

Preliminaries

**CODE OF ORDINANCES
CALEDONIA TOWNSHIP, MICHIGAN**

Published by Order of the Township Board

Published by Municipal Code Corporation
Tallahassee, Florida 2001

OFFICIALS

of

CALEDONIA TOWNSHIP, MICHIGAN
AT THE TIME OF THIS CODIFICATION

Supervisor Thomas J. Wazny
Clerk Anna F. Van Hyfte
Treasurer Sue Krantz
Trustee Joseph De Caire
Trustee Geraldine Hagadon
Township Board

Thomas J. Wazny
Township Supervisor

Robert D. Ashley
Township Attorney

Anna F. Van Hyfte
Township Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of Caledonia Township, Michigan.

Source materials used in the preparation of the Code were the ordinances adopted by the township board. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the

right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

TABLE INSET:

CODE:1
CODE
APPENDIX:1
CODE
COMPARATIVE TABLE:1
STATE LAW REFERENCE TABLE:1
CODE INDEX:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Bill Carroll, Senior Code Attorney, and Bill Eddy, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to all of the township officials for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the township readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the township's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and Caledonia Township, Michigan. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and Caledonia Township, Michigan.

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CALEDONIA TOWNSHIP

CODIFICATION ADOPTING & REPEALING

ORDINANCE NO. 2002.01.07

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR CALEDONIA TOWNSHIP, MICHIGAN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE TOWNSHIP OF CALEDONIA, SHIAWASSEE COUNTY, ORDAINS:

Section 1--Title

The Code entitled "Code of Ordinances, Caledonia Township," published by Municipal Code Corporation, consisting of Chapters 1 through 30, each inclusive, is adopted.

Section 2--Repeal 1

All ordinances of a general and permanent nature enacted on or before August 6, 2001, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3--Repeal 2

The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4--Penalty

Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$500.00 and/or imprisonment not to exceed 90 days. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is re-enacted in the amendatory ordinance. In addition to the penalty prescribed above, the township may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5--Additions/Amendments

Additions or amendments to the Code when passed in such form as to indicate the intention of the township to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6--Ordinances

Ordinances adopted after August 6, 2001, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7--Effective

This ordinance shall become effective 30 days after date of publication.

Moved by **Van Hyfte**, seconded by **Wazny**, to approve the above Codification Adopting and Repealing Ordinance 2001.01.07.

Roll call vote:

Ayes: Supervisor Tom Wazny, Trustee Joe De Caire, Trustee Todd Rasmussen, Clerk Anna Van Hyfte, Trustee John Challender, and Trustee Geraldine Hagadon.

Absent: Treasurer Sue Krantz.

Nays: None.

This ordinance was declared adopted at a regular meeting of the Caledonia Township Board of Trustees on Monday, January 7, 2002.

A. F. Van Hyfte, CMC
Caledonia Township Clerk

Clerk's Certificate

I do hereby certify that the above Ordinance was adopted by the Caledonia Township Board at a regular meeting on Monday, January 7, 2002, and that said Ordinance was published in the Shiawassee Independent on the 13th day of January, 2002.

A. F. Van Hyfte, CMC
Caledonia Township Clerk

Publish: Sunday, January 13, 2002

CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections; history notes; references.
- Sec. 1-4. Effect of repeal of ordinances.
- Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-6. Supplementation of Code.
- Sec. 1-7. General penalty; continuing violations.
- Sec. 1-8. Severability.
- Sec. 1-9. Provisions deemed continuation of existing ordinances.
- Sec. 1-10. Code does not affect prior offenses or rights.
- Sec. 1-11. Certain ordinances not affected by Code.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances, Caledonia Township, Michigan," and may be so cited. Such ordinances may also be cited as the "Caledonia Township Code."

State law references: Authority to codify ordinances, MCL 41.186.

Sec. 1-2. Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the township board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Civil infraction. The term "civil infraction" means an act or omission prohibited by law which is not a crime and for which civil sanctions may be ordered.

Code. The term "Code" means the Code of Ordinances, Caledonia Township, Michigan, as designated in section 1-1.

Computation of time. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday, or legal holiday, the period or day is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which

items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

- (1) The term "and" indicates that all the connected terms, conditions, provisions or events apply.
- (2) The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) The term "either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

County. The term "county" means Shiawassee County, Michigan.

Crime. The term "crime" means an act or omission forbidden by law that is not designated as a civil infraction and that is punishable upon conviction by any one or more of the following:

- (1) Imprisonment.
- (2) Fine not designated a civil fine.
- (3) Other penal discipline.

Delegation of authority. A provision that authorizes or requires a township officer or township employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. Words of one gender include the other genders.

Health department. The terms "health department" and "department of public health" mean the county health department.

Health officer. The term "health officer" means the director of the county health department.

Highway. The term "highway" includes any street, alley, highway, avenue, or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway, dedicated or devoted to public use.

Includes, including. The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.

Joint authority. A grant of authority to three or more persons as a public body confers the authority on a majority of the number of members as fixed by statute or ordinance.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Must. The term "must" is to be construed as being mandatory.

Number. The singular includes the plural and the plural includes the singular.

Oath, affirmation, sworn, affirmed. The term "oath" includes an affirmation in all cases where an affirmation may be substituted for an oath. In similar cases, the term "sworn" includes the term "affirmed."

Officers, departments, etc. References to officers, departments, board, commissions or employees are to township officers, township departments, township boards, township commissions and township employees.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property. With respect to special assessments, however, the owner shall be considered to be the person whose name appears on the assessment roll for the purpose of giving notice and billing.

Person. The term "person" means any individual, partnership, corporation, association, club, joint venture, estate, trust, limited liability company, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Personal property. The term "personal property" means any property other than real property.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" means real and personal property.

Public acts. References to public acts are references to the Public Acts of Michigan. (For example, a reference to Public Act No. 279 of 1909 is a reference to Act No. 279 of the Public Acts of Michigan of 1909.) Any reference to a public act, whether by act number or by short title is a reference to the act as amended.

Real property, real estate, land, lands. The term "real property," "real estate," "land" and "lands" include lands, tenements and hereditaments.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature, subscription. The terms "signature" and "subscription" include a mark when the person cannot write.

State. The term "state" means the State of Michigan.

Street. The term "street" means any street, alley, highway, avenue, or public place or square,

bridge, viaduct, tunnel, underpass, overpass or causeway, dedicated or devoted to public use.

Swear. The term "swear" includes the term "affirm."

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Township. The term "township" means Caledonia Township, Michigan.

Township board, township board of trustees, board of trustees, board. The terms "township board of trustees," "township board," "board of trustees" and "board" mean the governing body of Caledonia Township.

Week. The term "week" means seven consecutive days.

Written. The term "written" includes any representation of words, letters, symbols or figures.

Year. The term "year" means 12 consecutive months.

State law references: Definitions and rules of construction applicable to state statutes, MCL 8.3 et seq.

Sec. 1-3. Catchlines of sections; history notes; references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parenthesis after sections in this Code have no legal effect and only indicate legislative history. Charter references, cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

State law references: Catchlines in state statutes, MCL 8.4b.

Sec. 1-4. Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving provision in it.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any rights, privileges, suit, prosecution or proceeding pending at the time of the amendment or repeal.

State law references: Effect of repeal of state statutes, MCL 8.4.

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) _____ of the Code of Ordinances, Caledonia Township, Michigan, is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) _____ of the Code of Ordinances, Caledonia Township, Michigan, is hereby created to read as follows:"

(d) All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-6. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the township. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

(1) Arrange the material into appropriate organizational units.

(2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.

(4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.

(5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-7. General penalty; continuing violations.

(a) In this section the term "violation of this Code" means any of the following:

(1) Doing an act that is prohibited or made or declared unlawful, an offense, or a violation by ordinance or by rule or regulation authorized by ordinance.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, or a violation or by ordinance or by rule or regulation authorized by ordinance.

(b) Any provision of this Code that is made or declared to be a misdemeanor, civil infraction or municipal civil infraction is a violation of this Code.

(c) In this section the term "violation of this Code" does not include the failure of a township officer or township employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(d) Except as specifically provided otherwise by state law or township ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500.00, and costs of prosecution or by imprisonment for a period of not more

than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed \$500.00, and costs of prosecution or by imprisonment for a period of not more than 93 days or by both such fine and imprisonment.

(e) The commission of any violation of this Code that is declared to be a civil infraction shall subject the violator to a civil penalty as provided by state law for municipal civil infractions or trailway municipal infractions, whichever is applicable, and as determined by township ordinance.

(f) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.

(g) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(h) Violations of this Code that are intermittent or ongoing are a nuisance per se and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

State law references: Penalty for ordinance violations, MCL 41.183; municipal civil infractions, MCL 600.8701 et seq.

Sec. 1-8. Severability.

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Code that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Code are severable. If any provision of this Code or its application to any person or circumstance is held to be overbroad, that provision or application will nevertheless be enforced to the fullest extent permitted by law.

State law references: Severability of state statutes, MCL 8.5.

Sec. 1-9. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the township relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

State law references: Similar provisions as to state statutes, MCL 8.3u.

Sec. 1-10. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises which was in violation of any township ordinance on the effective date of this Code.

Sec. 1-11. Certain ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of any ordinance:

(1) Annexing property into the township or describing the corporate limits.

(2) Deannexing property or excluding property from the township.

(3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.

(4) Authorizing or approving any contract, deed, or agreement.

(5) Granting any right or franchise.

(6) Making or approving any appropriation or budget.

(7) Providing for the duties of township officers or employees not codified in this Code.

(8) Providing for salaries or other employee benefits.

(9) Adopting or amending a comprehensive plan.

(10) Levying or imposing any special assessment.

(11) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley.

(12) Establishing the grade of any street or sidewalk.

(13) Dedicating, accepting or vacating any plat or subdivision.

(14) Not codified in this Code that levies, imposes or otherwise relates to taxes, exemptions from taxes and fees in lieu of taxes.

(15) Pertaining to zoning.

(16) That is temporary, although general in effect.

(17) That is special, although permanent in effect.

(18) The purpose of which has been accomplished.

(b) The ordinances or portions of ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

Chapter 2 ADMINISTRATION*

***Cross references:** Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-11(a)(3); any ordinance authorizing or approving any contract, deed, or agreement saved from repeal, § 1-11(a)(4); any ordinance making or approving any appropriation of budget saved from repeal, § 1-11(a)(6); administration of subdivision control regulations, § 16-35; utilities, ch. 28; administration of sewer use regulations, § 28-226 et seq.; franchises, App. A.

State law references: Townships generally, MCL 41.1a et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

Article I. In General

Secs. 2-1--2-30. Reserved.

Article II. Township Board

Secs. 2-31--2-60. Reserved.

Article III. Officers and Employees

Secs. 2-61--2-100. Reserved.

Article IV. Boards and Commissions

Secs. 2-101--2-130. Reserved.

ARTICLE I. IN GENERAL

Secs. 2-1--2-30. Reserved.

ARTICLE II. TOWNSHIP BOARD*

***State law references:** Township board, MCL 41.70 et seq.; township meetings, MCL 41.8 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; open meetings act, MCL 15.261 et

seq.; freedom of information act, MCL 15.231 et seq.

Secs. 2-31--2-60. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

***Cross references:** Any ordinance providing for duties of township officers or employees not codified in this Code saved from repeal, § 1-11(a)(7); any ordinance providing for salaries or other employee benefits saved from repeal, § 1-11(a)(8).

State law references: Township officers, MCL 41.61 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

Secs. 2-61--2-100. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS*

***Cross references:** Construction board of appeals, § 10-3.

State law references: Standards of conduct and ethics, MCL 15.341 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

Secs. 2-101--2-130. Reserved.

Chapter 3 RESERVED

Chapter 4 ALCOHOLIC LIQUORS*

***Cross references:** Disorderly intoxication, § 18-122.

State law references: Liquor control code, MCL 436.1101 et seq.

Article I. In General

Sec. 4-1. Definitions.

Sec. 4-2. State rules.

Sec. 4-3. Selling or furnishing alcoholic liquor to person under 21 years of age.

Sec. 4-4. Purchase or consumption by persons under 21 years of age.

Sec. 4-5. Possession of alcoholic liquor in motor vehicle by person under 21 years of age.

Sec. 4-6. Consumption on streets, sidewalks or public places.

Sec. 4-7. Open container in motor vehicle.

Secs. 4-8--4-30. Reserved.

Article II. License

Sec. 4-31. Application.

Sec. 4-32. Restrictions on licenses.

Sec. 4-33. Term of license.

Sec. 4-34. Reservation of authority.

Sec. 4-35. License hearing.

Sec. 4-36. Objections to renewal and request for revocation.

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The words and phrases used in this chapter shall have the meanings ascribed to them in Public Act No. 58 of 1978 (MCL 436.1101 et seq.).

(Ord. of 1-20-1975, § 1)

Cross references: Definitions generally, § 1-2.

Sec. 4-2. State rules.

There is hereby adopted by reference the rules of the state liquor control commission.

Sec. 4-3. Selling or furnishing alcoholic liquor to person under 21 years of age.

No person, either directly or indirectly, by himself, clerk, agent, servant, or employee, shall at any time sell, furnish, give, or deliver any alcoholic liquor to any person unless such person shall have attained the age of 21 years; nor shall any person, either directly or indirectly by himself, clerk, agent, servant or employee, at any time, sell furnish, give or deliver any alcoholic liquor to any person who is so intoxicated as not to be in control of all his faculties; provided, however, that nothing contained in this section shall prohibit the sale of alcoholic liquor to a person under 21 years of age upon authority of and pursuant to a prescription of a duly licensed physician.

(Ord. of 1-20-1975, § 2(1))

State law references: Furnishing alcoholic liquor to persons under 21, MCL 436.1701; sales to intoxicated person prohibited, MCL 436.1707.

Sec. 4-4. Purchase or consumption by persons under 21 years of age.

No person under the age of 21 years shall at any time purchase, offer or attempt to purchase, obtain, consume, or bring into any premises within the township any alcoholic liquor, for which a license has been issued to sell. Nor shall any person in order to procure the sale or furnishing of alcoholic liquor to any person under the age of 21 years, make any false representations as to the age of the person for whom such alcoholic liquor is desired. Nor shall any person under the age of 21 years furnish any false information regarding his or her age or make any false representations as to his or her age to any law enforcement officer, or to any person in charge of

or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining a sale of any alcoholic liquor to himself or herself; provided, however, that nothing contained in this section shall prohibit the purchase of alcoholic liquor by such person under authority of and pursuant to a prescription of a duly licensed physician.

(Ord. of 1-20-1975, § 2(2))

State law references: Purchase, consumption or possession of alcoholic liquor by minors, MCL 436.1703.

Sec. 4-5. Possession of alcoholic liquor in motor vehicle by person under 21 years of age.

No person under the age of 21 years shall purchase or knowingly possess, transport or have under his control in any motor vehicle any alcoholic liquor unless such person is employed by a licensee of the Michigan Liquor Control Commission and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his control during regular working hours and in the course of his employment. This section shall not apply to alcoholic liquor possessed by such person under authority of and pursuant to a prescription of a duly licensed physician.

(Ord. of 1-20-1975, § 2(3))

State law references: Purchase, consumption or possession of alcoholic liquor by minors, MCL 436.1703; transportation or possession of alcoholic liquor by person less than 21 years of age, MCL 257.264(b).

Sec. 4-6. Consumption on streets, sidewalks or public places.

No person shall consume alcoholic liquor, or furnish alcoholic liquor to another person, on any street, sidewalk, alley, public building, public park, school grounds, church property or in any automobile while parked or being driven on any street in the township.

(Ord. of 1-20-1975, § 2(4))

State law references: Possessing or consuming alcoholic liquor on public highway or park, place of amusement, or publicly owned areas, MCL 436.1915.

Sec. 4-7. Open container in motor vehicle.

No person shall have in his possession in any motor vehicle, or in any public street, park or other public place, an open receptacle or container containing any alcoholic liquor.

(Ord. of 1-20-1975, § 2(5))

Cross references: Traffic and vehicles, ch. 26.

State law references: Possessing or consuming alcoholic liquor on public highway or park, place of amusement, or publicly owned areas, MCL 436.1915.

Secs. 4-8--4-30. Reserved.

ARTICLE II. LICENSE*

***State law references:** Local approval or revocation of liquor licenses, MCL 436.1501.

Sec. 4-31. Application.

Applications for a state license to sell beer, wine or spirits for on-premises consumption shall be made to the township board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(1) The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.

(2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.

(3) The character of business of the applicant, and in the case of a corporation, the object for which it was formed.

(4) The length of time such applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.

(5) The location and description of the premises or place of business which is to be operated under such license.

(6) A statement whether the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

(7) A statement that applicant is not disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the state.

(8) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the township in the conduct of its business.

(9) The application shall be accompanied by building and plat plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where

appropriate, adequate plans for screening, and noise control.

(Ord. of 5-7-1984, § 2(A))

Sec. 4-32. Restrictions on licenses.

No license under this article shall be approved for:

- (1) A person whose license, under this article has been revoked for cause.
- (2) A person who, at the time of application or renewal of any license issued under this article, would not be eligible for such license upon a first application.
- (3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
- (4) A corporation, if any officer, manager, or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- (5) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
- (6) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
- (7) A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
- (8) Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.
- (9) Premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations, or any other applicable township ordinance.
- (10) Any new license or for the transfer of any existing license unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
- (11) Premises where it is determined by a majority of the board that the premises do not or will

not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.

(12) Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

(Ord. of 5-7-1984, § 2(B))

Sec. 4-33. Term of license.

Approval of a license shall be for a period of one year subject to annual renewal by the township board upon continued compliance with the regulations of this article. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the state liquor control commission approving such license whichever occurs last. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

(Ord. of 5-7-1984, § 2(C))

Sec. 4-34. Reservation of authority.

No applicant for a liquor license has the right to the issuance of such license to him, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the list when, in its discretion, it determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens.

(Ord. of 5-7-1984, § 2(D))

Sec. 4-35. License hearing.

The township board shall grant a public hearing upon the license application when, in its discretion, the board determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing, the board shall submit to the applicant a written statement of its findings upon satisfactory compliance with the restrictions set forth in section 4-32.

(Ord. of 5-7-1984, § 2(E))

Sec. 4-36. Objections to renewal and request for revocation.

(a) *Procedure.* Before filing an objection to renewal or request for revocation of a license with the state liquor control commission, the township board shall serve the license holder, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

- (1) Notice of proposed action.
- (2) Reasons for the proposed action.
- (3) Date, time, and place of hearing.
- (4) A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing, the township board shall submit to the license holder and the state liquor control commission a written statement of its findings and determination.

(b) *Criteria for nonrenewal or revocation.* The township board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exist:

- (1) Violation of any of the restrictions on licenses set forth in section 4-32; or
- (2) Maintenance of a nuisance upon the premises.

(Ord. of 5-7-1984, § 3))

Chapter 5 RESERVED

Chapter 6 AMUSEMENTS AND ENTERTAINMENT*

***State law references:** Authority of township to regulate public amusements, MCL 41.181.

Article I. In General

Secs. 6-1--6-30. Reserved.

Article II. Live Performances for Dancing, Monologues, Pantomimes, Etc.

Division 1. Generally

Sec. 6-31. Purpose.

Sec. 6-32. Requirements for operation.

Sec. 6-33. Nuisance.

Secs. 6-34--6-50. Reserved.

Division 2. License

Sec. 6-51. License required.

Sec. 6-52. Owner to see license.

Sec. 6-53. Conditions precedent.

Sec. 6-54. Procedure for issuance.

Sec. 6-55. Termination.

Sec. 6-56. Nontransferability.

Sec. 6-57. Suspension and revocation.

ARTICLE I. IN GENERAL

Secs. 6-1--6-30. Reserved.

ARTICLE II. LIVE PERFORMANCES FOR DANCING, MONOLOGUES, PANTOMIMES, ETC.

DIVISION 1. GENERALLY

Sec. 6-31. Purpose.

The purpose of this article is to regulate public commercial entertainment involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display, and establishments within the township where such public entertainment is presented, promoted, or permitted.

(Ord. of 2-16-1998, § 2)

Sec. 6-32. Requirements for operation.

After issuance of the license, the licensee shall meet the following requirements:

(1) The insurance and bond required in section 6-54 shall continue in full force and effect until expiration or termination of the license.

(2) Licensee shall permit township, county and state officials to enter upon the licensed premises at all reasonable times to determine compliance with the requirements of this article and other applicable township, county, and state ordinances and statutes.

(3) Licensee shall not knowingly permit violations of any township ordinance, county ordinance or state statute by any of his patrons.

(4) Licensee shall provide off-street parking facilities sufficient to accommodate all persons to be admitted to his place of business based on the maximum capacity specified in the application.

(5) Licensee shall not admit to his premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall he knowingly permit the possession, sale or

consumption of narcotics or hallucinogenic drugs on his business premises.

(6) Licensee shall provide sufficient fences or barriers or shall so patrol the boundaries of his business premises as to efficiently prevent his patrons from directly trespassing on neighboring premises.

(7) Licensee shall so conduct his business that it shall not give rise to a nuisance by reason of noise, vibration, smoke, odor or dust.

(8) Licensee shall limit his business activities to the hours specified in his license.

(9) Licensee shall post a copy of this article and a copy of his license in his place of business in a location where they can be read easily by his patrons.

(10) Licensee shall not permit in his/her or its establishment any form of commercial public entertainment by live performers within the township involving any of the following:

a. Patently offensive displays, representations, or descriptions of ultimate sexual acts, normal or perverted, actual or simulated:

1. *Definition of simulated sexual conduct.* The term "simulated" means the explicit depiction or description of any of the types of conduct set forth in the definition of ultimate sexual acts under subsection (10)a.2 of this section, which creates the appearance of such conduct.

2. *Definition of ultimate sexual acts.* The term "ultimate sexual acts" means sexual intercourse, fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, or depictions or descriptions of sexual bestiality, sadomasochism, masturbation, or excretory functions; or

b. Patently offensive displays, representations, or descriptions of masturbation, excretory functions.

(11) If the licensee's establishment is licensed or subject to licensing by the state liquor control commission, then licensee shall not permit in his/her or its establishment any form of commercial entertainment by live performers within the township containing nudity which shall be defined to be the exposure by view of persons, any of the following body parts, either directly or indirectly, including but not limited to exposure, see through clothing articles or body stockings:

a. The whole or part of the pubic region.

b. The whole or part of the anus.

- c. The whole or part of the buttocks.
- d. The whole or part of the genitals.
- e. The breast area including nipple.

(12) Any establishment within the township in which public commercial entertainment by live performers is permitted shall comply with the following regulations prior to the allowance or presentation of such entertainment:

- a. No person under 18 years of age shall serve any liquor or entertain or work, either on a paid or voluntary basis, in that portion of the premises wherein liquor is being served or consumed.
- b. If the establishment offers public entertainment wherein performers are required to change costumes or attire, the establishment shall provide and make use of separate dressing facilities set aside for separate use by male and female performers. The establishment shall not allow the use of restrooms, public rooms, kitchens, or other similar areas for the changing of clothing by entertainers.
- c. The area utilized for performances shall be separated from the area occupied by patrons and customers by either a raised stage, railing or other permanent divider-type construction.
- d. No performer shall be allowed to dance, mingle, eat, or drink with patrons or customers in the establishment during the period of their employment or between performances occurring in a continuous 12-hour period in the establishment.

(Ord. of 2-16-1998, § 7)

Sec. 6-33. Nuisance.

Any violation of any provision of this article is hereby declared to be a nuisance per se and enjoined by appropriate legal action.

(Ord. of 2-16-1998, § 11)

Secs. 6-34--6-50. Reserved.

DIVISION 2. LICENSE

Sec. 6-51. License required.

No person shall engage in the business with the township of offering a public amusement, entertainment, exhibition or performance by live performers involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display without first

obtaining a license therefor from the township.

(Ord. of 2-16-1998, § 3)

Sec. 6-52. Owner to see license.

No person shall knowingly allow or permit any building or land owned or possessed by him to be used for such a purpose unless a township license therefore has been shown to such owner or possessor.

(Ord. of 2-16-1998, § 4)

Sec. 6-53. Conditions precedent.

No license shall be granted or delivered until the applicant therefor has complied with all of the required conditions precedent to its issuance.

(Ord. of 2-16-1998, § 5)

Sec. 6-54. Procedure for issuance.

(a) The applicant shall submit an application not less than 60 days prior to the proposed commencement of such business, under oath, on a form to be provided by the township clerk, which application shall disclose such pertinent information about the applicant, his proposed business location, facilities, maximum capacity to be admitted, business history, and responsibility, as the township clerk may require and shall be accompanied by the following:

(1) Evidence that the applicant has obtained public liability insurance and property damage insurance with limits as established by resolution of the township board from time to time from a company or companies approved by the commissioner of insurance of the state which insurance shall ensure the applicant, his employees and agents, against liability for death or injury to persons or damages to property which may result from the conduct of such licensed business, which policy or policies shall remain in full force and effect in the specified amounts during the term of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the township clerk, in writing, at least ten days before the expiration or cancellation of such policy or policies.

(2) A corporate surety bond in the amount as established by resolution of the township board from time to time in a form to be approved by the township attorney, conditioned upon the applicant's faithful compliance with all of the terms and provisions of this licensing article, and all applicable provisions of other township ordinances, county ordinances, and state ordinances.

(3) A license fee as established by resolution of the township board from time to time.

(b) The township clerk may refer the application to the township zoning administrator, the county health department, the state fire marshal and other public officials as he may deem

appropriate.

(c) The application, supporting data, and reports of governmental officials shall then be presented to the township board. In passing on the application, the township board shall determine whether or not the proposed business meets the requirements of this article, other applicable township ordinances, other applicable county ordinances and applicable state statutes and shall approve or deny the license accordingly. If the license is denied, the basis or bases for denial shall be specified in the resolution of denial.

(d) Advertising of the applicant's proposed business prior to the issuance of a license by the township shall constitute a violation of this article by the applicant and shall constitute a basis for denial of such license.

(e) Based upon the maximum number of persons to be admitted to the licensee's place of business per day as disclosed in the application, if such number exceeds 499 persons and if the township board in its discretion determines that the public safety and welfare make it desirable that police personnel be assigned to the vicinity of the licensee's place of business, the licensee shall be obligated to reimburse the township for the actual expense of providing such police service to the extent of two officers for the first 500 persons and one additional officer for each additional 200 persons.

(Ord. of 2-16-1998, § 6)

Sec. 6-55. Termination.

Each license granted under the provisions of this article shall expire at the end of the term specified in the application, but if not so established, shall expire on the next succeeding March 31.

(Ord. of 2-16-1998, § 8)

Sec. 6-56. Nontransferability.

A license issued under this article shall not be transferable to any other firm or person.

(Ord. of 2-16-1998, § 9)

Sec. 6-57. Suspension and revocation.

A license required by this article may be suspended or the renewal thereof refused by the township for misrepresentation of any material fact in the application for such license. Any license may be suspended or revoked by the township for good cause. The term "good cause" shall mean any act or omission or the permitting of a condition to exist with respect to the licensee in question which is contrary to the safety or welfare of the public, unlawful or fraudulent in nature, a violation of any provision or provisions of this article under which the license was granted, is beyond the scope of the license issued, or a fact, circumstance or condition which

had it existing or been known to the township at the time the license was granted, would have been sufficient grounds for the refusal thereof. Revocation of a license may take place only after a hearing before the township board upon not less than seven days written notice to the licensee at the address stated in the application of the licensee stating the time and place of such hearing and the reasons for revocation. A license issued under this article may be suspended for not more than 20 days by a constable of the township for good cause.

(Ord. of 2-16-1998, § 10)

Chapter 7 RESERVED

Chapter 8 ANIMALS*

***Cross references:** Environment, ch. 12.

State law references: Township, general police powers, MCL 41.181; wildlife conservation, MCL 324.40101 et seq.; endangered species protection, MCL 324.36501 et seq.; crimes relating to animals and bird, MCL 750.49 et seq.; local authority to adopt animal control ordinance, MCL 287.290.

Article I. In General

Secs. 8-1--8-30. Reserved.

Article II. Dogs

Division 1. Generally

Sec. 8-31. Control generally; barking yelping and howling.

Sec. 8-32. Confinement and control of vicious dogs.

Sec. 8-33. Confinement of female dogs in heat.

Sec. 8-34. License tag and evidence of rabies immunization.

Secs. 8-35--8-50. Reserved.

Division 2. Impoundment

Sec. 8-51. Impoundment.

Sec. 8-52. Surrender of dog suspected of having rabies.

Sec. 8-53. Notification and surrender of dog attacked or bitten by dog or other animal.

Sec. 8-54. Impoundment of dog for observation.

Sec. 8-55. County animal shelter fees.

ARTICLE I. IN GENERAL

Secs. 8-1--8-30. Reserved.

ARTICLE II. DOGS*

***State law references:** Dog law, MCL 287.261 et seq.

DIVISION 1. GENERALLY

Sec. 8-31. Control generally; barking yelping and howling.

No person who owns, possesses, keeps, harbors or maintains a dog in the township shall permit such dog to:

(1) Run at large or to be otherwise unleashed (the leash shall not exceed eight feet in length) or unconfined except on the private property of the owner or custodian or in the immediate presence and control of the owner or custodian; or

(2) Frequently or habitually bark, yelp or howl to the annoyance of a person or persons in the area; the term "frequently," as used in this section, shall mean more than 25 times in a single five-minute period, or more than 100 times in a single one-hour period.

(Ord. of 7-7-1975, § 1)

Sec. 8-32. Confinement and control of vicious dogs.

No person who owns, possesses, keeps, harbors or maintains a vicious dog in the township shall permit such dog to be unconfined under any circumstances unless securely muzzled and restrained by a leash not exceeding eight feet in length. Any dog which has previously bitten or attacked a person or domestic animal without provocation or which, by its behavior and actions, has given indication that it is likely to bite or attack a person or domestic animal without provocation, shall be deemed vicious for purposes of this article.

(Ord. of 7-7-1975, § 2)

State law references: Destruction of vicious dogs, MCL 287.286a; regulation of dangerous animals, MCL 287.321 et seq.

Sec. 8-33. Confinement of female dogs in heat.

No person who owns, possesses, keeps, harbors or maintains a female dog shall permit or allow such female dog to go beyond the premises of such owner or custodian when such dog is in heat.

(Ord. of 7-7-1975, § 3)

Sec. 8-34. License tag and evidence of rabies immunization.

No person who owns, possesses, keeps, harbors or maintains a dog over four months of age in the township shall permit such dog to be unconfined at any time unless licensed as required by law, and unless wearing its license tag and evidence of rabies immunization.

(Ord. of 7-7-1975, § 4)

State law references: Dog licenses, MCL 287.266.

Secs. 8-35--8-50. Reserved.

DIVISION 2. IMPOUNDMENT*

***State law references:** Rules for control of rabies and the disposition of nonhuman agents carrying disease, including rabid animals, MCL 333.5111.

Sec. 8-51. Impoundment.

Any dog found in the township in violation of one or more of the provisions of this article may be seized and impounded by any township police officer or other authorized person and placed in the county animal shelter or other suitable facility.

(Ord. of 7-7-1975, § 5)

Sec. 8-52. Surrender of dog suspected of having rabies.

Any person who shall have in his possession or under his control a dog which has contracted rabies, or which has been subjected to rabies, or which is suspected of having rabies, or which has bitten or attacked any person or domestic animal shall, upon demand of any township police office or other lawful authority, produce and surrender such dog to be held for observation by the county health department or other lawful authority.

(Ord. of 7-7-1975, § 6)

State law references: Dogs attacking or biting persons, MCL 287.286a, 287.288, 287.351; dogs biting or molesting wildlife, MCL 287.278; dogs biting or attacking humans or livestock, MCL 287.279.

Sec. 8-53. Notification and surrender of dog attacked or bitten by dog or other animal.

Any person who shall have in his possession or under his control a dog which has been attacked or bitten by another dog or other animal shall immediately notify the county health department and surrender such dog to such health department or other lawful authority for observation if requested to do so.

(Ord. of 7-7-1975, § 7)

Sec. 8-54. Impoundment of dog for observation.

Any dog impounded or surrendered for observation for rabies shall be held until a rabies clearance is obtained from the county health department or other lawful authority. Any dog impounded or surrendered for observation for having bitten or attacked a person shall be held for not fewer than five days, and in case a complaint shall have been made before any court asking that such dog be killed or confined, then the dog shall continue in confinement until the case is resolved.

(Ord. of 7-7-1975, § 8)

Sec. 8-55. County animal shelter fees.

No dog shall be released after being surrendered or impounded unless the owner or person claiming the dog shall pay the fees established by the county animal shelter.

(Ord. of 7-7-1975, § 9)

Chapter 9 RESERVED

Chapter 10 BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Environment, ch. 12; fire prevention and protection, ch. 14; land divisions and subdivisions, ch. 16; outdoor assemblies, ch. 20; signs, ch. 24; utilities, ch. 28; zoning, ch. 30.

State law references: Single state construction code act, MCL 125.1501 et seq.

- Sec. 10-1. Agency designated.
- Sec. 10-2. Fees.
- Sec. 10-3. Construction board of appeals.
- Sec. 10-4. Electrical code official--Agency designated.
- Sec. 10-5. Mechanical code official--Agency designated.
- Sec. 10-6. Plumbing code official--Agency designated.

Sec. 10-1. Agency designated.

Pursuant to the provisions of the section 8a of the Stille-DeRossett-Hale single state construction code act, Public Act No. 230 of 1972 (MCL 125.1508a), the building official of the township is hereby designated as the enforcing agency to discharge the responsibility of the township under such act. The township assumes responsibility for the administration and enforcement of such act throughout its corporate limits.

(Ord. of 5-4-1998, § 1)

Sec. 10-2. Fees.

Permit fees for the enforcement of the single state construction code shall be adopted by resolution of the township board from time to time.

Sec. 10-3. Construction board of appeals.

A township construction board of appeals is created and shall consist of three members appointed by the township board for two-year terms. The construction board of appeals is granted those powers and duties as set forth in Public Act No. 230 of 1972 (MCL 125.1501 et seq.).

Cross references: Boards and commissions, § 2-101 et seq.

State law references: State construction board of appeals, MCL 125.1514.

Sec. 10-4. Electrical code official--Agency designated.

Pursuant to the provisions of the Michigan Electrical Code, in accordance with Section 8b(6) of 1972 PA 230, the Electrical Code Official of the Township of Caledonia is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Caledonia under 1972 PA 230, State of Michigan. The Charter Township of Caledonia assumes responsibility for the administration and enforcement of said act throughout its corporate limits.

(Ord. No. 20030505A, § 1, 5-5-2003)

Sec. 10-5. Mechanical code official--Agency designated.

Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Section 8b(6) of 1972 PA 230, the Mechanical Code Official of the Township of Caledonia is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Caledonia under 1972 PA 230, State of Michigan. The Charter Township of Caledonia assumes responsibility for the administration and enforcement of said act throughout its corporate limits.

(Ord. No. § 20030505B, § 1, 5-5-2003)

Sec. 10-6. Plumbing code official--Agency designated.

Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 8b(6) of 1972 PA 230, the Plumbing Code Official of the Township of Caledonia is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Caledonia under 1972 PA 230, State of Michigan. The Charter Township of Caledonia assumes responsibility for the administration and enforcement of said act throughout its corporate limits.

(Ord. No. 20030505C, § 1, 5-5-2003)

Chapter 11 RESERVED

Chapter 12 ENVIRONMENT*

***Cross references:** Animals, ch. 8; buildings and building regulations, ch. 10; land divisions and subdivisions, ch. 16; outdoor assemblies, ch. 20; utilities, ch. 28.

State law references: Natural resources and environmental protection act, MCL 324.101 et seq.

Article I. In General

Secs. 12-1--12-30. Reserved.

Article II. Junk, Trash and Garbage

Sec. 12-31. Definitions.

Sec. 12-32. Exceptions.

- Sec. 12-33. Violation.
- Sec. 12-34. Complaint.
- Sec. 12-35. Appeal.
- Sec. 12-36. Hearing and determination.
- Sec. 12-37. Criminal penalty.
- Sec. 12-38. Civil remedies.
- Secs. 12-39--12-60. Reserved.

Article III. Dismantled Vehicles and Junk

- Sec. 12-61. Purpose.
- Sec. 12-62. Regulations.
- Sec. 12-63. Nuisance.
- Sec. 12-64. Construction.
- Sec. 12-65. Penalty.
- Secs. 12-66--12-100. Reserved.

Article IV. Noxious Weeds

- Sec. 12-101. Purpose.
- Sec. 12-102. Growth of noxious weeds prohibited.
- Sec. 12-103. Duty of occupant and owner.
- Sec. 12-104. Cutting by the township.
- Sec. 12-105. Collection from owner and occupant.
- Sec. 12-106. Notice of requirements.

ARTICLE I. IN GENERAL

Secs. 12-1--12-30. Reserved.

ARTICLE II. JUNK, TRASH AND GARBAGE

Sec. 12-31. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means pieces or objects of glass, wood, cardboard, paper, plastic, iron, steel or other metal, whether usable or not, whether intended for use or not, and whether such items have value or not:

- (1) Which have been discarded or neglected by the owner or occupant of the property;
- (2) Which are not in regular or seasonal use by the owner or occupant of the property; or
- (3) Which are incapable of being used in the manner for which they were designed or manufactured.

By way of example only, the term "junk" includes, but is not limited to, unlicensed or inoperative motor vehicles, farm tractors, machinery, snowmobiles or motorcycles; inoperative or disconnected refrigerators, stoves, television sets or other appliances; trash barrels, scrap metal, scrap paper, wood and lumber.

Open storage and accumulation mean the storing, gathering, heaping, piling or other accumulation of junk, trash or garbage so that it is visible to the general public or to the owners or occupants of nearby property.

Trash means discarded animal or vegetable matter including, but not limited to, table scraps, discarded food items, bones, branches, limbs, leaves and grass clippings.

(Ord. of 9-29-1980, § 2)

Cross references: Definitions generally, § 1-2.

Sec. 12-32. Exceptions.

This article shall not apply to any junkyard duly licensed as such in the township.

(Ord. of 9-29-1980, § 8)

Sec. 12-33. Violation.

It shall be unlawful for any owner or occupant of private property in the township or any person having control of any such property to allow junk, trash or garbage to be openly stored or accumulated thereon for more than 14 days.

(Ord. of 9-29-1980, § 1)

Sec. 12-34. Complaint.

Upon complaint from any person, either verbal or written, of any violation of this article, the township board shall cause an investigation thereof to be made by a designated township officer or employee, and if it is found that this article is, in fact, being violated, such designated official or employee shall serve upon such owner, occupant or person having control of such property, a written notice to terminate the violation within ten days after receipt of such notice. The notice may be served personally or by first class mail.

(Ord. of 9-29-1980, § 3)

Sec. 12-35. Appeal.

Any person receiving such violation notice who considers himself aggrieved or who is unable to comply with the provisions of this article within the time period granted because of illness, old age, inclement weather or other undue hardship, may appeal or request an extension of time in which to comply by delivering a written claim of appeal or request for extension of time, giving the reasons therefor, to the township clerk within ten days after receipt of the violation notice.

(Ord. of 9-29-1980, § 4)

Sec. 12-36. Hearing and determination.

The appeal or request for extension of time shall be heard by the township board at the next regular meeting thereof, and the appellant shall appear before the board and show cause, if any, he has supporting his appeal or request. Any officer of the township or any resident may also

appear and present any facts they may have regarding the matter. After hearing the appeal or request, the township board may uphold the notice as given or extend the time for termination of the violation, or set aside the notice entirely in accordance with the facts presented. If a notice is upheld by the township board, the appellant shall have ten days thereafter or such additional time as granted by the board in which to remove such items.

(Ord. of 9-29-1980, § 5)

Sec. 12-37. Criminal penalty.

Any person who shall fail, refuse or neglect to remove the items within ten days after the notice is served upon him, or within ten days after the decision on the appeal, if an appeal is taken and the notice is upheld, or within such additional time as may be granted by the township board on such appeal, then the person shall be subject to the penalties of section 1-7.

(Ord. of 9-29-1980, § 6)

Sec. 12-38. Civil remedies.

In addition to the criminal penalties set forth in section 12-37, any storage or accumulation of junk, trash or garbage in violation of this article may be removed by direction of the township board, and the cost of such removal and/or subsequent storage shall be charged to the owner or occupant of the subject property or to the person having control of such property. The township board shall have the right to use any legal or equitable remedy available to it to enforce payment of such charges, including levying the amount hereof as a special assessment against the lands from which such items were removed.

(Ord. of 9-29-1980, § 7)

Secs. 12-39--12-60. Reserved.

ARTICLE III. DISMANTLED VEHICLES AND JUNK*

***Cross references:** Traffic and vehicles, ch. 26.

Sec. 12-61. Purpose.

The purpose of this article is to limit and restrict the outdoor storage, parking or unreasonable accumulation of unused, partially dismantled or nonoperating motor vehicles, house trailers, of tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

(Ord. of 2-6-1967, § 2)

Sec. 12-62. Regulations.

(a) No person shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the township any motor vehicle, house trailer, or tractor trailer or new or used parts or junk therefrom, unless the motor vehicle, house trailer, or tractor trailer or new or used parts or junk therefrom are wholly contained within a fully enclosed building and does not violate any zoning or building laws of the township, county, or state, except for the following:

(1) Duly licensed and operable vehicles or trailers with substantially all main component parts attached.

(2) Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.

(3) Not more than one vehicle in fully operating condition such as a stock car or modified car that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the vehicle could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.

(b) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purposes for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the county rural zoning ordinance. Any such work within the 24-hour period allowed in this subsection shall not, however, consist of any major repairing redesigning, modifying or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.

(c) If the regulations in this section create any special or peculiar handicap beyond the control of a particular violator thereof because of unforeseen circumstances, the building and zoning inspector of the township, or such other official of the township as the township board may designate any regular meeting, is hereby given the authority to grant permission to any applicant to operate contrary to the provisions hereof for a limited period of not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the article are still substantially observed.

(Ord. of 2-6-1967, § 3)

Sec. 12-63. Nuisance.

Any parking, storage, placement, or operation in violation of the provisions of this article are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties provided for in this article.

(Ord. of 2-6-1967, § 4)

Sec. 12-64. Construction.

This article shall not prevent the operation of any licensed junkyard, salvage yard, garage, body, or paint shop legally operating within a property zone as defined in the county rural zoning ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

(Ord. of 2-6-1967, § 5)

Sec. 12-65. Penalty.

(a) Any person who violates any of the provisions of this article shall be deemed guilty of a misdemeanor and shall be punished as provided in section 1-7.

(b) In addition to the imposition of the fines and penalties in subsection (a) of this section, the township building and zoning inspector, any township police officer, or such other officer as the township board may designate, may cause any vehicle, trailer, or parts thereof, which violate the provisions of this article to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of such officer, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which the vehicle, trailer or parts thereof are located. Any sums realized on the sale of the vehicle, trailer or parts thereof may be retained by the township to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be returned to the owner of such vehicle, trailer or parts thereof.

(Ord. of 2-6-1967, § 7)

Secs. 12-66--12-100. Reserved.

ARTICLE IV. NOXIOUS WEEDS*

***State law references:** Control and eradications of noxious weeds, MCL 247.61 et seq.

Sec. 12-101. Purpose.

The purpose of this article is to regulate and control the growth of noxious weeds, grass, and rank vegetation in the township. This article is not intended to limit or restrict the growth and production of agricultural crops, and the provisions of this article shall not apply to those portions of lands which are in actual use for the growth and production of agricultural crops.

(Ord. of 4-6-1981, § 2)

Sec. 12-102. Growth of noxious weeds prohibited.

No person owning or occupying any lands or premises, whether occupied or unoccupied, shall permit or maintain, on any such lands or premises, any growth of noxious weeds, grass, or rank vegetation to a height greater than 12 inches; nor any accumulation of dead weeds, grass, vegetation or brush. The term "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), Hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elator* L.), poison ivy (*rhus toxicodendron*), and poison sumac (*toxicodendron vernix*).

(Ord. of 4-6-1981, § 3)

Sec. 12-103. Duty of occupant and owner.

It shall be the duty of the owner and the occupant of all such lands and premises in the township to cut and remove or destroy by lawful means all such noxious weeds, grass, and rank vegetation at least once each year, not later than May 25, and thereafter as often as may be necessary to comply with the provisions of section 12-102.

(Ord. of 4-6-1981, § 4)

Sec. 12-104. Cutting by the township.

If any person shall fail to comply with the provisions of section 12-103 of this article by the specified time, the township supervisor, or in his absence the township clerk, shall cause all such noxious weeds, grass and rank vegetation to be cut and removed or destroyed by lawful means. If necessary to protect equipment or to ensure a uniform cutting, rocks, debris and other objects shall be removed prior to cutting. The township shall keep an accurate account of all expenses incurred with respect to each parcel of land entered upon in carrying out the provisions of this article. The township supervisor shall require from the person performing such work, a written statement of its account.

(Ord. of 4-6-1981, § 5)

Sec. 12-105. Collection from owner and occupant.

A copy of the written statement, including an account of the expenses incurred on behalf of each individual owner or occupant, shall be transmitted to the township treasurer. The township treasurer shall add to all such accounts ten percent of the amount of all such expenditures to cover the cost of publication, overhead and other expenses and shall collect the total amount in

any manner provided by law including adding such costs to the real property tax of the property owner.

(Ord. of 4-6-1981, § 6)

Sec. 12-106. Notice of requirements.

The township clerk shall, on or before May 1 of each year, cause this article or a summary of this article to be published at least one time in a newspaper of general circulation in the township.

(Ord. of 4-6-1981, § 7)

Chapter 13 RESERVED

Chapter 14 FIRE PREVENTION AND PROTECTION*

***Cross references:** Buildings and building regulations, ch. 10.

State law references: State fire prevention code, MCL 29.1 et seq.; township fire protection, MCL 41.801 et seq.

Article I. In General

Secs. 14-1--14-30. Reserved.

Article II. Fire Protection Fee

Sec. 14-31. Creation.

Sec. 14-32. Fees deposited in capital improvement fund.

Sec. 14-33. Unpaid billings to carry interest.

Sec. 14-34. Unpaid fees entered on tax rolls.

Sec. 14-35. Waiver of fees.

Secs. 14-36--14-60. Reserved.

Article III. Burning

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Sec. 14-111. Definitions.

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Sec. 14-117. Liability.

ARTICLE I. IN GENERAL

Secs. 14-1--14-30. Reserved.

ARTICLE II. FIRE PROTECTION FEE

Sec. 14-31. Creation.

The owners of premises, motor vehicles or agricultural machinery within the township shall pay a fee for the provision of fire protection services by the Corunna-Caledonia Fire Department to be established by resolution of the township board from time to time.

(Ord. of 9-5-1995, § 1)

Sec. 14-32. Fees deposited in capital improvement fund.

All payments of fees required in this article shall be made to the Corunna-Caledonia Fire Department who shall deposit the payments in a capital improvement fire fund created for that purpose.

(Ord. of 9-5-1995, § 5)

Sec. 14-33. Unpaid billings to carry interest.

Payments of fees required by this article are due upon receipt of a billing from the Corunna-Caledonia Fire Department. Any billing not paid in full within 90 days from the due date shall carry interest on the unpaid balance at the rate of five percent per annum.

(Ord. of 9-5-1995, § 6)

Sec. 14-34. Unpaid fees entered on tax rolls.

On August 1 of each year, the Corunna-Caledonia Fire Department shall notify the township treasurer of all unpaid fees with the township. On September 1 of each year, the township treasurer shall certify such fees to the township board who shall cause the unpaid fees to be entered upon the next township and county tax roll against the premises to which such services shall have been rendered and against which such fee has been placed.

(Ord. of 9-5-1995, § 7)

Sec. 14-35. Waiver of fees.

Fees for the provision of services by the Corunna-Caledonia Fire Department to the following locations shall be waived if the service provided is to search for missing clients, patients or children, assist in accident reconstructions, traffic control, assistance in transporting patients or other nonfire related services:

- (1) Pleasant View.
- (2) All group homes located within the township.
- (3) Owosso Police Department.
- (4) Corunna Police Department.
- (5) Shiawassee Sheriff's Department.
- (6) Corunna area ambulance.
- (7) Michigan State Police Post.

(Ord. of 3-3-1997)

Secs. 14-36--14-60. Reserved.

ARTICLE III. BURNING*

***State law references:** Open burning of leaves and grass clippings, MCL 324.11522; prevention and suppression of forest fires, MCL 324.51501 et seq.; crimes relating to fires, MCL 750.240 et seq.

DIVISION 1. GENERALLY

Sec. 14-61. Applicability.

This article is adopted in the interest of public safety and is designed to promote the general peace, health, safety and welfare of the township.

(Ord. of 3-31-1969, § 1)

Sec. 14-62. Scope.

This article provides for the control of fires, burning of trash and rubbish, obtaining of permit, hours to set fires and the prevention of foul odors caused by burning.

(Ord. of 3-31-1969, § 2)

Sec. 14-63. Foul odors.

No person shall burn garbage, animal carcasses, refuse, trash, rubbish, or like material giving off

foul odors, at any time. This section applies to domestic, commercial and industrial fires.

(Ord. of 3-31-1969, § 6)

Sec. 14-64. Permits; commercial and industrial.

No person shall set or cause to be set, burn or cause to be burned, any paper, trash, rubbish, leaves, cut grass or weeds, unless confined within a fireproof container constructed of metal or masonry with an approved spark arrestor with openings no larger than three-fourths of an inch. Hours of burning shall be from sunrise to not later than 9:00 p.m. Burners of the metal drum or portable type shall not be located less than 15 feet from any building or less than five feet from the adjoining property. Masonry or heavy metal constructed burners or incinerators shall be constructed to withstand the heat of 1,200 degrees Fahrenheit and shall be located not less than three feet from a combustible building or property line. Masonry or heavy metal burners or incinerators shall be constructed with or attached to a suitable stack, the top of the stack to be at least three feet above the eave line of an adjoining building if such building is less than 15 feet from the stack. All stacks are to be properly capped with approved spark arrestors.

(Ord. of 3-31-1969, § 7)

Sec. 14-65. Domestic fires.

A domestic fire is any fire around the home, within the curtilage of the dwelling where the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrestor with openings no larger than three-fourths of an inch. Burners of the metal drum or portable type shall not be located less than 15 feet from any building or less than five feet from the adjoining property line. No permit shall be required for domestic fires.

(Ord. of 3-31-1969, § 8)

Sec. 14-66. Penalties.

Any person, partnership, firm, association or corporation who shall set or start an open fire without a permit as required by this article shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be subject to the penalties of section 1-7; or who sets an open fire which necessitates calling the township fire department, or any other fire department, shall pay to the township all costs and charges incurred by the township by reason of calling the township fire department, or any other fire department. The township may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by them from any person who sets such an open fire.

(Ord. of 3-31-1969, § 9)

Secs. 14-67--14-85. Reserved.

DIVISION 2. PERMITS

Sec. 14-86. Required.

No person shall, within the limits of the township, set or cause to be set, burn or cause to be burned, at any time any old building debris from a building which was torn down, brush, limbs or trees on any lot or parcel of ground within the township unless such person shall first obtain from the chief of the fire department or a duly authorized representative at any township fire station, a permit for such fire or fires (see section 14-65, domestic fires).

(Ord. of 3-31-1969, § 3)

Sec. 14-87. Application.

Any person deciding to set or start a fire must obtain a permit from the fire chief which states the name and address of the applicant, the location of the land and premises where such fire is to be set, and the time contemplated for setting such fire. Such permit shall be in accordance with part 515 of Public Act No. 451 of 1994 (MCL 324.51501 et seq.).

(Ord. of 3-31-1969, § 4)

Sec. 14-88. Special permits.

The township board may grant permission to authorized persons for the burning of trash, rubbish, or similar waste material in open, supervised burning areas.

(Ord. of 3-31-1969, § 5)

Secs. 14-89--14-110. Reserved.

ARTICLE IV. EXPLOSIVES*

***Cross references:** Offenses against public safety, § 18-161 et seq.

State law references: Explosives act of 1970, MCL 29.41 et seq.; crimes relating to explosives and bombs, MCL 750.200 et seq.

Sec. 14-111. Definitions.

For purposes of interpretation and enforcement of this article, the following definitions shall apply:

Blasting means the discharge of any explosive.

Charge means the total amount of explosives used in any one detonation.

Delays means the time interval of eight milliseconds or more between successive detonations of the delay devices used.

Explosives means any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportion

or quantities that ignition by fire, by friction, by concussion, by percussion or by detonator may produce an explosion capable of causing injury to persons or damage to property. The term "explosive" includes, but is not limited to the following:

- (1) Black powder (all varieties).
- (2) Dry gun cotton.
- (3) Nitroglycerine.
- (4) Dynamite.
- (5) Chlorates.
- (6) Fulminates.
- (7) All sensitized ammonium nitrate composition and any other of their compounds or mixtures.
- (8) Smokeless powder.
- (9) Wet gun cotton.
- (10) Wet nitrostarch.

Hole means the place of affixing explosives for the purpose of discharge.

Series means more than one explosive discharge separated by millisecond delays.

Shot means detonation of an explosive charge or series of charges.

(Ord. of 8-7-1972, § 1)

Cross references: Definitions generally, § 1-2.

Sec. 14-112. Blasting prohibited.

It shall be unlawful for any person, acting either for himself or acting as agent, employee, independent contractor or servant of any other person, to do any blasting of any kind in the township except as provided in sections 14-113 and 14-114.

(Ord. of 8-7-1972, § 2)

Sec. 14-113. Removal.

No explosives shall be used for the removal or destruction of trees, stumps or buildings when the blasting is to take place within 200 feet of any occupied structure and in none of these

operations shall a total charge with a force greater than one-quarter pound of dynamite be used without a special permit to be issued by the township board pursuant to section 14-116.

(Ord. of 8-7-1972, § 3)

Sec. 14-114. Mining.

No use of explosives is permitted in any mining or quarrying operation in the township unless there is strict compliance with the following:

(1) No hole for the detonation of a charge or series of charges of explosives shall be closer than 300 feet to any inhabited structure existing on September 11, 1972, other than a structure owned by the person conducting the blasting operation.

(2) The total amount of explosives that can be shot on one delay is 34 pounds with a maximum of three delays per hole.

(3) The maximum amount of explosives that can be shot from any one hold shall not exceed the force of 100 pounds of dynamite or more than 300 pounds of dynamite in three or more holes.

(4) The maximum amount of explosives set out in subsection (3) of this section shall be decreased according to the proximity of existing inhabited structures according to the following table:

TABLE INSET:

Number of Holes per Shot Number of Delays per Hole Amount Explosive per Hole			
300' to 200'			pounds
200' to 150'			pounds
125'			pounds
100'			pounds
50'			3 pounds
25'			3/4 pounds
10'			1/8 pounds

(5) In no event shall any shot produce a particle velocity of more than one inch per second.

(6) Any person using explosives shall be licensed in accordance with the provisions of Public Act No. 202 of 1970 (MCL 29.41 et seq.).

(Ord. of 8-7-1972, § 4)

Sec. 14-115. Records and inspections.

(a) Any person, agent, employee, independent contractor or servant of any other person, whose blasting activities are governed by the provisions of this article shall maintain a record of explosives purchased and used, together with a complete listing of shots that are detonated. Such record of shots shall be accurate as to the date of detonation and the number detonated on such date.

(b) The records as required by this article shall be open to inspection during regular business hours by any elected or appointed official of the township.

(Ord. of 8-7-1972, § 5)

Sec. 14-116. Special permit.

The township board shall be empowered to permit variances of the limiting regulations of this article upon proper application and justification presented at a special meeting of the township board. The expenses incurred by the township in the holding of the special meeting shall be paid by the permittee at whose instance the meeting is convened. Property owners and/or residents of the township whose property and/or residence would be affected by any special variance permit given, shall be entitled to a minimum of seven days notice of such special meeting. The responsibility of such notice and proof thereof shall be that of the individual seeking township approval for a variance from the requirements of this article.

(Ord. of 8-7-1972, § 6)

Sec. 14-117. Liability.

Neither the issuance of a special permit under the provisions of this article, nor the compliance with the provision share of or with any conditions imposed in the permit issued hereunder shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the township for damage to other persons or property.

(Ord. of 8-7-1972, § 7)

Chapter 15 RESERVED

Chapter 16 LAND DIVISIONS AND SUBDIVISIONS*

***Cross references:** Any ordinance dedicating, accepting or vacating any plat or subdivision saved from repeal, § 1-11(a)(13); buildings and building regulations, ch. 10; environment, ch. 12; outdoor assemblies, ch. 20; signs, ch. 24; utilities, ch. 28; zoning, ch. 30.

State law references: Land division act, MCL 560.111 et seq.; further partition or division of property, MCL 560.263; township planning, MCL 125.321 et seq.; municipal planning, MCL 125.31 et seq.

Article I. In General

Secs. 16-1--16-30. Reserved.

Article II. Subdivision Control Regulations

Division 1. Generally

Sec. 16-31. Purpose.

Sec. 16-32. Legal basis.

Sec. 16-33. Scope.

Sec. 16-34. Location.

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Sec. 16-37. Definitions.

Sec. 16-38. Amendment procedures.

Sec. 16-39. Enforcement.

Sec. 16-40. Penalties.

Secs. 16-41--16-55. Reserved.

Division 2. Variances

Sec. 16-56. General regulations.

Sec. 16-57. Topographical-physical limitation variance.

Sec. 16-58. Cluster development variance. (See also section 16-91.)

Secs. 16-59--16-75. Reserved.

Division 3. Subdivision Design Standards

Sec. 16-76. General standards.

Sec. 16-77. Trafficways; streets and roads.

Sec. 16-78. Pedestrianways.

Sec. 16-79. Blocks. (See Figures 24 and 25.)

Sec. 16-80. Lots. (See Figures 26--28.)

Sec. 16-81. Public utilities; installation. (See Figures 31 and 32.)

Sec. 16-82. Street lights.

Sec. 16-83. Stormwater management.

Sec. 16-84. Easements.

Sec. 16-85. Water supply.

Sec. 16-86. Sanitary sewer system.

Sec. 16-87. Natural features. (See Figures 38--43.)

Sec. 16-88. Open spaces. (See Figure 44.)

Sec. 16-89. Buffer zones and reserve strips.

Sec. 16-90. Mitigation of development impacts.

Sec. 16-91. Cluster developments.

Sec. 16-92. Lot division.

Sec. 16-93. Commercial and industrial developments.

Secs. 16-94--16-110. Reserved.

Division 4. Platting Procedure and Data Required

Sec. 16-111. Mandatory consultation and site inspection (pre-planning); purpose.

- Sec. 16-112. Preliminary plats.
- Sec. 16-113. Determination; preliminary plat.
- Sec. 16-114. Conditions and duration of approval.
- Sec. 16-115. Final plat.
- Sec. 16-116. Final plats; data requirement.
- Sec. 16-117. Procedures; submittal to approving authorities.
- Secs. 16-118--16-135. Reserved.

Division 5. Subdivision Improvements

- Sec. 16-136. Notice of commencement.
- Sec. 16-137. Monuments.
- Sec. 16-138. Guarantee of completion of improvements required by township.
- Secs. 16-139--16-155. Reserved.

Article III. Parcels

- Sec. 16-156. Purpose.
- Sec. 16-157. Definitions.
- Sec. 16-158. Approval of land divisions.
- Sec. 16-159. Criteria for land division.
- Sec. 16-160. Application requirements.
- Sec. 16-161. Appeal of denial.
- Sec. 16-162. Limitation on approval.
- Sec. 16-163. Penalty.

ARTICLE I. IN GENERAL

Secs. 16-1--16-30. Reserved.

ARTICLE II. SUBDIVISION CONTROL REGULATIONS

DIVISION 1. GENERALLY

Sec. 16-31. Purpose.

The purpose of this article is to regulate and control the subdivision of land within the township, in an effort to insure proper legal description, identification, monumentation and recordation of real estate boundaries; to promote public health, safety and welfare by:

- (1) Promoting the orderly layout and appropriate use of land by discouraging haphazard, premature, uneconomical and scattered land development;
- (2) Providing safe, convenient and economical circulation of vehicular traffic;
- (3) Providing adequate building sites which are readily accessible by emergency vehicles;
- (4) Ensuring the proper installation of streets and utilities;
- (5) Preventing unsafe or unsanitary conditions because of undue concentrations of population;

- (6) Protecting the environment and conserving the natural and cultural resources of the township;
- (7) Protecting rural character and productive farmland;
- (8) Preventing excessive and untimely consumption of land resources;
- (9) Providing an efficient process for the review of proposed subdivisions;
- (10) Ensuring that new development in the township meets the goals and conforms to the policies of the township and county land use plans;
- (11) Minimizing the impacts of new subdivisions on neighboring properties and on the township;
- (12) Planning for the provision of adequate recreational areas, school sites, and other public facilities;
- (13) Providing for installation of necessary improvements by the land developer which ought not to become a charge on the citizens and taxpayers of the township overall.

(Ord. No. 7, § 1.2, 5-20-1996)

Sec. 16-32. Legal basis.

This article is enacted pursuant to the statutory authority granted by the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and Public Act No. 246 of 1945 (MCL 41.181 et seq.), authorizing township boards to adopt ordinances and regulations to secure the public health, safety and general welfare.

(Ord. No. 7, § 1.3, 5-20-1996)

Sec. 16-33. Scope.

(a) This article shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to July 19, 1996, except for the further dividing of lots. Nor is it intended by this article to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the township is a party.

(b) Where this article imposes a greater restriction upon land than is imposed or required by existing provisions of any other ordinance of this township, the provisions of this article shall control.

(1) This article shall govern all new and expanding subdivisions of land within the limits of the township.

(2) No subdivider shall clear or disturb land before obtaining approval of the preliminary plat from the township board.

(3) No subdivider shall grade, scrape, or otherwise open or extend a street in a proposed subdivision, or stake out, or lay out lots in such subdivision, or in any other manner cause construction to begin, before obtaining approval of the preliminary plat from the township board.

(4) No subdivider shall transfer or sell with reference to a plat or any lot contained within a subdivision lying within the township nor shall a building permit be issued until such subdivision and plat have been granted final approval by the township board, in accordance with the procedures set forth in this article. The plat shall first be duly recorded by the register of deeds of the county.

(Ord. No. 7, § 1.4, 5-20-1996)

Sec. 16-34. Location.

Residential subdivisions with over ten lots shall be prohibited North of Copas Road and North Road and in sections 31, 32, 33, 34, and 35, south of M-71.

(Ord. No. 7, § 1.5, 5-20-1996)

Sec. 16-35. Administration.

(a) The approval provisions of this article shall be administered by the township board in accordance with the land division act.

(b) The township board shall refuse to approve what it considers to be scattered or premature subdivision of land which is outside any designated growth boundary or that would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, adequate streets or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services such as undue maintenance costs for adequate streets.

(Ord. No. 7, § 1.6, 5-20-1996)

Cross references: Administration, ch. 2.

Sec. 16-36. Schedule of fees.

The schedule of fees for review and establishment of plats shall be adopted by resolution of the township board from time to time.

(Ord. No. 7, § 1.7, 5-20-1996)

Sec. 16-37. Definitions.

In general, words and terms used in this article shall have their customary dictionary meanings. More specifically, any word or term defined in the zoning ordinance shall have the definition contained in that ordinance, unless defined differently in this section; other words and terms used in this article are defined as follows:

Access point means:

- (1) A driveway, a local street, a collector street, or minor street, intersecting an arterial street;
- (2) A driveway or a local street intersecting a collector street or minor street; or
- (3) A driveway or a local street intersecting a local or minor street.

Alley means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

As-built plans means revised construction plans in accordance with all approved field changes.

Average daily traffic (ADT) means the average number of vehicles per day that enter and exit the premises or travel over a specific section of street.

Berm means a mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Block means an area of land within a subdivision that is entirely bounded by streets or highways, except alleys, and the exterior boundary or boundaries of the subdivision.

Block length means the distance between intersections of through streets, such distance being measured parallel to the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

Boundary adjustment means a minor shift or rotation of an existing lot line where no additional parcels are created, nor deleted, as approved by the township engineer or planner.

Buffer zone means a strip of land reserved for plant material, berms, walls, or fencing to serve as a visual screening and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this article.

Building line and *setback line* mean a line parallel to a street right-of-way line, shore of a lake or pond, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or the shore of a lake or pond, or the edge of a stream or river bank.

Caliper means the diameter of a tree trunk four feet from the ground.

Caption means the name by which the plat is legally and commonly known.

Certificate of occupancy means a certificate which must be obtained prior to occupancy of any premises.

Clearing (land) means the removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide agricultural or garden use in a district permitting such use. Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Cluster subdivision means a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

Commercial development means a planned commercial center providing building areas, parking areas, service areas, screen planting and wide turning movements and safety lane street improvements.

Common open space means land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. Common open space may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Community impact statement means an assessment of the developmental, ecological, social, economic, and physical impacts of the project on the natural environment and physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the community impact statement.

Complete application means an application shall be considered complete upon submission of the required fee and all information required by this article. The township engineer or planner shall issue a written statement to the applicant upon his determination that an application is complete.

Conservation easement means a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Covenant means a registered, written agreement or promise between two or more parties.

Crosswalk (pedestrian walkway) means a right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Dedication means the intentional appropriation of land by the owner to public use.

Deed restriction means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county register of deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the township has an ownership interest

in the property, a deed restriction is enforced by the parties to the agreement, not by the township. However, nothing in this article prohibits the creation of a deed restriction that makes the township a third party beneficiary. Such deed restriction is otherwise enforceable.

Density means the number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land.

Disturbed land means a parcel of land which is graded, filled, excavated, mined or stripped of its natural vegetative cover or grass for a purpose other than agricultural land use.

Drip line means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Driveway means a private path of travel over which a vehicle may be driven which provides access from one parcel of land to a public or private street.

Easement. See *Right-of-way*.

Engineer means a qualified registered professional engineer in good standing with the state board of licensure for professional engineers.

Floodplain means that area of land adjoining a watercourse or lake which will be inundated by a 100-year flood. A 100-year flood is a flood with a magnitude which has a one percent chance of occurring or being exceeded in any given year.

Floodprone means normally dry land areas which temporarily experience partial or complete inundation from:

(1) The overflow of inland waters onto land adjoining the channel of a river stream, watercourse, lake or other body of water.

(2) The unusual and rapid accumulation or runoff of surface water.

Group sanitary sewage disposal system (septage treatment) means septic tanks and fields, lagoons, package treatment systems or other technology acceptable to the state department of environmental quality or the county health department.

Historic site means a site on the state or federal register of historic places and/or a site specifically referenced in the county historic preservation plan.

Improvements means manmade changes to natural features or any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

Industrial development means a planned industrial area designed specifically for industrial use providing screened buffers, wide streets and turning movement, safety lanes, and street improvements, where necessary.

Land division act means Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Land use plan and *master plan* mean a plan adopted by the township for the physical development of the township.

Landmark and specimen tree mean a tree of 24 inches or more in diameter four feet from the ground.

Level of service means a description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the most recent edition of the Highway Capacity Manual, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the street.

Lot means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat. Lot-related terminology for the purposes of determining compliance with the zoning ordinance can be found in the zoning ordinance.

Lot, flag, means a lot on which the buildable area is connected to the street by either a part of the lot or an easement across another property which does not meet the street or highway frontage requirements of the district in which it is located. This strip of land is not part of the area or body of the lot devoted to the building site from which setbacks are determined.

Lot owner's association means an organization of homeowners within a particular development, provided for in covenants incorporated into each deed, which runs with the land to bind each and every owner of it, requiring the levy by the association of an annual assessment against each parcel of land within the development for the purpose of maintaining and providing community facilities and services for the common enjoyment of the residents.

Monument means a column or shaft of stone, concrete, or concrete and metal, employed to designate a fixed point, buried vertically in the earth and designed for maximum permanency, employed by a surveyor to mark corners, and of a design and composition approved by the state board of licensure for professional surveyors.

Natural features means soils, wetlands, woodlots, landmark and specimen trees, fence rows, floodplains, water bodies, topography, vegetative cover, and geologic formations.

Net residential acreage means the total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in subsection 16-87(c).

Net residential density means the average number of dwelling units per net residential acre.

Open space, private, means land dedicated or reserved for use by the residents of the subdivision.

Open space, public, means land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Open space, usable, means that portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. See also section 16-88.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Outlot means when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

Parcel, tract mean a continuous area or acreage of land which can be described as provided for in the land division act.

Phasing means a proposed plan for the completion of a development in increments or stages.

Planned unit development means a land area which has both individual building sites and common property, such as a park, and which is designated and developed under one owner or organized group as a separate neighborhood or community unit.

Planning commission means the planning commission of the township as established under Public Act No. 168 of 1959 (MCL 125.321 et seq.).

Plat means a map or chart of a subdivision of land. Plats include:

(1) *Sketch plat (pre-planning)* means an informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

(2) *Preliminary plat (stage 1)* means a map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration and meeting the requirements of this article and the land division act.

(3) *Final plat (stage 2)* means a map of a subdivision of land made up in final form ready for approval and recording in compliance with this article and the land division act.

Private sanitary sewage disposal system means an individual on-site sewage disposal system as defined in the county health department environmental health code.

Private water supply means a well or other water supply system approved by the county health department environmental health code and installed in accordance with part 127 of the Public Health Code, Public Act No. 368 of 1978 (MCL 333.12701 et seq.).

Proprietor, subdivider and developer mean a natural person, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Public utility means all persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

Public watercourse means a stream or creek which may or may not be serving as a drain as defined by Public Act No. 40 of 1956 (MCL 280.1 et seq.); or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

Replat means the process of changing the map or plat which changes the boundaries of a recorded subdivision plat or part thereof.

Right-of-way means a right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes. It is permanent and appurtenant to the land, and is recorded in the office of the county register of deeds.

Sight distance means the length of an unobstructed view from a particular access point to the farthest visible point of reference on a street. Used in these regulations as a reference for unobstructed street visibility.

Street means a right-of-way which provides for vehicular and pedestrian access to abutting properties. (See Figure 1).

(1) *Expressway* means those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections (I-69).

(2) *Arterial street* means those streets of considerable continuity which are used or primarily for fast or heavy traffic (M-21; M-71; M-52; M-13; Lansing Road).

(3) *Major street* means those streets in the township that are classified as primary hard-surfaced roads by the county road commission (Gould Road; Copas, West of State; State Road; Lytle Road; Cornell Road; Hibbard Road; Parimenter Road; Shipman Road).

(4) *Collector street* means those streets used to carry traffic from minor streets to arterial streets classified by the county road commission as local hard-surfaced or primary gravel roads (Wilkinson Road; Hickory Road; Middleton Road; Serr Road; Kerby Road; Lyons Road; Richardson Road; Aiken Road; Cook Road).

(5) *Minor street* means a street, which is intended primarily for access, for abutting properties classified by the county road commission as local gravel or unimproved roads. Minor streets include:

a. *Cul-de-sac*: A minor street of short length having one end terminated by a vehicular turn-around.

b. *Dead end street*: A local street similar to a cul-de-sac except that it provides no turn-around circle at its closed end and is not permitted in any proposed subdivision.

c. *Loop street*: A street having two open ends, each end generally connecting with the same street. Lots front on both sides of the street. No other streets intersect between its ends.

d. *Stub, knuckle, or eyebrow street*: Smaller in scale than a loop street in that lots may only front on one side of the street. Stub, knuckle or eyebrows may or may not have a boulevard.

e. *Marginal access street (frontage)*: A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

(6) *Street width* means the shortest distance between the lines delineating the right- of-way of streets.

(7) *Street, private*, means an accessway which affords access to abutting property for private users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat. Private streets are minor streets.

Graphics provided for example purposes.

GRAPHIC LINK: Figure 1, Source: Michigan State University holdings

Subdivide and *subdivision* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building developments that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the plating requirements of the land division act by sections 108 and 109 (MCL 560.108, 560.109), Subdivide and subdivision do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act or the requirements of an applicable local ordinance.

Subsurface wastewater disposal system means a subsurface wastewater disposal system designed, installed, and operated to treat household wastewater.

Surveyor means either a land surveyor who is licensed in this state as a professional surveyor or a civil engineer who is registered in the state as a licensed professional engineer.

Topographical map means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of existing and proposed grades and drainage.

Township attorney means an attorney retained by the township planning commission and/or the township board.

Township engineer means the engineer retained by the township planning commission and/or the township board to make recommendations on public improvements in the township.

Township planner means the planner retained by the township planning commission and/or the township board to make recommendations on methods to provide for the orderly future development of the township.

(Ord. No. 7, art. II, 5-20-1996)

Cross references: Definitions generally, § 1-2.

Sec. 16-38. Amendment procedures.

The township board may, from time to time, amend, supplement, or repeal the regulations and provisions of this article in the manner prescribed by the land division act. A proposed amendment, supplement, or repeal may be originated by the township board, township planning commission, or by petition. All proposals not originating with the planning commission shall be referred to the planning commission for a report thereon before any action is taken on the proposal by the township board.

(Ord. No. 7, § 8.1, 5-20-1996)

Sec. 16-39. Enforcement.

(a) *Approval required.* Development of a subdivision without board approval shall be a violation of law. Development includes grading or construction of streets, clearing of land or lots, or construction of buildings which require plan approval as provided in this article.

(b) *Nuisance.* Violations of the provisions of this article are nuisances.

(c) *Conveyance.* A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.

(d) *Access.* No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this article up to and including the entire frontage of the lot.

(e) *Utilities.* No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a preliminary plat has not been approved by the township board.

(f) *False statement.* No person shall knowingly and intentionally make any false statement relating to a material fact for the purpose of complying with the requirements of this article.

(Ord. No. 7, § 7.1, 5-20-1996)

Sec. 16-40. Penalties.

Penalties for failure to comply with the provisions of this article shall be as provided in section 1-7. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section. Nothing contained in this section shall prevent the township board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this article or of the land division act.

(Ord. No. 7, § 7.2, 5-20-1996)

Secs. 16-41--16-55. Reserved.

DIVISION 2. VARIANCES**Sec. 16-56. General regulations.**

The township planning commission may recommend to the township board a variance from the provisions of this article on a finding that practical difficulty may result from strict compliance with specific provisions or requirements of this article or that the application of such provision or requirement is impracticable. The planning commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required below, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the planning commission finds after a public hearing that:

- (1) There are such special circumstances or conditions affecting the property that the strict application of the provisions of this article would clearly be impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the planning commission.
- (2) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.
- (3) Such variance will not violate the provisions of the land division act.
- (4) Such variance will not have the effect of nullifying the interest and purpose of this article and the comprehensive land use plan of the township.
- (5) Following such review and public hearing the planning commission shall include its findings and the specific reasons in its report of recommendations to the township board and shall also record its reasons and actions in its minutes.

(Ord. No. 7, § 3.1, 5-20-1996)

Sec. 16-57. Topographical-physical limitation variance.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this article would result in extraordinary practical difficulty to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this article, the planning commission may recommend to the township board that variance modification or a waiver of the requirements of this article be granted.

(Ord. No. 7, § 3.2, 5-20-1996)

Sec. 16-58. Cluster development variance. (See also section 16-91.)

The developer may request a variance from specified portions of this article in the case of a planned unit development/cluster option. If in the judgment of the planning commission such a plan provides adequate public spaces which includes provisions for efficient circulation, light and air and other needs, it shall make findings as required in this section, in addition to those of section 16-56. The planning commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The planning commission shall report to the township board whether:

- (1) The proposed project will constitute a desirable and stable community development.
- (2) The proposed project will be in harmony with adjacent areas.

(Ord. No. 7, § 3.3, 5-20-1996)

Secs. 16-59--16-75. Reserved.

DIVISION 3. SUBDIVISION DESIGN STANDARDS

Sec. 16-76. General standards.

(a) All improvements shall be designed and installed to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties.

(b) Wherever practical, subdivisions shall be planned to take advantage of the natural topography of the land, to economize in the construction of drainage facilities, to reduce the amount of danger associated with safety hazards, to minimize destruction of trees and topsoil, and to preserve such natural features as watercourses, landmark or specimen trees, sites of

historical significance, and other assets which, if preserved, will add attractiveness and value to the subdivision and the community.

(c) The system of streets and sidewalks and the lot layout shall be designed to take advantage of the visual qualities of the area.

(d) The size of lots, blocks and other areas for residential, commercial, industrial, public and all other land uses shall be designed to provide adequate light, air circulation, open space, landscaping, and off-street parking and loading facilities.

(Ord. No. 7, § 4.0, 5-20-1996)

Sec. 16-77. Trafficways; streets and roads.

(a) *Generally.* The standards set forth in this article shall be the minimum standards for streets, roads and intersections. Streets serving over nine lots shall be dedicated to public use. Streets serving under ten lots may be private. Developments shall preserve a C level of service or better on arterial and collector streets.

(b) *Traffic estimate.* For developments of over nine lots, the developer shall provide an estimate of the amount and type of vehicular traffic to be generated by the subdivision on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions. Developments anticipated to generate over 400 vehicle trips per day shall access a paved public street or highway.

(c) *Traffic study.* For subdivisions involving 40 or more commercial or industrial parking spaces or projected to generate more than 1,000 residential vehicle trips per day, a traffic impact analysis, prepared by a registered professional engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

(d) *Street location and arrangements.* When a major street plan has been adopted, subdivision streets shall conform to the plan.

(e) *Local or minor streets.* Such streets shall be arranged to discourage their use by through traffic. Private minor streets serving over nine lots shall be paved. Private minor streets serving nine lots or less may be gravel.

(f) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the planning commission and the county road commission (see Figures 2 and 3). Future street extensions shall provide temporary culs-de-sac.

Graphics provided for example purposes.

GRAPHIC LINK: Figure 2, Source: Michigan State University holdings

GRAPHIC LINK: Figure 3, Source: Michigan State University holdings

(g) *Relation to topography.* Streets shall be designed to conform as much as possible to site topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary for convenient and safe access to property. Lots shall be laid out in such a way to respect topographic features (see Figures 4--6).

Graphics provided for example purposes.

GRAPHIC LINK: Figure 4, Source: State of Michigan

GRAPHIC LINK: Figure 5, Source: Grand Traverse Bay Region Development Guidebook

GRAPHIC LINK: Figure 6, Source: Grand Traverse Bay Region Development Guidebook

Where the ridge is already barren, avoid developing ridges or do so with only very low density. Minimize clearing of trees for building lots and roads to maintain natural appearance. Use landscaping to minimize impact on the skyline.

(h) *Capacity.* Streets shall be designed to accommodate the character and quantity of traffic for all phases of the development. At a minimum, the design time frame shall assume a 20-year development scenario.

(i) *Alleys.* Alleys shall be private. Alleys shall not be permitted in areas of detached single- or two-family residences.

(1) Alleys may be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking.

(2) Dead-end alleys shall be prohibited.

(j) *Marginal access streets (frontage roads)*. In the case where a subdivision abuts or contains a major or arterial street that has high traffic volume or is anticipated to have high traffic volume, the township board may require:

(1) Marginal access streets approximately parallel to and on each side of the right-of-way (see Figure 7).

(2) A buffer zone for the adequate protection of residential properties and to afford separation of through and local traffic (see Figure 8).

Graphics provided for example purposes.

GRAPHIC LINK: Figure 7, Source: Michigan State University holdings

GRAPHIC LINK: Figure 8, Source: Michigan State University holdings

(k) *Cul-de-sac streets*. Culs-de-sac shall not be more than seven times the lot widths of the parcels therein except that in no case shall they be longer than 1,320 feet. Special consideration shall be given to longer culs-de-sac under certain topographic conditions or other unusual situations. Culs-de-sac turning radius shall be designed to county road commission standards (see Figure 9).

Graphic provided for example purposes.

GRAPHIC LINK: Figure 9, Source: State of Michigan

(l) *Half streets*. Half streets are only permitted when they connect with a previously recorded half-street located within an existing plat (see Figure 10).

Graphic provided for example purposes.

GRAPHIC LINK: Figure 10, Source: State of Michigan

(m) *Siting*. Streets shall be sited and constructed to blend with natural features and optimize the following objectives:

(1) To avoid soils classified as having severe limitations for street construction as defined by the USDA Natural Resources Conservation Service.

(2) Utilize areas along fence rows or the edges of open fields adjacent to any woodlands to minimize the impact upon agriculture or forestry uses, provide shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features.

(3) Utilize locations least likely to impact scenic vistas, as seen from public streets.

(n) *Pattern.* The developer shall not utilize rectangular gridiron as the dominant street pattern, but shall instead use curvilinear streets, culs-de-sac, stub, loop, clustering and/or U-shaped streets where such use would result in a more functional layout for access and maintenance (see Figures 11--14).

Graphics provided for example purposes.

GRAPHIC LINK: Figure 11, Source: Michigan State University holdings

GRAPHIC LINK: Figure 12

GRAPHIC LINK: Figure 13, Source: Michigan State University holdings

GRAPHIC LINK: Figure 14, Source: Michigan State University holdings

(o) *Access for adjacent property.* Streets shall be arranged to prevent hardship in the subdividing of adjacent properties.

(p) *Traffic signs.* Regulation Michigan State Highway stop signs shall be positioned at all street intersections and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices. Additional signs may be required by the township board or county road commission during the review process.

(q) *Access points.* A preliminary plat or parcel map with more than 30 lots shall provide for at least two different standard routes for ingress and egress. Access points shall be a minimum of 200 feet apart and meet county road commission standards for spacing.

(r) *Access to arterials, major streets and collectors.* Direct access from individual lots to arterial, major or collector streets shall be prohibited. The subdivision shall employ open space areas or the use of reverse frontage lots which back onto the street. A buffer zone of at least 20 feet in depth in excess of the required setback, shall be provided adjacent to the arterial street. The buffer area adjacent to the arterial shall be landscaped, fenced, bermed and/or walled depending on planning commission determination and characteristics of the site. The buffer shall be constructed by the developer at the time of development. When determining buffer area requirements, the planning commission shall refer to the criteria of section 16-89. See Figure 15.

Graphic provided for example purposes.

GRAPHIC LINK: Figure 15, Source: State of Michigan

(s) *Acceleration and deceleration lanes.* Acceleration and deceleration and passing lanes shall be provided according to state department of transportation or county road commission recommendations, as appropriate.

(t) *Private streets.* Private streets shall only be permitted in developments with less than ten lots. All private streets servicing a subdivision shall be under the control of an approved street maintenance agreement and deed restrictions which provide for the perpetual maintenance of such streets and/or easements to a necessary and reasonable standard to serve the several interests involved. Private streets shall meet the same construction requirements for easement size and road base as public streets. These documents shall be reviewed and approved by the township attorney and shall contain the following provisions:

(1) A method of initiating and financing of such street and/or easements in order to keep the street in a reasonably good and usable condition.

(2) A workable method of apportioning the costs of maintenance and improvements.

(3) A statement that the owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the properties having a right to use the street. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.

(4) A statement that runs with the deed stating that:

"The access serving this lot is private and its maintenance, including snow removal, is NOT a public responsibility. It shall not be eligible for acceptance into state secondary system for maintenance until such time as it is constructed and otherwise completed with all requirements of the Shiawassee County Road Commission standards (whichever applies) for the addition of subdivision streets current at the time of such request. Any costs required to cause this street to become eligible for addition to the state system shall be provided from funds other than those administered by the Michigan Department of Transportation, the Shiawassee County Road Commission, or Caledonia Township."

This agreement, in proper form, shall be recorded with the county register of deeds and reflected in the chain of title of each lot in order to set forth that the construction, repair, and maintenance of the street connecting such lot to the public street is not the responsibility of the county or township.

(5) A notice that if repairs and maintenance are not made, the township board or county road

commission may bring the street up to the design standards specified in this article and assess owners of parcels on the private street for the improvements, plus an administrative fee.

(6) A notice that no public funds of the township or the county are to be used to build, repair or maintain the private street.

(7) The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access as approved by the county road commission.

(8) The subdivider and subsequent property owners shall be responsible for informing future owners of the affected properties that township and county agencies are not responsible for any maintenance or repair work or any other services within the limits of the private subdivision and the private improvements.

(9) A method of identifying the street right-of-way to prevent encroachment upon it.

(u) *Driveways.* All driveway openings shall meet the county road commission or the state department of transportation standards.

(v) *Vehicle stacking.* Accessways to subdivisions or to multifamily developments shall be designed to avoid stacking or back-up of more than three vehicles on any street. Deceleration lane storage capacity shall be provided to meet anticipated demand.

(w) *Streets in relation to railroads.* Any intersection occurring on a street which crosses a railroad track shall meet the isolation standards of the Michigan Manual of Uniform Traffic Devices.

(x) *Bridges.* A bridge of primary benefit to the applicant, as determined by the planning commission shall be constructed at the full expense of the applicant without reimbursement from the township. Bridges must have county road commission approval and/or drain commission approval, depending on jurisdiction. The sharing of expenses for the construction of bridges not of primary benefit to the applicant shall be fixed by special agreement between the township board and the applicant. Participation of the township is subject to the availability of funds.

(y) *Clean-up.* Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the preliminary plat, and be suitably stabilized and covered with fill and topsoil according to acceptable methods adopted by the Natural Resource Conservation Service.

(z) *Nonresidential use.* When applicable, all streets shall be designed to support

development densities and the pattern of land uses including special traffic generators such as industries, business districts, schools, churches, and shopping centers. In business and industrial developments, the arrangement of streets and other accessways shall consider the arrangement of building sites, the location of rail facilities, the provision of alleys, truck loading and maneuvering areas, pedestrian movements and parking areas, to minimize potential conflicting movements between the various types of traffic, including pedestrian.

(aa) *Street gradients.* (See Figure 16.)

(1) *Maximum grades.* Street grades shall not exceed seven percent.

(2) *Minimum grades.* No street grade shall be less than 0.4 percent.

Graphic provided for example purposes.

GRAPHIC LINK: Figure 16

(bb) *Street alignment.*

(1) *Horizontal alignment.* When street lines deflect from each other by more than ten degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 for collector streets and 150 feet for local or minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of 100 feet, and on collector and arterial streets, 200 feet.

(2) *Sight distance (see Figure 17).* Minimum sight distances shall meet American Society of Highway and Transportation Officials current design manual.

Sight Triangle graphic provided for example purposes.

GRAPHIC LINK: Figure 17, Source: State of Michigan

(cc) *Street and road right-of-way and street widths.* Street and road right-of-way and street widths shall conform to the adopted major street plan and the rules of the county road commission and the state department of transportation whichever applies (see Figure 18).

Graphic provided for example purposes

GRAPHIC LINK: Figure 18, Source: Shiawassee County Road Commission

(dd) *Street names.* No street names shall be used which will duplicate or be confused with the names of existing streets. Street names proposed by the subdivider shall be subject to

approval by the 911 emergency services coordinator. Where duplication or confusion with names of existing streets occurs, the subdivider shall provide substitute names free from duplication or confusion. Street identification signs installed to county road commission standards shall be provided by the developer at his expense at all street intersections.

(ee) *Angle of intersection.* Streets shall intersect at 90 degrees (see Figures 19 and 20).

Graphics provided for example purposes.

GRAPHIC LINK: Figure 19, Source: Michigan State University holdings

GRAPHIC LINK: Figure 20, Source: Michigan State University holdings

(ff) *Number of streets.* No more than two streets shall cross at any one intersection.

(gg) *Reserve strips (see Figure 21).*

(1) Reserve strips, private. Privately-held reserve strips controlling access to streets shall be prohibited.

(2) Reserve strip, public. A one-foot reserve shall be required to be placed at the end of temporary culs-de-sac which terminate at subdivision boundaries so extensions of such streets would not be precluded by improperly placed development. These reserves shall be deeded in fee simple to the county road commission for future street purposes.

Graphic provided for example purposes.

GRAPHIC LINK: Figure 21, Source: State of Michigan

(hh) *Bus stops.* The developer shall provide a waiting area for bused, school-aged children to safely congregate while waiting for school buses. Such areas shall be out of the road right-of-way and not part of any lot in the subdivision.

(Ord. No. 7, § 4.1, 5-20-1996)

Cross references: Traffic and vehicles, ch. 26.

Sec. 16-78. Pedestrianways.

(a) *Crosswalks.* Right-of-way for pedestrian crosswalks in the middle of blocks longer than 900 feet shall be required where necessary to obtain convenient pedestrian circulation to schools, bus stops, parks or shopping areas (see Figure 22). The right-of-way for a mid-block crosswalk shall be at least 20 feet wide and extend entirely through the block.

(b) *Sidewalks.* Walkways may be required along both sides of the streets, however, the township board may permit the development of walkways on only one side of the street when the nature of the development and terrain make it an economical and logical approach to sidewalk development (see Figure 23).

(c) *Surfacing.* Alternative materials like woodchips or bituminous surface may be considered as an alternative to traditional cement sidewalks.

(d) *Easement.* Sidewalks and walkways shall have easements at least ten feet in width and shall be properly marked. Easements for walkways (sidewalks) shall be outside of the road right-of-way.

Graphics provided for example purposes.

GRAPHIC LINK: Figure 22, Source: State of Michigan

GRAPHIC LINK: Figure 23, Source: State of Michigan

(Ord. No. 7, § 4.2, 5-20-1996)

Sec. 16-79. Blocks. (See Figures 24 and 25.)

(a) *Arrangements.* A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial, major or collector street, natural feature, or subdivision boundary.

(b) *Minimum length.* Blocks shall not be less than 500 feet long.

(c) *Maximum length.* The maximum length allowed for residential blocks shall be 1,320 feet long from right-of-way to right-of-way.

Graphics are provided for example purposes.

GRAPHIC LINK: Figure 24, Source: State of Michigan

GRAPHIC LINK: Figure 25, Source: State of Michigan

(Ord. No. 7, § 4.3, 5-20-1996)

Sec. 16-80. Lots. (See Figures 26--28.)

(a) *Maximum lot size.* Maximum lot size shall be 40,000 square feet.

(b) *Criteria.* All lots created shall meet the following criteria:

(1) No lot shall be approved if the proposed resultant parcels contain less area or street frontage than required by the minimum standards of the zoning ordinance unless the cluster planned unit development option is employed.

(2) The ratio of lot width-to-depth shall not exceed three to one. Flag lots are prohibited.

(3) All lots shall be provided with access to a dedicated public or private street that meet the road base standards of the county road commission.

(4) Subdivision and property lines shall be laid out to promote efficient development patterns for immediate and future development.

(5) Lots shall not conflict with existing drainage ditches, natural watercourses, easements or public rights-of-way. The township planning commission may make recommendations for exceptions in the case where rights-of-way and easements can be reconfigured to more efficiently develop the land.

(6) Lots shall not preclude the feasible and efficient development, division or access for remaining or abutting lands.

(7) Land-locked lots are prohibited.

(c) *Lots to be buildable.* The lot arrangement shall be configured to prevent practical difficulties because of conflicts with topography or other natural conditions when lots are developed for structures, driveways, and yard areas. The size, shape, and location of each lot should have the following qualities:

(1) A suitable site for placing a dwelling and accessory structures without excessive filling and grading;

(2) An area for outdoor living and other outdoor activities;

(3) Adequate surface drainage away from the house site and outdoor living areas; and

(4) Reasonable driveway grades complying with county road commission standards.

Graphics provided for example purposes.

GRAPHIC LINK: Figure 26, Source: Michigan State University holdings

GRAPHIC LINK: Figure 27, Source: Michigan State University holdings

GRAPHIC LINK: Figure 28, Source: Michigan State University holdings

(d) *Corner lots.* Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets (see Figures 29 and 30).

Graphics are provided for example purposes.

GRAPHIC LINK: Figure 29, Source: Michigan State University holdings

GRAPHIC LINK: Figure 30, Source: Michigan State University holdings

(e) *Uninhabitable areas.* Uninhabitable areas with natural features like wetlands, hydric soils, and/or floodplains shall not be platted for residential purposes, or for uses that may, in the judgment of the planning commission and township engineer increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as private recreation areas, or other open space.

(f) *Future arrangements.*

(1) Where parcels of land are subdivided into large lots, they shall be divided, where feasible, to allow for logical resubdividing into smaller parcels.

(2) Whenever future resubdividing or lot splitting is contemplated the plan shall be approved pursuant to section 16-92.

(Ord. No. 7, § 4.4, 5-20-1996)

Sec. 16-81. Public utilities; installation. (See Figures 31 and 32).

The subdivider, as a condition of approval of the preliminary plat, shall provide for underground utility distribution or transmission facilities (e.g., cable television, electric, gas, telephone and water), within the subdivision and along peripheral streets, in compliance with the following standards: Utility lines, including, but not limited to, electric, communications, street lighting and cable television shall be required to be placed underground in compliance with the specifications of the public utility providing such services. The subdivider is responsible for complying with the requirements of this section, and shall make the necessary arrangements with the utility companies for the granting of easements and installation of such facilities. Exceptions to the underground requirements are as follows:

(1) Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground if within the subdivision and are used solely in connection with the

underground transmission or distribution lines;

(2) Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground.

GRAPHIC LINK: Figure 31, Graphics are provided for example purposes

GRAPHIC LINK: Figure 32, Source: Grand Traverse Bay Region Development Guidebook

(Ord. No. 7, § 4.5, 5-20-1996)

Cross references: Utilities, ch. 28.

Sec. 16-82. Street lights.

(a) *Provision.* Streetlights may be required to be installed only at intersections throughout the subdivision. In these cases, a subdivider shall conform to the requirements of the township and the public utility providing such lighting.

(b) *Night sky (see Figures 33 and 34).* Fixtures shall be designed and placed so as not to inhibit view of the night sky.

(1) Unless otherwise recommended by the planning commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.

(2) Outdoor lighting shall be a down type, which are 100 percent shielded with no protruding lenses. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the township engineer for approval prior to installation.

(3) Lighting shall be designed and constructed in such a manner to ensure that direct or directly reflected light is confined to the development site and that any light sources or light lenses are not directly visible from beyond the boundary of the site.

(c) *Easement.* An easement for streetlights shall be provided regardless of whether or not streetlights are required at the time of preliminary plat approval. Streetlight easements shall be outside the road right-of-way and a minimum of three feet in width. The street lighting easement may be wholly contained within the walkway easement.

(d) *Ownership.* After final approval of the street lighting systems, it shall become the property of the lot owner's association unless a special assessment district is employed.

Graphics are provided for example purposes.

GRAPHIC LINK: Figure 33, Source: Grand Traverse Bay Region Development Guidebook

GRAPHIC LINK: Figure 34, Source: Grand Traverse Bay Region Development Guidebook

(Ord. No. 7, § 4.6, 5-20-1996)

Sec. 16-83. Stormwater management.

An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established with the township engineer and drain commissioner (see Figures 35 and 36).

(1) *Natural drainage.* Utilization of natural drainageways shall be employed in the development as much as practical (it is desirable to maintain this practice from an economic and aesthetic standpoint).

(2) *Direct discharge.* Direct discharge of stormwater to a surface water body or county drain is prohibited. Retention and sedimentation measures shall be employed as needed.

(3) *Maintenance.* All retention/sedimentation or other holding ponds within the subdivision shall be maintained by the lot owner's association unless the special assessment district is employed with the county drain commissioner. Ponds may be required to be fenced with a minimum of six-foot high chainlink fabric.

(4) *Street drainage.* Underground drainage for streets shall be provided.

(5) *Curb and gutter.* Curbs and gutters may be required in all subdivisions with over 40 lots. In the case of smaller subdivisions, natural drainage is preferred (see Figures 35 and 36).

(6) *Easement.* Whenever a subdivision lies wholly or partly in any area traversed by a natural watercourse that may require a public water control easement or right-of-way, such easement or right-of-way shall be dedicated at no expense to the county drain commissioner.

Graphics are provided for example purposes.

GRAPHIC LINK: Figure 35, Source: Grand Traverse Bay Region Development Guidebook

GRAPHIC LINK: Figure 36, Source: Grand Traverse Bay Region Development Guidebook

(Ord. No. 7, § 4.7, 5-20-1996)

Sec. 16-84. Easements.

(a) *Timing.* Between the time of the approval of the preliminary plat and the recordation of the final plat map, no easements shall be granted to other entities which interfere with the township's, county's or public utility's rights in such right-of-way.

(b) *Locations and widths.* Easements shall be wholly contained within the subdivision and be provided in rear front, and/or side yards for stormwater and utilities as needed. Easements for utilities shall be at least 20 feet in total width. Side or rear easements shall be centered on lot lines (see Figure 37).

Graphic provided for example purposes.

GRAPHIC LINK: Figure 37

(c) *Additional easements.* Other than drainage, sidewalk, street lighting, sewer, water, etc., aerial easements, or easements of greater widths than specified in this article may be required where it is recommended by the township engineer and township planning commission. Wider easements may be necessary for the extension of utility mains, storm sewers and drainage, or the accommodation of utilities in other unique situations.

(d) *Lots with easements.* No building shall encroach upon an easement.

(e) *Connection to existing easements.* Where necessary, walkway, utility, conservation and/or drainage easements shall connect with easements already established in adjoining properties.

(Ord. No. 7, § 4.8, 5-20-1996)

Sec. 16-85. Water supply.

(a) *Public system.* When a proposed development is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the developer.

(b) *Group system.* If there is no existing or accessible public water supply system the developer may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of the Safe Drinking Water Act, Public Act No. 399 of 1976 (MCL 325.1001 et seq.). The system shall be operated by the lot owners association unless it is turned over to a governmental entity and supported by a special assessment district.

(c) *Individual wells.* Individual wells may be permitted in accordance with the requirements of the county health department or shall be installed in accordance with

groundwater quality control, part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.) and associated rules, as amended, whichever is more stringent.

(d) *Fire suppression.* Fire hydrants shall be required for all subdivisions that use a water distribution system. Design, location and installation shall be in accordance with the National Fire Prevention Codes. Where hydrants are not provided, a community well capable of producing 400 gallons per minute shall be provided for all developments having over ten lots. The well area shall be designed to fire specifications for access.

(e) *Easements.* In addition to easements for a water supply system, an easement to the fire suppression well shall be provided, as needed, for all subdivisions.

(Ord. No. 7, § 4.9, 5-20-1996)

Sec. 16-86. Sanitary sewer system.

(a) *Public system.* When a proposed subdivision is to be serviced by a public sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the developer. Sewer systems shall comply with the requirements of part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.).

(b) *Group system.* If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the subdivider, if feasible in the judgment of the planning commission with the advice of the township engineer; county health department; state department of environmental quality; and/or designated agency. The system shall comply, as appropriate, with the requirements of part 41 of Public Act No. 41 of 1994 (MCL 324.4101 et seq.). The system provided shall be turned over to the county drain commission for operation and maintenance. Funding shall be by special assessment to the affected lots in the development.

(c) *Individual system.* If it is determined upon recommendation by the planning commission, township engineer, and the county health department that a development cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal fields may be approved which comply with the requirements of the county health department, pursuant to the land division act; and the rules of the state department of public health. Where individual, on-site septic systems will be employed for a development of over nine lots, the developer shall provide one of the following:

(1) *Design for wing into a public system.* The design review shall include discussion on the need for such infrastructure as lift or pump stations, size and location of sewer leads, mains and force mains. Easements or areas needed to provide for such facilities shall be incorporated in subdivision easements, regardless of whether or not sewerage is required at the time of plat

review; or

(2) *Stand-alone systems.* A design and set-aside area for a satellite group waste disposal system.

(d) *Easements.* Sewer easements shall be provided in all subdivisions.

(e) *Future extensions.* Where studies by the township planning commission or the township engineer indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to five years), sanitary sewer mains and house connections may be required to be installed and capped.

(Ord. No. 7, § 4.10, 5-20-1996)

Sec. 16-87. Natural features. (See Figures 38--43.)

(a) *Buffering from street.* When the subdivision contains no tree canopy or insufficient tree canopy to screen structures, the subdivision shall be designed to minimize the appearance of structures in the development when viewed from existing public streets. The township board may require visual buffering in accordance with section 16-89.

(b) *Protection of important habitat areas.*

(1) Habitat for species appearing on the official state or federal lists of endangered or threatened species shall be protected.

(2) In order to protect riparian habitat, protect surface waters from the damaging effects of erosion, there shall be no cutting of vegetation within the strip of land extending 50 feet inland from the ordinary high water mark of a river, lake or stream except to remove safety hazards. The width of the strip may be increased by the planning commission if soil and vegetation conditions would suggest a larger strip is needed. The planning commission shall consult the county natural resource conservation service when making their recommendation.

Graphics are provided for example purposes.

GRAPHIC LINK: Figure 38, Source: Grand Traverse Bay Region Development Guidebook

GRAPHIC LINK: Figure 39, Source: Grand Traverse Bay Region Development Guidebook

(3) Natural features and the character of land shall be preserved wherever possible and desirable. Due regard shall be shown for all natural features such as specimen trees, woodlots, ridges, water courses and similar assets that will add attractiveness and value to the property if

preserved. Those natural features to be preserved shall be recommended by the township planning commission. These areas may be part of the common open and recreational space.

a. *Community impact assessment.* An environmental impact assessment may be required of the developer by the planning commission if recommended by the township engineer and/or township planner. The township planning commission may also request statements of impact from entities that may be providing a public service to the development, including but not limited to, fire officials, police, the school district serving the development, the county road commission, the county drain commissioner and environmental health.

b. *Soils.* During development, on-site soils shall be retained, stock piled, and seeded according to accepted soil conservation practices recommended by the county natural resource conservation service.

c. *Landscaping.* Where natural vegetation is limited in the development, the planning commission may recommend plantings be required to augment the development. Plantings shall generally comply with screening and design criteria in section 16-89.

(c) *Natural vegetation and soil preservation.*

(1) The planning commission may require that the application include a drawing which identifies natural features on site and shows areas to be preserved and areas to be altered.

(2) Outside designated road rights-of-way and utility easements and the area of land to be cleared of trees and other vegetation in conjunction with development shall be held to the minimum amount necessary.

(3) General site grading shall be minimized. Filling around the base of trees to be preserved is prohibited.

(4) Preservation of landmark or specimen trees may be required by the township board upon recommendation by the planning commission or township planner.

(5) The development shall, by deed restrictions and conservation easements, limit the clearing of trees and other natural vegetation to those areas designated for preservation on the plat design.

(d) *Street trees.* The township board, upon recommendation from the planning commission, may require the developer to plant shade trees along subdivision streets. Such trees shall be planted within five feet of the road right-of-way. One tree of at least eight feet in height shall be planted for every 40 feet of frontage along each road within the development. The species of tree selected for street trees shall be approved by the township engineer and shall not be prone to heaving sidewalks, roadways or entangling underground utilities.

Graphics are provided for example purposes.

GRAPHIC LINK: Figure 40, Source: Grand Traverse Bay Region Development Guidebook

GRAPHIC LINK: Figure 41, Source: Grand Traverse Bay Region Development Guidebook

GRAPHIC LINK: Figure 42, Source: Grand Traverse Bay Region Development Guidebook

GRAPHIC LINK: Figure 43, Source: Grand Traverse Bay Region Development Guidebook.

(Ord. No. 7, § 4.11, 5-20-1996)

Sec. 16-88. Open spaces. (See Figure 44.)

(a) *Generally.* Natural and usable recreational open spaces shall be provided in all residential subdivisions of over ten acres in area. At least ten percent of contiguous, accessible land area in the development shall be set aside for the common use of the residents of the development, a portion of which may be undevelopable lands (e.g., wetlands, floodplains). At least one-third of the open space shall be usable for recreation. Common areas shall be set aside in deed restrictions and conservation easements that are filed with the register of deeds and the township. The open space and access to it shall be permanently marked and designed so individuals are not forced to trespass to reach such recreational or common open spaces. The lot owners association shall be responsible for such lands.

(b) *Natural features.* Existing natural features which add value to the residential development and enhance the attractiveness of the community shall be incorporated insofar as possible in the open space design of the subdivision.

(c) *Public uses.* Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the planning commission (via the township land use plan) is located in whole or part in the proposed subdivision, the township board may request (not require) the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites; the township or an appropriate county entity. The township, school district or county may also negotiate a purchase price for such lands. If within two years of plat recording the purchase is not agreed upon, the reservation may be canceled.

(d) *Easement.* Open space areas shall be shown on the preliminary plat subject to the approval of the township engineer and township board. Private open space areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the preliminary plat.

Graphic provided for example purposes.

GRAPHIC LINK: Figure 44, Source: Michigan State University holdings

(Ord. No. 7, § 4.12, 5-20-1996)

Sec. 16-89. Buffer zones and reserve strips.

(a) *Buffer zones generally.* Planting strips may be required at subdivision boundaries or between clusters of lots within the development next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties (see Figure 45). Such screens shall not be overly groomed and shall blend with the rural character of the area and:

(1) Be at least 20 feet wide, and shall not be a part of the normal street right-of-way or utility easement.

(2) Provide at least one canopy tree for every 40 linear feet or fraction of frontage abutting an arterial or collector street.

(3) Plant materials shall not be placed closer than four feet from the fence line or property line.

(4) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.

(5) Evergreen trees shall be planted not more than 30 feet on centers, and shall be not less than five feet in height.

(6) Narrow evergreens shall be planted not more than six feet on centers, and shall not be less than three feet in height.

(7) Tree-like shrubs shall be planted not more than ten feet on centers, and shall be not less than four feet in height.

(8) Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than six feet in height.

(9) Large deciduous trees shall not be less than eight feet in height.

(10) Landscaping shall be maintained by the developer or lot owner's association. Dead or diseased plants shall be replaced as needed.

(b) *Consulting with other services.* The planning commission and applicant shall consult the county natural resource conservation service with respect to soils, native or naturally

occurring species and planting ratios when making their determination on landscaping needs.

Graphic provided for example purpose.

GRAPHIC LINK: Figure 45, Source: Michigan State University holdings

(Ord. No. 7, § 4.13, 5-20-1996)

Sec. 16-90. Mitigation of development impacts.

(a) *Landowner disputes.* Each lot located on the exterior boundary of the subdivision shall have a fence and/or landscaping, provided by the developer, adequate to prevent access between the lot and adjacent properties. The landscaping plan shall be reviewed by the township planning commission and approved by the township board.

(b) *Dust control.* Prior to and during construction, streets and disturbed open areas within and/or outside the subdivision shall be treated by watering or other approved method to prevent fugitive dust.

(c) *Right to farm.* An agreement, or appropriate acknowledgment, pursuant to Public Act No. 94 of 1995 (MCL 286.471 et seq.), shall be made in the deed restrictions of the subdivision acknowledging the rights of agricultural operations in the state of Michigan's Right to Farm legislation.

(d) *Protected areas.* Septic fields, trees and other areas to be left undisturbed shall be marked or fenced off prior to development to prevent encroachment of heavy equipment.

(Ord. No. 7, § 4.14, 5-20-1996)

Sec. 16-91. Cluster developments.

(a) *Purpose.* The purpose of this section is to allow for flexibility in the design of housing developments, to allow for the preservation of open space, provide recreational opportunities and protect important natural features from the adverse impacts of development. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the township board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. Bonus densities may be permitted under a planned unit development pursuant to the zoning ordinance and the land's capability to bear the higher density. This shall not be construed as granting variances.

(b) *Procedure.* The planning commission may require consideration of a cluster option. Using a planned unit development option provided in the zoning ordinance, the planning

commission may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this article in return for additional open space where it is determined that the benefits of the cluster approach will decrease development costs, increase recreational opportunities, or prevent the loss of natural features.

(c) *Statement of benefit.* The developer shall provide a written statement describing the natural features which will be preserved or enhanced by the cluster approach. Natural features, important agricultural soils, moderate to high yield aquifers, and important natural or historic sites shall be targeted for preservation as open space.

(d) *Basic requirements.*

(1) The net residential acreage shall be calculated by taking the total area of the tract and subtracting, in order, the following:

a. Ten percent of the area of the tract to account for streets and parking.

b. Portions of the tract which, because of existing land uses or lack of access, are isolated and unavailable for building purposes.

c. Portions of the tract shown to be in a floodplain.

d. Portions of the tract which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to, slopes greater than 15 percent; organic, poorly drained soils and wetlands.

e. Portions of the tract covered by surface waters.

f. Portions of the tract utilized for stormwater management facilities.

(2) Undevelopable areas may be used for common open and recreational areas.

(e) *Density determination.* To determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance. No building shall be sited on slopes steeper than 15 percent, within 100 feet of any ordinary high water mark, wetland, or on soil classified as being very poorly drained.

(f) *Sewage management.* Unless a group sewage collection and treatment system is provided, no lot shall be smaller in area than permitted by the county department of public health, based on the capability of the soils and use of available technology with respect to on-site disposal.

(g) *Open space requirement.* The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance, in addition, at least ten percent of the development shall be set aside a common open space. At least one third of the common open space shall be usable open space. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach such recreational or common open spaces.

(h) *Spacing.* The distance between buildings shall not be less than 20 feet.

(i) *Waterfront.* Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

(j) *Utility of open space.* Open space in any one residential cluster subdivision shall be laid out, to the maximum extent feasible, to connect with other open space existing or proposed.

(Ord. No. 7, § 4.15, 5-20-1996)

Sec. 16-92. Lot division.

(a) *Generally.* The division of a lot in a recorded plat is prohibited, unless approved following application to the township board. The application shall be filed with the township clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less in area than permitted by the zoning ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the township board and the suitability of the land for building sites has been approved by the county health department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

(b) *Division of unplatted parcel.* The division of an unplatted parcel of land into more than two lots involving the dedication of a new street shall require the approval of the county road commission prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the township board has approved the division of such land necessary to ensure proper construction of improvements. Private roads shall comply with the standards of this article and the zoning ordinance.

(c) *Submittal and review.* Any person desiring a lot split within a recorded plat shall submit to the township assessor a written application for lot splitting, and seven copies of the lot split diagram. In addition, he shall deposit the necessary fees as required by the township.

(d) *Duties of township assessor.* The township assessor shall work with the zoning

administrator to review the proposed lot split to determine its compliance with the applicable township and county ordinances, and with the land division act. If the resultant split is in conformance with these conditions, the township assessor may recommend the requested lot splits to the township board.

(e) *Taxes.* No lot shall be split until all taxes and special assessments have been paid. A receipt of payment must be submitted with the proposed lot split plan.

(f) *Standards upheld.* No division shall reduce a standard of design adopted in this article.

(Ord. No. 7, § 4.16, 5-20-1996)

Sec. 16-93. Commercial and industrial developments.

If a proposed subdivision includes land designated for commercial, industrial or other nonresidential uses, such subdivision shall be subject to the requirements of this article and all other applicable township and county ordinances, and standards of the county road commission, drain commission and environmental health. In addition, the applicant shall demonstrate to the satisfaction of the planning commission that the proposed patterns of streets, lots and blocks recognize the anticipated uses, and account for other uses in the vicinity. The following principles and standards shall apply:

(1) *Parcels.* Proposed industrial parcels shall be suitable in area and dimensions for the types of industrial development anticipated, or platted into lots that allow combinations in area and dimensions for future types 01 industrial development.

(2) *Rights-of-way.* Street rights-of-way and pavement shall meet county road commission standards to accommodate the type and volume of anticipated traffic. At a minimum, streets in nonresidential subdivisions shall conform to the standards for collector streets.

(3) *Control of nuisance.* The applicant shall protect adjacent residential areas from potential nuisances that could be caused by a proposed commercial or industrial development. Nonresidential lots lying adjacent to existing or proposed residential land uses shall meet the screening and buffer zone requirements of section 16-89.

(4) *Segregation from residential areas.* The applicant shall develop a street system which will minimize use of nonresidential traffic, especially truck traffic, from residential areas. Streets carrying nonresidential traffic, especially truck traffic, should not extend to the boundaries of adjacent existing or potential residential areas.

(5) *Nonresidential blocks.* Blocks intended for purposes other than residential use shall be specially designed for such purposes and shall have adequate provision for off-street parking and loading in accordance with the requirements of the zoning ordinance.

(6) *Business or commercial lots.* Business or commercial lots, when platted, shall bear a reasonable relation proportionally to the number of people constituting the purchasing power of the surrounding tributary area. The planning commission shall recommend the location of business and commercial lots in accordance with the land use plan and the zoning ordinance.

(7) *Commercial or industrial modification.* These subdivision design standards may be modified in accordance with division 2 of this article (variances) in the case of a subdivision specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. Adequate provisions shall be made for off-street parking, loading or delivery areas and traffic circulation.

(8) *Parking.* Parking areas shall be divided into sections and shall be landscaped by planting islands or boxes with trees and shrubs. Wheel stops and other devices shall be used to channel traffic movements within the parking bays.

(Ord. No. 7, § 4.17, 5-20-1996)

Secs. 16-94--16-110. Reserved.

DIVISION 4. PLATTING PROCEDURE AND DATA REQUIRED

Sec. 16-111. Mandatory consultation and site inspection (pre-planning); purpose.

The purpose of the informal consultation meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the planning commission and its agents and receive comments prior to the expenditure of substantial effort and/or funds by the applicant.

(1) *Information required.* The consultation sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. Site conditions such as steep slopes, wet areas and vegetative cover should be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of parcel and aerial maps on which the land is located.

(2) *Presentation.* The applicant shall present the sketch plan and make a verbal presentation regarding the site and the proposed subdivision.

(3) *Planning commission input.* Following the applicant's presentation, the planning commission may ask questions and provide their perspective on the development.

(4) *Site inspection.* An on-site inspection shall be made with the applicant. The date of the on-site inspection shall be arranged at the initial consultation meeting.

(5) *Processing information.* The applicant shall obtain a copy of this article and application packet.

(6) *Rights not vested.* The preapplication meeting, the submittal or review of the sketch plan, or the on-site inspection shall not be considered the initiation of the review process.

(7) *Establishment of file.* Following the preapplication meeting the planning commission shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

(Ord. No. 7, § 5.1, 5-20-1996)

Sec. 16-112. Preliminary plats.

For approval under sections 112 to 120 of the land division act (MCL 560.112--560.120), the following shall be required:

(1) *Application.* A complete application for preliminary plat review shall be submitted to the township planner and planning commission on a special form designed for that purpose as adopted by the township board. Sufficient copies of the application packet and accompanying data shall be provided by the developer for the township planning commission members, board members, township planner, engineer, and attorney. Each application shall be accompanied by the payment of a fee in accordance with a schedule of fees adopted by resolution of the township board of trustees. A dated receipt shall be provided to the applicant. No part of the fee shall be refundable after the review process has begun.

(2) *Professional review fees.* Any additional expense to the township on preliminary plat review for expert professional specialists review, additional meetings, establishment of special assessment districts and legal review will be passed on to the applicant. Upon receipt of an application, the township shall confer with its attorney, engineer and planner to help make a determination of cost to require that an escrow account be established by the applicant based on the best estimate of cost for their services. All review fees will be withdrawn from the escrow as needed. Money not expended will be returned promptly to the applicant after action on the proposal.

(3) *Submittal.* The subdivider shall submit a sufficient number of copies of the preliminary plat, which is based on a survey, recorded in compliance with Public Act No. 132 of 1970 (MCL 54.211 et seq.) to the township planner and township clerk at least 60 days before a meeting of the planning commission.

(4) *Size and scale.* The preliminary plat may be on paper and shall be not less than 18 inches by 24 inches at a scale of at least one inch to 100 feet showing the date and north arrow.

(5) *Information required.* The following shall be shown on the preliminary plat or submitted with it:

a. The name of the proposed subdivision.

b. Names, addresses and telephone numbers of the subdivider and the surveyor or engineer preparing the plat.

c. Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.

d. The names of abutting subdivisions or property owners.

e. Statement of intended use of the proposed plat, such as, residential single-family, two-family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry, any sites proposed for parks, playgrounds, public uses and nonpublic uses exclusive of single-family dwellings.

f. A phasing plan and map of the entire area scheduled for development, including future street rights-of-way, if the proposed plat is a portion of a larger holding intended for subsequent development.

g. The land use and existing zoning of the proposed subdivision and the adjacent tracts.

h. Lot lines, lot sizes and the total number of lots by block.

i. Contours shall be shown on the preliminary plat at five-foot intervals where slope is greater than ten percent, and two-foot intervals where slope is ten percent or less.

j. A site report as described in the rules of the state department of public health for the subdivision of land if the proposed subdivision will not be served by public sewer and/or water systems. The county health department shall be contacted for site report requirements.

k. Existing and proposed utility layouts including sanitary sewers, fire suppression well, water distribution lines, natural gas, telephone, and electric service, as appropriate, illustrating connections to existing systems.

l. Rights-of-way and conservation easements, showing location, width, and purpose. All easements shown by a fine dashed line and clearly labeled and identified on the plat. If an easement shown on the plat is already of record, its recorded reference must be given.

m. Proposed and existing stormwater management system including drainage patterns to be graphically displayed with the following information provided:

1. River, stream or open (ditch) drainageways and the direction of their flow.
2. The direction of surface drainage over the site.
3. Soil drainage characteristics, e.g., well drained, subject to ponding, susceptible to flooding.
4. Existing and proposed property lines and minimum building setback lines.

n. Total site data including acreage, number of lots, size of lots, total number of parcels created, linear feet of the proposed streets, and approximate number of square feet or acres in open space.

o. Open space and buffers, an accurate outline of all property which is to be reserved by deed restriction or protective covenant and/or conservation easement for the common use of the property owners in the subdivision.

p. The location of all significant natural features and landscaping as appropriate.

q. An inventory of significant vegetation with an indication of which will be retained or removed.

r. Subsurface conditions or any known conditions that are not typical, or which may cause problems, such as soils and geological formations, old mine shafts, wells, known mineral deposits, etc.

s. Proposed lighting.

t. Proposed walkways.

u. Certificates from state agencies for areas in the plat subject to their respective jurisdictions (e. g., state department of environmental quality, floodplains and wetlands determinations, etc.).

(6) *Preliminary engineering plans.* The subdivider shall submit two sets of preliminary engineering plans for streets, sewers, fire suppression wells, sidewalks and other required public improvements. The engineering plans shall contain enough information and detail to enable the planning commission and township engineer to make preliminary determination as to conformance of the proposed improvements to applicable township regulations and standards.

(Ord. No. 7, § 5.2, 5-20-1996)

Sec. 16-113. Determination; preliminary plat.**(a) *Planning commission.***

(1) The planning commission with the township planner, engineer and attorney, as appropriate, shall examine the preliminary plat within 60 days of receipt thereof, for conformance with:

- a. The land use plan;
- b. The provisions of the land division act;
- c. The provisions of this article; specifically, outlined design criteria;
- d. The zoning ordinance.

(2) The time for review and recommendations by the planning commission may be extended by agreement with the subdivider.

(3) If the planning commission recommends disapproval of the plat by the township board, it shall state its reasons in its official minutes and forward the plat to the township board, and recommend that the township board disapprove the final plat until the objections causing disapproval have been resolved and meet with the approval of the planning commission.

(4) The planning commission shall review and provide recommendations on tentative approval at a public meeting. Minutes and any appropriate reports with respect to the preliminary plat shall be forwarded to the township board.

(b) *Township board.*

(1) The township board shall review the preliminary plat and the report from the planning commission at its next regular meeting, or at a meeting to be called within 20 days of receipt of materials from the planning commission.

(2) If the township board finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, steep slopes, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards, and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the township board shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for resolving the unsuitable/unacceptable conditions that will be created by the subdivision and development of the land.

(3) The township board shall tentatively approve the preliminary plat, tentatively approve with conditions, or disapprove the preliminary plat. If disapproved, the township board shall give the subdivider its reasons in writing.

(4) The township board shall instruct the clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection.

(c) *Improvements and facilities required by the township.*

(1) The township board may require that all improvements and facilities be completed before it approves the final plat.

(2) If improvement and facilities are not required to be completed by the township board before plat approval, the final plat shall be accompanied by an improvement agreement between the subdivider and the township board for completion of all required improvements and facilities (see section 16-138).

(3) Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit.

(4) The township board shall not require a bond duplicating any bond required by another governmental agency.

(5) The surety shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the township and the subdivider.

(d) *Special assessment districts.* Prior to the sale or conveyance of any lot, the subdivider shall petition for the creation of an appropriate special assessment district under Public Act No. 180 of 1986 (MCL 41.721 et seq.). The board, during its preliminary plat review, shall determine which, if any, of the following, separate special assessment districts shall be created for improvements which are not required as part of the tentative plat approval, but may be requested by future property owners. Establishment of the special assessment districts are intended to provide an expeditious funding mechanism should future public demand arise.

(1) Maintenance or development of private streets.

(2) Maintenance or development of sidewalks.

(3) Maintenance or development of drainage stormwater control facilities.

(4) Maintenance or development of sanitary sewer facilities.

(5) Maintenance or development of a potable water supply system.

(6) Maintenance of park land or open space.

(7) Provision of rubbish or garbage service.

(8) Maintenance or development of bike paths.

(9) Maintenance or development of erosion control.

(10) Tree planting.

(11) Aquatic weed control.

When property owners within the subdivision desire upgraded public services, the board shall exercise each established special assessment district as necessary to provide such services.

(e) *Distribution to authorities.* After tentative recommendations from the board the subdivider shall submit to the various approving authorities the number of validated copies of the preliminary plat required by sections 112 through 119 of the land division act (MCL 560.112--560.119), and the:

(1) County emergency services coordinator: one copy of the preliminary plat for verification that the street names do not duplicate or conflict with existing street names.

(2) School board: one copy of the preliminary plat only to the school board of the respective school district in which the plat is to be located, for informational purposes.

(f) *List of authorities (filing).* The subdivider shall then file with the township clerk a list of all authorities to whom validated copies of the preliminary plat have been distributed.

(Ord. No. 7, § 5.3, 5-20-1996)

Sec. 16-114. Conditions and duration of approval.

(a) *Conditions.* Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

(b) *Duration.*

(1) Approval of a preliminary plat by the township board shall be valid for a period of two years

from the date of its approval after approval by the other required authorities.

(2) The township board may extend the two-year period if applied for and granted in writing but only concerning its own requirements.

(Ord. No. 7, § 5.4, 5-20-1996)

Sec. 16-115. Final plat.

(a) *Letters of conditional approval or rejection.* When the subdivider has secured the approvals of the various approving authorities as required by sections 113 through 119 of the land division act (MCL 560.113--560.119), copies shall be delivered to the township clerk who shall promptly transmit them to the planning commission.

(b) *Planning commission.*

(1) The planning commission shall review the final plat and shall provide for an adequate public hearing, giving due notice to all parties in interest, in accordance with the provisions of the act under which the planning commission has been established.

(2) If the final plat does not meet all requirements, the planning commission shall notify the subdivider by letter, giving the earliest date for resubmission of the plat and additional information required.

(3) The planning commission shall give its report to the township board not more than 30 days after receipt of necessary approved copies of the final plat are returned by the review agencies.

(4) The 30-day period may be extended if the applicant consents. If no action is taken within 30 days, the final plat shall be deemed to have been approved by the planning commission.

(c) *Township board.*

(1) The township board shall not review, approve or reject the final plat until it has received from the planning commission its report and recommendations, unless the 30-day default period has expired.

(2) The township board shall consider the final plat at its next meeting, but not later than 20 days after receipt from the planning commission.

(3) The township board shall within 20 days either reject the preliminary plat and give its reasons, or set forth in writing the conditions for granting approval.

(d) *Lot line or boundary adjustments.* Lot line or boundary adjustments may be made prior to final approval to adjust the boundaries between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater or lesser number of parcels than originally existed is not created, provided that the county department of public health approves of the adjustments with respect to designated septic areas and further provided that the planning commission determines that the proposed adjustment does not:

- (1) Create any additional or fewer parcels;
- (2) Include any parcels which are not legal as defined in the zoning ordinance;
- (3) Impair any existing access or create a need for new access to any adjacent parcels;
- (4) Impair any existing easements or create a need for any new easements serving any adjacent parcels;
- (5) Increase or decrease the gross area of any property involved by more than 20 percent;
- (6) Require substantial alteration of any existing improvements or create a need for any new improvements; and
- (7) Adjust the boundary between parcels for which a covenant of improvement requirements has been recorded and all required improvements stated therein have not been completed.

(Ord. No. 7, § 5.5, 5-20-1996)

Sec. 16-116. Final plats; data requirement.

(a) The final plat shall show the following:

- (1) All property lines with accurate bearing or required curve data.
- (2) Lot numbers suitably arranged by simple system.
- (3) Purposes for which any sites are reserved or dedicated.
- (4) Location and description of existing and proposed easements.

(b) The following shall be submitted with the final plat:

- (1) All information required on the preliminary plat, multiple sheets may be necessary.

(2) Proposed street names, designated as "public" or "private." The street address of each lot, as obtained from the county addressing system.

(3) Landscape plans where required by the board. The landscape plan shall be drawn to the same scale as the final site plan and shall include the following:

- a. Accurate location and species of plants used.
- b. Type of root stock to be planted--balled and burlapped (B&B), bareroot, container.
- c. Size of trees planted (caliper).

(4) As-built versions of street plans, cross-sections and utility plans, if different from those presented with the preliminary plat.

(5) Stormwater management: a plan of the stormwater management system, drawn on sheets 24 inches by 36 inches, to a horizontal scale of one inch to 100 feet, except that the scale may vary on special projects. The drawing shall include:

- a. Paved surfaces (existing and proposed);
- b. The locations, sizes, types, and flow lines of all mains, inlets, culverts, manholes, channels and related structures;
- c. Computations to support all drainage designs shall accompany the plan. The computations shall be made a part of the permanent record of the subdivision and accompanied by the seal of a registered engineer;
- d. The minimum permissible floor elevations for lots within any floodplain areas and adjacent to open drainage features.

(6) Surveyor's certificate as to accuracy of survey and plat.

(7) Statement of dedication of streets, easements and any sites for public use by the land owner.

(8) Certificate of approval by the township engineer, with signature of the township engineer.

(9) Signature of the registered engineer or surveyor preparing the final plat.

(10) Covenants, for mandatory membership in the lot owners association setting forth the owners' rights, interests, and privileges in the association and the common property and

facilities, to be included in the deed for each lot or dwelling.

(11) Articles of incorporation of the proposed lot owners' association as a not-for-profit corporation.

(12) By-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

(13) In combination, the documents referenced in this section shall provide for the following:

a. The lot owners association shall have the responsibility of maintaining the common property or facilities.

b. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

c. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

(14) The developer or subdivider shall maintain control of the common property, and shall be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the township board upon request of the lot owners association or the developer.

(15) Appropriate deed of conveyance for streets, public and other similar areas, approved by the township attorney before execution.

Note: The township does not enforce items listed in subsection (b)(10) through (b) (15) of this section. The intent is to require these documents for the protection of future property owners and to provide for the perpetual maintenance of common open areas, private roads, etc. It is further the intent of requiring these documents to protect the township from inappropriate demands on public funds.

(16) Payment of taxes, a certificate signed by the county treasurer evidencing payment of all applicable taxes.

(17) Health department certificate signed by the health officer or designated representative evidencing conformance with all applicable requirements of the county health department.

(18) Water, drainage and sewer plans: Where group or public systems are utilized or required, plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate county and state authorities. Plans must show line sizes; the location of fire hydrants, blow-offs, manholes, pumps, force mains and gate valves, and shall include profiles of sanitary sewers and storm drains. A certificate signed by an authorized official of the governing body providing access to the respective water, drainage, and/or sewer system of the applicable service shall also be submitted.

(19) Infrastructure improvement agreements that may have been executed between the applicant and township.

(20) Performance guarantee as applicable for improvements and amenities.

(21) Engineer's certificate, pursuant to county road commission standards, as needed.

(c) The final plat shall meet state recording requirements and shall be drawn in ink on tracing cloth, mylar or other material acceptable for permanent recording on sheets. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.

(Ord. No. 7, § 5.6, 5-20-1996)

Sec. 16-117. Procedures; submittal to approving authorities.

The subdivider shall submit the final plat in accordance with sections 131--173 of the land division act (MCL 560.131--560.173).

(Ord. No. 7, § 5.7, 5-20-1996)

Secs. 16-118--16-135. Reserved.

DIVISION 5. SUBDIVISION IMPROVEMENTS

Sec. 16-136. Notice of commencement.

(a) *Notice.* At least two weeks prior to commencing construction of required improvements, the subdivider or builder shall arrange to:

(1) Notify the township, county road commission, public utility companies, and/or county drain commissioner as appropriate, in writing of the time when he proposes to commence construction of such improvements, so that the officials can attend inspection to be made to ensure that all development specifications, requirements, and conditions of approval are met during the construction of required improvements, and to ensure the satisfactory completion of improvements and utilities required by the township board.

(2) Deposit with the township treasurer a check for the estimated costs of the required inspections. If, upon satisfactory completion of construction and cleanup, there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. Interest earned on the amount shall be returned to the applicant.

(b) *Performance.* If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the board, the subdivider and/or builder. The township board shall take any steps necessary to preserve the township's rights.

(c) *Modification of improvements.* If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering natural limitations (e.g., natural springs, etc.). The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the board. Revised plans shall be filed with the board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than five percent, etc., the subdivider shall obtain permission to modify the plans from the township board via the township engineer, road commission, or drain commissioner, as appropriate.

(Ord. No. 7, § 6.1, 5-20-1996)

Sec. 16-137. Monuments.

Monuments shall be set in accordance with the land division act and the rules of the state department of treasury.

(Ord. No. 7, § 6.2, 5-20-1996)

Sec. 16-138. Guarantee of completion of improvements required by township.

(a) *Financial guarantee arrangements; exceptions.* In lieu of the actual installation of required public improvements, the township board upon recommendation of the planning commission, township planner, township engineer and/or township attorney, may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the county road commission, county drain commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The planning commission may recommend, and the township board may waive, financial guarantees of performance under this article for sidewalks, fire suppression measures, street lights, monuments, or landscaping. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits.

(b) *Condition of township approval of final plat; financial guarantees.* With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

(1) The construction of improvements required by this article shall have been completed by the subdivider and approved by the township board.

(2) Surety acceptable to the township shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond. The township board shall not require a bond duplicating any bond required by another governmental agency.

(c) *Performance or surety bond.*

(1) *Accrual.* The bond shall accrue to the township, covering construction, operation and maintenance of the specific public improvement.

(2) *Amount.* The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the township board.

(3) *Term length.* The term length in which the bond is in force shall be for a period to be specified by the township board for the specific public improvement.

(4) *Bonding or surety company.* The bond shall be with a surety company authorized to do business in the state, acceptable to the township board.

(5) *Escrow agreement.* The escrow agreement shall be drawn and furnished by the township board.

(d) *Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.*

(1) *Treasurer, escrow agent or trust company.* A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the township board and township attorney, shall accrue to the township. These deposits shall be made with the township treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the township board and township attorney.

(2) *Dollar value.* The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the township engineer.

(3) *Escrow time.* The escrow time for the cash deposit, certified check, negotiable bond, or

irrevocable bank letter of credit, shall be for a period to be specified by the township board.

(4) *Progressive payment.* In the case of cash deposits or certified checks, an agreement between the township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement. Interest earned on any accounts shall be returned to the applicant.

(e) *Special agreements.* A special agreement shall be entered into between the subdivider and the township board where improvements such as fire suppression well, monuments, sidewalks, landscaping and/or street lights have been required by the township board. The subdivider shall enter into a subdivision improvement agreement with the township. The improvement agreement shall be prepared by the township attorney and signed by the developer and a representative of the township. The agreement shall provide for the following:

(1) Construction of all improvements according to approved plans and specifications on file with the township engineer;

(2) Schedule of completion of improvements;

(3) Right by township to modify plans and specifications;

(4) Warranty by subdivider that construction will not adversely affect any portion of adjacent properties;

(5) Payment of fees in compliance with the township's schedule of fees;

(6) Performance guarantee;

(7) Maintenance and repair of any defects or failures and causes thereof;

(8) Release of the township from all liability incurred by the subdivision and payment of all reasonable attorney's fees that the township may incur because of any legal action resulting from the subdivision.

(f) *Extension.* The completion date may be extended by the board upon written request by the subdivider and submittal of adequate evidence to justify the extension. The request shall be made not less than 30 days prior to expiration of the subdivision improvement agreement.

(g) *Penalty in case of failure to complete the construction of a public improvement.* In the event the subdivider shall, in any case, fail to complete such work within such period of time as

required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the township board and the subdivider.

(Ord. No. 7, § 6.3, 5-20-1996)

Secs. 16-139--16-155. Reserved.

ARTICLE III. PARCELS

Sec. 16-156. Purpose.

The purpose of this article is to regulate the splitting of parcels in Caledonia Township (the "Township") which are not subject to the platting process of Act No. 288 of the Public Acts of 1967, as amended (the "Land Division Act"). The reasons for this article include the following, without limitation:

- (1) Monitoring the creation of new parcels;
- (2) Preventing illegal splits of parcels;
- (3) Informing and educating property owners about the types of parcels which may be created under this article and applicable state law;
- (4) Protecting innocent third parties from purchasing substandard parcels;
- (5) Preventing the creation of parcels without adequate access;
- (6) Implementing an orderly procedure for splitting parcels.

(Ord. No. 2001-09-17, § 1, 9-17-2001)

Sec. 16-157. Definitions.

Accessible in reference to a parcel, means that the parcel meets one or both of the following requirements.

- (1) The parcel has an area where a driveway provides or can provide vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or Shiawassee County Road Commission under Act No. 200 of the Public Acts of

1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws.

(2) The parcel is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the township, the Shiawassee County Road Commission and the state transportation department under Act No. 200 of the Public Acts of 1969; or the parcel can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

Development site means any parcel on which building development exists or which is intended for building development, other than agricultural or forestry uses as those uses are defined in Section 102(k) of the Land Division Act.

Division means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by the proprietor's heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the Land Division Act. Division does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act and the requirements of all applicable township ordinances.

Exempt split means the partitioning or splitting of a parcel or tract of land by the proprietor or by the proprietors heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act and the requirements of all applicable township ordinances.

Forty acres or the equivalent or 40 acres or the equivalent means 40 acres, a quarter - quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Parcel means a continuous area or acreage of land which can be described as provided for in the Land Division Act.

Parcel depth means the distance from the front of the parcel to the extreme rear line of the parcel. In case of irregularly shaped parcels, the average of the maximum depth and the minimum depth shall be taken.

Parcel width means the horizontal distance between the side parcel lines measured at the front setback line required by the zoning ordinance and at a right angle to the line used to measure parcel depth.

Parent parcel or parent tract means a parcel or tract, respectively, lawfully in existence on March 31, 1997.

Tract means two or more parcels that share a common property line and are under the same ownership.

Zoning ordinance means the Caledonia Township Zoning Ordinance, as amended.

(Ord. No. 2001-09-17, § 2, 9-17-2001)

Sec. 16-158. Approval of land divisions.

(a) Divisions of land must be reviewed by and receive the prior written approval from the township assessor. The following are not subject to the requirements of this article:

(1) A parcel proposed to be subdivided through a recorded plat pursuant to the Land Division Act;

(2) A lot in a recorded plat proposed to be partitioned or divided pursuant to the Land Division Act;

(3) An exempt split as defined in this article.

(b) No new parcel shall be created nor shall any new parcel be sold or in any way developed or improved unless there has been prior written, approval pursuant to this section. Unless prior written approval has been granted pursuant to this section, no township building, zoning or other permit or approval shall be granted with respect to a new parcel and any such new parcel shall not be recognized as a separate parcel on the tax assessment roll or assigned a tax parcel identification number.

(c) To obtain approval of a division, an application shall be filed with the township assessor. The application shall include all of the components specified in section 16-160 of this article.

(d) The township assessor shall approve a proposed division within the time period required by the Land Division Act (i.e. 45 days at the adoption of this article) if the criteria and requirements of the Land Division Act and this article are met. The time period for approval shall not commence until a complete signed application accompanied by all required supporting documents has been filed with the township zoning administrator.

(e) The township shall maintain a record of all approved and accomplished divisions and transfers.

(Ord. No. 2001-09-17, § 3, 9-17-2001)

Sec. 16-159. Criteria for land division.

(a) No division shall be approved which is contrary to, or in violation of, the Land Division Act or this article.

- (b) Each resulting parcel which is less than 15 acres shall have a ratio of parcel depth to parcel width which does not exceed three to one. This requirement may be relaxed by the issuance of a variance by the zoning board of appeals as authorized by the township zoning ordinance.
- (c) Each resulting parcel shall meet the minimum width and area requirements of the zoning ordinance.
- (d) Each resulting parcel shall be accessible.
- (e) Each resulting parcel that is a development site shall have adequate easements for public utilities from the parcel to existing public utility facilities.
- (f) Each resulting parcel shall have an adequate and accurate legal description and be included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of the Land Division Act. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.

(Ord. No. 2001-09-17, § 4, 9-17-2001)

Sec. 16-160. Application requirements.

Each application for a division must contain the following information.

- (1) A completed application form on such form as may be approved from time to time by the township board.
- (2) Proof of all fee ownership interests in the land proposed to be divided.
- (3) An application fee in an amount set from time to time by township board resolution to cover the costs of reviewing the application and administering this article and the Land Division Act.
- (4) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed Division rights transfer.
- (5) Proof that all standards of the Land Division Act and this article have been met (including proof that the parcel was lawfully in existence on March 31, 1997, as well as the number, size and date of divisions after March 31, 1997).

(Ord. No. 2001-09-17, § 5, 9-17-2001)

Sec. 16-161. Appeal of denial.

If the township assessor denies the requested division, the applicant(s) may appeal that denial to the township board. Any such appeal must be filed in writing with the township clerk within 30 days of the denial. The township board shall consider and decide the appeal within 30 days after the filing of the appeal with the township clerk.

(Ord. No. 2001-09-17, § 6, 9-17-2001)

Sec. 16-162. Limitation on approval.

Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations. The township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, or otherwise.

(Ord. No. 2001-09-17, § 7, 9-17-2001)

Sec. 16-163. Penalty.

(a) Any person who shall divide a parcel in violation of this article or sell or attempt to sell a division of a parcel in violation of this article shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the municipal civil infraction ordinance adopted by the township. A person who commits a civil infraction shall be issued a notice advising the person of the violation and granting the person a 14-day period to remedy the violation. If the violation is not remedied within 14 days, the person shall be subject to a fine as outlined in the township's Civil Infrastructure Ordinance. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible.

(b) Pursuant to MCL 211.53(3), the township assessor shall notify the owner of any parcel which violates or is suspected of violating the Land Division Act. The township assessor shall also notify the Shiawassee County Prosecuting Attorney and the Michigan Department of Commerce.

(Ord. No. 2001-09-17, § 8, 9-17-2001)

Chapter 17 LAW ENFORCEMENT

Article I. In General

Sec. 17-1. Title.

Secs. 17-2--17-20. Reserved.

Article II. Municipal Ordinance Violations Bureau

Sec. 17-21. Established.

Sec. 17-22. Civil fines.

Sec. 17-23. Ordinances affected by this article.

- Sec. 17-24. Ordinance violation notice requirement and admission of responsibility.
- Sec. 17-25. Denial of responsibility; refusal to pay fine.
- Sec. 17-26. Accounting of civil fines.
- Sec. 17-27. Availability of other enforcement remedies.
- Secs. 17-28--17-40. Reserved.
- Article III. Enforcement Officer
- Sec. 17-41. Ordinance enforcement officer.
- Sec. 17-42. Appointment.
- Sec. 17-43. Duties.
- Sec. 17-44. Definitions.

ARTICLE I. IN GENERAL

Sec. 17-1. Title.

This ordinance shall be known and cited as "The Caledonia Township Municipal Ordinance Violations Bureau Ordinance."

(Ord. No. 01-0820, § 1, 8-6-2001)

Secs. 17-2--17-20. Reserved.

ARTICLE II. MUNICIPAL ORDINANCE VIOLATIONS BUREAU

Sec. 17-21. Established.

The township hereby establishes a municipal ordinance violations bureau pursuant to 1994 P.A. 12 (MCL 600.8396), as it may be amended from time to time, to accept admissions of responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials, and to collect and retain civil fines for such admissions as prescribed in this article.

(Ord. No. 01-0820, § 2, 8-6-2001)

Sec. 17-22. Civil fines.

Unless a different schedule of civil fines is provided for by any ordinance, the following schedule of civil fines payable to the municipal ordinance violations bureau for admissions of responsibility by persons served with municipal ordinances violation notices shall apply:

TABLE INSET:

First offense within a three-year period*	\$ 75.00	\$500.00
Second offense within a three-year period*	.00	.00

Third offense within a three-year period*	.00	.00
Fourth or more offense within a three-year period*	.00	.00

*Determined on the basis of the date of commission of the offense.

(Ord. No. 01-0820, § 3, 8-6-2001)

Sec. 17-23. Ordinances affected by this article.

Violations of the following ordinances shall be punishable as municipal civil infractions:

- (1) Burning (ch. 14, art. III);
- (2) Dismantled cars (ch. 12, art. III);
- (3) Dog control (ch. 8, art. II);
- (4) Explosives (ch. 14, art. IV);
- (5) Junk shops and yards (ch. 22, art. II, div. 2);
- (6) Junk, trash and garbage (ch. 12, art. II);
- (7) Noxious weed (ch. 12, art. IV);
- (8) Outdoor assemblies (ch. 20);
- (9) Public entertainment (ch. 6, art. II);
- (10) Sewers (ch. 28, art. II);
- (11) Signs (ch. 24);
- (12) State construction code (sec. 10-1);
- (13) Subdivisions (ch. 16).

(Ord. No. 01-0820, § 4, 8-6-2001)

Sec. 17-24. Ordinance violation notice requirement and admission of responsibility.

Any person receiving any municipal ordinance violation notice shall be advised on the notice as to all matters required by law including, at a minimum, the offense, the time within which the person must contact the municipal ordinance violations bureau for purposes of admitting or denying responsibility, and the consequences for failure to pay the required fine or to contact the bureau within the required time. Such person may admit responsibility for such violation before the clerk or clerk's designee of the municipal ordinance violations bureau. Upon accepting such admission of responsibility, the clerk shall collect from the person the civil fine for such violation as provided in this article. The clerk of the bureau or clerk's designee shall be a township employee and shall be appointed to such position by resolution of the township board.

(Ord. No. 01-0820, § 5, 8-6-2001)

Sec. 17-25. Denial of responsibility; refusal to pay fine.

With respect to any person who fails to admit responsibility and pay the required civil fine within the designated time period, the clerk or clerk's designee shall advise the complainant to issue and file a municipal civil infraction violation citation for such violation with the Court for the 66th Judicial District of the State of Michigan or such other court having jurisdiction of the matter. The citation filed with the court need not comply in all particulars within the requirements of citations as provided by sections 8705 and 8709 of 1994 P.A. 12 (MCL 600.8396), but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The violation shall thereafter be processed as a municipal civil infraction as provided by law.

(Ord. No. 01-0820, § 6, 8-6-2001)

Sec. 17-26. Accounting of civil fines.

The municipal ordinance violations bureau clerk shall retain all municipal ordinance violation notices. The clerk or clerk's designee shall account to the township board once a month concerning the number of admissions and denials of responsibility made concerning municipal civil infractions and the amount of fines collected. The amounts collected in civil fines shall be turned over to the township treasurer to be placed in the general fund of the township.

(Ord. No. 01-0820, § 7, 8-6-2001)

Sec. 17-27. Availability of other enforcement remedies.

Nothing in this article shall be deemed to obligate the township to initiate its ordinance enforcement activity through the issuance of a municipal ordinance violation notice. The township shall have the right to directly proceed with the issuance of a municipal civil infraction

citation for any municipal civil infraction or to take such other enforcement action as is authorized by law.

(Ord. No. 01-0820, § 8, 8-6-2001)

Secs. 17-28--17-40. Reserved.

ARTICLE III. ENFORCEMENT OFFICER

Sec. 17-41. Ordinance enforcement officer.

There is hereby established the office of ordinance enforcement officer within the Township of Caledonia, Shiawassee County, Michigan.

(Ord. of 11-5-2001 § 1)

Sec. 17-42. Appointment.

The township board is hereby authorized, by resolution, at any regular meeting of said board, to appoint any person or persons to the office of ordinance enforcement officer for such term or terms as may be designated in said resolution. Said board may further, by resolution, remove any person from said office, in the discretion of said board.

(Ord. of 11-5-2001 § 2)

Sec. 17-43. Duties.

The ordinance enforcement officer is hereby authorized to enforce all ordinances of Caledonia Township, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the ordinance enforcement officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such ordinance enforcement officer shall also be in addition and supplementary to the authority vested by the township supervisor by statute. The ordinance enforcing authority of the township shall continue in full force and effect and shall in no way be diminished or impaired by the terms within the ordinance.

(Ord. of 11-5-2001 § 3)

Sec. 17-44. Definitions.

The ordinance enforcement duties herein authorized shall include, among others, the following: 1) Investigation of ordinance violations, 2) Serving notice of violations; 3) Serving appearance tickets as authorized under Chapter 4 of Public Act 175 of 1927, as amended, 4) appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators and such other ordinance-enforcing duties as may be delegated by the township supervisor or assigned by the township attorney.

(Ord. of 11-5-2001 § 4)

Chapter 18 OFFENSES*

***State law references:** Michigan Penal Code, MCL 750.1 et seq.

Article I. In General

- Sec. 18-1. Definition.
- Sec. 18-2. Engaging in illegal occupation or business.
- Sec. 18-3. Animal fighting.
- Sec. 18-4. Cruelty to animals.
- Secs. 18-5--18-30. Reserved.

Article II. Offenses Against Governmental Functions

- Sec. 18-31. Obstruction or resisting police officer.
- Secs. 18-32--18-60. Reserved.

Article III. Offenses Against the Person

- Sec. 18-61. Assault.
- Sec. 18-62. Harassment.
- Sec. 18-63. Begging and soliciting alms by accosting or forcing oneself upon the company of another.
- Sec. 18-64. Windowpeeping.
- Secs. 18-65--18-90. Reserved.

Article IV. Offenses Against Property

- Sec. 18-91. Larceny.
- Sec. 18-92. Malicious destruction of property.
- Sec. 18-93. Possession of burglar's tools.
- Sec. 18-94. Pollution of creeks, streams and watercourses.
- Sec. 18-95. Parking on private property without consent.
- Sec. 18-96. Littering property or water prohibited; removal of injurious substances dropped on highway as result of accident.
- Secs. 18-97--18-120. Reserved.

Article V. Offenses Against Public Peace

- Sec. 18-121. Disorderly persons.
- Sec. 18-122. Disorderly intoxication.
- Sec. 18-123. Language or gestures causing public disorder.
- Sec. 18-124. Disturbances or fighting.
- Sec. 18-125. Collection of crowds for illegal or mischievous purposes.
- Sec. 18-126. Jostling; roughly crowding.
- Sec. 18-127. Loitering.
- Sec. 18-128. Disturbing the peace.
- Sec. 18-129. Place of disorderly persons.
- Sec. 18-130. Disturbance of schools and meetings.
- Sec. 18-131. Stench bombs.
- Secs. 18-132--18-160. Reserved.

Article VI. Offenses Against Public Safety

- Sec. 18-161. Possession, display and discharge of fireworks.
- Sec. 18-162. Discharge of firearms and other weapons.
- Sec. 18-163. Playing in streets or sidewalks.
- Secs. 18-164--18-190. Reserved.

Article VII. Offenses Against Public Morals

- Sec. 18-191. Public nudity--Purpose of sections 18-191--18-194.
- Sec. 18-192. Same--Definition.
- Sec. 18-193. Same--Prohibited.

- Sec. 18-194. Same--Nuisance.
- Sec. 18-195. Indecent exposure or exhibition.
- Sec. 18-196. Public bathing.
- Sec. 18-197. Indecent or obscene conduct.
- Sec. 18-198. Defacing walls, buildings, fences, etc.
- Sec. 18-199. Gambling devices.
- Sec. 18-200--18-220. Reserved.

Article VIII. Cemeteries

- Sec. 18-221. Title.
- Sec. 18-222. Definitions of cemetery lots and burial spaces.
- Sec. 18-223. Sale of lots or burial spaces.
- Sec. 18-224. Purchase price and transfer fees.
- Sec. 18-225. Grave opening charges.
- Sec. 18-226. Markers or memorials.
- Sec. 18-227. Interment regulations.
- Sec. 18-228. Ground maintenance.
- Sec. 18-229. Forfeiture of vacant cemetery lots or burial spaces.
- Sec. 18-230. Repurchase of lots or burial spaces.

ARTICLE I. IN GENERAL

Sec. 18-1. Definition.

The term "public place" as used in this article shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

(Ord. of 1-20-1975, § 1)

Cross references: Definitions generally, § 1-2.

Sec. 18-2. Engaging in illegal occupation or business.

It shall be unlawful for any person to engage in any illegal occupation or business.

(Ord. of 1-20-1975, § 2(19))

State law references: Such person defined as a disorderly person, MCL 750.167(1)(d).

Sec. 18-3. Animal fighting.

It shall be unlawful for any person to conduct or attend any animal fight.

(Ord. of 1-20-1975, § 2(23))

State law references: Owning or possessing animals for fighting, MCL 750.49.

Sec. 18-4. Cruelty to animals.

(a) *Definitions.* As used in this section the following words and terms shall have the meanings respectively ascribed:

Adequate care means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

Animal means one or more vertebrates other than a human being.

Animal control shelter means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the township or state law.

Animal protection shelter means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

Licensed veterinarian means a person licensed to practice veterinary medicine under state law.

Livestock means the same as that term is defined in state law.

Neglect means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

Sanitary conditions means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include a condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

Shelter means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter for a dog shall include one or more of the following:

(1) The residence of the dog's owner or other individual.

(2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(3) A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subsection (2) of this definition that is accessible to the dog.

State of good health means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

Tethering means the restraint and confinement of a dog by use of a chain, rope, or similar device.

Water means potable water that is suitable for the age and species of animal, made regularly available unless otherwise directed by a veterinarian licensed to practice veterinary medicine.

(b) *Prohibited acts.* An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

- (1) Fail to provide an animal with adequate care.
- (2) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.
- (3) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.
- (4) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subsection, for purposes of transportation of sled dogs, the term "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.
- (5) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.
- (6) Willfully or negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.
- (7) Tether a dog unless the tether is at least three times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(c) *Acts not prohibited.* This section does not prohibit the lawful killing or other use of an animal, including, but not limited to, the following:

- (1) Fishing.
- (2) Hunting, trapping, or wildlife control regulated pursuant to state law.

(3) Horse racing.

(4) The operation of a zoological park or aquarium.

(5) Pest or rodent control.

(6) Farming or a generally accepted animal husbandry or farming practice involving livestock.

(Ord. of 1-20-1975, § 2(31))

State law references: Similar provisions, MCL 750.50.

Secs. 18-5--18-30. Reserved.

ARTICLE II. OFFENSES AGAINST GOVERNMENTAL FUNCTIONS

Sec. 18-31. Obstruction or resisting police officer.

It shall be unlawful for any person to obstruct, resist, hinder, or oppose any member of the police force or any police officer in the discharge of his duties.

(Ord. of 1-20-1975, § 2(18))

State law references: Obstruction of police officers, MCL 750.479.

Secs. 18-32--18-60. Reserved.

ARTICLE III. OFFENSES AGAINST THE PERSON

Sec. 18-61. Assault.

It shall be unlawful for any person to commit an assault or an assault and battery on any person.

(Ord. of 1-20-1975, § 2(1))

State law references: Assaults, MCL 750.81 et seq.

Sec. 18-62. Harassment.

It shall be unlawful for any person with intent to harass, annoy or alarm another person to:

(1) Follow a person in or about a public place;

(2) Engage in a course of conduct or repeatedly commit acts that alarm or seriously annoy another person and that serve no legitimate purpose;

(3) Insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any

person in any public place.

(Ord. of 1-20-1975, §§ 2(10), 2(26))

Sec. 18-63. Begging and soliciting alms by accosting or forcing oneself upon the company of another.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person, or upon property in his immediate possession.

Ask, beg and solicit mean and include the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(b) *Exceptions.* Except when performed in the manner and locations set forth in subsections (c) and (d) of this section, it shall not be unlawful to ask, beg or solicit money or other things of value.

(c) *Location.* It shall be unlawful for any person to solicit money or other things of value:

(1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;

(2) Within 15 feet of the entrance to or exit from any public toilet facility;

(3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;

(5) In any public transportation vehicle or in any bus or subway station or within 15 feet of any bus stop or taxistand;

(6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;

(7) From any person who is waiting in line for entry to any building, public or private, including any residence, business, or athletic facility; or

(8) Within 15 feet of the entrance or exit from a building, public or private, including any residence, business, or athletic facility.

(d) *Manner.* It shall be unlawful for any person to solicit money or other things of value by:

(1) Accosting another; or

(2) Forcing oneself upon the company of another.

(Ord. of 1-20-1975, § 2(6))

State law references: Begging, MCL 750.167(1)(h).

Sec. 18-64. Windowpeeping.

It shall be unlawful for any person within the township to look into the windows or doors of any house, apartment or other residence in the township in such a manner that would be likely to interfere with the occupant's reasonable expectation of privacy and without the occupant's express or implied consent.

(Ord. of 1-20-1975, § 2(5))

State law references: Such person defined as a disorderly person, MCL 750.167(1)(c).

Secs. 18-65--18-90. Reserved.

ARTICLE IV. OFFENSES AGAINST PROPERTY

Sec. 18-91. Larceny.

A person who commits larceny by stealing any of the following property of another person is guilty of a crime as provided in this section:

(1) Money, goods, or chattels.

- (2) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order, or certificate.
- (3) A book of accounts for or concerning money or goods due, to become due, or to be delivered.
- (4) A deed or writing containing a conveyance of land or other valuable contract in force.
- (5) A receipt, release, or defeasance.
- (6) A writ, process, or public record.

(Ord. of 7-7-1975)

State law references: Similar provisions, MCL 750.356.

Sec. 18-92. Malicious destruction of property.

It shall be unlawful for any person to maliciously destroy, deface or injure any public property or any private property not his own.

(Ord. of 1-20-1975, § 2(25))

State law references: Malicious and willful mischief and destruction, MCL 750.377 et seq.

Sec. 18-93. Possession of burglar's tools.

It shall be unlawful for any person to be found with any instrument or thing used for the commission of burglary, larceny or for picking locks or pockets, or anything used for obtaining money under false pretenses, and unable to give a lawful accounting for possession of such instrument.

(Ord. of 1-20-1975, § 2(30))

State law references: Possession of burglar's tools, MCL 750.116.

Sec. 18-94. Pollution of creeks, streams and watercourses.

It shall be unlawful for any person to pollute any creek, stream, lake or watercourse by throwing, casting or depositing therein any waste materials, sewage, or other noxious, poisonous or offensive substance.

(Ord. of 1-20-1975, § 2(32))

State law references: Michigan environmental protection act, MCL 324.1701 et seq.

Sec. 18-95. Parking on private property without consent.

It shall be unlawful for any person to park or leave standing any motor vehicle, trailer, or similar apparatus or equipment upon private property without the consent and permission of the owner

thereof, or his authorized agent.

(Ord. of 1-20-1975, § 2(34))

Sec. 18-96. Littering property or water prohibited; removal of injurious substances dropped on highway as result of accident.

(a) A person shall not knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on public or private property or water other than property designated and set aside for such purposes.

(b) A person who removes a vehicle that is wrecked or damaged in an accident on a highway, road, or street shall remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

(Ord. of 1-20-1975, § 2(28))

State law references: Similar provisions, MCL 324.8902.

Secs. 18-97--18-120. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE

Sec. 18-121. Disorderly persons.

It shall be unlawful for any person to be a disorderly person as defined by Public Act No. 328 of 1931 (MCL 750.167).

(Ord. of 1-20-1975, § 2(35))

Sec. 18-122. Disorderly intoxication.

It shall be unlawful for any person to be intoxicated by alcoholic liquors or controlled substances in a public place who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.

(Ord. of 1-20-1975, § 2(2))

Cross references: Alcoholic liquors, ch. 4.

State law references: Such person defined as a disorderly person, MCL 750.167(1)(e).

Sec. 18-123. Language or gestures causing public disorder.

A person shall be deemed guilty of a misdemeanor if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, such person willfully uses abusive or obscene language or makes an obscene gesture

to any other person when such words by their very utterance inflict injury or tend to incite an immediate breach of the peace and invade the right of others to pursue their lawful activities.

(Ord. of 1-20-1975, § 2(7))

State law references: Indecent language in presence of minor or child, MCL 750.337; disorderly persons, MCL 750.167; cursing and swearing, MCL 750.103.

Sec. 18-124. Disturbances or fighting.

It shall be unlawful for any person to engage in any disturbance or fight in a public place.

(Ord. of 1-20-1975, § 2(11))

Sec. 18-125. Collection of crowds for illegal or mischievous purposes.

It shall be unlawful for any person to collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place.

(Ord. of 1-20-1975, § 2(12))

State law references: Riot and unlawful assembly, MCL 752.541 et seq.

Sec. 18-126. Jostling; roughly crowding.

It shall be unlawful for any person to jostle or roughly crowd persons unnecessarily in any street, alley, park or public place.

(Ord. of 1-20-1975, § 2(13))

State law references: Such person defined as a disorderly person, MCL 750.167(1)(l).

Sec. 18-127. Loitering.

(a) *Definitions.* In this section the following words and phrases shall have the meanings respectively ascribed to them:

Loitering means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and also includes the colloquial expression "hanging around."

Public place means any place to which the general public has access and a right of resort for business, entertainment or for other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. The term "public place" shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

(b) *Loitering prohibited.* It shall be unlawful for any person within the township to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians after having been told to move on by a police officer;

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto after having been told to move on by a police officer;

(3) Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

(Ord. of 1-20-1975, § 2(14))

State law references: Certain loiterers defined as disorderly persons, MCL 750.167.

Sec. 18-128. Disturbing the peace.

It shall be unlawful for any person to disturb the public peace and quiet by loud, boisterous or vulgar conduct.

(Ord. of 1-20-1975, § 2(16))

Sec. 18-129. Place of disorderly persons.

It shall be unlawful for any person to permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.

(Ord. of 1-20-1975, § 2(17))

Sec. 18-130. Disturbance of schools and meetings.

It shall be unlawful for any person to disturb any school, meeting or congregation lawfully assembled whether religious, political or otherwise.

(Ord. of 1-20-1975, § 2(27))

State law references: Disturbing religious worship, MCL 752.525, 750.169; disturbing public places, MCL 750.170.

Sec. 18-131. Stench bombs.

It shall be unlawful for any person to explode, break or set off any stench bomb or other device which produces an offensive or nauseating odor.

(Ord. of 1-20-1975, § 2(33))

State law references: Possession of bombs, MCL 750.210.

Secs. 18-132--18-160. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC SAFETY*

***Cross references:** Explosives, § 14-111 et seq.

Sec. 18-161. Possession, display and discharge of fireworks.

It shall be unlawful for any person to fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by chapter 39 of the Penal Code of the State of Michigan (MCL 750.243a et seq.).

(Ord. of 1-20-1975, § 2(4))

Sec. 18-162. Discharge of firearms and other weapons.

It shall be unlawful for any person to discharge any firearm, air rifle, air pistol, pellet gun, or bow and arrow in the township, except when lawfully hunting or acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the township board.

(Ord. of 1-20-1975, § 2(20))

State law references: Discharge of firearms, MCL 750.234 et seq.

Sec. 18-163. Playing in streets or sidewalks.

It shall be unlawful for any person to play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.

(Ord. of 1-20-1975, § 2(15))

Secs. 18-164--18-190. Reserved.

ARTICLE VII. OFFENSES AGAINST PUBLIC MORALS

Sec. 18-191. Public nudity--Purpose of sections 18-191--18-194.

The purpose of sections 18-191--18-194 is to prohibit public nudity within the township in order to protect and secure the public health, safety, and general welfare of its citizens.

(Ord. of 2-16-1998, § 2)

Sec. 18-192. Same--Definition.

As used in sections 18-191--18[-194, the term "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. The term "public nudity" does not include any of the following:

- (1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).
- (3) Sexually explicit visual material as defined in section 3 of Public Act No. 33 of 1978 (MCL 722.673).

(Ord. of 2-16-1998, § 3)

Cross references: Definitions generally, § 1-2.

Sec. 18-193. Same--Prohibited.

Public nudity as defined in section 18-192 within the township by any person is hereby prohibited.

(Ord. of 2-16-1998, § 4)

Sec. 18-194. Same--Nuisance.

Any violation of any provision of sections 18-191--18-194 is hereby declared to be a nuisance per se and enjoined by appropriate legal action.

(Ord. of 2-16-1998, § 5)

State law references: Authority to regulate public nudity, MCL 41.181.

Sec. 18-195. Indecent exposure or exhibition.

It shall be unlawful for any person to make any exhibition or indecent exposure of his or her person or of the person of another.

(Ord. of 1-20-1975, § 2(9))

State law references: Similar provisions, MCL 750.335a.

Sec. 18-196. Public bathing.

It shall be unlawful for any person to bathe in any body of water in a naked state or with his person so much undressed that there shall be an indecent exposure of the body, or shall

indecently expose his body under any other circumstances.

(Ord. of 1-20-1975, § 2(21))

State law references: Indecent exposure, MCL 750.335a.

Sec. 18-197. Indecent or obscene conduct.

It shall be unlawful for any person to engage in any indecent or obscene conduct in any public place.

(Ord. of 1-20-1975, § 2(3))

State law references: Such person defined as a disorderly person, MCL 750.167(1)(f).

Sec. 18-198. Defacing walls, buildings, fences, etc.

It shall be unlawful for any person to print, cut, mark, paint or design on or upon any wall, building, hall, fence, walk, or other structure of any kind or on any public place any indecent, vile, or obscene language, words, pictures or representations.

(Ord. of 1-20-1975, § 2(24))

Sec. 18-199. Gambling devices.

It shall be unlawful for any person to keep or exhibit any gambling table or device.

(Ord. of 1-20-1975, § 2(29))

State law references: Gambling, MCL 750.301 et seq.

Secs. 18-200--18-220. Reserved.

ARTICLE VIII. CEMETERIES

Sec. 18-221. Title.

This article shall be known and cited as the Caledonia Charter Township Cemetery Ordinance.

(Ord. of 2-18-2002 § 1)

Sec. 18-222. Definitions of cemetery lots and burial spaces.

(a) A cemetery lot shall consist of burial spaces sufficient to accommodate from one to 24 burial spaces.

(b) An adult burial space shall consist of a land area three feet wide and eight feet in length with same applying for infants and cremains.

(Ord. of 2-18-2002 § 2)

Sec. 18-223. Sale of lots or burial spaces.

(a) Cemetery lots or burial spaces shall be sold to residents and non-residents of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth.

(b) All such sales shall be made on a form approved by the township board, which grants a right of burial. Such form shall be executed by the township clerk.

(c) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk, approved by said clerk and entered upon the official records of said clerk. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

(Ord. of 2-18-2002 § 3)

Sec. 18-224. Purchase price and transfer fees.

(a) Each adult, infant, and cremains burial space for township residents shall cost the sum of \$150.00.

(b) Each adult, infant, and cremains burial space for non-township residents shall cost the sum of \$300.00.

(c) The foregoing charges shall be received by the township clerk who shall deliver same to the township treasurer who then shall deposit into the cemetery fund.

(d) The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(Ord. of 2-18-2002 § 4)

Sec. 18-225. Grave opening charges.

The opening and closing of any burial space, prior to and following a burial therein including the interment of ashes is coordinated by cemetery sexton at a cost determined by same. The township does not currently collect charges for the opening and/or closing of any burial space. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

(Ord. of 2-18-2002 § 5)

Sec. 18-226. Markers or memorials.

- (a) All markers or memorials must be of stone or other equally durable composition.
- (b) Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- (c) Only one monument, marker or memorial shall be permitted per burial space.
- (d) The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed according to township specifications*, inspected by cemetery sexton or compliance of specs and paid for by owner of burial right.*Footing/Foundation Specifications: Four inch (4") thick pre-cast foundation with a minimum two inch (2") all-round border larger than marker.

(Ord. of 2-18-2002 § 6)

Sec. 18-227. Interment regulations.

- (a) Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.
- (b) Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- (c) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.
- (d) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(Ord. of 2-18-2002 § 7)

Sec. 18-228. Ground maintenance.

- (a) No grading, leveling, or excavating upon burial space shall be allowed without the

permission of the cemetery sexton or the township clerk.

(b) No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.

(c) The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

(d) Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(e) The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

(e) Surfaces other than earth or sod are prohibited.

(f) All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

(Ord. of 2-18-2002 § 8)

Sec. 18-229. Forfeiture of vacant cemetery lots or burial spaces.

(a) Cemetery lots or burial spaces sold after the effective date of the article and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

(b) Notice shall be sent by the township clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicated in writing to the township clerk within 60 days from the date of mailing of the written notice his desire to retain said burial rights.

(c) No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the township clerk from the last owner of record of said lots or spaces, or his heirs or legal representative within 60 days from the date of mailing of said notice.

(Ord. of 2-18-2002 § 9)

Sec. 18-230. Repurchase of lots or burial spaces.

The township will repurchase any cemetery lots or burial space from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.

(Ord. of 2-18-2002 § 10)

Sec. 18-231. Records.

The township clerk shall maintain records concerning all burials and issuance of burial permits with other records of the township and the same shall be open to public inspection at all reasonable business hours.

(Ord. of 2-18-2002 § 11)

Sec. 18-232. Vault.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(Ord. of 2-18-2002 § 12)

Sec. 18-233. Cemetery hours.

The cemetery shall be open to the general public from dawn to dusk each day.

(Ord. of 2-18-2002 § 13)

Chapter 19 RESERVED

Chapter 20 OUTDOOR ASSEMBLIES*

***Cross references:** Buildings and building regulations, ch. 10; environment, ch. 12; land divisions and subdivisions, ch. 16; zoning, ch. 30.

Article I. In General

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Sec. 20-2. Definitions.

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Article II. License

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Sec. 20-32. Application; contents.

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ARTICLE I. IN GENERAL

Sec. 20-1. Preamble.

The township board finds and declares that the interest of the public health, safety and welfare of the citizens of the township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the township.

(Ord. of 11-17-1970, § 1)

Sec. 20-2. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attendant means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

Licensee means any person to whom a license is issued pursuant to this chapter.

Outdoor assembly and *assembly* mean any event attended by more than 2,500 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibitions, including, but not limited to, musical festivals, rock festivals, peace festivals, or similar gatherings, but does not mean:

(1) An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;

(2) An event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501 (C)(3) of the Internal Revenue Code of 1954 being 26 USC 501(C)(3) as incorporated by reference in section 201 of the Michigan Income Tax Act of 1967, Public Act No. 281 of 1967 (MCL 206.201); or

(3) An event held entirely within the confines of a permanently enclosed and covered structure.

Sponsor means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

(Ord. of 11-17-1970, § 2)

Cross references: Definitions generally, § 1-2.

Sec. 20-3. Violations.

It shall be unlawful for a licensee, his employee, or agent to knowingly:

- (1) Advertise, promote or sell tickets to conduct or operate an assembly without first obtaining a license as provided in this chapter.
- (2) Conduct or operate an assembly in such manner as to create a public or private nuisance.
- (3) Conduct or permit within the assembly any obscene display, exhibition, show, play, entertainment or amusement.
- (4) Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- (5) Permit any person to unlawfully consume, sell or possess, intoxicating liquor while on the premises.
- (6) Permit any person to unlawfully use, sell or possess any controlled substances as defined in article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

(Ord. of 11-17-1970, § 12)

Secs. 20-4--20-30. Reserved.

ARTICLE II. LICENSE

Sec. 20-31. Required.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the township unless he shall have first made application for and obtained, as prescribed in this division, a license for each such assembly.

(Ord. of 11-17-1970, § 3)

Sec. 20-32. Application; contents.

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 60 days prior to dates of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as established by resolution of the township board from time to time, and shall include at least the following:

- (1) The name, age, residence and mailing address of the person making the application. Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, copy of the articles of incorporation shall be filed and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00.

(2) A statement of the kind, character, and type of proposed assembly.

(3) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.

(4) The date or dates and hours during which the proposed assembly is to be conducted.

(5) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

(Ord. of 11-17-1970, § 4)

Sec. 20-33. Application supportive data.

(a) Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

(1) Police and fire protection;

(2) Food and water supply and facilities;

(3) Health and sanitation facilities;

(4) Medical facilities and services including emergency vehicles and equipment;

(5) Vehicle access and parking facilities;

(6) Camping and trailer facilities;

(7) Illumination facilities;

(8) Communications facilities;

(9) Noise control and abatement;

(10) Facilities for clean up and waste disposal;

(11) Insurance and bonding arrangements.

(b) In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

(Ord. of 11-17-1970, § 5)

Sec. 20-34. Notification.

On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, county, the state fire marshal and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendation to the township board.

(Ord. of 11-17-1970, § 6)

Sec. 20-35. Board determination; conditions.

Within 30 days of the filing of the application, the township board shall issue set conditions prerequisite to the issuance of, or deny, a license. The township board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license or where a license is denied, within five days of such action, notice thereof must be mailed to the applicant by certified mail and in the case of denial, the reasons therefor shall be stated in the notice.

(Ord. of 11-17-1970, § 7)

Sec. 20-36. Denial.

A license may be denied if:

(1) The applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed pursuant to this chapter, or with any other applicable provision of state or local law; or

(2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

(Ord. of 11-17-1970, § 8)

Sec. 20-37. License requirements.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.

(Ord. of 11-17-1970, § 9)

Sec. 20-38. Application processing.

In processing an application, the township board, shall, at a minimum, require the following:

(1) *Security personnel.* The licensee shall employ, at his own expense, such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the township or county in cooperation with the director of state police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

(2) *Water facilities.* The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located and approved in accordance with part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the township or county health officer.

(3) *Restroom facilities.* The licensee shall provide separate, enclosed flushing-type, water closets as defined in Public Act No. 266 of 1929 (MCL 338.901 et seq.), and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the township or county health officer may permit the use of other facilities which are in compliance with section 12771 of Public Act No. 368 of 1978 (MCL 333.12771), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Public Act No. 266 of 1929 (MCL 338.901 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels. The number and type of facilities required shall be determined on the basis of the number of attendants in the following manner:

TABLE INSET:

Facilities		
Toilets	:300	:200
Urinals	:100	
Lavatories	:200	:200
Drinking fountains	:500	
Taps or faucets	:500	

Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities on the basis of the number of attendants in the following manner:

TABLE INSET:

Facilities		
Shower heads	:100	:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the township or county health officer.

(4) *Food service.* If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of part 129 of Public Act No. 368 of 1978 (MCL 333.12901 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

(5) *Medical facilities.* If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be prescribed by the township or county health officer.

(6) *Liquid waste disposal.* The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the township or county health officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526 entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with part 117 of Public Act No. 451 of 1994 (MCL 324.11701 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the township or county health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will ensure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

(7) *Solid waste disposal.* The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly-tight and rodentproof containers provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the township or county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will ensure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health. The licensee shall implement

effective control measures to minimize the presence of rodents, flies, roaches, and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

(8) *Public bathing beaches.* The licensee shall provide or make available or accessible public bathing beaches only in accordance with sections 12541--12546 of Public Act No. 368 of 1978 (MCL 333.12541 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(9) *Public swimming pools.* The licensee shall provide or make available public swimming pools only in accordance with sections 12521--12534 of Public Act No. 368 of 1978 (MCL 333.12521 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(10) *Access and traffic control.* The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the state. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the director of the department of state police and director of the department of state highways must approve the licensee's plan for access and traffic control.

(11) *Parking.* The licensee shall provide a parking area sufficient to accommodate all motor vehicles but in no case shall he provide less than one automobile space for every four attendants.

(12) *Camping and trailer parking.* A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with sections 12501--12516 of Public Act No. 368 of 1978 (MCL 333.12501 et seq.), and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision by state or local law.

(13) *Illumination.* The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the clerk.

(14) *Insurance.* Before the issuance of a license, the licensee shall obtain public liability insurance and property damage insurance with limits as established by resolution of the township board from time to time from a company or companies approved by the commissioner of insurance of the state, which insurance shall insure liability for death or injury to persons or

damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of the township in writing at least ten days before the expiration or cancellation of such insurance.

(15) *Bonding.* Before the issuance of a license, the licensee shall obtain from a corporate bonding company authorized to do business in the state, a corporate surety bond in the amount as established by resolution of the township board from time to time in a form to be approved by the township or county attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of state or local law, and which shall indemnify the township, its agents, officers, and employees and the township board or against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

(16) *Fire protection.* The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal to ensure fire protection.

(17) *Sound producing equipment.* Sound producing equipment including, but not limited to, public address systems, radios, photographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township.

(18) *Fencing.* The licensee shall erect a fence completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

(19) *Communications.* The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

(20) *Miscellaneous.* Prior to the issuance of a license, the township board may impose any other condition reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

(Ord. of 11-17-1970, § 10; Ord. of 11-29-1982)

Sec. 20-39. Revocation.

The township board may revoke a license whenever the licensee, his employee, or agent fails,

neglects or refuses to fully comply with any and all provisions and requirements set forth in this chapter or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated in this chapter by reference.

(Ord. of 11-17-1970, § 11)

Chapter 21 RESERVED

Chapter 22 SECONDHAND GOODS*

***State law references:** Licensing and regulation of secondhand and junk dealers, MCL 445.401 et seq., 445.471 et seq.; licensing and regulation of pawnbrokers, MCL 446.201 et seq., 445.471 et seq.; precious metal and gem dealers act, MCL 445.481 et seq.

Article I. In General

Secs. 22-1--22-30. Reserved.

Article II. Junk Shop and Yard

Division 1. Generally

Secs. 22-31--22-45. Reserved.

Division 2. License

Sec. 22-46. Required.

Sec. 22-47. Application.

Sec. 22-48. Conditions; not to create nuisance.

Sec. 22-49. Penalty; revocation.

Sec. 22-50. Prohibited areas.

ARTICLE I. IN GENERAL

Secs. 22-1--22-30. Reserved.

ARTICLE II. JUNK SHOP AND YARD*

***State law references:** Junkyards near highways, MCL 252.201 et seq.

DIVISION 1. GENERALLY

Secs. 22-31--22-45. Reserved.

DIVISION 2. LICENSE

Sec. 22-46. Required.

No individual, firm or corporation shall keep a junk shop or yard, or a place for the dismantling of

automobiles, or engage in the business of buying, collecting, storing and/or selling of zinc, iron, brass, tin, copper, lead, aluminum, steel, old wire fencing, empty bottles, paper, old rubber, or other parts of dismantled automobiles and machinery, without first procuring a license to do so and filing a bond, as provided in this division.

(Ord. of 6-3-1940, § 1)

Sec. 22-47. Application.

Application for the license pursuant to this division shall be made to the township clerk, who shall furnish the proper blanks, and shall be at once referred by him to the sheriff for investigation as to the good moral character as defined and regulated in Public Act No. 381 of 1974 (MCL 338.41 et seq.) and previous record of the applicant. Such application shall contain the name, or names, of the applicant and the place proposed to be operated by him, or them, as a junk shop or yard or place for the dismantling of automobiles, and shall be accompanied by a bond, executed by a surety company authorized to do business in this state, in the sum as established by resolution of the township board from time to time conditioned for the faithful observance of all the laws of this state, this division, and all regulations and conditions passed by the township board under this division. If the investigation shall show the applicant to be of good moral character and that he has not been convicted of a felony, the township board shall authorize the clerk to issue the applicant a license to operate a junk shop, or yard, or place for the dismantling of automobiles, upon the payment of a license fee as established by resolution of the township board from time to time; such shop, yard, or place to be located only in that part of the township as zoned by the township board. Every license granted under this division shall expire on April 1 following and no person now carrying on a business requiring such a license shall be allowed to continue it until he has obtained a license and designation of place of business under this division.

(Ord. of 6-3-1940, § 2)

Sec. 22-48. Conditions; not to create nuisance.

The township board may impose, as condition for the granting of a license to operate a junkyard, or place for the dismantling of automobiles, the building of a tight board fence around such shop, yard, or place, which is eight feet high or more. Such place, yard or shop shall be so conducted as not to create a nuisance by reason of noise or disagreeable odors or fumes and such other regulations and restrictions as may be necessary to prevent the business of the licensee from being conducted in such a manner as to be a nuisance and offensive business.

(Ord. of 6-3-1940, § 4)

Sec. 22-49. Penalty; revocation.

Any person violating any of the provisions of this division, or failing to comply with any of its requirements, shall, on conviction, be punished as provided in section 1-7; and upon such conviction, his license shall be revoked by the township board and he shall not be granted another license for a period of two years after such revocation.

(Ord. of 6-3-1940, § 5)

Sec. 22-50. Prohibited areas.

There shall be no license issued to operate a junkyard or a place to dismantle cars within 50 rods North or South of Corunna Avenue; also, within 50 rods North or South of East Main Street, or M-21; also, 50 rods North or South of Oliver Street, East from Owosso; also, 50 rods distance measured at a right angle from any present or future trunk highways.

(Ord. of 6-3-1940, § 6)

Chapter 23 RESERVED**Chapter 24 SIGNS***

***Cross references:** Buildings and building regulations, ch. 10; land divisions and subdivisions, ch. 16; zoning, ch. 30.

State law references: Highway advertising act, MCL 252.301 et seq.

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- Sec. 24-1. Definitions.
 - Sec. 24-2. Signs prohibited.
 - Sec. 24-3. Signs permitted without a permit.
 - Sec. 24-4. Signs permitted with a permit.
 - Sec. 24-5. Sign illumination.
 - Sec. 24-6. Moving or revolving signs prohibited.
 - Sec. 24-7. Signs not to constitute a traffic hazard.
 - Sec. 24-8. Temporary signs.
 - Sec. 24-9. Outdoor advertising structures.
 - Sec. 24-10. Construction requirements.
 - Sec. 24-11. Administration of the chapter; permits.
 - Sec. 24-12. Procedures for variance from terms of chapter.
 - Sec. 24-13. Violations of chapter declared a nuisance.
 - Sec. 24-14. Nonconforming signs; alterations; replacements.

Sec. 24-1. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising sign means a sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered. This definition includes:

(1) *On premises* means an advertising sign whose message relates to a business, service commodity, or profession lawfully being conducted, sold or offered on the same premises.

(2) *Off premises* means an advertising sign whose message relates to a business, service commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is located.

Billboards (outdoor advertising structure) means a sign that is affixed to or erected upon a freestanding framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.

Election campaign signs means signs advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election.

Freestanding sign means a sign supported by one or more uprights, poles or braces placed in the ground and not attached to any building. Such sign may also be commonly known as a ground sign or pole sign.

Identification sign means a sign that identifies the activity, business, owner or resident and/or the street address and which sets forth no other advertisement.

Illuminated sign means a sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.

Institutional bulletin board means a sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.

Marquee sign means an identification sign attached to a marquee, canopy or awning projecting from and supported by the building above sidewalk level.

Pole sign means a freestanding sign supported by one or more uprights, poles or braces placed in the ground and not attached to any building.

Portable sign means a freestanding sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place.

Projecting sign means a sign which projects from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over the street right-of-way, and not less than nine feet, at its lowest point, above sidewalk or ground level.

Real estate sign means a sign located on premises containing land or buildings for sale, rent or lease or buildings under construction and intended for sale, rent or lease.

Surface display area means the entire area of any sign within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. One side or all faces of a freestanding or projecting sign shall be included in calculating surface display area if the advertising is the same on both sides.

Temporary sign means a display or informational sign with or without a structural frame including seasonal produce sales or decorative displays for holiday or public demonstrations.

Wall sign (fascia sign) means a sign which is attached directly to or painted upon a building wall and which does not extend more than 18 inches therefrom nor above the roof line, with the exposed face of the sign in a plan parallel to the building wall.

Window sign means a sign affixed to, in contact with, or within 12 inches of a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.

(Ord. of 6-5-1989, § 2)

Cross references: Definitions generally, § 1-2.

Sec. 24-2. Signs prohibited.

Any sign not expressly permitted by this chapter is prohibited.

(Ord. of 6-5-1989, § 3)

Sec. 24-3. Signs permitted without a permit.

The following signs shall be permitted in the township without the necessity of obtaining a sign permit and subject to the requirements stated in this chapter:

(1) House numbers legible from the street, and name plates (fraternal, social, apartment and professional) identifying the occupant or address of a parcel of land, and not exceeding two square feet in surface display area.

(2) Memorial signs or tablets, especially those containing the names of the buildings and dates of construction.

(3) For sale signs attached to vehicles.

(4) Flag bearing the official design of a nation, state, municipality, business institution or organization.

(5) Traffic or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

(6) Park and playground signs.

(7) Election signs subject to the following:

a. They shall be removed within ten days following the election.

b. They shall not be placed closer than 500 feet from any polling place entrance.

(8) One temporary, nonilluminated real estate sign per lot, advertising the sale or lease of a property or building, not exceeding 40 square feet in surface display area (but no more than 20 square feet per side); such a sign being placed no closer to the street line than ten feet from the road right-of-way.

(9) Temporary construction signs subject to the following:

a. Total surface display area shall not exceed 32 square feet.

b. Sign height shall not exceed eight feet.

c. Placement shall be ten feet inside the property boundaries to which the sign pertains.

(10) Trespassing, safety or caution signs, not exceeding two square feet in area shall be permitted.

(11) One nonilluminated sign attached to a residence announcing a home occupation or professional service not to exceed four square feet in surface display area and attached flat against a building wall.

(Ord. of 6-5-1989, § 4)

Sec. 24-4. Signs permitted with a permit.

The following signs shall be permitted in the township upon obtaining a sign permit through the township building inspector in accordance with the terms of this chapter and subject to the requirements stated in this section:

(1) Institutional bulletin board located on the premises to which the sign pertains and not exceeding 50 square feet in surface display area.

(2) One sign, not to exceed 32 square feet, per entrance may be placed identifying a subdivision or development. The sign may be illuminated. The sign may contain only the name of the subdivision or development and developer. The sign and structure must be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.

(3) One sign placed flat against the main building announcing the identification of an apartment development that shall not exceed 12 square feet in surface display area. Such a sign may be illuminated provided that the source of the light is not visible beyond the property lines of the parcel upon which it is located.

(4) The following types of signs shall be permitted on the premises of offices, businesses, or other commercial enterprises except industries and may be illuminated in accordance with

provisions of this section:

a. Freestanding signs:

1. Two on-premises advertising signs per business not exceeding 140 square feet in surface display area. For every commercial business that owns over 100 feet of road frontage, that business would be allowed one more advertising sign per 100 square feet of frontage with a maximum of no more than four signs per business.
2. Such signs may be located in the front yard with the leading edge of the sign at least ten feet back of the right-of-way line.
3. The bottom of freestanding signs shall be no less than six feet from ground level and the top of the sign shall be no higher than 30 feet in height.

b. Wall signs:

1. One per building, not exceeding 15 percent of the building face to which it is attached.
2. Wall signs shall be placed flat against the main building or parallel to the building on a canopy and may only face public streets or parking areas which are part of the development.
3. Wall signs shall not project above the roof line or cornice.

c. Marquee signs:

1. Marquee signs shall not exceed the surface display area permitted for wall signs.
2. No portion of a marquee sign shall be higher than the roof line or cornice.

d. Projecting signs:

1. One per building, with a surface display area not exceeding 1 1/2 square feet in area for each lineal foot of the building frontage up to a maximum of 50 square feet.
2. Projecting signs shall be attached directly to a building by means of building mounts or hung from a mast arm. These support members may also include decorative appurtenances, but external bracing such as guy wires and metal framework shall be prohibited.
3. Signs must project at a 90-degree angle to the building surface to which attached.

4. Projecting signs shall not exceed beyond the minimum required setback line or into and over the street right-of-way.

5. The minimum clearance of a projecting sign over a sidewalk shall be nine feet.

e. Service station signs: In the case of gasoline service stations, a two-sided sign indicating only price and grade of gasoline, as shown on the pumps, either side not to exceed 16 square feet in surface display area, may be permanently attached to the support pole of the freestanding sign. If the support pole is poorly located, such price sign may be attached to a light standard or support. Price signs shall be attached with the bottom of the sign no lower than six feet from ground level.

f. Parking lot signs:

1. One directional sign at each point of ingress or egress shall be permitted, which may bear the sponsor's ad, name or trademark, the enterprise it is intended to serve and directions of movement.

2. Surface display area per sign shall not exceed six square feet.

g. All signs as regulated by subsection 24-3(5) shall be permitted upon the premises of industries; provided, however, that the maximum permitted surface display area shall be 200 square feet.

h. One freestanding sign identifying an industrial complex, located at the entrance and not exceeding 100 square feet in surface display area nor higher than six feet above the ground shall be permitted. Such signs shall be at least 30 feet from any street line and may be illuminated provided the source of illumination is not visible beyond the property line of the parcel.

i. Freestanding signs identifying shopping malls or shopping centers shall be permitted. The signs shall conform to section 24-4(4)a. of this section. Each business within the mall or shopping center shall be permitted one wall sign conforming to the requirement of section 24-4(4)b. of this section. Where the roof structure of a building containing more than one business is extended over a walkway along the outer edge of the building, one marquee sign and/or one under hanging sign may be permitted of each business in the building.

(Ord. of 6-5-1989, § 5)

Sec. 24-5. Sign illumination.

Signs for which illumination is permitted may be illuminated by a direct or indirect source of light provided the light source is shielded in a manner so that no direct rays or glare emanating from the light source are visible from any public right-of-way or from the abutting property. Signs

which incorporate any flashing or intermittent lights are prohibited. This shall not, however, preclude the use of time-temperature, programmable message signs and neon signs. Signs shall not revolve or move in any manner.

(Ord. of 6-5-1989, § 6)

Sec. 24-6. Moving or revolving signs prohibited.

Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with the time-temperature and programmable message signs, shall be prohibited.

(Ord. of 6-5-1989, § 7)

Sec. 24-7. Signs not to constitute a traffic hazard.

No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or any location by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "look," "danger," or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

(Ord. of 6-5-1989, § 8)

Cross references: Traffic and vehicles, ch. 26.

Sec. 24-8. Temporary signs.

Any freestanding sign not permanently anchored or secured to either a building or ground, including but not limited to, A frame, T frame, or inverted T shaped structures, including those signs mounted on wheeled trailers, shall be permitted in the township upon obtaining a sign permit through the township building inspector in accordance with the terms of this chapter and subject to the requirements stated in this section:

(1) All illuminated portable signs shall comply with the requirements of section 24-4.

(2) All portable signs shall be located no closer than one-half the setback distance for a permanent structure to the street right-of-way line.

(3) Any portable signs shall not exceed 50 square feet in surface display area.

(4) No sign permit shall be issued for a business more than twice a year or for more than 15 consecutive days.

(Ord. of 6-5-1989, § 9)

Sec. 24-9. Outdoor advertising structures.

Outdoor advertising structures and billboards, other than those signs which exclusively advertise businesses on the premises on which they are located, shall be permitted in the township upon obtaining a sign permit through the township building inspector in accordance with the terms of this chapter and subject to the requirements stated in this section:

- (1) *Location.* Outdoor advertising structures shall be located at least 25 feet from the right-of-way line of the street on which it fronts.
- (2) *Illumination.* Outdoor advertising structures may be illuminated; providing, however, that such illumination is not visible beyond the property lines of the parcel upon which the structure is located.
- (3) *Maintenance.* Outdoor advertising structures shall be adequately maintained. Such maintenance shall include property alignment of structure, continued readability of structure and preservation of structure with paint or other surface-finishing material. If an outdoor advertising structure is not maintained, written notice of any disrepair shall be issued by the building inspector to the owner of such structure. If the disrepair is not corrected within 30 days, such structure shall be removed at the owner's expense.
- (4) *Size.* No outdoor advertising structure shall exceed 720 square feet in surface display area.
- (5) *Spacing.* No outdoor advertising structure shall be located within 500 feet any other outdoor advertising structure.
- (6) *Compliance with other regulations.* The outdoor advertising structure or billboard complies with Public Act No. 106 of 1972, the Highway Advertising Act (MCL 252.301 et seq.).

(Ord. of 6-5-1989, § 10; Ord. of 10-7-1991)

Cross references: Zoning, ch. 30.

Sec. 24-10. Construction requirements.

Signs and sign structures shall be designed and constructed in accordance with the Uniform Building Code. All signs of electrical construction and installation shall comply with the National Electrical Code and shall be connected by a licensed electrician.

(Ord. of 6-5-1989, § 11)

Sec. 24-11. Administration of the chapter; permits.

- (a) The township building inspector shall administer this chapter. If the township building inspector shall find that any of the provisions of this chapter are being violated, he shall notify the

violator, in writing, setting forth the nature of the violation and the steps necessary to correct the violation. The township building inspector shall order the discontinuance of any violation of this chapter. The failure to comply with any such order of the township building inspector shall subject the violator to enforcement of the nuisance and penalty provisions of this chapter.

(b) Application for a permit to erect or replace a sign shall be made to the township building inspector by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information:

- (1) The property owner's name and address in full.
- (2) Applicant's name and address.
- (3) Address of property on which the sign is to be situated.
- (4) Business to which the sign belongs or relates.
- (5) Total display area in square feet.
- (6) Proposed setback from right-of-way.
- (7) Sign type.
- (8) Sign purpose.
- (9) Sign height and width of building to be served.
- (10) Drawing of proposed sign indicating proposed copy.

(c) Sign permits issued on the basis of plans and applications approved by the township building inspector authorize only the design and construction set forth in such approved plans and applications, and not other design.

(d) The township building inspector shall not approve plans or issue sign permits for any sign which does not conform to the provisions of this chapter.

(e) The township building inspector shall maintain a record of all sign permits issued, and such record shall be open for public inspection.

(f) Permit fees will be established by resolution of the township board of trustees.

(Ord. of 6-5-1989, § 12)

Sec. 24-12. Procedures for variance from terms of chapter.

(a) *Generally.* These variance procedures are instituted to provide an opportunity for the relaxation of the terms of this chapter where it would not be contrary to the public interest and where, owing to the conditions peculiar to the sign request and not the result of the action of the applicant, literal enforcement of the chapter would result in an unnecessary and undue hardship.

(b) *Procedures.*

(1) An applicant for a variance shall file a written request with the township building inspector setting forth the specific variance requested and the reasons for the variance.

(2) The township building inspector shall investigate the request and prepare a written recommendation regarding the request for the township zoning board of appeals.

(3) The applicant shall be afforded an opportunity to appear before the township zoning board of appeals in support of the request for a variance.

(4) The township zoning board of appeals shall not approve an application for a variance unless it finds that:

a. Strict enforcement of the chapter would cause unnecessary hardship and deprive the applicant of rights enjoyed by similarly situated township residents or businesses.

b. The conditions and circumstances of the applicant are unique and not applicable to other township residents or businesses.

c. The conditions and circumstances were not created by the applicant.

d. The requested variance will not confer special privileges that are denied other similarly situated residents or businesses.

e. The requested variance is not contrary to the spirit and interest of this chapter.

(Ord. of 6-5-1989, § 13)

Sec. 24-13. Violations of chapter declared a nuisance.

Violations of the provisions of this chapter are hereby declared to be a public nuisance which

may be enjoined or which may subject the violator to civil damages and the fines and penalties provided in section 1-7.

(Ord. of 6-5-1989, § 14)

Sec. 24-14. Nonconforming signs; alterations; replacements.

For the purpose of this chapter:

- (1) A nonconforming sign is one that does not conform with the provisions of this chapter but which was lawfully existing and maintained within the township prior to and at the time the ordinance from which this chapter derives became effective, or ways lawfully in existence and in use on the property inside the township on the date that the ordinance from which this chapter is derived went into effect.
- (2) A nonconforming sign shall not be repaired, altered, reconstructed, relocated, or expanded in any manner unless or until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign are prohibited.
- (3) Notwithstanding any other provision contained in this chapter, in the event a change in the ownership or name of the business identified or advertised by a nonconforming sign necessitates the replacement of a sign face, the nonconforming sign may be altered by either repainting the sign face or replacing one or more removable panels on the sign without first making the entire sign conform with the provisions of this chapter. Nothing contained herein shall extend or alter the applicable period of time within which the nonconforming sign must be made to conform to the provisions of this chapter.
- (4) If the use of a nonconforming sign is discontinued for more than six months, it shall be made to conform with the provisions of this chapter or shall be removed.
- (5) All nonconforming signs shall be brought into conformance with a ten-year grace period from the effective date of this chapter amendment.
- (6) An inventory of nonconforming signs shall be prepared within six months of amendment of this chapter. Owners of property on which nonconforming signs are located shall be notified by certified mail with nine months of amendment of this chapter stating the time they shall have to bring their signs into conformance.

(Ord. of 6-5-1989, § 15; Amend. of 4-7-2003)

Chapter 25 RESERVED

Chapter 26 TRAFFIC AND VEHICLES*

***Cross references:** Open container in motor vehicle, § 4-7; dismantled vehicles and junk, § 12-61 et seq.; trafficways, streets and roads, § 16-77; signs not to constitute a traffic hazard, § 24-7.

State law references: Michigan Vehicle Code, MCL 257.1 et seq.

Sec. 26-1. Michigan Vehicle Code adopted.

Sec. 26-2. Uniform Traffic Code adopted.

Sec. 26-3. Resolution of conflicts.

Sec. 26-1. Michigan Vehicle Code adopted.

The Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 et seq.) is hereby adopted by reference.

Sec. 26-2. Uniform Traffic Code adopted.

The Uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police, and published in accordance with Public Act No. 62 of 1956 (MCL 257.951 et seq.) is hereby adopted by reference.

(Ord. of 1-7-1975, § 1)

Sec. 26-3. Resolution of conflicts.

(a) In the event of a conflict between the Michigan Vehicle Code adopted by section 26-1 and the Uniform Traffic Code adopted by section 26-2, the Michigan Vehicle Code shall prevail.

(b) In the event of a conflict between the Michigan Vehicle Code adopted by section 26-1 and this Code or any ordinance, the Michigan Vehicle Code shall prevail.

(c) In the event of a conflict between the Uniform Traffic Code adopted by section 26-2 and this Code or any ordinance, this Code or the ordinance shall prevail.

Chapter 27 RESERVED

Chapter 28 UTILITIES*

***Cross references:** Administration, ch. 2; buildings and building regulations, ch. 10; environment, ch. 12; land divisions and subdivisions, ch. 16; public utilities in subdivisions, § 16-81.

State law references: Local government authority to provide and regulate water and sewer service, MCL 324.4301 et seq.; collection of water or sewerage charges, MCL 123.161 et seq.;

sewage disposal, water supply and solid waste management system, MCL 124.281 et seq.; rates charged for use of public improvement in order to pay bonds, MCL 141.121.

Article I. In General

Secs. 28-1--28-30. Reserved.

Article II. Sewers

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Sec. 28-126. Waste deposits.

Sec. 28-127. Water pollution.

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Secs. 28-131--28-145. Reserved.

Subdivision III. Connections to Public Sewers

- Sec. 28-146. Sewer connection--Permit required.
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- Sec. 28-148. Protection of capacity for existing users.
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- Sec. 28-150. Separate building sewer.
- Sec. 28-151. Abandoned building sewers.
- Sec. 28-152. Building sewer standards.
- Sec. 28-153. Grade.
- Sec. 28-154. Supervision.
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- Sec. 28-156. Building sewer maintenance.
- Secs. 28-157--28-175. Reserved.

Subdivision IV. Regulation of Wastewater Discharge

- Sec. 28-176. Purpose and policy.
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- Sec. 28-182. Measurements and tests.
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- Sec. 28-184. Extra strength surcharge.
- Sec. 28-185. Pretreatment requirements.
- Sec. 28-186. Bypass.
- Sec. 28-187. RCRA hazardous wastes.
- Secs. 28-188--28-205. Reserved.

Subdivision V. Spill Prevention and Notification

- Sec. 28-206. Spill prevention plan.
- Sec. 28-207. Spill prevention facilities.
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- Sec. 28-226. User classification.
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- Sec. 28-228. Rules and regulations.
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- Sec. 28-232. Indemnification.
- Sec. 28-233. Confidential information.
- Sec. 28-234. Fees.
- Secs. 28-235--28-250. Reserved.

Subdivision VII. Enforcement

- Sec. 28-251. Violations.
- Sec. 28-252. Emergency suspension of service.
- Sec. 28-253. Termination of service.
- Sec. 28-254. Publication of enforcement actions.
- Sec. 28-255. Right of appeal.
- Sec. 28-256. Temporary noncompliance upset provisions.
- Sec. 28-257. Consent orders.

ARTICLE I. IN GENERAL

Secs. 28-1--28-30. Reserved.

ARTICLE II. SEWERS*

***State law references:** Sewerage systems, operation, construction and inspection, MCL 324.4101 et seq.; sewerage contracts between political subdivisions, MCL 123.231 et seq.

DIVISION 1. GENERALLY

Secs. 28-31--28-45. Reserved.

DIVISION 2. FEES AND CHARGES

Sec. 28-46. Definitions.

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Availability fee means the amount charged at the time and in the amount provided for in this division to each premises in the township for the availability to directly serve such premises by the construction and represents the proportionate cost allocable to such premises for the lateral service made directly available to the premises by the construction and by the general benefit derived therefrom.

Board means the township board, the legislative and governing body thereof.

Charges for sewage disposal services and *charge* mean the amount charged to each premises in the township for sewage disposal services and may include a debt service factor.

Debt service charge means that portion of the sewer charge required to retire the bonds outstanding for capital improvements of the wastewater treatment plant.

Inspection and approval fee means the amount charged by the authority to each applicant to connect premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

Maintenance means to keep a certain state of repair; to keep up buildings, equipment, grounds, etc.

Operation means the proper functioning of the facility, in this case, the manpower and equipment necessary to efficiently run the wastewater treatment plant and sewage collection system.

Premises means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the township as a single taxable item in the name of the taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a

single platted lot unless an existing building or structure is so located on more than one lot as to make the lot a single description for purposes of assessment or conveyance.

Service stub charge means the amount charged to each premises in the township for the actual construction of one or more service stubs from the new construction to the property line of the premises at the time such service stub is constructed.

Sewage disposal services means the collection, transportation, treatment and disposal of sanitary sewage emanating from premises.

Sewage disposal system and *system* mean the Owosso Township-Caledonia Township Sewage Disposal System No. 1 established and constructed by the Owosso Township-Caledonia Township Utility Authority (the authority) pursuant to resolution dated January 21, 1974, and Owosso Township-Caledonia Township Waste Water Authority Sewage Disposal System No. 1 Contract (the contract) dated as of December 1, 1973, as amended, by and between the authority, the Township of Owosso and the township, and shall consist of the sewers and facilities to be acquired and constructed by the authority pursuant to the contract, herein called new construction or construction.

Sewer charge means the total quarterly charge made to each user of the wastewater system. The total charge includes a user charge and a debt service charge.

Trunkage connection fee means the amount charged at the time and in the amount provided for in this division, to each premises in the township for connecting or being connected to the system and represents the proportionate cost allocable to such premises for the trunk facilities by which sewage disposal services are immediately provided to the premises.

Unit and *units* shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single-family or ordinary size and the benefit derived therefrom, and shall be defined or determined from time to time by the township. The determination of units shall be based upon the studies made in the County of Oakland in the State of Michigan and by the United States Department of Health relative to the quantity of sewage generated by different types of use and occupancy of premises and shall be kept up-to-date and revised as needed and as new studies are made and experience gained by the township through actual operation of the system. Based on the provisions of this definition, metered business usage shall be \$0.02 per gallon for water used.

User charge means a charge levied on users of the treatment works and collection system for the cost of operation and maintenance of such works pursuant to Section 204(b) of PL-92-500 (40 CFR 35.905-26).

(Ord. of 6-5-1978, art. 1; Ord. of 6-4-1979; Ord. of 9-5-1995)

Cross references: Definitions generally, § 1-2.

Sec. 28-47. Required connection and plats.

(a) Premises within the area in the township served by the system from which sanitary sewage emanates shall not be used or occupied, after the effective date of the ordinance from

which this division derived, unless such premises are connected to the sewage disposal system; provided, that premises within the areas in the township served by the system from which sanitary sewage is emanating on the effective date hereof and which are under pollution control court orders shall be connected to the system within three months after service is available and other premises within areas in the township served by the system from which sanitary sewage is emanating on the effective date of the ordinance from which this division is derived shall be connected to the system within 12 months after service is available.

(b) Plats for premises subdivided into three or more lots or parcels and permits to improve platted or unplatted premises, after the effective date of the ordinance from which this division is derived, which premises are within the area in the township served by the system, shall not be approved or issued on behalf of the township and none of such premises shall be improved hereafter by the erection thereon of a building or structure for human use or occupancy unless lateral sewers to serve all of such premises, as subdivided or to be improved, are provided to connect the lateral sewers to the system when available as part of the system or shall be installed at private cost or by special assessment, or a bond furnished or the estimated cost thereof deposited with the township, as otherwise provided by law, unless the township board shall both determine by specified resolution that compliance with this section will work an unreasonable hardship on the owner of the premises involved.

(Ord. of 6-5-1978, art. 2)

Sec. 28-48. Trunkage connection fee.

(a) Owners of premises within the area in the township served by the system from which sanitary sewage emanates, as of the effective date of the ordinance from which this division is derived shall pay a trunkage connection fee for connection to the system in the amount as established by resolution of the township board from time to time, payable in four equal annual installments, with interest on the unpaid balance from time to time from the date of connection, payable annually at the rate of six percent per annum, the first installment being payable on or before February 14 following the date of connection, and succeeding installments being payable or before each February 14 thereafter.

(b) On September 1 of each year, the township treasurer shall certify such installments to the township board who shall cause the installment to be entered upon the next township and county tax roll against the premises to which such services shall have been rendered and against which such fee has been placed. Such installment shall be a lien on the premises as of the due date thereof and shall be collected and such lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(c) Any such owner may discharge the obligation to pay such fee by the payment without interest in cash for each unit on or before February 14 or may pay any part of such fee in cash without interest on or before February 14, and thereafter prepayment of such fee may be made

in advance by paying interest on the amount prepaid to the next succeeding February 14 following the date of prepayment.

(d) Any owner of premises within the area in the township served by the system from which sanitary sewage does not emanate as of the effective date of the ordinance from which this division is derived, who thereafter improves the premises by the erection of structures or buildings thereon having sanitary or industrial sewage facilities, shall pay a trunkage connection fee as established by resolution of the township board from time to time in cash for each unit at the time a construction or building permit is issued by the township and an inspection and approval fee is paid.

(Ord. of 6-5-1978, art. 3; Ord. of 8-1-1994)

Sec. 28-49. Availability fee and service stub charges.

(a) Owners of premises within the area in the township serviced by the system which premises are crossed by or abut upon the construction shall pay an availability fee as established by resolution of the township board from time to time, if direct connection of such premises to the construction is available as of the effective date hereof. The availability fee charged to each premises shall be payable in four equal annual installments, with interest on the unpaid balance from time to time from the date of connection, payable annually at the rate of six percent per annum, the first installment being payable on or before February 14 following the date of connection, and succeeding installments being payable on or before each February 14 thereafter.

(b) On September 1 of each year, the township treasurer shall certify such installments to the township board who shall cause the installment to be entered upon the next township and county tax roll against the premises to which such services shall have been rendered and against which such fee has been placed. Such installment shall be a lien on the premises as of the due date thereof and shall be collected and the lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(c) Any such owner may discharge the obligation to pay such fee by the payment of the fee without interest in cash for each unit on or before February 14 or may pay any part of such fee in cash without interest on or before February 14, and thereafter prepayment of such fee may be made in advance by paying interest on the amount prepaid to the next succeeding February 14 following the date of prepayment.

(d) Any premises which abut on or are crossed by the construction upon which a structure or building having sanitary or industrial sewage facilities is hereafter constructed, shall pay an availability fee in the amount as established by resolution of the township board from time to time. Such additional amounts shall be paid in full in cash or certified check at the time a building or construction permit is issued by the township.

(e) Owners of premises within the area in the township served by the system for which premises one or more service stubs to the construction are to be provided shall pay a service stub charge in the amount as established by resolution of the township board from time to time for each six-inch service stub provided, which amount may be paid in cash, in full or in part, without interest on or before February 14, or any unpaid balance may be paid in four equal annual installments with interest charges and prepayment privileges as provided in this section, commencing February 14. If service stubs larger than six inches are required, there shall be an additional charge.

(f) If the frontage of any premises on any street is more than 100 feet, the availability charge pursuant to this section shall be increased.

(g) Upon connecting to the system, premises within the township serviced by the system may have the contents of their septic tank pumped into the system, provided that they first contact the utility authority administrator for permission and pay a system use fee as established by resolution of the township board from time to time.

(Ord. of 6-5-1978, art. 4; Ord. of 3-17-1980; Ord. of 8-4-1986; Ord. of 8-1-1994)

Sec. 28-50. Units.

The number of units to be assigned to any particular premises used for other than single residence purposes shall be determined by the township based on unit factors promulgated by the township. The township, if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises but, for purposes of computing the connection fee, units in excess of one may be computed and assigned to the nearest tenth. Once any premises has been connected to the system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of such premises (including destruction, removal or abandonment of any or all improvement thereon) shall not abate the obligation to continue the payment of the connection fee charged to such premises in the amount and for the period provided in this section, for the number of units assigned to such premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage emanating from the premises, the authority shall increase the number of units assigned to such premises and thereupon a trunkage connection fee as established by resolution of the township board from time to time subject to the escalation clauses, computed on the same basis for the additional units, shall be payable in cash at the time a construction or other permit is issued by the township for such changes in use or at the time such change in use occurs, if no permit is issued or required.

Schedule of Unit Assignment Factors

Pursuant to the definition of the term "unit" in section 28-46, as a consequence of studies made and experience gained by the Owosso Township-Caledonia Township Utility Authority, the unit factors for the usage within mobile home parks and multiple-family

residences shall be deleted and inserted in place thereof the following:

TABLE INSET:

Usage	Factor	Source
Mobile Home Parks	.0	per mobile home
Multiple-family Residences	.0	per residence

UA: Owosso Township-Caledonia Township Utility Authority Studies.

(Ord. of 6-5-1978, art. 5; Ord. of 2-7-1983; Ord. of 6-6-1988)

Sec. 28-51. Charges for sewage disposal services.

(a) Charges for sewage disposal services to each premises within the township connected with the sewage disposal system shall be as established by resolution of the township board from time to time.

(b) If a premises elects to utilize the water meter method then that premises shall pay a rental fee to the Owosso Township-Caledonia Township Utility Authority for a water meter which represents the cost of the water meter and initial inspection fees to the utility authority. A water meter shall be obtained for each source of water unless a source of water is already metered prior to the effective date of the ordinance from which this division is derived modification. In that event, the meter shall be inspected by the utility authority as stated in this subsection. The inspection shall either approve or disapprove the existing meter. If such meter is disapproved, the utilization of the water meter method shall not be allowed until a water meter is obtained from the utility authority as set forth in this subsection and is operational. The water meter which is rented from the utility authority shall be deemed to be the sole property of the utility authority and shall be repaired by the utility authority at its discretion only after the meter has been properly installed in good working order. Replacement of an existing water meter shall require the payment of the rental fee to the utility authority. Such premises shall be solely responsible for the full cost of installation of such water meter; and it shall also be the premises responsibility to secure capable and qualified individuals for the installation of such water meter.

(c) Each premises utilizing the water meter method shall allow the utility authority to inspect and read the water meter at reasonable times from time to time.

(d) The charges set out in this section may be revised annually to assume continued proportionality and economic self-sufficiency within the system.

(e) No free service shall be furnished by the system to the township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the system shall be billed and collected quarterly, the first such charge for each

premises to be due and payable on the first day of the established billing quarter following by at least one month the date such premises are connected to the system and successive charges to be due and payable on the first day of each succeeding quarter. Charges shall be billed at least one month before their due date.

(f) Should any user of the wastewater collection system discharge into the sewage collection system, sewage exceeding the loading parameters established by the Owosso Wastewater Treatment Plant, they shall be required to pay a surcharge which shall be established by the wastewater treatment plant.

(g) Charges for sewage disposal services to each premises within the township not connected with the system within the time periods as previously set forth in subsection 28-47(a), shall be that as set forth in this section if such premises are within the area in the township served by the system.

(Ord. of 6-5-1978, art. 6; Ord. of 6-4-1979; Ord. of 2-4-1980; Ord. of 10-27-1980; Ord. of 5-24-1982; Ord. of 9-13-1982; Ord. of 11-2-1987; Ord. of 9-5-1995)

Sec. 28-52. Penalties, interest and remedies.

(a) If any charges for sewage disposal services are not paid on or before the due date, then a penalty of ten percent of such quarterly charge shall be added thereto. All quarterly charges not paid on or before the due date and penalties shall be totaled and a penalty of ten percent thereof shall be added thereto. In the event that the charges for any such services furnished to any premises shall not be paid within 120 days after the due date thereof, then all services furnished by the sewage disposal system may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus all expenses incurred by the township for shutting off and turning on the service.

(b) If any installment of a trunkage connection fee, availability fee or service stub charge is not paid on or before the due date, the charge shall bear interest at a rate of one-half of one percent of per month until paid. In the event that any such installment remains unpaid for 120 days or more after the due date, service may be discontinued as provided in subsection (a) of this section and shall not be restored until all amounts due and all shut-off and turn-on charges are paid.

(Ord. of 6-5-1978, art. 7; Ord. of 10-27-1980)

Sec. 28-53. Lien and collection.

Charges for sewage disposal services furnished by the system to any premises and the trunkage connection fee, availability fee and service stub charge installments pertaining to any premises, shall be a lien thereon as of the due date thereof, and on September 1 of each year the township treasurer shall certify any such charges and installments which have been

delinquent 90 days or more, plus penalties and interest accrued thereon, and plus an additional amount of six percent of the aggregate amount, to the township board which shall cause the charges to be entered upon the next township and county tax roll against the premises to which such services shall have been rendered and against which such trunkage connection fee, availability fee and service stub charge has been placed, and the unpaid charges and unpaid fees, with penalties and interest accrued thereon, shall be collected and the lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(Ord. of 6-5-1978, art. 8)

Sec. 28-54. Fiscal year.

The system shall be operated upon the basis of the calendar year as its fiscal year.

(Ord. of 6-5-1978, art. 9)

Sec. 28-55. Operation.

The operation, maintenance and management of the system shall be under the immediate supervision and control of the authority.

(Ord. of 6-5-1978, art. 10)

Sec. 28-56. Enforcement.

The provisions of this division shall be enforceable by an action for injunction, mandamus, and as otherwise provided by law, in any court having jurisdiction. Any violation of this division is deemed to be a nuisance per se.

(Ord. of 6-5-1978, art. 12)

Secs. 28-57--28-75. Reserved.

DIVISION 3. CONTRACTOR LICENSING

Sec. 28-76. Definitions.

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Existing residences and commercial buildings means residences and commercial buildings in use prior to the availability of public sanitary sewers to the particular residence or commercial building; and residences and commercial buildings constructed after availability of public sanitary sewers to the respective residence or commercial building.

Public sanitary sewers means sanitary sewers constructed and operated by and between the Owosso Township-Caledonia Township utility authority and the City of Owosso and the City of Corunna.

Waste sewers means sewers transporting sewage from residences and commercial buildings to

public sanitary sewers.

(Ord. of 3-17-1980, § 1)

Cross references: Definitions generally, § 1-2.

Sec. 28-77. Determination of necessity.

It is determined and declared to be necessary for the due protection of the public health, safety and welfare of the people of the township to license and regulate contractors installing and connecting waste sewers of existing residences and commercial buildings to the public sanitary sewers in the township.

(Ord. of 3-17-1980, § 2)

Sec. 28-78. License requirement.

No person shall engage in the business of installing and connecting waste sewers of existing residences and commercial buildings to public sanitary sewers in the township without first obtaining a license therefor, nor shall any person carry on such business after the license therefor shall have expired or been revoked.

(Ord. of 3-17-1980, § 3)

Sec. 28-79. Application.

Any person desiring to engage in the business of installing and connecting waste sewers of existing residences and commercial buildings to public sanitary sewers shall, before so engaging in such business in the township apply to the utility authority administrator of the Owosso Township-Caledonia Township Utility Authority for a license to engage in such business and shall pay to the utility authority administrator at the time of making such application, a license fee as the Owosso Township-Caledonia Township Utility Authority shall determine from time to time.

(Ord. of 3-17-1980, § 4)

Sec. 28-80. Contents of application.

The application for license under this division shall contain:

(1) Name and address of applicant and all persons who have any interest, direct or indirect, in the business. In the case of a corporation, all officers, directors, and stockholders shall be set forth.

(2) Address or location of place of business.

(3) Signatures by all persons whose identity must be set forth on the application, and the signatures of all persons must be notarized by a Notary Public.

(4) Proof shown by copy or license number, of all licenses and permits required by the state and county to engage in the business of installing and connecting waste sewers to the public sanitary sewers.

(Ord. of 3-17-1980, § 5)

Sec. 28-81. Bond; repair of damage; liens.

(a) An applicant for a license under this division shall file with the utility authority administrator a surety bond in the amount as approved by the Owosso Township-Caledonia Township Utility Authority.

(b) Should any person desire to make his own connection on his own property without engaging the services of a professional contractor, then any and all damage done by such person, committed on the main trunk or riser or any part thereto, shall be the responsibility of such person, and he shall be responsible for such damage.

(c) Should any person fail, refuse or neglect to pay for the cost of repairing such damage to the line, trunk or riser, then the township shall undertake to repair such line, trunk or riser and shall charge such person; and such charge shall become a lien upon the property and such lien shall be enforced in the same manner as liens for township taxes.

(Ord. of 3-17-1980, § 6)

Sec. 28-82. Denial of license for noncompliance or false application.

No license shall be granted to a person who has failed to comply with any of the provisions made in this division, or who shall make false application.

(Ord. of 3-17-1980, § 7)

Sec. 28-83. Insurance.

Every person who is granted a license or renews a license under the terms of this division shall be required to maintain insurance underwritten by a company authorized to do business in the state, against liability for personal injury and property damage in the amount as approved by the Owosso Township-Caledonia Township Utility Authority for any combination of accidents. Such insurance shall be continuous until cancelled, or shall expire July 1 of any year. Such policy shall contain therein or have attached thereto by rider, a provision that the insurer shall give notice to the Owosso Township-Caledonia Township Utility Authority at least ten days prior to the cancellation of such policy, in the event the insurer shall elect to cancel the policy. Failure to maintain insurance as provided in this section shall be grounds for revocation of the license issued under this division.

(Ord. of 3-17-1980, § 8)

Sec. 28-84. Term of license.

All licenses shall be issued for a period of one year or a fraction thereof, and shall expire on the July 1 following the date of issuance thereof. No license shall be valid unless the amount required under this division has been paid to the Owosso Township-Caledonia Township Utility Authority and such license signed by the utility authority administrator.

(Ord. of 3-17-1980, § 9)

Sec. 28-85. Suspension, revocation or denial of license.

The Owosso Township-Caledonia Township Utility Authority Board may investigate the actions of any person licensed under this division and shall have the power to suspend or revoke any license issued under this division or deny any application at any time where the licensee or applicant is performing or attempting to perform the following acts:

- (1) Abandonment without legal excuse of any construction project within the township by the licensee.
- (2) Failure to account for or to remit for any monies coming into his possession which belong to others.
- (3) Willful departure from or disregard of plans or specifications in any material respect and prejudicial to another, without the consent of the owner or his agent.
- (4) Willful violation of the building laws of the state and of the ordinances of the township.
- (5) Misrepresentation of a material fact by an applicant in obtaining a license.
- (6) Making any substantial misrepresentation, or making any false promise of a character likely to influence, persuade or induce.
- (7) Conviction for a felony in connection with operations as a contractor.
- (8) The violation of any of the provisions of this division.
- (9) Any conduct, whether of the same or of a different character than as specified in this division, which constitutes dishonesty or unfair dealings.

(Ord. of 3-17-1980, § 10)

Sec. 28-86. Notification regarding suspension or revocation of license.

The Owosso Township-Caledonia Township Utility Authority Board shall, before suspending or

revoking any license and at least ten days prior to the date set for hearing, notify in writing the holder of such license of any charge made, and shall furnish the licensee with a copy of the complaint and afford such licensee an opportunity to be heard in person or by counsel in reference thereto. Such written notice shall be served by delivery of the notice personally to the licensee or by mailing the notice by certified mail to the last known business address of such licensee. If the Owosso Township-Caledonia Township Utility Authority Board shall determine that any licensee is guilty of any violation of any of the provisions of this division, such license shall be suspended or revoked for such period of time as shall be determined by the Owosso Township-Caledonia Township Utility Authority Board.

(Ord. of 3-17-1980, § 11)

Sec. 28-87. Knowledge of offense.

Any unlawful act or violation of any of the provisions of this division upon the part of any employee or any officer or member of a licensed person shall not be cause for suspension, revocation or denial of a license of a licensed person unless it shall appear to the satisfaction of the Owosso Township-Caledonia Township Utility Authority Board that the licensed person or the principal partner or officer of a licensed firm or corporation had guilty knowledge thereof.

(Ord. of 3-17-1980, § 12)

Sec. 28-88. Exception for connections from existing residence or commercial building.

A person installing and connecting waste sewers from an existing residence or commercial building owned by such person to a public sanitary sewer shall be exempt from the provisions of this division.

(Ord. of 3-17-1980, § 13)

Sec. 28-89. Marking of equipment.

Any person making application and accepting a license under this division shall at all times clearly mark his equipment by placing his name or company name thereon and shall be primarily liable for any and all claims or disputes that arise from his work, irrespective of any agreements he may have with his subcontractors or independent agents.

(Ord. of 3-17-1980, § 14)

Sec. 28-90. False application; violations.

Any person making false application or otherwise violating any of the provisions of this division shall, upon conviction thereof, be punished as provided in section 1-7.

(Ord. of 3-17-1980, § 17)

Secs. 28-91--28-105. Reserved.

DIVISION 4. SEWER USE REGULATIONS

Subdivision I. In General

Sec. 28-106. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized representative means:

(1) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function.

(2) In the case of a partnership or proprietorship, a general partner or proprietor; and

(3) An authorized representative of the individual designated in this definition if (i) such representative is responsible for the overall operation of the facilities from which the discharge originates; (ii) the authorization is in writing; and (iii) the written authorization is submitted to the public services director.

BOD and biochemical oxygen demand mean the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and convey it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Categorical pretreatment standard means any regulation containing pollutant discharge limits or requirements promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users.

COD and chemical oxygen demand mean the quantity of oxygen consumed in the chemical oxidation of organic matter expressed in milligrams per liter.

Combined sewer means a sewer receiving both surface run-off and sewage.

Compatible pollutant means the pollutants which are treated and removed to a substantial degree by the treatment works. These pollutants include COD, BOD, suspended solids, pH and fecal coliform, phosphorus and its compounds, nitrogen and its compounds.

EPA and Environmental Protection Agency mean the United States Environmental Protection

Agency or, also be used as a designation for the administrator or other authorized official of such agency.

Federal Act and *Act* mean the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 USC 1251 et seq., and rules and regulations promulgated thereunder.

Garbage means the residue from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

Ground garbage means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Industrial user means any nondomestic user discharging or potentially discharging, from any nondomestic source to the township's wastewater system, pollutants which are subject to regulation under the Federal Act, state law or local ordinance.

Industrial waste means liquid waste carried from industrial processes as distinct from sanitary sewage.

Interference means any inhibition or disruption of the township's wastewater system, treatment process, operations, or residuals management program, which may cause or contribute to a violation of the system's NPDES permit.

Natural outlet means any outlet, including storm drains, into a watercourse, pond, ditch, lake or other body of surface water or ground water.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(C) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes are substantially independent of an existing source at the same site.

Nondomestic user means any user of the wastewater system that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

Normal strength domestic wastewater means wastewater with a BOD of 220 mg/l, suspended

solids of 300 mg/l, phosphorus of ten mg/l, ammonia-nitrogen of 20 mg/l, a pH between 6.5 and 9.5, and not containing a concentration or quantity of other constituents which may interfere with the normal wastewater treatment process.

NPDES permit means a national pollution discharge elimination system permit. A permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 USC 1342).

Pass-through means a discharge which exits the wastewater treatment system into the receiving water in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the system's NPDES permit (including an increase in the magnitude or duration of a violation).

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant.

Pretreatment means reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable national pretreatment standard for a particular industrial category.

Pretreatment standard and standard mean any local, state or federal regulation containing pollutant discharge prohibitions, limitations or requirements applicable to discharges to the township's wastewater system.

Public services director means the head of the public services department or the utility authority administration or his duly authorized representative.

Public sewer means a sewer provided by or subject to the jurisdiction of the township. It shall also include sewers within or outside the township boundaries that serve one or more persons and ultimately discharge into the Owosso Mid-County Wastewater Treatment Plant, even though those sewers may not have been constructed with township funds.

Sanitary sewer means a sewer that conveys sewage or industrial wastes or a combination of both and into which stormwaters, surface waters and groundwaters are not intentionally admitted.

Severe property damage means substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage and wastewater mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sewage works and wastewater system mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit that conveys wastewater or drainage water.

Significant industrial user means:

(1) Except as provided in subsection (2) of this definition, the term "significant industrial user" means:

a. Any industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

b. Any other industrial user that: Discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

c. Is designated as such by the public services director on the basis that the industrial user has a reasonable potential for adversely affecting the operation of the wastewater system or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) Upon a finding that an industrial user meeting the criteria in subsection (1)a. of this definition has no reasonable potential for adversely affecting the operation of the wastewater system or for violating any pretreatment standard or requirement, the public services director may at any time, on his own initiative or in response to a request from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Significant noncompliance (SNC) means:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for compatible pollutants, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the public services director determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health and safety of wastewater system's personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in an emergency suspension of service to halt or

prevent such a discharge;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the public services director determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

Standard Methods means the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association or Methods given in 40 CFR 136, Guidelines for Establishing Test Procedures for the Analysis of Pollutants.

Storm drain means a drain, sewer or open ditch for conveying stormwater, groundwater, subsurface water, or unpolluted water discharged in accordance with a NPDES permit.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage or other liquids.

Township means Owosso Township or Caledonia Township.

Toxic or hazardous pollutant means any pollutant or combination of pollutants listed in accordance with Section 307(a) of the Federal Water Pollution Control Act or included in the critical materials register of the state water resources commission.

Utility authority means the Owosso Township-Caledonia Township utility authority or its authorized employees, agents, administrators, representatives, or engineers.

(Ord. of 10-7-1985, art. 1; Ord. of 6-5-1995, art. 1)

Cross references: Definitions generally, § 1-2.

Sec. 28-107. Recovery of costs; falsifying information.

(a) *Recovery of costs.* Any user violating any of the provisions of this division, or who discharge or causes a discharge producing a deposit or obstruction, or causes damage to or interference with the township wastewater system shall be liable to the township or utility

authority, for any expense, loss or damage caused by such violation or discharge. The utility authority shall bill the user for the costs incurred by the utility authority or township for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this division enforceable under the provisions of subdivision VII of this division.

(b) *Falsifying information.* No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this division.

(Ord. of 10-7-1985, §§ 802, 803)

Sec. 28-108. Restrictions imposed by other township ordinances and/or state statutes.

If any provision of any other ordinance of the Township of Owosso or the provision of the Owosso Township-Caledonia Township Wastewater Authority, Sewage Disposal System No. 1 Contract, or any provisions of any sewer service contract by and between the Cities of Owosso and Corunna and the Townships of Owosso and Caledonia, and/or the statutes of the state imposes greater restrictions than set forth in this division, then the provisions of such ordinances, agreement and/or statutes shall control.

(Ord. of 10-7-1985, § 1100)

Sec. 28-109. Abatement of nuisances.

Nothing stated in this division may be construed to limit the power of the township to order the immediate and complete abatement of a public nuisance or menace to the public health or of a condition which, in the opinion of the township, may be a menace to the public health.

(Ord. of 10-7-1985, § 1200)

Secs. 28-110--28-125. Reserved.

Subdivision II. Use of Public Sewers Required

Sec. 28-126. Waste deposits.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the township, or in any area under the jurisdiction of the utility authority, any human or animal excrement, garbage or other objectionable waste.

(Ord. of 10-7-1985, § 201)

Sec. 28-127. Water pollution.

It shall be unlawful to discharge to any natural outlet within the township, or in any area under

the jurisdiction of the utility authority, any wastewater or polluted waters, except where the suitable treatment has been provided in accordance with all applicable rules and regulations of local, state and federal regulatory agencies.

(Ord. of 10-7-1985, § 202)

Sec. 28-128. Sewer connection required.

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the township and abutting on any street, alley or right-of-way in which there is now located or may hereafter be located a public sanitary sewer of the township is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this division within 90 days after date of official notice to do so.

(Ord. of 10-7-1985, § 203)

Sec. 28-129. Private wastewater disposal; connection to available public sanitary sewer.

(a) Except for facilities approved by the county health department in accordance with the county environmental health code and approved by the utility authority, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater within the township, if such sanitary sewer is within 200 feet of occupied property.

(b) The owner shall operate and maintain any private disposal facilities in a sanitary manner at all times at no expense to the township.

(c) Within 60 days after notice that a public sanitary sewer is available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sanitary sewer in accordance with the provisions of this division. Any septic tanks, cesspools and similar disposal facilities shall be cleaned of sludge and wastewater and filled with clean gravel or dirt.

(Ord. of 10-7-1985, § 204)

Sec. 28-130. Storm drains.

(a) Stormwater and all other uncontaminated drainage shall be discharged to storm drains or to natural outlets as approved by the utility authority and other regulating agencies. Industrial or commercial process water, cooling water or other discharges may be discharged to a storm drain or natural outlet only under a NPDES permit.

(b) Whenever a separate building sewer is required to accommodate surface runoff or groundwater and provided a storm drain is available contiguous to the property requiring such

separate building drain, the building drain shall be connected directly to the storm drain. All separate building drains to accommodate surface runoff and groundwater discharge shall be constructed in accordance with the provisions of this division.

(Ord. of 10-7-1985, § 205)

Secs. 28-131--28-145. Reserved.

Subdivision III. Connections to Public Sewers

Sec. 28-146. Sewer connection--Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer, storm drain or appurtenance thereof without first obtaining a written permit from the utility authority.

(Ord. of 10-7-1985, § 301)

Sec. 28-147. Same--Permit application.

The owner or his agent shall make application for permit on a form provided by the utility authority. The permit application for all industrial users and certain nondomestic users, as determined by the utility authority, shall be supplemented by plans, specifications, reports and other information required by the utility authority in order to implement the provisions of this division. All connection charges and permit fees shall be paid in full, together with any deposits for work in the public right-of-way, prior to issuance of the permit.

(Ord. of 10-7-1985, § 302)

Sec. 28-148. Protection of capacity for existing users.

The utility authority shall not issue a permit for connection to the township sanitary sewer system or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, available for the wastewater to be discharged in all downstream sewers, lift stations, force mains and the wastewater treatment plant. Capacity determinations for nondomestic users include considerations such as, but not limited to, the concentration and mass loading of the pollutants to be discharged as well flow or volume considerations.

(Ord. of 10-7-1985, § 303)

Sec. 28-149. Connection charges.

(a) Upon recommendation of the utility authority and approval by resolution of the township, a schedule of charges and fees for connection to a public sewer shall be established to recover the township's cost in providing this service to the property and user to be served. In addition to recovery of capital cost, the charge schedule may include permit application and review fees and inspection fees for various user classifications.

(b) All costs and expense incidental to the installation of the building sewer and connection to the public sewer, including street repair and restoration in the public right-of-way, shall be borne by the owner. The owner shall indemnify the township from any loss or damage that may be occasioned by the installation of the building sewer.

(Ord. of 10-7-1985, § 304)

Sec. 28-150. Separate building sewer.

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the township does not and will not assume any responsibility or obligation for drainage caused by or resulting from any such single connection mentioned in this section.

(Ord. of 10-7-1985, § 305)

Sec. 28-151. Abandoned building sewers.

(a) Prior to the demolition of any building or facility containing a building sewer connection to a public sewer, such building sewer connection shall be abandoned and plugged in accordance with procedures and specifications set forth by the utility authority or the township.

(b) Abandoned building sewers may be used in connection with new buildings only when they are found, on examination and test by the utility authority, to meet all requirements of this division.

(Ord. of 10-7-1985, § 306)

Sec. 28-152. Building sewer standards.

(a) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, connecting to the public sewer, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the township or as the township may adopt by reference. In the absence of code provisions or in application thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice 9 shall apply.

(b) The building sanitary sewer and connection to the public sewer shall be reasonably gastight and watertight to prevent infiltration or inflow of surface water or groundwater and

exfiltration of sewage. The utility authority shall establish standards and testing requirements for infiltration/exfiltration in accordance with good engineering practice. The utility authority may require such tests on any building sewer prior to approval and commencement of service.

(Ord. of 10-7-1985, § 307)

Sec. 28-153. Grade.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage as carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. of 10-7-1985, § 308)

Sec. 28-154. Supervision.

The applicant for a building sewer connection or abandonment permit shall notify the utility authority when the building sewer connection to or abandonment from the public sewer is ready for inspection. All connections and abandonments shall be made under the supervision of the utility authority.

(Ord. of 10-7-1985, § 309)

Sec. 28-155. Excavations.

All excavations for building sewer installation or abandonment shall be adequately guarded and lighted so as to protect the public from hazard. Street sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the utility authority.

(Ord. of 10-7-1985, § 310)

Sec. 28-156. Building sewer maintenance.

The building sewer, including that portion in the public right-of-way, shall be maintained, repaired and replaced as required by the owner at no cost to the utility authority or township.

(Ord. of 10-7-1985, § 311)

Secs. 28-157--28-175. Reserved.

Subdivision IV. Regulation of Wastewater Discharge

Sec. 28-176. Purpose and policy.

(a) This subdivision sets forth uniform requirements for discharges into the township's wastewater collection and treatment systems, and enables the township to protect public health

in conformity with all applicable local, state and federal laws relating thereto.

(b) The objectives of this subdivision are to:

(1) Prevent the introduction of pollutants into the township's sewage works which will interfere with the normal operation of the system or interfere with the use or disposal of the resulting municipal sludge;

(2) Prevent the introduction of pollutants into the township's sewage works which will pass through the treatment works or otherwise be incompatible with such works;

(3) Improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(c) This subdivision provides for the regulation of discharges to the sewage works through the enforcement of administrative regulations.

(Ord. of 10-7-1985, § 401)

Sec. 28-177. Right of revision.

The township reserves the right to amend this subdivision to revise limitations or requirements on persons discharging to the sewage works in order to meet the intent and objective of section 28-176.

(Ord. of 10-7-1985, § 402)

Sec. 28-178. General discharge prohibitions.

No person shall discharge or cause to be discharged any pollutant, waste or wastewater which will pass through or cause interference with the operation or performance of the wastewater system. No person shall discharge or cause to be discharged, directly or indirectly to the wastewater system, any of the following:

(1) Any gasoline, benzene, naphtha, toluene, xylene, fuel oil, oil or any substances which be reason of their nature or quantity may create a fire or explosive hazard or be injurious to the wastewater system or its operation, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified in 40 CFR 261.21;

(2) Any waters or wastes containing toxic or hazardous pollutants as solids, liquids, or gases in sufficient quantity (either singly or by interaction with other wastes) to interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the receiving waters, or interfere with the operation of the wastewater system or the utilization or disposal of sludges or residuals;

- (3) Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage to structures or equipment, or which may cause a safety hazard;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater system such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash;
- (5) Heat in amounts which will inhibit biological activity in the treatment process resulting in interference but in no case heat in such quantities that the temperature at the treatment works influent exceeds 104 degrees Fahrenheit (40 degrees Celsius);
- (6) Any stormwater, surface or subsurface drainage or roof runoff, except that contaminated surface drainage from limited areas may be discharged to the sanitary sewer by written permission of the public services director. Such discharge shall be subject to sewer use charges in accordance with the township ordinance regulating such discharges;
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public services director in compliance with applicable state or federal regulations;
- (8) Any substance with objectionable color not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions;
- (9) Any slug discharge, in such volume or strength as to cause interference with the sewage works or overload the collection system;
- (10) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through. Such oils which may be separated by floatation and skimming or removed by standard oil and grease traps, sumps or traps shall not be discharged. Used oils, such as automotive engine oil, shall not be disposed of by dumping or discharging to the sanitary sewer system;
- (11) Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that may cause acute worker health and safety problems;
- (12) Any trucked or hauled pollutants, except at discharge points designated by the public services director;
- (13) Any wastes which are listed hazardous wastes in 40 CFR 261.30--40 CFR 261.33 pursuant to Section 3001 of the Resource Conservation and Recovery Act.

(Ord. of 10-7-1985, § 403; Ord. of 6-5-1995, § 403)

Sec. 28-179. Federal categorical pretreatment standards.

(a) *Compliance required.* Users in regulated industrial subcategories, pursuant to the appropriate subpart of 40 CFR Chapter I, Subchapter N, shall meet applicable categorical pretreatment standards within the time limitations specified by the federal pretreatment regulations. New sources shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(b) *Order of determination.* The public services director shall set forth the applicable pretreatment standards and requirements for users subject to categorical standards through issuance of an order of determination pursuant to section 28-227.

(c) *Category determination requests.* In cases where it is not clear, or in dispute, whether a particular user is subject to categorical pretreatment standards, category determination requests shall be made in accordance with 40 CFR 403.6(a).

(d) *Removal credits.* The public services director may apply, in accordance with 40 CFR 403.7 (removal credits), for modification of categorical pretreatment standards when the wastewater treatment system achieves consistent removal of the pollutants in question.

(e) *Baseline report for categorical dischargers.* Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after a final administrative decision has been made upon a category determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical wastewater system shall submit to the public services director a report containing the information as required under 40 CFR 403.12(b). New sources subject to categorical pretreatment standards shall submit to the public services director a report containing the information as required under 40 CFR 403.12(b) at least 90 days prior to commencement of discharge to the wastewater system. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

(f) *Compliance date report.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of discharge from the regulated process, any user subject to categorical pretreatment standards shall submit to the public services director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. Such reporting shall conform to the requirements of 40 CFR 403.12(b)(4)--(6). Where equivalent mass or

concentration limits are established by the public services director for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(g) *Periodic compliance reports.* Any user subject to a categorical pretreatment standard shall be required to submit periodic compliance reports to the public services director unless all the information required for the report is obtained by the township and the city. Periodic compliance reports by the user shall conform to the requirements of 40 CFR 403.12 as set forth in an order of determination to the user by the public services director.

(h) *Signatory requirements for reports.* The reports required by subsections (e), (f), and (g) of this section shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed by an authorized representative of the user.

(Ord. of 10-7-1985, § 404; Ord. of 6-5-1995, § 404)

Sec. 28-180. Limited discharges.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes except as authorized by an order of determination as issued by the public services director. The following numerical limitations were based on technical analysis of NPDES permit requirements, industrial loadings, sludge management practices and treatment process tolerance and efficiency as in place at the time of ordinance adoption and are intended to meet the objectives given in section 28-176. The technical support documentation for numerical limitations is on file as a part of the City of Owosso's industrial pretreatment program. The director may set limitation slower than the limitations established in this section if in his review changing factors in the technical support documentation necessitate more stringent limitations in order to meet the objectives given in section 28-176. The director may establish numerical limitations for substances not specifically limited in this section in order to meet the objectives of section 28-176. The director may set, by an order of determination for individual discharges, alternative or additional mass limitations provided adequate provision for flow metering and sampling are provided by the discharger.

(1) *Limitations on toxic and hazardous pollutants.* These limitations shall be daily maximum limitations. Compliance or noncompliance may be determined by analysis of: 24-hour flow proportioned samples, 24-hour composite samples, or one or more grab samples averaged over a 24-hour period as determined to be appropriate by the public services director for the discharge and parameters to be measured. No discharge to the wastewater system shall exceed the following limitations unless so authorized in an order of determination from the public

services director which sets alternative mass limitations for the specific parameter:

TABLE INSET:

1.0 mg/l
0.1 mg/l
2.7 mg/l (total)
13.0 mg/l
0.6 mg/l
1.0 mg/l
4.5 mg/l
0.001 mg/l
0.07 mg/l
1.0 mg/l
2.0 mg/l (total)
1.0 mg/l
No detectable discharge PCBs (total)

(2) *Specific limitations on compatible pollutants.*

a. These limitations shall be daily maximum limitations. Compliance or noncompliance is to be based on 24-hour composite samples. No discharge to the wastewater system shall exceed the following limitations unless so authorized in an order of determination by the public services director pursuant to subsection (2)b of this section:

TABLE INSET:

500 mg/l(or CBOD-5)
1000 mg/ solids
100 mg/ phosphorous
100 mg/l

b. The public services director may specify alternate mass and/or concentration limits for compatible pollutants for individual industrial users through issuance of an order of determination. Such alternate limitations shall be based on plant treatment capacity available for the user, treatability of the wastewater and determination that such discharges will not cause interference with the wastewater system. Such alternate limitations are subject to revocation or modification by the public services director due to changing conditions.

(3) *Fats, wax and grease.* Any waters or wastes containing fats, wax, grease, petroleum oil, cutting oil or other oils, whether emulsified or not, in excess of 100 mg/l; or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.

(4) *Temperature.* Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (66 degrees Celsius).

(5) *Phenols or other taste and odor producing substances.* Any waters or wastes containing phenols or other taste and odor producing substances in such concentrations exceeding limits which may be established by the public services director to meet the objectives of section 28-176.

(6) *Excessive pH.* Any waters or wastes having a pH in excess of 9.5 unless specifically authorized in an order of determination issued by the public services director. The public services director may allow a higher discharge pH, not to exceed 11.0 upon determining that such discharge will not cause corrosion or interfere with the operation of the wastewater system.

(7) *Dissolved solids.* Any waters or wastes which contain unusual concentrations of dissolved solids.

(8) *Substances which are not amenable to treatment or reduction.* Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of its NPDES permit or which may interfere with the sludge management practices.

(9) *Process water.* Except where expressly authorized to do so by an applicable pretreatment standard or order of determination by the public services director, no industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any pretreatment standard.

(Ord. of 10-7-1985, § 405; Ord. of 6-5-1995, § 405)

Sec. 28-181. Determination by utility authority.

If any waters or wastes are discharged, or are proposed to be discharged to the sewage works, which waters contain the substances or possess the characteristics enumerated in sections 28-178, 28-179, and 28-180, or which in the judgment of the utility authority may have a deleterious effect upon the wastewater treatment facilities, processes, equipment, sludge management practice, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, or which are discharged or proposed to be discharged by an industry subject to categorical pretreatment standards, the utility authority may:

- (1) Reject the wastes.
- (2) Require pretreatment to meet categorical standards or local limits contained in this subdivision or as established by the utility authority whichever is more restrictive.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and sewer charges, under the provisions of section 28-184.
- (5) Require the installation and maintenance of control manhole or other monitoring facility together with such meters and other appurtenances necessary for the observation, sampling and measurement of the wastewater discharge. Such manhole or monitoring facility and equipment shall be installed by the owner, at his expense, in accordance with plans and specifications approved by the utility authority. Such manhole or monitoring facility shall be maintained by the owner in proper operating condition and safely accessible at all times. The utility authority, or his authorized representative shall have access to the control manhole or monitoring facility at any time for the purpose of observing, sampling and measuring the wastewater discharge or inspecting the monitoring equipment used by the discharger.
- (6) If the utility authority permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the utility authority and subject to the requirements of all applicable codes, ordinances and laws. Where pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (7) Require that grease, oil and sand interceptors be provided when, in the utility authority's opinion, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the utility authority and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the utility authority. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by properly licensed waste disposal firms.

(Ord. of 10-7-1985, § 406)

Sec. 28-182. Measurements and tests.

All measurements, tests and analyses of the characteristics of waters and wastes to which

reference is made in this article shall be determined in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto, or if 40 CFR 136 does not contain sampling or analytical techniques for the pollutant or waste characteristic in question, in accordance with procedures approved by EPA or as found in Standard Methods and approved by the public services director. Sampling methods, times, duration and frequencies are to be determined on an individual basis subject to the approval of the public services director.

(Ord. of 10-7-1985, § 407; Ord. of 6-5-1995, § 407)

Sec. 28-183. Flow measurement.

The volume of flow used for computing industrial waste loadings, sewer use charges and surcharges shall be metered water consumption of the person as shown in records of water meter readings maintained by the City of Owosso, Owosso Township, Caledonia Township, or the City of Corunna.

(1) If a person is discharging water into the township sanitary sewers, that person may be required to install and maintain at his expense, water meters of a type approved by the utility authority for the purpose of determining the volume of water.

(2) In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the utility authority that more than ten percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the utility authority and the person.

(3) If the utility authority determines the volume of waste discharged cannot be adequately determined using metered water consumption records or that direct measurement of industrial wastewater discharges is necessary to identify and control slug loadings, then they may require an industrial user to provide direct measurement of the wastewater discharge. Metering devices so required shall be installed in accordance with the requirements of subsection 28-181(5).

(Ord. of 10-7-1985, § 408)

Sec. 28-184. Extra strength surcharge.

Users approved by the utility authority for the discharge of a wastewater greater in strength than normal strength domestic wastewater will be subject to an extra strength surcharge. The extra strength surcharge will be computed from loadings based on 24-hour composite samples and rates established by resolution of the township.

(Ord. of 10-7-1985, § 409)

Sec. 28-185. Pretreatment requirements.

(a) Users shall provide necessary wastewater pretreatment or control measures as required to comply with the most stringent requirements of federal categorical pretreatment standards, state law and regulations or the requirements of this division or orders of determination issued pursuant to section 28-227. All facilities required to pretreat or control wastewater discharges shall be provided, operated, and maintained at the user's expense.

(b) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the public services director for review and approval prior to the construction of the facility. The review and approval of the plans and operating procedures does not relieve the user from complying with applicable standards and requirements. Any subsequent change in the pretreatment facilities or method of operation shall be reported to the public services director prior to the user initiating such change.

(Ord. of 6-5-1995, § 410)

Sec. 28-186. Bypass.

(a) *Bypass not violating applicable pretreatment standards or requirements.* An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to subsections (b), (c) and (d) of this section.

(b) *Notice.* An industrial user shall provide notice of bypass as follows:

(1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the public services director, if possible at least ten days before the date of the bypass.

(2) An industrial user shall orally notify the public services director or the wastewater treatment plant operator of an unanticipated bypass that exceeds applicable pretreatment standards or requirements immediately upon becoming aware of the bypass. Unless specifically waived by the public services director, a written submission shall also be provided within five days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(c) *Prohibition of bypass.* Bypasses are prohibited and the industrial user is subject to enforcement action for a bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(2) There are no feasible alternatives to the bypass, such as use of auxiliary treatment facilities,

retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(3) The industrial user submitted notices as required by subsection (b) of this section.

(d) *Basis for approving anticipated bypass.* The public services director may approve an anticipated bypass, after considering its adverse effects, upon determining that it will meet the three conditions listed in subsection (c) of this section.

(Ord. of 6-5-1995, § 411)

Sec. 28-187. RCRA hazardous wastes.

(a) *Generally.* Subsection 28-178(13) prohibits the discharge to the wastewater system of any wastes which are listed hazardous wastes in 40 CFR 261.30--40 CFR 261.33 pursuant to Section 3001 of the Federal Resource Conservation and Recovery Act (RCRA). The discharge to the wastewater system of certain wastes which, if otherwise disposed of would be characteristic hazardous wastes under 40 CFR 261, may be permissible if the discharge otherwise complies with all applicable pretreatment standards and requirements, federal and state law.

(b) *Notification requirements.* Any industrial user discharging or proposing to discharge a waste, which if otherwise disposed of would be a characteristic hazardous waste under 40 CFR 261, shall notify the public services director in writing of such discharge or proposed discharge. Such reporting shall be by completion and submittal of a form provided by the public services director or otherwise meeting the information requirements of 40 CFR 403.12(p). Initial reporting shall be no later than 90 days following adoption of the ordinance from which this division is derived. Users who have provided the initial notification prior to adoption of the ordinance from which this division is derived need not resubmit such information unless there has been a change in the discharge or information reported. Industrial users not reporting any such discharge may be required by the public services director to submit a statement, signed by an authorized representative of the industrial user, certifying that the user does not discharge listed or characteristic hazardous wastes as identified pursuant to 40 CFR 261. Any industrial user shall notify the public services director in advance of any new or increased discharge of a characteristic hazardous waste.

(c) *Review of information reported by user; determination.* The public services director shall review the information reported by the user and shall make such determinations as authorized by section 28-181 relative to the discharge of the waste to the township wastewater system.

(Ord. of 6-5-1995, § 412)

Secs. 28-188--28-205. Reserved.

Subdivision V. Spill Prevention and Notification

Sec. 28-206. Spill prevention plan.

Any nondomestic user storing, utilizing, or producing any toxic or hazardous material which, as determined by the utility authority or its appointed representative, have the potential for accidental discharge or slug loading to the sewage works may be required to develop and submit a spill prevention plan. The plan as a minimum shall contain:

- (1) Identification of the type and volume of toxic or hazardous materials stored, handled or produced.
- (2) Identification of possible spill situations.
- (3) Description of facilities, structure, or control measures in place or to be constructed or developed to prevent an accidental discharge or slug loading to the sewage works.
- (4) Provisions for detection of spills and procedures to be followed in the event of a spill including specific instructions for notification of the utility authority.

(Ord. of 10-7-1985, § 501)

Sec. 28-207. Spill prevention facilities.

Each discharger shall provide protection from accidental discharge of material or substances prohibited or regulated by this division. When, in the opinion of the utility authority, an accidental spill will be a threat to the public health and safety, or cause interference with the sewage works, or pass through the sewage works to potentially impact the receiving waters, then the utility authority may require that the user install and implement such containment facilities and practices as necessary to prevent such accidental discharge. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the utility authority for review and approval prior to their construction and implementation.

(Ord. of 10-7-1985, § 502)

Sec. 28-208. Notification requirements.

(a) An industrial user shall immediately notify the public services director or the wastewater treatment plant of any discharge, including any slug discharge or accidental release, which could cause interference with the wastewater system. The notification shall include:

- (1) The date, time, location and duration of the discharge;

(2) The type of waste including concentration and volume; and

(3) Any corrective actions taken by the user.

(b) If sampling performed by an industrial user indicates a violation of a pretreatment standard, the user shall notify the public services director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the public services director within 30 days after becoming aware of the violation.

(c) An industrial user shall promptly notify the public services director in advance of:

(1) The discharge of any toxic or hazardous pollutant not previously reported; or

(2) Any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(d) Such notification shall not relieve the user of any enforcement action, fines, penalties, damages or liability which may be imposed pursuant to this Code or state or federal law. Proper notification, however, shall be considered by the public services director in determining the appropriate enforcement action for a violation.

(Ord. of 10-7-1985, § 503; Ord. of 6-5-1995, § 503)

Secs. 28-209--28-225. Reserved.

Subdivision VI. Administration*

***Cross references:** Administration, ch. 2.

Sec. 28-226. User classification.

(a) The public services director shall assign users of the wastewater system to one of the following classes:

(1) Class I: significant industrial users.

(2) Class II: nondomestic users discharging greater than 10,000 gallons per average day and/or

known to discharge pollutants subject to prohibition, limitation or surcharge but who are not significant industrial users.

(3) Class III: nondomestic users discharging less than 10,000 gallons per day with the potential for discharge of pollutants subject to prohibition, limitation or surcharge.

(4) Class IV: all other users.

(b) The public services director shall review and update, at least once per year, the user classification listing and notify any Class I, II, or III users of any change in their classification. New users shall be classified after review of their sewer connection permit application and added to the listing.

(c) The user may appeal his assigned classification by submitting a written appeal pursuant to section 28-255. After consideration of information supplied by the user and by the utility authority, the board of referees shall make a final determination.

(Ord. of 10-7-1985, § 601; Ord. of 6-5-1995, § 601)

Sec. 28-227. Order of determination.

(a) The public services director may issue an order of determination to any user setting forth the requirements and conditions of discharge to the wastewater system pursuant to the provisions of this subdivision. The public services director shall periodically review such orders and may revoke, modify and/or reissue any order as appropriate.

(b) Any order of determination issued pursuant to this subdivision shall be considered a part of this subdivision for the user of the facility, and shall be enforceable in the same manner as this subdivision.

(c) An order of determination is issued to a user and applies to operations or processes contributing wastewater at a specific facility or location. Such an order is not transferable to a new or alternate facility or location. Such an order is not transferable to a new owner or user of an existing facility without prior notification to the public services director and provision of a copy of the existing order to the new owner or user. Any succeeding owner or user shall comply with the terms and conditions of the existing order until such order is revoked or reissued.

(d) For each significant industrial user, the public services director shall issue an order of determination which shall include as a minimum:

(1) A statement of duration, not to exceed five years, including issuance and expiration dates;

- (2) Effluent limitations based on the more stringent of applicable federal categorical pretreatment standards, state law, or local limits pursuant to this subdivision;
- (3) Self monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type;
- (4) Other conditions as deemed appropriate by the public service director to ensure compliance with this subdivision, state and federal pretreatment standards and requirements;
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; and
- (6) A statement of nontransferability.

(Ord. of 10-7-1985, § 602; Ord. of 6-5-1995, § 602)

Sec. 28-228. Rules and regulations.

- (a) With approval of the township and for the purpose of preventing, discontinuing, or correcting any violations of the division, the utility authority may adopt and establish rules and regulations for the enforcement of this division.
- (b) Rules and regulations adopted under this section may include, but are not limited to, imposing requirements upon nondomestic users to submit plans for the pretreatment of wastewater, to install equipment to monitor the nature and quantity of the wastewater being discharged into the system, to keep records, and/or to establish compliance schedules.

(Ord. of 10-7-1985, § 603)

Sec. 28-229. Reporting requirements.

- (a) *Basic data.* Any new or existing nondomestic user may be required by the public services director to provide information needed to implement the provisions of this division, state and federal law and regulations. Any nondomestic user may be required to provide periodic updates of this basic data. Following review of the data provided by the user, the public services director may require additional information as necessary to evaluate the discharge or potential discharge from the user. Information requirements may include but are not limited to:

- (1) Information on the nature, rate of production and Standard Industrial Classification (SIC) of the operation carried out by the user;

- (2) Information on wastewater discharge volume and variation;
 - (3) Information on wastewater constituents and characteristics, including but not limited to those specifically regulated by this division, as determined by chemical and biological analyses;
 - (4) Site plans, floor plans, mechanical and/or plumbing plans of the users property and facilities showing sewers, sewer connections, control manholes or sampling facilities, and pretreatment facility locations as applicable;
 - (5) Details of wastewater pretreatment facilities;
 - (6) Information relative to the type and volume of toxic or hazardous materials produced, handled, stored, or used in what quantity and rate these materials are discharged or potentially discharged to the sewage works;
 - (7) Details of spill prevention or containment practices and facilities;
 - (8) A statement, signed by an authorized representative of the user, regarding whether or not the user's discharge is in compliance on a consistent basis with any applicable categorical pretreatment standard or other limitation of this division and if not, whether additional operation and maintenance procedures and/or additional pretreatment is required for the user to meet applicable standards;
 - (9) When a discharge is not in compliance the user may be required to detail the necessary changes in operation and/or additional pretreatment facilities required to achieve compliance and the shortest schedule for their implementation;
 - (10) Number of employees, hours of operation of plant and hours of operation of pretreatment facilities and discharge therefrom.
- (b) *Changes.* All industrial users are required to notify the public services director prior to the discharge of any new wastewater constituents, or any substantial change in the volume or characteristics of the wastewater constituents being discharged, or any substantial change in the basic data reported under subsection (a) of this section.
- (c) *Self-monitoring reports.* The public services director may require any industrial user to submit self-monitoring reports on waste discharge volume, specific pollutant analyses, and other information as necessary to ensure compliance with federal categorical pretreatment standards and local limitations. At a minimum, all Class I users shall be required to submit self-monitoring reports at least once every six months unless all the information required in the report is obtained directly the township and city. Such self-monitoring reports shall be based on data obtained through appropriate and representative sampling and analysis performed during the

period covered by the report. If the user monitors any pollutant more frequently than required by the public services director, using procedures conforming to section 28-182 (measurements and tests), then the results of this monitoring shall be included in the report.

(d) *Additional reporting requirements for categorical industrial users.* Industrial users subject to federal categorical pretreatment standards shall be required to comply with the reporting requirements of 40 CFR 403.12.

(e) *Compliance schedules and reporting thereon.*

(1) If additional pretreatment facilities or operation and maintenance efforts are required of an industrial user to meet federal categorical pretreatment standards and/or local limits, the public services director may require the development and submission of a compliance schedule by the industrial user. The schedule shall detail the proposed commencement and completion dates of major elements leading to the completion by the date required by the federal categorical pretreatment standards or as approved by the director, whichever is sooner. No incremental step in the compliance schedule shall exceed nine months. Upon review and approval by the public services director, the compliance schedule may be incorporated into an order of determination, consent order or other enforceable document issued to the user pursuant to this subdivision.

(2) Not later than 14 days following the completion of each date in the schedule and final date for compliance, the user shall submit a progress report to the public services director. The report shall include a statement as to whether or not the user complied with the increment of progress as set forth in the compliance schedule. If the schedule was not met, the user shall report the reason for failing to meet the schedule, the date the user expects to complete the increment of progress, and the steps being taken by the user to return to the established compliance schedule.

(Ord. of 10-7-1985, § 604; Ord. of 6-5-1995, § 604)

Sec. 28-230. Recordkeeping requirements.

(a) Any industrial user shall maintain records of all information resulting from any monitoring activities required of the user by or pursuant to this subdivision. Such records shall include for all samples:

(1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of the analyses.

(b) Any industrial user subject to the self-monitoring and/or reporting requirements established by or pursuant to this subdivision shall retain for a minimum of three years any records of such self-monitoring and/or reporting activities and results. The industrial user shall make such records available for inspection and copying by the director of public services. This period of records retention may be extended during any litigation concerning compliance with this subdivision.

(Ord. of 10-7-1985, § 605; Ord. of 6-5-1995, § 605)

Sec. 28-231. Right of entry.

(a) The utility authority and other duly authorized employees of the utility authority bearing proper credentials and identifications shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharges to storm drains, public sewers, natural outlets, watercourses and wastewater facilities in accordance with the provisions of this division.

(b) Such entry shall normally be made during regular business hours, but in an emergency, at any time. The utility authority shall have access to control manholes or monitoring facilities installed pursuant to subsection 28-181(5) at any time. The utility authority shall have the right to set upon the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(Ord. of 10-7-1985, § 606)

Sec. 28-232. Indemnification.

While performing the necessary work on private properties referred to in section 28-231, the utility authority or duly authorized utility authority employee, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death of the utility authority employee and the utility authority shall indemnify the company against loss or damage to its property by the utility authority employees or property damage claims asserted against the company and growing out of the gaging and sampling operation, except as such may be caused by negligence of failure of the company to maintain safe conditions as required in subsection 28-181(5).

(Ord. of 10-7-1985, § 607)

Sec. 28-233. Confidential information.

Information and data furnished to the utility authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the utility authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When required by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this division, the national pollutant discharge elimination system (NPDES) permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the utility authority as confidential shall not be transmitted to any governmental agency or to the general public by the utility authority until and unless a ten-day notification is given to the discharger.

(Ord. of 10-7-1985, § 608)

Sec. 28-234. Fees.

(a) It is the purpose of this section to provide for the payment of fees from nondomestic users of the townships, wastewater system to compensate the township and utility authority for the cost of administration of the wastewater pretreatment and control program established in this division.

(b) The township and/or utility authority shall adopt charges and fees which may include:

(1) Fees for monitoring, inspection and surveillance procedures.

(2) Fees for reimbursement of cost to establish and administer the township's wastewater pretreatment and control program.

(Ord. of 10-7-1985, § 609)

Secs. 28-235--28-250. Reserved.

Subdivision VII. Enforcement

Sec. 28-251. Violations.

(a) Any person found to be violating any provision of this division shall be served by the utility authority with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time

stated in such notice, permanently cease all violations.

(b) A violation of the provisions of this division shall be considered a public nuisance per se and any action authorized or permitted by law for the abatement of public nuisances may be instituted by the township or utility authority in regard to such violation.

(c) Whenever a person has violated any provision of the division, the utility authority or township may take any legal action necessary to recover damages sustained by the utility authority or township as a result thereof. Such damages shall include, but are not limited to, lost revenues from the federal or state government and any fines or other penalties which are the result of the violation.

(d) Whenever a person has violated any provision of this division, the township or utility authority may prosecute such person criminally, as set forth in section 28-107.

(Ord. of 10-7-1985, § 701)

Sec. 28-252. Emergency suspension of service.

(a) In the case of discharges which present or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or cause interference with the operation of the sewage works, or otherwise constitutes a public nuisance or emergency, the township sewer service of any person causing or threatening to cause such discharge may be terminated by order of the utility authority, pending further investigation and hearing under section 28-253.

(b) Any person so notified of the suspension of the township service shall, within the time specified in such notice, cease all discharges.

(c) In the event of failure of the person to voluntarily comply with the suspension order within the specified time, the township may commence an action or proceeding in any court of competent jurisdiction to compel the person's compliance with such order.

(d) The utility authority shall reinstate the sewer service and terminate such judicial proceedings upon proof by the user to the satisfaction of the utility authority of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth in subsection (a) of this section.

(Ord. of 10-7-1985, § 702)

Sec. 28-253. Termination of service.

(a) *Authority to terminate.* The utility authority shall have the authority to terminate wastewater service to any user who attempts to violate or violates any provision of this division or who in any way attempts to avoid, delay, prevent, or interfere with the execution or enforcement of any provision of this division, or who fails to pay any charges, levied against such user, whether regular or extraordinary, under this division, or who attempts to violate or violates or attempts to avoid, delay, prevent or interfere with the execution or enforcement of any order, rule or regulation promulgated by the utility authority or township for compliance with or in execution of this division, or who fails to appear at a hearing to meet a charge against him under this division.

(b) *Hearing procedures.*

(1) In addition to any remedies provided elsewhere in this division, whenever the utility authority has reason to believe that any user has committed or is committing an offense covered by subsection (a) of this section, he may serve upon the user a written notice stating the nature of the alleged violation and describing the time for and the nature of required correction.

(2) If the violation is not corrected as prescribed in the notice, the utility authority may issue an order to the user to appear for a hearing and show cause why service should not be terminated.

(3) The notice and order to show cause shall be served upon the user by personal service, or in lieu thereof, by certified mail, return receipt requested, to the user's last known address.

(4) The hearing shall be conducted as set forth in section 28-255, and the referees shall render a written decision determining whether the user's service shall be terminated and stating reasons therefore. Admissibility of evidence at the hearing shall be within the discretion of the referees.

(5) The user shall be entitled to be represented at the hearing in person or by an attorney at his own expense and shall be entitled to examine witnesses for the utility authority and present evidence on his own behalf. A record shall be made on the proceedings, but such record need not be verbatim.

(6) The user whose service is terminated without prior hearing may request such a hearing as described in subsections (b)(4) and (5) of this section, to permit him to show why his service should not have been terminated and should be resumed. Such requests shall be granted but service will not be resumed unless so ordered by the referees.

(Ord. of 10-7-1985, § 703)

Sec. 28-254. Publication of enforcement actions.

The public services director shall publish, at least annually in the largest daily newspaper published in the service area of the wastewater system, a public notification of industrial users

which are found to be in significant noncompliance, as defined in section 28-106, with applicable pretreatment requirements during the period since the previous publication.

(Ord. of 10-7-1985, § 704; Ord. of 6-5-1995, § 704)

Sec. 28-255. Right of appeal.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the utility authority or the township on any matter covered by this division and shall be entitled to prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this division for which enforcement activity relating to an alleged violation which is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the written reply. Appeal of any final judicial order entered pursuant to this division may be taken in accordance with local and state law.

(Ord. of 10-7-1985, § 705)

Sec. 28-256. Temporary noncompliance upset provisions.

(a) For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) of this section are met.

(c) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the cause of the upset.

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(3) The industrial user has submitted the following information to the public services director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

a. A description of the discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) The industrial user shall control production or all discharges a to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ord. of 10-7-1985, § 706; Ord. of 6-5-1995, § 706)

Sec. 28-257. Consent orders.

The public services director is hereby empowered to enter into consent orders establishing an agreement with an industrial user which is subject to enforcement action for noncompliance with this subdivision. Consent orders may include compliance schedules, stipulated fines or penalties, remedial actions, other provisions agreed to by the parties, and signatures of the public services director and an authorized representative of the industrial user. Consent orders shall be considered a part of this subdivision for the specific user and shall be enforceable in the same manner as this subdivision.

(Ord. of 10-7-1985, § 707)

Chapter 29 RESERVED

Chapter 30 ZONING (RESERVED)*

***Cross references:** Any ordinance pertaining to zoning saved from repeal, § 1-11(a)(15); buildings and building regulations, ch. 10; land divisions and subdivisions, ch. 16; outdoor assemblies, ch. 20; signs, ch. 24; outdoor advertising structures, § 24-9.

State law references: Township rural zoning act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

APPENDIX A FRANCHISES*

***Cross references: Administration, ch. 2.**

The following list contains the franchises granted by the township currently in force:

TABLE INSET:

No. Date (Years)			
(1)Power Company (Gas)	-1	1- 7-1985	
(2)mers Energy Company (Electric)	-12-1	- 1-1997	
(3)Public Schools (Fiber Optic Telecommunications)	-6-1A	6- 1-1998	
(4)Electric, L.L.C. (Electric)	-6-1B	6- 1-1998	
(5)Mere Development Joint Venture (Cable Television)	-6-1	6- 1-1998	
(6)Energy Marketing, Inc. (Electric)	-	8- 9-2000	

CODE COMPARATIVE TABLE ORDINANCES

This is a chronological listing of the ordinances of the Township used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in this table.

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	2- 6-1967 (Ord.)	--5	-61--12-64
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		--9	-63--14-66
	-17-1970 (Ord.)	, 2	-1, 20-2
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			-3

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1-20-1975 (Ord.)		-1
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	(3)	-5
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	(4)	-6
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	(5)	-7
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	(23)	-3
	(24)	-198
	(25)	-92
	(26)	-62
	(27)	-130
	(28)	-96
	(29)	-199
	(30)	-93
	(31)	-4
	(32)	-94
	(33)	-131
	(34)	-95
	(35)	-121

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		--9	-51--8-55
	6- 5-1978 (Ord.). 1-- art. 10	-46--28-55	
	. 12	-56	
	6- 4-1979 (Ord.)		-46
			-51
	2- 4-1980 (Ord.)		-51
	3-17-1980 (Ord.)		-49
		--14	-76--28-89
			-90
	9-29-1980 (Ord.)		-33
			-31
		--7	-34--12-38
			-32
	-27-1980 (Ord.)		-51, 28-52
	4- 6-1981 (Ord.)	--7	-101--12- 106
	5-24-1982 (Ord.)		-51
	9-13-1982 (Ord.)		-51
	-29-1982 (Ord.)		-38
	2- 7-1983 (Ord.)		-50
	5- 7-1984 (Ord.)	(A)--2(E)	-31--4-35
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	- 7-1985 (Ord.). 1	-106	
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		--503	-206--28- 208
		--609	-226--28- 234

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	- 5-2001 (Ord.)	--4	-41--17-44
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This table shows the location within this Code, either in the text or notes following the text, of references to the Michigan Compiled Laws.

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