance of the Village of Lawton.”

Ordinance No. 03 of 2025 was based on changes proposed by the Village Planner; however, the ordinance text was legally deficient. The text, in many cases, provided a summary of the proposed changes without properly providing the exact language to be added or deleted from the Village Zoning Ordinance. The Proposed Ordinance corrects these fatal flaws.

The text of the Proposed Ordinance is based on the redline PDF provided by the Village Planner, which showed the desired changes to the Village Zoning Ordinance.<sup>1</sup> Other than correcting some minor typos and adding language from the draft STR / rental ordinance regarding administration that was previously deleted,<sup>2</sup> the text from the redline PDF was largely simply copied over.<sup>3</sup> Additionally, the proposed penalty has been changed from a misdemeanor to a municipal civil infraction punishable by a fine not to exceed \$500.<sup>4</sup> Unlike misdemeanors, municipal civil infractions allow the Village to obtain injunctive relief as part of an enforcement action. For example, after a party is found responsible for a municipal civil infraction, the Village may request that the Court order the party to bring the property into compliance or stop the activity or use found

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<sup>1</sup> This document was originally in the June 3, 2025, Planning Commission packet. It is attached to this memorandum for reference.

<sup>2</sup> See Section 11.14(A) in the Proposed Ordinance.

<sup>3</sup> Our office can do a more substantive review, if one is desired.

<sup>4</sup> The Village may change the amount of the fine if desired.

to be in violation of the Village Zoning Ordinance.<sup>5</sup> Finally, to avoid any confusion, the Proposed Ordinance repeals Ordinance No. 03 of 2025, effectively repealing and replacing it.

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<sup>5</sup> Determining the penalty for violation of the Zoning ordinance is ultimately a policy issue for the Village Council; however, we have found that designating the penalty as a municipal civil infraction more effectively promotes compliance-oriented prosecution.

**VILLAGE COUNCIL  
VILLAGE OF LAWTON  
VAN BUREN COUNTY, MICHIGAN**

**(Ordinance No. 04-2025)**

At a regular meeting of the Village Council for the Village of Lawton held at \_\_\_\_\_ on \_\_\_\_\_, 2025 and commencing at \_\_:\_\_ p.m., the following ordinance was offered for adoption by Councilmember \_\_\_\_\_ and was seconded by Councilmember \_\_\_\_\_:

**AN ORDINANCE TO AMEND TABLES 5.02.A AND 5.03.A, AMEND SECTION 5.04, ENACT SECTIONS 5.26 AND 5.27, AMEND SECTION 11.04, AND ENACT SECTIONS 11.13–18 OF THE ZONING ORDINANCE FOR THE VILLAGE OF LAWTON**

THE VILLAGE OF LAWTON (the “Village) ORDAINS:

Article 1. Amendment of Table 5.02.A. Table 5.02.A of Section 5.02 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Permitted Uses in AG and Residential Zone Districts” is amended as follows:

Table 5.02.A. Permitted Uses in the AG and Residential Zone Districts				
Use	AG	LDR	MDR	Use Regs
Single-unit dwellings, detached	P	P	P	
2-4 dwelling units	-	S	P	
Cottage court units	-	S	P	
Multi-unit dwellings (5+ units)	-	S	S	
Adult foster care, family home (1-6 persons)	-	P	P	
Adult foster care, small group home (7-12)	-	S	S	
Adult foster care, large group home (13+)	-	S	S	
Day care home	P	P	P	
Accessory dwelling unit	P	P	P	5.05
Bed and breakfast	-	S	S	5.09
Electrical substations and utilities	P	S	S	5.11
Home occupation	P	P	P	5.12
Public park or recreation facility	P	P	P	

Museum or library	-	P	P	
School or religious institution	S	S	S	
Agricultural operations	P	-	-	
Kennels	P	-	-	
Short-term rental	S	S	S	5.23
<b>Wind and solar energy</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>5.25</b>
<b>Wireless communication facility</b>	<b>S</b>	<b>-</b>	<b>-</b>	<b>5.26</b>

Article 2. Amendment of Table 5.03.A. Table 5.03.A of Section 5.03 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Permitted Uses in Commercial and Industrial Zone Districts” is amended as follows:

Table 5.03.A. Permitted uses in the Commercial and Industrial Zone Districts				
Use	CBD	GB	I	Use Regs
<b>RESIDENTIAL</b>				
Ground floor residential	-	P	-	
Upper level residential	P	P	-	
Household living	P	P	-	
Group living	S	S	-	
Home occupation	P	P	-	5.12
<b>EDUCATIONAL, GOVERNMENT, AND INSTITUTIONAL</b>				
Public park, recreation facility, library	P	P	-	
School or religious institution	S	S	-	
Cemetery, crematorium	-	S	S	
<b>COMMERCIAL, OFFICE, RETAIL</b>				
Alcohol-related	S	S	-	5.08
Auto-oriented	S	S	S	5.10, <del>5.24</del> , 5.25
Entertainment and hospitality	P	P	-	
Office or bank	P	P	S	
Outdoor seating	P/S	P/S	-	5.17
Parking lot (stand-alone)	-	S	P	
Professional services	P	P	-	
Retail sales	P	P	Exception	5.19
24-hour operations	S	S	S	
Upper-level short-term rental	S	S	-	5.23
Ground floor short-term rental	-	S	-	5.23
<del>Co-located wireless communication</del>	-	<b>P</b>	<b>P</b>	
<b>INDUSTRIAL</b>				

Adult uses	-	-	S	5.06
Electrical substations and utilities	S	P	P	5.11
Kennels	-	-	P	
Warehousing, wholesale	-	-	P	5.20
Indoor storage	-	-	P	5.21
Outdoor storage, junk yard	-	-	S	
Light industrial	-	S	P	
Heavy industrial	-	-	S	5.13
Freestanding communications tower	-	S	S	

Article 3. Amendment of Section 5.04. Section 5.05 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Applicability of use Regulations” is amended as follows:

It is recognized by this Ordinance that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety, and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Ordinance.

However, when properly regulated, these uses can make a positive contribution to the economic vitality of the Village. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties. For uses that are identified as a Special Land Use, use regulations for Sections 5.05 – ~~5.24~~ **5.27** may be altered or waived by the Planning Commission during the Special Land Use process and Site Plan Review the requirements of sections 5.05 – ~~5.24~~ **5.27** are use specific standards in addition to the general special land use standards imposed under section 11.09.

Article 4. Enactment of Section 5.26. A new Section 5.26 of Article 5 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 5.26 – Wind and Solar Energy.**

**A. Wind Energy. Small-scale wind turbines less than 40 feet tall that serve as an accessory use intended to serve the needs of the consumer are allowed with administrative approval in any zone district. The Planning Commission may consider a small-scale wind turbine between 40 and 60 feet tall as a Special Land Use. Large-scale wind turbines intended to feed the utility grid and/or for commercial sale of energy are not permitted in the village.**

- 1. Position. Small-scale turbines may be roof-mounted or freestanding. All required setbacks for accessory structures will be met, including the turbine’s blades, which shall be no lower than 10’ above grade.**

2. A circular fall zone with a radius of one and two-tenths (1.2) times the total height of the system must be completely contained within the property for a free-standing small-scale turbine. For roof-mounted systems, a circular fall zone with a radius of one and one-half (1.5) times the system height must be completely contained within the property.
  3. Two neighbors may enter into a cooperative arrangement with a permanent cross-access easement to share a wind system and comply with fall zone requirements.
  4. An automatic braking, governing, or feathering system to prevent uncontrolled rotation or overspeeding is required. All wind towers shall have lightning protection.
  5. Shadow Flicker. Off-site shadow flicker is not permitted.
- B. Solar Energy.** Small-scale solar panels are allowed with administrative approval in any zone district. Commercial solar fields intended to feed the utility grid and/or for commercial sale of energy are not permitted in the village.
1. **Position.** Small-scale solar panels may be roof-mounted or wall-mounted on a principal and/or accessory building.
    - a. Ground-mounted solar panels are permitted in rear or side yards provided that all setback requirements for accessory structures are met and the panels or appurtenant structures are not more than 10 feet tall. Panels shall be sited to minimize view from the public right-of-way and adjacent properties and shall be camouflaged to the extent possible while still allowing the equipment to function normally.
    - b. Rooftop equipment shall not project beyond the eaves of the roof or extend more than 2 feet above the height of the structure on which it is placed, and shall be integrated as much as possible into the architecture of the building.
  2. **Glare.** All panels shall have tempered, non-reflective surfaces. Solar panels shall not direct sunlight onto adjacent structures so as to damage siding or other property.

Article 5. Enactment of Section 5.27. A new Section 5.27 of Article 5 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 5.27 - Wireless Communications Facilities.**

- A. Necessity.** No tower shall be constructed as a speculative tower. Prior to construction, each tower shall have at least one contracted carrier and evidence shall be provided of such contract at the time of application.

1. Before any tower is considered, the applicant shall demonstrate in writing that there are no other colocation options available in the area and provide a map that illustrates existing and known proposed wireless communication facilities serving the Village of Lawton and adjacent communities, which are relevant in terms of potential colocation or to demonstrate the need for the proposed facility.
  2. The Village may charge the applicant an escrow fee to secure an expert to assist the Village with assessing the need for the tower, potential locations, and other related matters.
- B. Colocation Required.** Colocation is required. When collocating on existing structures, the minimum requirements of Section 514(1) and (2) of the Michigan Zoning Enabling Act shall apply. If colocation is not feasible, the Village shall require a special use permit for the construction of any new tower, which complies with the requirements as detailed in Section 514(3) through (6). Each tower shall be designed and built to accommodate a minimum of three additional antennas. The Village Manager or designee may administratively approve collocated antennas.
- C. Type.** An antenna may be located on a self-supporting monopole or lattice tower, but not on a guyed tower. Towers and accessory buildings shall be required to meet the development regulations of the AG Agricultural District.
- D. Height.** In no case shall an antenna be taller than 180 feet. The Planning Commission shall take into consideration the surrounding topography, proposed ingress and egress, and the availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- E. Setbacks.** Towers shall be set back a distance equal to the tower's height from all property lines. For purposes of measurement, tower and antenna setbacks and separation distances shall be applied to all facilities, whether inside or outside the village's boundaries. In addition:
1. A minimum setback of 500 feet is required from the right-of-way of M-40.
  2. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- F. Accessory Structures.** Accessory structures shall not exceed six hundred (600) square feet of gross building area. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
- G. Screening.** A landscape buffer with a minimum height of six (6) feet shall be required to screen the structure base, accessory buildings, and enclosure from adjacent uses and public rights-of-way. Existing vegetation shall be preserved to the maximum

extent possible. A maintenance plan detailing landscaping maintenance will be submitted with the application.

- H. **Security and Safety.** The base of the tower shall be enclosed with a six (6) foot high security fence. The name, address, and phone number of the person to contact for engineering, maintenance and other notice purposes shall be provided at the time of application and shall be continuously updated during all times the facility is on the premises.
- I. **Maintenance.** A maintenance plan and any applicable maintenance agreement for the tower and tower compound shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long-term, continuous maintenance to a reasonably prudent standard.
- J. **Abandonment.** If a tower ceases to operate for a twelve-month period the tower will be deemed abandoned. It shall be removed within six months of abandonment upon written notice by the Village Manager or designee per Article 11 of this Ordinance.
- K. **Federal Standards.** All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- L. **Other.**
  - 1. Any nonconforming situations on the site shall be brought into conformance before the erection of the wireless communication facility.
  - 2. There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
  - 3. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Any aviation hazard lighting shall be detailed on the plans.
  - 4. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able

**to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.**

Article 6. Amendment of Section 11.04. Section 11.04 of Article 11 of the Zoning Ordinance for the Village of Lawton entitled “Issuance of a Building Permit After Site Plan Approval” is amended as follows:

Section 11.04. – Issuance of a Building Permit After Site Plan Approval.

- A. Complete construction plans including component phases, shall be submitted for review by the Village Building Inspector. Upon review and finding that the construction plans meet the requirements of site plan review and related construction code, the Building Inspector shall issue a building permit for the construction of the project.
- B. Site plan approval shall be valid for one (1) year after the date of the approval by the **Village Manager or** Planning Commission. If the applicant does not obtain a building permit within one (1) year after the date of the approval, the site plan shall expire unless extended by a vote of the Planning Commission. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner and/or the applicant.

Article 7. Enactment of Section 11.13. A new Section 11.13 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 11.13. – Fees.**

**The Village may, by resolution of the Village Council, adopt a fee schedule for site plan reviews, special land use considerations, rezonings, variances, and other land use approvals, notice of violation, and other enforcement actions. The fees shall be imposed to cover Village administrative costs, as well as engineering review, field inspection, planning review, abatement, and legal and other professional services. The Village may also require escrow fees. The balance of any escrow amount shall be refunded to the applicant upon final approval. Should the Village's costs exceed the fees submitted and/or the escrow amount, the applicant shall be responsible for payment of such amounts prior to the issuance of the certificate of completion.**

Article 8. Enactment of Section 11.14. A new Section 11.14 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 11.14. – Administration, Violation, and Penalties.**

**A. Administration.**

- 1. The Village Manager shall be responsible for the administration and enforcement of this Ordinance. When required by this Ordinance or any other Village ordinance, the Village Manager shall issue a zoning compliance determination.**
- 2. The Village Manager is designated as an authorized local official and is authorized to issue municipal civil infraction citations and take all other actions necessary to enforce, interpret, and administer this Ordinance.**
- 3. Any act or function authorized to be carried out by the Village Manager may be carried out by a deputy or designee of the Village Manager and reference to the Village Manager in this Ordinance shall include the deputy or designee of the Village Manager.**

**B. Violation and Penalties. The Village may use any lawful remedy or enforcement powers against the owner or responsible person for any violation of this Ordinance, including, without limitation, one or more of the actions in this Section. Remedies may be pursued simultaneously or sequentially, and the pursuit of a single remedy does not foreclose the simultaneous or subsequent pursuit of other remedies.**

- 1. A violation of this Ordinance constitutes a municipal civil infraction punishable by a fine not to exceed \$500 in addition to costs permitted by law.**
- 2. Each day that a violation continues constitutes a separate violation.**
- 3. Uncorrected Violation. The Village may deny or withhold any permits or other forms of authorization from an applicant on any property where there is an uncorrected violation of a provision of this Ordinance or a condition or stipulation of approval for a permit or other authorization previously granted by the Village.**
- 4. Revocation. Any permit or other authorization that is revoked will become null and void should the Village Manager or designee find that: there is a departure from the plans, specifications, or conditions required under the permit; a permit was issued in error; or any of the provisions of this Ordinance are being violated.**
- 5. Cease and Desist. With or without revoking a permit, the Village Manager or designee may issue a cease and desist order on any land, building or structure for which there is an uncorrected violation of a provision of this Ordinance. The cease and desist order must be in writing and must state the work in violation that is to be stopped, the reasons for the stoppage, and the conditions under which the work may be restored.**
- 6. Court Order. Village Legal Counsel may bring and prosecute any action in any court of competent jurisdiction to enjoin the owner or responsible person from**

**continuing such use, erection, construction, moving or alteration; or if such is being or has been accomplished Village Counsel will enjoin the owner or responsible person from maintaining the same; and/or comply with the requirements of this Ordinance.**

- 7. The Village may pursue all remedies available at law or equity as part of the enforcement of this Ordinance.**

Article 9. Enactment of Section 11.15. A new Section 11.15 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 11.15. – Declaration of Nuisance.**

**A violation of this Ordinance is a nuisance per se, and the Village may institute appropriate actions or court proceedings to correct or abate any violation of the provisions of this Ordinance. If the owner or responsible person fails to abate a violation, the Village may take action to abate the violation. Abatement may be performed by the Village, by a contract vendor, or by other means determined by the Village. The actual cost of abatement, which shall include an administrative fee, shall be a personal debt of the owner and may be assessed as a lien against the property until paid.**

Article 10. Enactment of Section 11.16. A new Section 11.16 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 11.16. – Abandonment.**

**If any approval, construction activities, and/or continuous use of property or a structure has been abandoned for a continuous period of twelve (12) months, the Village Manager may make a determination of abandonment of the construction project, structure, or use. No further work shall be permitted without a new permit. If a new permit application is not submitted within ninety (90) days from the date of the determination, the owner shall restore the site to its previous condition and/or remove any structures or other evidence on the site within one hundred and eighty (180) days from the date of determination of abandonment. The Village may take all actions necessary to restore the site to its previous condition, including removing any structures or other evidence of work, and the costs of removal shall be assessed against the property.**

Article 11. Enactment of Section 11.17. A new Section 11.17 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 11.17. – Enforcement Process.**

- A. Reasonable Entry.** Inspections inside a structure, building, dwelling, dwelling unit or accessory building shall be made during reasonable hours. Entry without consent of an owner or an occupant shall require an order of the court as provided by law.
- B. Basis of Inspections.** Inspections may be conducted for one or more of the following purposes:
1. To determine conformity with a permit, zoning approval, or other approval provided in this Ordinance, as well as any special conditions imposed.
  2. To determine compliance with an issued notice or order.
  3. To investigate and/or verify complaints or observed violations.
  4. To investigate, verify, and/or address a potential or actual emergency situation.
  5. To fulfill a request for an inspection made by the owner or responsible person.
  6. To conduct uniform area-wide inspections.
- C. Content of Written Notices of Violation.** Written notices of violation authorized by this Ordinance shall include the following information:
1. A description of the real estate and/or project name sufficient for identification.
  2. A statement of the violation or violations.
  3. A correction order allowing a reasonable time to correct the violation and bring the property into compliance. If the written notice is a Notice to Abate, the notice shall indicate that the Village may act to abate the violation if not brought into compliance.
  4. A statement that failure to comply with the Notice may result in further enforcement action.
  5. A statement that a fee shall be charged for the issuance of the Notice. If the written notice is a Notice to Abate, the cost of Village action to abate the violation shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
  6. A description of the right to appeal, as applicable.
- D. Method of Service.** The written notice of violation shall be deemed to be properly served in one (1) of the following ways:
1. Delivered personally;
  2. Sent by first-class mail addressed to the last known address of the responsible person; or

- 3. Any other method authorized for the service of process by court rule or law.
- E. **Posting.** After issuing a written notice of violation, the Village, at its discretion, may post a copy of the written notice and/or a placard on the property.
- F. **Administrative Extension.** A request may be submitted by the property owner for an administrative extension to correct violations cited in a written notice of violation. The extension period shall be determined by the Village Manager or designated enforcement officer, but shall not exceed six (6) months. An extension may be considered under the following circumstances.
  - 1. The extension will not adversely affect adjacent properties nor pose a health or safety hazard to the occupants or others.
  - 2. The owner or responsible person is making significant progress in correcting the violation(s); or
  - 3. There are clearly established extenuating circumstances delaying compliance which are beyond the control of the owner or responsible person.
- G. **Appeals.** An appeal of a written notice, order or ruling regarding a violation on a property shall be made in writing within twenty (20) days of the date of the notice, order or ruling. However, if a notice, order or ruling requires the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period. The following cannot be appealed: where an emergency or hazard is present, court decision, conditions attached to a permit, or a Declaration of Nuisance and/or Notice to Abate.

Article 12. Enactment of Section 11.18. A new Section 11.18 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

**Section 11.18. – Transfer of Ownership.**

**An owner or responsible person transferring ownership of a property notified as being in violation of a provision of this Ordinance shall notify the Village in writing within ten (10) days of the transfer with the name, address and telephone number of the new owner and the effective date of the transfer of ownership. The Village shall issue a new Notice of Violation to any person assuming the ownership or the status of responsible person for any condition, building, or structure that has been cited in a Notice of Violation.**

Article 13. Savings Clause.

The provisions of this ordinance are severable. If any part of this ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void or render inoperable other parts or portions of this ordinance.

Article 14. Repealer.

Ordinance No. 03 of 2025 entitled “An Ordinance to Amend the Zoning Ordinance of the Village of Lawton” is hereby repealed in its entirety, and all other ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of any such conflict.

Article 15. Effective Date.

Except as otherwise provided by law, this Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.

The vote regarding the adoption of this ordinance was as follows:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ DECLARED ADOPTED.

\_\_\_\_\_  
Josh Appleby, President

\_\_\_\_\_  
Brittany Rathbun, Clerk

**CERTIFICATION**

I, Brittany Rathburn, the Clerk of the Village of Lawton, hereby attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village Council of the Village of Lawton at a meeting of the Village Council called and held in accordance with the required statutory procedures.

\_\_\_\_\_  
Brittany Rathburn, Clerk

Public Hearing:

Adoption:

Publication:

Effective: