

ORDINANCE NO. 2018-1

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND SECTION 38-36 – SPECIAL USE AUTHORIZATION; SECTION 38-66(1) – JURISDICTION AND POWERS; SECTION 38-103 – STANDARDS, TO CREATE SECTION 38-107 – EXPIRATION OF APPROVAL, AND SECTION 38-108 – AMENDMENTS TO APPROVED SITE PLAN, TO AMEND AND RETITLE SECTION 38-107 THROUGH SECTION 38-125; TO AMEND SECTION 38-214(7) – USE REGULATIONS; SECTION 38-276(3) – AREA REGULATIONS; SECTION 38-306(3) – AREA REGULATIONS; SECTION 38-336 – AREA REGULATIONS; SECTION 38-423 – USE REGULATIONS; SECTION 38-483(E) – AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS, BUILDING SETBACK EXCEPTIONS; SECTION 38-483(H) – AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS, TRANSITION ZONING; SECTION 38-452 – USE REGULATIONS; SECTION 38-500(A) – MOVING OF BUILDING; SECTION 38-506(3) – HOME OCCUPATIONS; SECTION 38-507 – SINGLE-FAMILY DWELLINGS OF THE PARK TOWNSHIP ZONING ORDINANCE.

THE TOWNSHIP OF PARK, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Special use authorization. Section 38-36 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-36 Special use authorization.

- (a) Where special use authorization is required by a provision of this chapter, a site plan, which is in accordance with the requirements of Division 3 of this chapter, shall be required by the Planning Commission when reviewing the special use.
- (b) Application for special use authorization shall be made on forms therefor provided by the Township and shall include such supporting materials as are reasonably necessary to evaluate the application. Notification of receipt of a request for special use authorization shall be given as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. A public hearing, with notice thereon as required by the Michigan Zoning Enabling Act, shall be held by the Planning Commission.
- (c) The Planning Commission may deny, approve, or approve with conditions the special use request. The decision on a special use shall be incorporated in a written statement containing the conclusions relative to the special use under consideration that specifies the basis of the decision

and any conditions imposed in conformance with the provisions of the Michigan Zoning Enabling Act that are determined to be necessary or appropriate.

- (d) The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. The Planning Commission shall find adequate evidence showing that the proposed use on the proposed lot generally satisfies the following:
1. Will be harmonious, and in accordance with objectives, intent, and purposes of this Ordinance;
 2. Will be compatible with the natural environment and existing and future land uses in the vicinity;
 3. Will be compatible with the Township Master Plan;
 4. Will be served adequately by essential public facilities and services, such as but not limited to highways, streets, police and fire protection, drainageways and structures, and refuse disposal, unless the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;
 5. Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and
 6. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Section 2. Special use authorization. Section 38-66 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-66 Jurisdiction and powers.

- (1) The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official or body charged with enforcement of this division, excluding, however, decisions regarding the authorization of special uses and planned unit developments which are made by the Township Board or Planning Commission.

Section 3. Standards. Section 38-103 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-103 Standards.

In addition to any standards or requirements specified in other sections of this chapter which are relevant to the project for which site plan approval is sought, the following standards shall be considered in reviewing and approving site plans:

- (1) The applicant may legally apply for site plan review.
- (2) All required information has been provided.
- (3) The proposed development conforms to all regulations of the zoning district in which it is located.
- (4) The adequacy of streets, alleys, parking areas, loading zones, sidewalks, drainage, water and sewer lines, and traffic control for the proposed use, building, or structure; and
- (5) The adequacy of protection afforded lands and the surrounding neighborhood from adverse impact.
- (6) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- (7) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- (8) Natural resources will be preserved to and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
- (9) The proposed development will not cause soil erosion or sedimentation problems.
- (10) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

- (11) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
- (12) The plan meets the specifications of Park Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
- (13) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.
- (14) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township Fire Department.
- (15) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (16) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- (17) All lighting shall meet the requirements of Section 38-488 (b) and be shielded from any public right-of-way.
- (18) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- (19) Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.

Section 4. Expiration of approval. Section 38-107 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-107 Expiration of approval.

Approval of a final site plan will expire and be of no effect unless a building permit has been issued within one (1) year of the date of the site plan approval. Extensions beyond the expiration date may be permitted by the Planning Commission provided the total extended time does not exceed one (1) year.

Section 5. Amendments to approved site plan. Section 38-108 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-108 Amendments to approved site plan.

A site plan may be amended upon application and in accordance with the procedures and requirements provided in Section 38-102 herein. Minor changes to a site plan may be made without following the procedures of Section 38-102 at the discretion of the Zoning Administrator. Minor changes include, but are not necessarily limited to, the reorientation of landscaping, modifications to dumpster enclosure materials and/or location, an increase in the number of parking spaces not requiring an alteration to the parking surface, the reduction of the size of any building, or other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to not adversely affect the initial basis for granting approval. In the event the Zoning Administrator determines a change is major or cannot reasonably conclude that the changes will not adversely affect the initial basis for granting approval, the request for change shall be forwarded to the Planning Commission. The Zoning Administrator or Planning Commission may require, in case of minor changes to an approved site plan, that a revised site plan drawing(s) be submitted showing such minor changes for purposes of record.

Section 6. Section 38-107 through Section 38-125 (Reserved). Section 38-107 through Section 38-125 (Reserved) of the Zoning Ordinance shall be retitled and amended to state in its entirety as follows.

Sec. 38-109 through Sec. 38-125. (Reserved)

Section 7. Use regulations. Section 38-214 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-214 Use regulations.

- (7) Roadside stands when authorized as a special use. The same standards as are provided in 38-184(10) shall be considered.

Section 8. Area regulations. Section 38-276 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-276. Area regulations.

- (3) Rear yard. There shall be a rear yard of not less than 50 feet.

Section 9. Area regulations. Section 38-306 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-306. Area regulations.

- (3) Rear yard. There shall be a rear yard of not less than 25 feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than 50 feet.

Section 10. Area regulations. Section 38-336 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-336. Area regulations.

- (3) Rear yard. There shall be a rear yard of not less than 25 feet; provided, however, that in the case of lake front lots, the rear yard shall be not less than 50 feet.

Section 11. Use regulations. Section 38-423 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-423 Use regulations.

Land, buildings or structures in the C-1 neighborhood business district may be used for the following purposes only:

- (1) Those nonresidential uses which are permitted in the residential zoning districts, subject, except as specifically provided otherwise in this chapter, to the same conditions, restrictions and requirements as are provided in the residential zoning districts.
- (2) Bakery goods store.
- (3) Banks, loan and/or finance offices.
- (4) Barbershop or beauty shop.
- (5) Book, stationery or gift store.
- (6) Candy, store, soda foundation and/or ice cream store.

- (7) Clothes cleaning and/or laundry pick-up station.
- (8) Clothing and dry goods store.
- (9) Delicatessen store.
- (10) Dress shop.
- (11) Drug store.
- (12) Florist and gift shop without nursery.
- (13) Funeral home.
- (14) Grocery store and meat market.
- (15) Hardware store.
- (16) Household appliance store.
- (17) Jewelry store.
- (18) Nursery school and day nurseries.
- (19) Paint and wall paper store.
- (20) Parking lots.
- (21) Photographer.
- (22) Radio and television store.
- (23) Restaurants and/or cafes without dancing, floor shows or drive-in service.
- (24) Laundromats.
- (25) Service stations, including minor auto repairs, if all repair work is conducted wholly within a completely enclosed building, when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the gas station;
 - b. The proposed location of the gas station.
 - c. The location of entrance drives and access to the gas station with respect to potential traffic congestion or hazards;

- d. How well the gas station harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
- e. The need and necessity for the products and services of the gas station at the proposed location; and
- f. The effect of the gas station on adjoining properties and the surrounding neighborhood.

(26) Shoe repair shop.

(27) Tailor and/or dress maker.

(28) Variety store including notions and "five and 10" stores.

(29) Other similar retail business or service establishments when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, nature and character of the proposed use;
- b. The proximity of the proposed use to adjoining properties;
- c. The parking facilities provided for the proposed use;
- d. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- e. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

(30) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, character and nature of the church building;
- b. The proximity of the church to adjoining properties;
- c. The off-street parking that is to be provided for the church;
- d. The potential traffic congestion and hazards that will be caused by the church use;
- e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and

- f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (31) Offices for businesses that are consistent with a neighborhood business district.
- (32) Single family dwelling units combined with non-residential units in the same building, if the building conforms to Chapter 10, Buildings and Building Regulations.

Section 12. Area, height and use conditions and exceptions, Building setback exceptions.
Section 38-483(e) of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-483 Area, height and use conditions and exceptions.

(e) Building setback exceptions.

(1) The following projections are exempt from setback requirements:

- a. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area and project not more than three (3) feet into the required setback.
- b. Roof overhangs that do not project more than two (2) feet into the required setback.
- c. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four (4) feet into the required setback.

(2) Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCLA § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:

- (a) The proportion of the main wall which has been altered by the addition;
- (b) The overall effect of the proposed addition on adjoining properties and the character of the surrounding neighborhood; and

- (c) The addition shall not be less than five (5) feet from the side and rear lot line, and shall not be less than ten (10) feet from the front lot line.

Section 13. Area, height and use conditions and exceptions, Transition zoning. Section 38-483(h) of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-483 Area, height and use conditions and exceptions.

- (h) Transition zoning. When first authorized by the Planning Commission as a special use, the first lot in an R-3 or R-4 zoning district, which has a side yard adjacent to a lot in a commercial zoning district, without any street or private road intervening, may be used for transition zoning as is hereinafter provided. This transition zoning for such first lot shall not extend more than 150 feet from the commercial zoning district. If this first lot is in the R-3 zoning district, it may be used for the uses permitted and as regulated in the R-4 zoning district. If this first lot is in the R-4 zoning district, it may be used for the uses permitted and as regulated in the R-5 zoning district. In considering such authorization, the following standards shall be considered:

- (1) The intended use of the lot;
- (2) Ingress and egress to the lot and the proposed buildings or structures to be located thereon;
- (3) Potential traffic congestion;
- (4) The nature and character of buildings and structures or properties in the surrounding neighborhood;
- (5) Effect of the intended use on light and air circulation for properties which are both adjoining and in the surrounding neighborhood; and
- (6) Effect of any increased density of the intended use on the surrounding neighborhood.

Section 14. Use regulations. Section 38-452 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-452 Use regulations.

Land, buildings, or structures in the C-2 resort service district may be used for the following purposes only:

- (1) Amusement enterprises.

- (2) Bakery goods store.
- (3) Barbershop or beauty shop.
- (4) Book, stationery or gift store.
- (5) Campgrounds when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The proposed location for the campground;
 - b. The size, nature and character of the campground and any buildings or structures to be utilized with the campground;
 - c. The proximity of the campground to adjoining properties;
 - d. The parking facilities provided for the campground;
 - e. The location of entrances and access to the campground in terms of any traffic congestion or hazards which will be occasioned by the campground; and
 - f. The effect of the campground on adjoining properties and the surrounding neighborhood.
- (6) Candy store, soda fountain, ice cream store.
- (7) Delicatessen store.
- (8) Drive-in car eating places when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The proposed location for the drive-in;
 - b. The size, nature and character of the buildings and structures to be utilized for the drive-in;
 - c. The proximity of the drive-in to adjoining properties;
 - d. The parking facilities provided for the drive-in;
 - e. The location of entrances and drives in terms of any traffic congestion or hazards which will be occasioned by the drive-in;
 - f. How well the drive-in harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;

- g. The hours of drive-in operation and any potential disturbance or nuisance of the drive-in, operation for adjoining properties and the surrounding neighborhood; and
 - h. The effect of the drive-in on adjoining properties and the surrounding neighborhood.
- (9) Drug store.
 - (10) Florist, gift and antique shop, but not including nursery.
 - (11) Grocery store and meat market.
 - (12) Hotels and motels.
 - (13) Laundromats.
 - (14) Liquor store including beer and wine sales.
 - (15) Lodge hall, private clubs, and banquet facilities.
 - (16) Single-family, Two-family, or Multi-family dwellings combined with non- residential units in the same building if the building conforms to Chapter 10, (Building and Building Regulations. Multifamily dwelling units that comply with Division 7 of this Article (R-5 Multi-family Residence District) if the development is five acres or less.
 - (17) Parking lots.
 - (18) Photographer.
 - (19) Resorts. If the development is four acres minimum.
 - (20) Restaurants, cafes, cocktail lounges.
 - (21) Service stations when authorized as a special use by the Planning Commission including minor auto repairs provided all repair work is conducted wholly within a completely enclosed building. In considering such authorization, the Planning Commission shall consider the same standards as are provided in Section 38-423(25).
 - (22) Theater, except drive-in theater.
 - (23) Marinas when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the marina;
 - b. The proposed location of the marina;

- c. The location of entrances and drives leading to the marina with respect to potential traffic congestion or hazards;
- d. The parking facilities to be provided for the marina;
- e. The location and character of the storage areas and facilities to be provided by the marina for boats, cradles, and other boat accessories;
- f. The facilities to be provided by the marina for the display of new and used boats for sale;
- g. How well the marina harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
- h. Any potential disturbance or nuisance from the marina operation for adjoining properties and the surrounding neighborhood; and
- i. The effect of the marina on adjoining properties and the surrounding neighborhood.

(24) Other similar retail business, offices, or service establishments when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, nature and character of the proposed use;
- b. The proximity of the proposed use to adjoining properties;
- c. The parking facilities provided for the proposed use;
- d. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- e. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

(25) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, character and nature of the church building;
- b. The proximity of the church to adjoining properties;
- c. The off-street parking that is to be provided for the church;

- d. The potential traffic congestion and hazards that will be caused by the church use;
- e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- f. The effect of the church on adjoining properties and the surrounding neighborhood.

Section 15. Moving of building. Section 38-500(a) of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-500 Moving of building.

- (a) No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless authorization therefor as a special use is obtained from the Planning Commission. In considering the granting of such authorization, the following standards shall be considered:
 - (1) The type and kind of construction of the existing structure or building in relation to its strength and whether or not said structure or building might be a fire hazard;
 - (2) The type and kind of buildings and structures adjoining and in the neighborhood surrounding the lot to which the structure or building is to be moved and whether or not the type and age of the building or structure to be moved is in keeping with the type and age of such buildings and structures which are adjoining and in the surrounding neighborhood; and
 - (3) The type and kind of materials used in the construction of the structure or building desired to be moved as such construction materials relate and compare to the type and kind of materials used in the construction of other buildings and structures adjoining and in the neighborhood surrounding the lot to which the building or structure is to be moved.

Section 16. Home occupations. Section 38-506(3) of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-506 Home occupations.

- (3) For a proposed home occupation that is not authorized as a special use permit elsewhere in this zoning chapter or does not meet the requirements,

regulations and restrictions contained in Subsection (2) of this section, the home occupation will be permitted only if approved as a special use by the Planning Commission. When deciding an application for a home occupation as a special use, the Planning Commission shall consider the following standards.

- a. The nature of the home occupation, including whether it is of a type that has traditionally and historically been carried on as a home occupation;
- b. The nature of the surrounding neighborhood;
- c. The effect of the home occupation on the surrounding neighborhood;
- d. The environmental effects of the home occupation;
- e. Whether customers conduct business on the premises;
- f. Potential traffic congestion as a result of the home occupation; and
- g. Provision for parking for traffic or clientele that may result from the operation of the home occupation (for those home occupations where customers or clientele are permitted on the premises).

Section 17. Single-family dwellings. Section 38-507 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Sec. 38-507 Single-family dwellings.

Any single-family dwelling erected on site, a modular home, or a manufactured dwelling or precut structure shall be permitted in the agricultural and residential zoning districts only if in conformance with all of the following requirements:

- (1) A modular home or manufactured dwelling must either be:
 - a. New and certified by the manufacturer and/or appropriate inspection agency as meeting the manufactured home construction and safety standards of the Manufactured Housing Commission, as amended, or any similar successor or replacement standards which may be promulgated; or
 - b. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection (1)a of this section, and found, on inspection by the Zoning Administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.
- (2) The dwelling shall comply with all Township building, electrical, plumbing, fire,

energy and other similar codes; provided, however, that where a dwelling is required by law to comply with any federal or state standards or regulations for construction then the federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Township Zoning Administrator.

- (3) The dwelling shall comply with all restrictions and requirements of this article including, without limitation, floor area, yard requirements and lot area for the zoning district within which it is located.
- (4) A manufactured dwelling shall be installed with the wheels removed.
- (5) The dwelling shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall to be constructed of such materials and type as required by the state construction code for on-site constructed single-family dwellings. If the dwelling is a manufactured dwelling, its foundation shall hide the chassis, undercarriage and towing mechanism.
- (6) A manufactured dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the commission Manufactured Housing Commission, or any similar or successor agency having regulatory responsibility for manufactured housing communities.
- (7) The dwelling shall have a minimum width across any front, side or rear elevation of twenty (20) feet.
- (8) Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation differential greater than eight (8) inches between the dwelling first floor and ground level.
- (9) The dwelling shall have no less than two exterior doors, with the second one being in either the rear or the side of the dwelling.

Section 18. Effective Date. This amendment to the Park Township Zoning Ordinance was approved and adopted by the Township Board of Park Township, Ottawa County, Michigan on March 8, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on March 23, 2018, which date is the eighth day after publication of the Zoning Text Amendment Ordinance in the Holland Sentinel on March 13, 2018 as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.