

ODESSA TOWNSHIP
IONIA COUNTY, MICHIGAN
CIVIL INFRACTIONS ORDINANCE

Ordinance No. 27

An Ordinance to provide for the enforcement of Odessa Township ordinance violations through the issuance of Municipal Civil Infraction Citations; to collect and retain civil fines/costs for such violations as prescribed herein, to establish that the Township Ordinance Enforcement Officer, law enforcement officers who provide services to the Township, and others authorized by the Township Supervisor may issue Municipal Civil Infraction Citations, and to repeal all conflicting ordinances or conflicting parts of ordinances.

THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1: Title: This Ordinance shall be known and cited as the Odessa Township Civil Infractions Ordinance.

Section 2: Definitions: As used in this Ordinance:

- A. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- B. "Authorized Township Official" means the Township Ordinance Enforcement Officer or other individuals of the Township authorized by this Ordinance, any other ordinance, or by the Township Supervisor to issue Municipal Civil Infraction Citations, including law enforcement officials who provide services to the Township such as members of the Ionia County Sheriff's Department.
- C. "District Court" means the appropriate District Court of Ionia County, Michigan.
- D. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- E. "Municipal Civil Infraction Citation" or "Citation" means a written complaint or notice prepared by an Authorized Township Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- F. "Township" means Odessa Township, Ionia County, Michigan.
- G. "Township Ordinance Enforcement Officer" means that person designated by the Township Board to enforce the provisions of Township ordinances.

Section 3: Municipal Civil Infraction Action; Commencement: A Municipal Civil Infraction Action may be commenced upon the issuance a Municipal Civil Infraction Citation directing the alleged violator to appear in District Court by an Authorized Township Official.

Section 4: Municipal Civil Infraction Citations; Issuance and Service: Municipal Civil Infraction Citations shall be issued and served by Authorized Township Officials as follows:

- A. The time for appearance specified in a Citation shall be within a reasonable time after the Citation is issued.
- B. The place for appearance specified in a Citation shall be the District Court.
- C. Each Citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original Citation shall be filed with the District Court. Copies of the Citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.
- D. A Citation for a municipal civil infraction signed by an Authorized Township Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- E. An Authorized Township Official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- F. An Authorized Township Official may issue a Citation to a person if:
 - (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the Authorized Township Official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney and/or Township attorney approves in writing the issuance of the Citation.
- G. Municipal Civil Infraction Citations shall be served by an Authorized Township Official as follows:
 - (1) Except as provided by Section 4(G)(2), an Authorized Township Official shall personally serve a copy of the Citation upon the alleged violator.
 - (2) If the Municipal Civil Infraction Action involves the use or occupancy of land, a building, or other structure, a copy of the Citation does not need to be personally served upon the alleged violator but may be served upon an owner or occupant of the

land, building or structure by posting a copy on the land or attaching a copy to the building or structure. In addition, a copy of the Citation shall be sent by first class mail to the owner of the land, building, or structure at the owners' last known address.

Section 5: Municipal Civil Infraction Citations; Contents:

- A. A Municipal Civil Infraction Citation shall contain:
- (1) A description of the violation; and
 - (2) The amount of the scheduled fines and/or costs for the violation; and
 - (3) The name and address of the alleged violator; and
 - (4) The place where the alleged violator shall appear in court; and
 - (5) The telephone number of the court, and the time at or by which the appearance shall be made.
- B. The Citation shall inform the alleged violator that he or she may do one of the following:
- (1) Admit responsibility for the Municipal Civil Infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (2) Admit responsibility for the Municipal Civil Infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - (3) Deny responsibility for the Municipal Civil Infraction by doing either of the following:
 - (a) Appearing in person for an informal hearing before a judge or District Court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before the judge is requested by the Township.
 - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- C. The Citation shall also inform the alleged violator of the following:
- (1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the Citation.

- (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
- (4) That at an informal hearing that the alleged violator must appear in person before a judge or District Court magistrate, without the opportunity of being represented by an attorney.
- (5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

D. The Citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the Citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the Municipal Civil Infraction Citation.

Section 6: Schedule of Civil Fines/Costs: Unless otherwise lawfully specified by the Township Board or in a particular Township ordinance, the fine for a municipal civil infraction shall be as follows:

Offense (Violation)	Fine
Failure to comply with any provision of the ordinance.	Not less than \$100.00 plus costs.
First Repeat Offense.	Not less than \$250.00 plus costs.
Second (or any subsequent) Repeat Offense.	Not less than \$500.00 plus costs.

The civil fines payable for persons deemed responsible for a Municipal Civil Infraction Citation shall not exceed five hundred (\$500.00) dollars per violation. On matters that proceed in District Court, costs in the amount of \$10.00 shall be assessed by the Court for administration for each violation, and attorney's fees may be assessed in an amount of up to five hundred (\$500.00) per violation.

Section 7. Continued Violations: Each day on which any violation of a Township ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

Section 8: Availability of Other Enforcement Options: Nothing in this Ordinance shall be deemed to require the Township to initiate its Municipal Civil Infraction Ordinance enforcement activity through the issuance of a Municipal Civil Infraction Citation. As to each ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, take such other enforcement action as is authorized by law, including, without limitation, injunctive relief or criminal enforcement. Moreover, nothing in this Ordinance shall be construed to prohibit the Township from issuing civil infraction citations in compliance with provisions of the Act.

Section 9: Severability: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 10: Repeal: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 11: Effective Date: This Ordinance shall take effect thirty days after publication of a notice of adoption as required by law following adoption by the Township Board.

Roll Call Vote:

YEAS: Secor, Williams, Bohrbauer, Goodemoot, Barrone

NAYS: none

ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.



Gary P. Secor, Supervisor
Odessa Township

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the Odessa Township Board at a duly scheduled and noticed meeting of that Township Board held on December 6, 2021, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Lakewood News newspaper, a newspaper that circulates within Odessa Township, on December 11, 2021.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ionia County Clerk on December 14, 2021.

ATTESTED:

Lisa K. Williams
Lisa K. Williams, Township Clerk
Odessa Township

Township of Odessa

Lake Odessa, Michigan

48849

ORDINANCE NO. 1

FISCAL YEAR ORDINANCE

ADOPTED: 3-5-79

EFFECTIVE: 3-5-79

An Ordinance to establish the fiscal year of the Township of Odessa, County of Ionia, State of Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF ODESSA, COUNTY OF IONIA, STATE OF MICHIGAN

HEREBY ORDAINS:

SECTION I

Commencing in 1979, the fiscal year of the Township shall extend from April 1st of each year until March 31st of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Motion by Wilson, Support by Swift to adopt the above ordinance at the regular board meeting held on March 5, 1979. Ayes all. Carried.

Nancy Hickey
Nancy Hickey, Township Clerk

cc: Ionia Co. Clerk's Office
Twp. Ordinance File ✓
Lake Odessa Wave

ODESSA TOWNSHIP ORDINANCE NO. 3

SALVAGE YARD ORDINANCE

An Ordinance to protect the health, safety, and general welfare of the residents, property owners, and people within the Township of Odessa, Ionia County, Michigan, by regulating the operation of salvage yards and related or similar types of businesses within said Township; to provide rules and regulations to govern the operation of such businesses; and to provide penalties for the violation of such rules and regulations.

THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, ORDAINS:

1.1 Title. This ordinance shall be known and cited as the Odessa Township Salvage Yard Ordinance.

1.2 Purpose. The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents, property owners and people within Odessa Township, Ionia County, Michigan, by regulating the operations of salvage yards and related or similar types of businesses within said Township; to provide rules and regulations to govern the operation of such businesses; and to provide penalties for the violation of such rules and regulations; and to make the same supersede all Ordinances or parts of Ordinances in conflict herewith.

1.3 Definitions.

(a) "Person" is defined as any person, firm, association, co-partnership, corporation or limited liability company.

(b) "Salvage material" is defined as used, secondhand or damaged goods, articles or materials of any kind including but not limited to scrap metal, fixtures, machinery or parts thereof, building materials, motor vehicles, parts of motor vehicles, accessories to motor vehicles, old tools, pipes and other equipment.

(c) "Salvage yard" is defined as a lot, parcel of land, building, structure or part thereof used primarily for the collection, accumulation, purchase, sale, exchange, storage, salvage or receipt of salvage materials as defined herein including the dismantling of automobiles, machinery, fixtures, equipment and other materials. A salvage yard or the operation thereof shall not include the sale of used motor vehicles but may include the dismantling of motor vehicles or the sale of used or secondhand motor vehicle parts or accessories. This definition shall not include automobile service or repair garages, automobile body repair shops, or other repair or service business operations involving goods, machinery or equipment owned by others than the operators of the business.

1.4 Licensure.

(a) License Required. No person shall engage in the business of operating a salvage yard without having obtained a license therefor from the Township.

(b) Application. Any person desiring to engage in the business of operation or maintaining a salvage yard and all those now engaged in said business shall make verified application in writing for said license to the Township Board. Said application shall contain the following:

- (1) The full name, age and residence of all persons with an ownership interest in the business; if a corporation or limited liability company, the name, age and address of its executive officers or managers and the principal stock holders or members;
- (2) A site plan including the legal description of the property upon which the salvage yard will be located, the dimensions thereof, the street address, and a scale drawing or plan showing the locations and sizes of all buildings, fences, and other property improvements and their relationship to property boundaries and to each other.
- (3) The name and address of the title owners of said site;
- (4) Whether any of the persons making application for a license has been previously licensed by the Township of Odessa or any other municipality or other governmental body for such a business;
- (5) Whether any of the persons making application for a license is now, or has ever been, engaged in conducting such business in any other location and, if so, the places, dates of operation, name such business was conducted under, and the reason for moving or terminating that business;
- (6) The trade name under which the business is to be conducted;
- (7) Such other information as may be required by the Township.

(c) Township Board Review. Upon receipt of any application for a junkyard license or request for change of location of an existing salvage yard, the Township Board shall review said application and may, but shall not be required to, hold a public hearing on any such application. In determining whether to grant said application, the Township Board shall consider the following:

- (1) Whether the location, use and nature of the operation will be in conflict with the primary uses of the area;
- (2) Whether the operation will be particularly objectionable to adjacent or nearby properties by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard or any other similar reasons;
- (3) Whether the operation will discourage or hinder the appropriate development and use of adjacent premises;
- (4) Whether the operation will create a traffic problem or hazard;
- (5) Any other factors relevant to the health, safety and welfare of the Township and specifically the adjoining property owners.

(d) Location Restriction. No salvage yard shall be operated, established or maintained within 1,000 feet of any church, school, public building, park, recreation area, cemetery, private residence or residential subdivision existing at the time of the filing of the application for license.

(e) Lot Size Required. No license shall be approved unless the applicant has at least five acres of land available therefor.

(f) Fee. In the event said application is granted and before a license shall be issued thereon, the applicant shall pay to the Township Treasurer the sum then established by resolution or motion of the Township Board as the annual fee for such license. All persons currently engaged in said business for the current year and all future license applications shall pay a pro rata portion of the license fee for the remainder of the year ending on the first Monday of April of the next year. In computing the time for such fractional part of the year for which a license is required, the same shall commence on the first day of the month on which said business shall commence. However, in no event shall any license fee be less than one-quarter of the yearly license fee. All licenses granted under this Chapter shall expire on the first Monday in April of the next year after the same have been granted.

(g) License Revocation. Any license issued under the within Ordinance may be revoked or suspended during the 12-month period of its issuance as a result of any violations of the terms and conditions of said license and the within Ordinance. Misrepresentation of any fact or required information on the application for licensure shall be cause for immediate revocation of license. Such revocation or suspension shall be determined by the Township Board at a regular meeting of said Board preceded by not less than seven days notice of the proposed action and the time, date, and place of the meeting at which the matter will be heard, sent to the licensee by regular mail with postage prepaid at licensee's last known address. The licensee shall have an opportunity to present any evidence or arguments on its own behalf at such time. The extent of the suspension or revocation shall be in the discretion of the Township Board and shall be based upon the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The reasons for any suspension or revocation shall be set forth in writing and mailed to the licensee at the last known address of such licensee within eight days after the Township Board decision concerning the same.

1.7 Change of Location. No licensee shall maintain more than one location pursuant to any one license. However, said licensee may remove the location of said business to another if approved by the Township Board upon the submission of an application therefor, in writing, to the Township Clerk, specifying the building, number and street or road to which the removal is to be made. No removal shall be made until said removal is approved by the Township Board [refer to 1.4(c)].

1.8 Name of Licensee. Every person or firm licensed under this Chapter shall cause his or her name or the firm name to be printed or painted in large,

legible characters and placed over the door or entrance to said shop, office or place of business or such other place as may be approved by the Township.

1.9 Account Books. Every licensee shall at all times keep a book in which shall be legibly written in ink at the time of purchase or receiving any goods or articles or other items an accurate account or description of the goods, articles or other things purchased or received, the amount of money paid therefor, the date and time of purchase or receipt, the name and address of the person selling or leaving such items and a reasonable description of said person.

1.10 Inspection of Books. The account book required under this Chapter shall at all reasonable times be open to the inspection of the Township Supervisor or designated Township official or any law enforcement officer.

1.11 Receipt of Lost or Stolen Goods. In the event any licensee shall learn that any goods, articles or things purchased or left with said licensee have been lost or stolen, it shall be the duty of said licensee to notify the appropriate law enforcement officers, giving all necessary information relative to said goods.

1.12 Receipt of Goods. No licensee shall purchase or receive by sale, barter or exchange or otherwise any article from any person between the hours of 10:00 p.m. and 7:00 a.m. nor from any person who is intoxicated or under the influence of any controlled substance or from any person under the age of 18 years.

1.13 Regulations. No salvage yard shall be allowed to be operated or be maintained within Odessa Township unless it complies at all time with the following rules and regulations:

(a) All material located upon the premises shall be stockpiled in a neat and orderly manner or shall be contained within enclosed storage buildings except when being loaded, unloaded, and/or being actively worked upon; all material of a combustible nature shall be stored so as not to create a fire hazard and shall not be permitted to accumulate in excess, but shall be disposed of promptly.

(b) All outdoor storage or processing of materials shall be screened from adjoining property and public highways by a hedge, fence or other natural or artificial barrier. Such screening shall be constructed of natural materials or of standard building materials customarily used for fence construction, fully painted or colored an unobtrusive and subdued color and maintained in an attractive manner, shall be at least eight (8) feet high, and shall be of sufficient density and height to accomplish the substantial screening of the outdoor operations from adjoining properties and public highways.

(c) No burning of debris or surplus material shall be allowed on the premises except upon prior written approval of the Township Fire Chief of the fire district in which the premises are located.

(d) Unsalable or unusable material shall not be deposited upon the premises except where the same is so commingled with salable or usable material that it cannot easily or conveniently be previously separated off the premises.

(e) Off-street parking for customers and employees, sufficient to take care of the greatest number of vehicles which might reasonably be expected to be on the premises at any given time shall be maintained on the premises by the owner or operator.

(f) Such operation shall be equipped with a permanent office building for the transaction of business with customers and suppliers.

(g) No dangerous, unhealthy, or hazardous condition shall be allowed to exist upon the premises.

(h) Any storage buildings or office buildings located upon the premises shall be constructed according to applicable building codes; shall be constructed of standard building materials customarily designed for building construction and shall be fully painted or colored an unobtrusive and subdued color.

(i) All buildings and outdoor storage shall be so located as to minimize any adverse effect of such outdoor storage upon adjoining property owners or occupants and upon the public on adjoining highways without thereby creating undue business hardship.

(j) The salvage yard shall not operate between the hours of 10:00 p.m. and 7:00 a.m. The salvage yard shall have at least one qualified adult person on duty supervising operations on the premises during all hours that the salvage yard is open for business.

(k) None of the operations of the salvage yard, including any storage, dismantling activities or parking of vehicles, shall be conducted in a public right-of-way.

1.14 Exceptions. The Township Board may, for cause shown, grant exceptions to the licensing requirements and regulations herein contained where the spirit, intent and purpose of this ordinance will still be complied with and an unnecessary or unreasonable hardship would otherwise exist by a strict construction and enforcement of such requirements.

1.15 Cessation of Business. Any licensee who shall cease operation, for any reason whatsoever, either temporarily or permanently, shall remove from the premises all junk materials of any kind whatsoever and shall leave said premises in a clean and sanitary condition.

1.16 Tires. No salvage yard shall accept or allow the dumping or placement of tires of any kind within the salvage yard or upon the property of the salvage yard except for those tires normally on or within a vehicle legally accepted for storage within the salvage yard.

1.17 Violation Deemed Nuisance. The operation of any salvage yard in violation of the regulations contained in this Ordinance is hereby determined to be detrimental to the health, safety and general welfare of the inhabitants, property owners and people within Odessa Township, and a public nuisance.

1.18 Penalties.

(a) Any person who violates any of the regulations or provisions contained in this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as principal.

(b) Any violations of the regulations or provisions contained in this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting said violator from continuing said violation, in addition to any other relief or penalty herein set forth or allowed by law.

(c) Any person who shall violate any of the regulations or provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.00, imprisonment in the County Jail for a period not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the Court. Each day that a violation continues to exist shall constitute a separate offense.

1.19 Severability. Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

1.20 Repeal. All resolutions, ordinances or regulations or parts of resolutions, ordinances and regulations inconsistent or in conflict with this ordinance are repealed on the effective date of this ordinance.

1.21 Effective Date. This Ordinance shall take effect on the 10th day of November, 1994.

CERTIFICATE OF ADOPTION

At a regular meeting of the Board of Trustees of the Township of Odessa, Ionia County, Michigan, held at the Page Building, 839 Fourth Avenue, Lake Odessa, Michigan, in said Township on the 3rd day of October, 1994, at 8:00 p.m. local time,

PRESENT: Goodemoot, Tomandl, Rohrbacher, Buche, & Possehn,

ABSENT: None

The foregoing ordinance was offered by Tomandl and supported by Possehn.

ODESSA TOWNSHIP ORDINANCE #6
CONSUMERS POWER CO. GAS AND/OR ELECTRIC FRANCHISE ORDINANCE #5

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF ODESSA ORDAINS:

SECTION 1. GRANT, TERM. The Township of Odessa, Ionia county, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers, and other electrical appliances on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the Township of Odessa, Ionia County, Michigan, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No street, alley, bridge, highway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. EXTENSIONS. Said Grantee shall from time to time extend its gas and electric systems to and within said Township, and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said Township for gas and/or electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas and electric rates and rules regulating such service in said Township, are hereby granted. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this Ordinance is subject to revocation upon a sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service, both gas and electric, not herein fixed, be and remain subject to reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said Township.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

ODESSA TOWNSHIP ORDINANCE #6

At a Regular meeting of the Township Board of the Township of Odessa, Ionia County, Michigan, duly called and held on the 4th day of December, 1989, there were present:

Nancy Hickey, Supervisor,

Diane Tomandl, Township Clerk,

Mary James, Township Treasurer,

Robert Possehn, Township Trustee,

Thomas Wilson, Township Trustee.

The following ordinance was offered by Wilson
and supported by Possehn:

ODESSA TOWNSHIP ORDINANCE #6

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Odessa, Ionia County, Michigan, on the 4th day of December, 1989, by the following vote:

<u>Nancy Huey</u> Supervisor	<u>YES</u> (Yes or No)
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<u>Diane Tomandl</u> Township Clerk	<u>YES</u>
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<u>Mary James</u> Township Treasurer	<u>YES</u>
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<u>Robert Possehn</u> Township Trustee	<u>YES</u>
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<u>Tom Wilson</u> Township Trustee	<u>YES</u>
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I further certify that the foregoing ordinance was published in the Lakewood News, a newspaper of general circulation in the above Township, on the 12th day of December, 1989.

<u>Diane Tomandl</u> Township Clerk
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pc: Ionia County Clerk

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 4th day of December, 1989.

Diane Tomandl
Township Clerk

Dated: December 12, 1989.

	<u>Odessa</u>	TOWNSHIP
	<u>Ionia</u>	COUNTY, MICHIGAN
ORDINANCE NO.	<u>7</u>	
ADOPTED:	<u>06-04-90</u>	
EFFECTIVE:	<u>06-12-90</u>	

ELECTRIC SERVICE FRANCHISE ORDINANCE

AN ORDINANCE granting unto Wolverine Power Supply Cooperative, Inc., its successors and assigns, the right, power and franchise for a period of thirty (30) years from and after the adoption and approval hereof, to acquire, construct, operate and maintain in Odessa Township, Ionia County, the necessary facilities for the production, transmission, and sale of electric energy at wholesale to its member-distribution cooperatives and between Wolverine and other parties pursuant to wholesale power agreements, and to use and occupy the highways, streets, alleys, and other public places of the township to set poles, string wires, lay pipes or conduits, and to transact an electric business.

BE IT ORDAINED:

Section 1. That Wolverine Power Supply Cooperative, Inc., its successors and assigns, be and it is hereby granted and vested with the right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, maintain or operate in the Township of Odessa the necessary facilities for the production, transmission, and sale of electric energy at wholesale to its member-distribution cooperatives and between Wolverine and other parties pursuant to wholesale power agreements, and to construct and maintain along, upon, across or under the highways, streets, alleys, and other public places of the township to set poles, string wires, lay pipes or conduit and other necessary fixtures and equipment for such purposes within Odessa Township.

Section 2. The Grantee shall save the Township harmless from any liability or judgment that may be made or recovered against the Township by reason of the negligence of the Grantee in the construction or maintenance of its electric transmission system.

Section 3. The franchise granted herein is subject to confirmation at the next regular election or special election by a majority of the Odessa Township electors voting upon the question in the affirmative.

Section 4. This ordinance will take effect upon publication of the ordinance.

CLERK'S CERTIFICATE

THE UNDERSIGNED, Diane Tomandl, Clerk of Odessa Township certifies that the above ordinance No. 7 entitled "Electric Service Franchise Ordinance" was adopted by the Odessa Township Board at a regular meeting held 06-04-90 and that the vote was as follows:

FOR: 4

AGAINST: 0

ABSENT: 1


Clerk, Odessa Township

ODESSA TOWNSHIP ORDINANCE # 7 -CONTD.

I hereby certify that the attached resolution was published in the Lakewood News, a newspaper published in the City of Hastings, Barry Co., Michigan on the 12th day of June, 1990.

Diane Tomard
Township Clerk of the Township
of Odessa, Ionia County,
Michigan.

Effective: June 12, 1990

TOWNSHIP OF ODESSA

COUNTY OF IONIA, MICHIGAN

At a special meeting of the Board of Trustees of the Township of Odessa, Ionia County, Michigan, held at the Page Building, Lake Odessa, Michigan, on the 22nd day of September, 1997, at 9:00 a.m.

PRESENT: GOODEMOOT, WILLIAMS, ROHRBACHER, BUCHE AND POSSEHN

ABSENT: NONE

The following ordinance was offered by GOODEMOOT and supported by WILLIAMS:

The Township of Odessa ordains:

ORDINANCE NO. 8

AN ORDINANCE to regulate the division of parcels or tracts of land in order to carry out the provisions of Michigan Public Act 288 of 1967, as amended, being the Land Division Act; to establish minimum requirements and procedures for the approval of such land divisions and to prescribe penalties for the violation of this ordinance.

Section 1. TITLE AND PURPOSE

1.1 This ordinance shall be known and may be cited as the Odessa Township Land Division Ordinance.

1.2 The purpose of this ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (herein the "Act") in order to prevent the creation of parcels of land which do not comply with the Act or with applicable township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the township by establishing minimum requirements for review and approval of certain land divisions within the Township.

1.3 This Ordinance shall not be construed to repeal, abrogate, rescind or otherwise to impair or interfere with provisions of other ordinances of the Township.

Section 2. DEFINITIONS

2.1 Certain words and phrases used in this Ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meanings stated in the Act.

2.1 "Administrator" means the township assessor or other administrator appointed by the Township Board.

2.2 "Division" or "land division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her 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 (as defined in the Act), and that satisfies the requirements of Sections 108 and 109 of the Act. Division does not include a property transfer between two or more adjacent parcels, if the land taken from one parcel is added to an adjacent parcel.

2.3 "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her 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.

2.4 "Parcel" means a contiguous area of land which can be described as stated in Section 102(g) of the Act.

2.5 "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on March 31, 1997.

2.6 "Road authority" means the governmental authority having jurisdiction of a public road or public street.

2.7 "Resulting parcel(s)" means one or more parcels which result from a land division.

2.8 "Tract" means two or more parcels that share a common property line and are under the same ownership.

Section 3. LAND DIVISION APPROVAL REQUIRED

Any division of land, including any partitioning or splitting of land, within the Township which requires the approval of the Township in order to qualify as a land division under the Act, shall comply with the requirements of Sections 4, 5 and 6 and the other applicable provisions of this Ordinance.

Section 4. APPLICATION FOR LAND DIVISION APPROVAL

4.1 A proposed land division shall be filed with the Administrator and shall include the following:

- (a) A completed application, on such written form as the Township may provide, including any exhibits described therein;
- (b) Proof of an ownership interest in the land which is the subject to of the proposed division, or written consent to the application, signed by the owner of such land;
- (c) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was

- lawfully in existence on March 3, 1997.
- (d) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
 - (e) A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale which shall clearly show the parcel boundaries and all details required by the Act and this ordinance. A tentative parcel map shall include:
 - (1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
 - (2) Proposed boundary lines and the dimensions of each parcel;
 - (3) An adequate and accurate legal description of each resulting parcel;
 - (4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such division;
 - (5) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets; and
 - (6) The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the proposed instruments describing and granting such easements shall be submitted with the application.
 - (f) The requirements of subparagraph (e) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 5.1 (b) below.
 - (g) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
 - (h) Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.

4.2 A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.4 commence, until all of the requirements for an application for land division approval have been complied with.

Section 5. MINIMUM REQUIREMENTS FOR APPROVAL OF LAND DIVISIONS

5.1 A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements.

- (a) The application requirements of Section 4.
- (b) Each resulting parcel which is 10 acres or less in size shall have a depth which is not more than four times its width. The width of the resulting parcel shall be measured at the street right-of-way line at the front of the parcel; provided however, that in the event a resulting parcel is not a square or a rectangle, the Township Board, upon written application showing good cause therefor, may permit the use of a point other than the street right-of-way line at which

- to measure the width of the parcel.
- (c) Each resulting parcel shall have a means of vehicular access to an existing street from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 5.2.
 - (d) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
 - (e) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.

5.2 If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied:

- (a) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable requirements.
- (b) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable requirements.
- (c) If a new public street is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the street and of utility easements and drainage facilities associated therewith.

5.3 The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator and shall provide written notice of the approval or disapproval to the applicant and, if disapproved, all of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of Section 109a of the Act, including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105(g) of the Act.

5.4 An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Township Board, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class

mail, directed to the applicant's address as shown in the application or in the written appeal. The Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

Section 6. APPROVAL OF LAND DIVISIONS

6.1 The Administrator shall maintain a record of all land divisions approved by the township.

6.2 A decision approving a land division shall be effective for not more than 180 days after such approval by the Administrator or, if appealed, by the Township Board, unless either of the following requirements is satisfied within such 180-day period:

- (a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or
- (b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180th day following such approval by the Administrator or, if appealed, by the Township Board.

6.3 All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 7.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such documents shall be maintained by the Administrator in the township record of the approved land division.

6.4 The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable ordinances, statutes or lawfully adopted administrative rules.

6.5 Any parcel created inconsistent with or in violation of this ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits or other land use or building approvals under other township ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

Section 7. PENALTIES AND OTHER REMEDIES

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not more than \$500 for the first offense and not more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section, a subsequent offense means a violation of this ordinance committed by the same person or party within one year after a previous violation of the same provision of this ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

Section 8. SEVERABILITY

The provisions of this ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this ordinance.

Section 9. EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: GOODEMOOT, WILLIAMS, ROHRBACHER, BUCHE AND POSSEHN

NAYS: Members: NONE

ORDINANCE DECLARED ADOPTED.

Wick Williams
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Township Clerk

effective Oct 30, 1997

ODESSA TOWNSHIP
IONIA COUNTY, MICHIGAN

ORDINANCE NO. 9

PREAMBLE

AN ORDINANCE TO ESTABLISH A LIEN AGAINST PROPERTY WITHIN THE TOWNSHIP OF ODESSA RECEIVING MUNICIPAL POTABLE WATER SERVICES PROVIDED PURSUANT TO A FRANCHISE AND WATER SERVICE AGREEMENT BETWEEN THE TOWNSHIP AND THE VILLAGE OF LAKE ODESSA; TO PROVIDE A METHODOLOGY FOR COLLECTION OF DELINQUENT WATER CHARGES BY ENFORCEMENT OF SUCH LIEN AND REMITTANCE OF REVENUE RECEIVED THEREBY FROM THE TOWNSHIP TO THE VILLAGE OF LAKE ODESSA UPON COLLECTION; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Township of Odessa, Ionia County, Michigan, ordains:

Section 1. Title.

The title of the this Ordinance shall be the Township of Odessa "Water Service Lien Ordinance."

Section 2. Establishment of Lien.

The Township of Odessa, having entered into a Franchise and Water Service Agreement with the Village of Lake Odessa, which, among other things, obligates the Township to adopt an Ordinance creating a lien upon premises served by potable water furnished by the Village, there shall be and is hereby established a lien pursuant to MCL 123.161 *et seq*; MSA 5.253(1) for all charges, rates and levies for potable water service rendered to persons and entities within the Township receiving such service. Said lien shall be equal to the charges established from time to time by the Village of Lake Odessa for potable water service, and shall include interest and penalties for delinquency, if any, and shall apply to all buildings, premises, lots, and parcels of land within the Township to which such service has been provided, and shall be deemed effective immediately upon the provision of potable water service to said property, and shall be reported and placed upon the tax roll as provided in said Franchise and Water Service Agreement.

**ODESSA TOWNSHIP ORDINANCE
NO. 10
TOWNSHIP OF ODESSA
COUNTY OF IONIA
STATE OF MICHIGAN**

An ordinance to amend Ordinance No. 5 of the Township of Odessa, County of Ionia, State of Michigan, entitled "An ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of cemetery owned by the Township of Odessa, Ionia County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all previous cemetery ordinances."

THE TOWNSHIP OF ODESSA ORDAINS: That Ordinance No. 5 of the Township of Odessa, Ionia county, Michigan be and is hereby amended, in total, to read as follows:

**ODESSA TOWNSHIP ORDINANCE
NO. 5
TOWNSHIP OF ODESSA
COUNTY OF IONIA
STATE OF MICHIGAN**

CEMETERY ORDINANCE

An ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of cemetery owned by the Township of Odessa, Ionia County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all previous cemetery ordinances.

**TOWNSHIP OF ODESSA
COUNTY OF IONIA, MICHIGAN**

ORDAINS:

SECTION I

TITLE

1. This ordinance shall be known and cited as the Odessa Township Cemetery Ordinance.
2. The Odessa Township Cemetery shall also be known as the LAKESIDE CEMETERY.

SECTION II DEFINITIONS

BURIAL FEES: The charges imposed by the township for opening and closing graves, foundations, grave thawing, Sunday burials, and Burial Rights.

BURIAL RIGHT: The right to burial in a selected lot as described on Certificate of Ownership.

CERTIFICATE OF OWNERSHIP: The original certificate issued to the owner of the Burial Right.

FOUNDATION: The permanent base or substructure used to support memorials, mausoleums, and urns.

INTERMENT: The permanent disposition of the remains of a deceased person by burial.

LOT/SPACE: Land area four feet wide and eight feet in length.

MARKER: A memorial flush with the ground.

MAUSOLEUM: A large tomb for family or individual use.

MEMORIAL: A permanent monument, marker, tablet, headstone, tombstone, urn crypt, and niche place.

OPENING/CLOSING: Service provided by the Sexton to the lot before and after the interment.

OWNER: The person named on the Certificate of Ownership.

PERPETUAL CARE: Indefinite care, including decoration and maintenance of memorials or mausoleums, for a lot in which sufficient funds have been deposited with the township for care of said lot.

RESIDENT: A person who makes Odessa Township their permanent home. A permanent home is the place you intend to return to whenever you go away.

SEXTON: The person or persons duly employed by the township for the purpose of conducting and administering the cemetery.

URN: A vase-shaped vessel of pottery, or other equally durable composition, used for the decoration of a burial space.

VAULT: A burial chamber or case in which a casket is enclosed at burial.

SECTION III
SALE OF BURIAL RIGHTS

1. Burial Rights may be sold at such fees as may be from time to time established by the Township Board.
2. Burial Rights sold are restricted to the use of the owner, who shall have lot number and name listed at the time of purchase. Burial in said lots shall be subject to the established fees.
3. All such sales shall be made on certificates approved by the Township Board. The Certificate of Ownership grants only the right of burial and does not convey any other right to the space sold. The Sexton shall complete the certificate.
4. **A CERTIFICATE OF OWNERSHIP ISSUED IN PURSUANT TO A SALE IS NOT A CONVEYANCE OF REAL ESTATE, NOR DOES IT CONFER ANY RIGHT TO SELL, ASSIGN, OR TRANSFER BY ANY MEANS, INCLUDING BY WILL OR INTESTATE SUCCESSION, EXCEPT TO THE TOWNSHIP AS DESCRIBED IN SECTION X, ENTITLED "REPURCHASE OF LOTS."**

SECTION IV
FEES

1. Burial fees shall be an amount to be determined from time to time by the Township Board, payable to the Township, received by the Sexton and shall be deposited in the appropriate accounts by the Township Treasurer.
2. Perpetual Care funds shall be paid to the Township, received by the Township Treasurer and deposited in the appropriate accounts.
3. No burial shall take place unless the burial space fee, the fee for services required to open and close the grave, and all other fees have been paid in full.

SECTION V
GRAVE OPENINGS AND CLOSINGS

No burial lots shall be opened or closed except under the direction and control of the Sexton. Vaults may be removed to other lots under the supervision of the Sexton with all cost being born by the applicant.

SECTION VI
FOUNDATIONS, MEMORIALS, AND VAULTS

1. The foundation upon which a memorial shall be placed shall be constructed by the Sexton at cost to the owner or representative of the owner of the burial right.

- All such foundations are to be constructed of concrete of sufficient size and depth so as to support said memorial. All foundations must have at least a four inch border on all sides and if an urn is to be used, additional space must be allowed for said urn on the foundation.
3. All memorials must be of stone or other equally durable material and approved by the Sexton.
 4. **Only one memorial shall be permitted per burial lot.**
 5. Memorials may not exceed 60 inches in height, 14 inches in depth, 80 inches in length.
 6. All memorials shall be located within the boundaries of the burial lot and the placement of any memorial must be approved in advance by the Sexton.
 7. No mausoleum shall be erected without the specific approval of the Township Board.
 8. Inscriptions on mausoleums or memorials must not be offensive or improper. The owner of any such mausoleum or memorial will be responsible for all expenses for removal.
 9. The Township Board has the authority to deem a mausoleum or memorial to be inappropriate and thus prohibit it from being placed in the cemetery.
 10. If a memorial or mausoleum becomes unsafe, in the opinion of the Sexton, notice of the condition will be sent to the last known address of the owner, and the structure will be removed or repaired at the owners expense.
 11. All burials shall be within a standard concrete vault, or a vault of such material that is either equal to or better than a standard concrete vault, installed in each burial space before interment and shall comply with all appropriate state statutes.

SECTION VII INTERMENT REGULATIONS

1. Only one person may be buried in a burial space, unless an exception is granted by the Sexton, however, nothing contained herein shall mandate that the Sexton allow any such exception.
2. The Sexton shall receive at least 36 hours notice of the time of a funeral to allow for the opening of the burial space.
3. The appropriate Certificate of Ownership for the burial space involved, together with a Burial Permit for the person to be buried therein shall be presented prior to interment. If the Certificate of Ownership has been lost or destroyed, interment shall not take place unless the Sexton determines the proper ownership of the Burial Rights to such lot from cemetery records.
4. No pet or animal of any type may be interred in the cemetery.

The remains of any body that has been cremated and is to be buried shall be contained in a concrete or metal container. Burial of such remains, when properly contained, shall be supervised by the Sexton. Such remains shall not be scattered upon the grounds of the cemetery.

SECTION VIII GROUNDS MAINTENANCE

1. No grading, leveling, or excavating upon a burial lot shall be performed except by the Sexton.
2. No shrubs, trees, or flowering bushes, including rose bushes, shall be planted.
ANY OF THE FOREGOING ITEMS PLANTED SHALL BE REMOVED BY THE SEXTON.
3. The Township reserves the right to remove or trim any tree, plant, shrub, or vegetation located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.
4. Any object or device including, but not limited to, Iron hooks, statues, hanging baskets and crosses which hinder the free use of lawn-care or gardening equipment is prohibited.
5. Surfaces other than earth or sod are prohibited.
6. **All decorations and refuse including, but not limited to, dried, silk or plastic flowers, wreaths, seasonal displays, papers, balloons, crosses, wire stands, and flower containers, must be removed or deposited in appropriate containers located within the cemetery by March 31st so as to give the grounds a fresh appearance each year.**
7. **As soon as decorations including, but not limited to, flowers, wreaths, seasonal displays and emblems placed upon graves become unsightly or faded, they will be removed by the Sexton.**
8. **URNS ARE RECOMMENDED FOR FRESH CUT FLOWERS, POTTED PLANTS, OR ARTIFICIAL FLOWERS AND PLANTS. ARTIFICIAL FLOWERS AND PLANTS MUST BE FASTENED IN A SECURE MANNER SO AS NOT TO BLOW OUT. FLOWERS OR PLANTS MAY BE PLACED IN THE GROUND IN APPROVED AREAS ONLY. GLASS CONTAINERS SUCH AS FRUIT JARS, ETC. SHALL NOT BE PERMITTED.**
9. **All urns or containers for flowers or plants shall be placed IN LINE WITH headstones or monuments and upon approved foundations.**
10. **WREATHS AND FLORAL ARRANGEMENTS SECURED IN THE GROUND shall be limited to placement in the cemetery from OCTOBER 1ST EACH YEAR TO MARCH 31ST OF THE FOLLOWING YEAR.**
11. No lot may be fenced or enclosed.

12. Cemetery care by the township is limited to seeding, top dressing, cutting and trimming grass, shrubs, and trees, and the general upkeep of the cemetery. Cemetery care does not include the maintenance of memorials or mausoleums.

SECTION IX FORFEITURE OF BURIAL RIGHTS IN VACANT LOTS

After forty years from the date of acquisition of burial rights, the owner of record for any burial lot which remains vacant shall be notified by First Class mail, last known address, by the Township Clerk that such burial rights will be forfeited if the owner does not affirmatively notify the Clerk, in writing, within 60 days of the date of mailing of the notice whether the owner wishes to retain said burial rights. Failure to so notify or a determination that the owner of record is deceased will result in forfeiture of said burial rights. Owner's written affirmation retaining rights shall be accepted upon receipt by the Township Clerk for a period of ten years at which time forfeiture procedures will begin anew.

SECTION X REPURCHASE OF LOTS OR GROUPS

The Township may repurchase any vacant cemetery lot from the owner for the original price paid to the Township upon the written request of said owner or legal representative.

SECTION XI RECORDS

The Sexton shall maintain records concerning all burials and Burial Rights, separate and apart from any other records of the township, and the same shall be open to public inspection at all reasonable business hours.

SECTION XII GENERAL REGULATIONS

1. The cemetery shall be open to the general public between Dawn and Dusk each day.
2. No person shall be permitted in the Township Cemetery at any time other than the foregoing hours, except upon the express permission of the Township Board or the Sexton.
3. Animals, except leader dogs, are not permitted in the cemetery.
4. No person shall obstruct any drive or walk.
5. No person shall injure, deface or destroy any burial space, memorial, mausoleum, building, fence, seat, flower, tree, shrub or other item in the cemetery.
6. Alcohol is not permitted in the cemetery.

.. No vehicles shall drive faster than 5 miles per hour on cemetery roads.

8. Driving off the established roads is prohibited. Driving, parking, or leaving any vehicle across or upon any grave, lot, or lawn is prohibited.

9. No firearms are allowed in the cemetery without written permission from the Township Supervisor or Sexton, except in the case of military funerals or ceremonies by official veterans' organizations on federal holidays.

10. No off road vehicles such as, but not limited to snowmobiles, trail bikes, and quad runners shall be allowed in the cemetery.

SECTION XIII PENALTIES

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not more than \$100 for the first offense and not more than \$500 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section, a subsequent offense means a violation of this ordinance committed by the same person or party within one year after a previous violation of the same provision of this ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

SECTION XIV SEVERABILITY

The provisions of this ordinance are severable and if any provision or other part is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this ordinance.

SECTION XV RESCISSION OF PREVIOUS ORDINANCES

All township ordinances and regulations which are in conflict with this ordinance are hereby rescinded.

SECTION XVI
EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Buche, Williams, Possehn, Adams, Rothbauer

NAYS: Members: none

ORDINANCE DECLARED ADOPTED

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

April 16, 1998

STATE OF MICHIGAN }
 }ss.
COUNTY OF IONIA }

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

effective May 16, 1998

TOWNSHIP OF ODESSA
COUNTY OF IONIA, MICHIGAN

At a regular meeting of the Board of Trustees of the Township of Odessa, Ionia County, Michigan, held at the Township offices, 3862 Laurel Drive, Lake Odessa, Michigan, on the 14th day of September, 1998, at 8:00 p.m.

PRESENT: Adams, Williams, Rohrbacher, Possehn and Buche

ABSENT: none

the following ordinance was offered by Adams and supported by Rohrbacher.

The Township of Odessa ordains:

ODESSA TOWNSHIP ORDINANCE NO. 11

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS, PROPERTY OWNERS AND OTHER PERSON WITHIN THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, BY REGULATING, PREVENTING, REDUCING OR ELIMINATING JUNK, TRASH, RUBBISH, GARBAGE AND REFUSE MATERIAL UPON PRIVATE PROPERTY IN THE TOWNSHIP OF ODESSA AND TO PROVIDE SANCTIONS FOR VIOLATION OF THE ORDINANCE.

Section 1: TITLE AND PURPOSE

- 1.1 This ordinance shall be known and may be cited as the Odessa Township Junk Ordinance.
- 1.2 The Township of Odessa has determined that the continued existence of accumulations of junk, trash, rubbish, garbage or refuse material may result in nuisance conditions, the impairment of property rights, the destruction of property values and a threat to the public health, safety and welfare of the residents of the Township of Odessa. It is the intent and purpose of this ordinance to protect the general health, safety and welfare of the residents, property owners and other persons within the Township of Odessa by reducing or eliminating accumulations of junk, trash, rubbish, garbage or refuse material which exist or which may in the future exist in the Township. The terms and provisions of this ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare within the Township.
- 1.3 This Ordinance amends Odessa Township Ordinance No. 2 entitled "An Ordiance (sic) To Control And Regulate the Accumulation of Refuse Material, Junk, Rubbish and Garbage Upon Private Property in the Township of Odessa" which became effective October 20, 1979, by entirely replacing the same; provided, however, that this amended Ordinance shall not be construed to repeal by implication any other Ordinance of Odessa Township pertaining to the same subject matter.

Section 2. DEFINITIONS.

- 2.1 The following words and terms are defined for the purpose of their use in this Ordinance. Any word or term not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.
- 2.2 “Junk, trash, rubbish, garbage or refuse of any kind” shall include, without limitation, motorized or non-motorized vehicles as defined herein, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, unusable trailers, televisions, furniture, food waste matter and discarded food containers or any other scrap or waste material of any kind, including parts of any of the above, but not including domestic refuse stored for a period not exceeding thirty (30) days in a sanitary manner so as not to create a nuisance, and not including firewood stored in an orderly manner.
- 2.3 “Junk vehicle” shall mean any motorized or non-motorized vehicle including but not limited to cars, trucks, tractor trucks and trailers, motorcycles, boats, mobile homes, recreational vehicles, travel trailers, campers, trailers, snow mobiles and other similar vehicles which are not licensed for use upon the highways of the State of Michigan, and shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all of its main component parts attached.

Section 3. OFFENSES DESIGNATED.

- 3.1 After the effective date of this Ordinance no person, firm, corporation or entity of any kind shall maintain or allow to be maintained upon any property within the Township which is owned, leased, rented or occupied or possessed by any person, firm, corporation or entity any of the following uses, activities or conditions:
- (a) The storage or accumulation of junk, trash, rubbish, garbage or refuse of any kind outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license issued by the Township is in effect) for a period in excess of thirty (30) days.
 - (b). The parking or storage of any “junk vehicle” outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license issued by the Township is in effect) for a period in excess of thirty (30) days.

Section 4. PENALTIES, NUISANCE, ENFORCEMENT.

- 4.1 Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:
- (a) Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not more than \$100.00, plus other costs, damages, expenses, and other sanctions for each infraction.

- (b) Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any one year period (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - 1) The fine for any offense which is a first repeat offense shall be not more than \$250.00, plus costs.
 - 2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not more than \$500.00, plus costs per offense.
- (c) Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- (d) Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

- 4.2 Nuisance. Maintenance of, or allowing the maintenance of, any cause of condition prohibited by this Ordinance is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Odessa Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.
- 4.3 Continuing Offenses. Each day on which a violation of the Ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.
- 4.4 Parties Liable. Any person who violates any of the provisions contained in this Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, employee or in any other capacity, shall be liable as a principal.
- 4.5 Enforcement Actions. This Ordinance shall be enforced by the person or persons designated by the Odessa Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.
- 4.6 Non-Exclusive Penalties. The prohibitions and penalties provided by this Ordinance shall be in addition to, and not exclusive of, prohibitions and penalties provided by other applicable laws, finances, rules or regulations.

Section 5. SEVERABILITY.

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsections, sentence, phrase or clause is adjudged, unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 6. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Odessa, Ionia County, Michigan.

AYES: Members: Adams, Williams, Rohrbacher, Possehn and Buche

NAYS: Members: none

ORDINANCE DECLARED ADOPTED.

Lisa Williams
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law. I further certify that said ordinance became effective on October 21, 1998, 1998 having been published on September 22, 1998 in the Lakewood News, a newspaper circulating within said Township.

Date _____
Township Clerk

TOWNSHIP OF ODESSA
ORDINANCE TO REGULATE PUBLIC NUDITY
ORDINANCE NO. 12 of 1999.

An Ordinance which defines and prohibits public nudity, provides for exceptions, and penalties for violations.

THE TOWNSHIP OF ODESSA ORDAINS:

Section 1. Purpose.

This Ordinance is intended to prohibit nudity in public places pursuant to the township ordinance power conferred by MSA 5.45(1), MCL 41.181, and to establish a definition of nudity pursuant to 1980 AACS R436.1409. This Ordinance is not intended to exclude sexually oriented businesses as defined by any valid county or township zoning ordinance, from opening and operating in Odessa Township, to deny adults access to sexually oriented businesses and their products, to deny sexually oriented businesses access to their intended markets, to implicate ordinary public behavior, or to offend the guarantees afforded by the First Amendment to the United States Constitution.

Section 2. Definitions.

- A. 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. 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 Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
 - (3) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
- B. Public Place means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- C. Person means an individual, sole proprietorship, partnership, corporation, limited

liability company, business organization or association.

Section 3. Prohibited Conduct.

No person shall engage in public nudity, nor shall any owner, officer, or person in charge of or in control of the premises of any business establishment knowingly permit persons to engage in public nudity.

Section 4. Aiding and Abetting Prohibited.

No person shall knowingly assist, aid, abet or encourage any other person to engage in public nudity.

Section 5. Exceptions.

- A. Public nudity occurring within an enclosed area or structure on a premises in accordance with and benefitted by a valid special use permit to operate a sexually oriented business issued by Ionia County under a valid county ordinance, and which premises is not licensed by the State of Michigan to sell or allow the consumption of alcoholic beverages, shall not be subject to the prohibitions of this Ordinance which prohibit exposure of a female individual's breast or breasts, but shall be subject to the prohibitions of this Ordinance relating to exposure of an individual's genitals or anus.
- B. Public nudity pursuant to a regular curriculum at an educational institution in any way funded, chartered, or recognized by the State of Michigan shall not be subject to the prohibitions of this Ordinance.
- C. Public nudity occurring within an enclosed area or structure on a premises not requiring a special use permit to operate a sexually oriented business due to its status as a valid nonconforming use pursuant to those sections of any Ionia County Zoning Ordinance relating to the regulation of sexually oriented businesses shall not be subject to the prohibitions of this Ordinance which prohibit exposure of a female individual's breast or breasts, but shall be subject to the prohibitions of this Ordinance relating to the exposure of an individual's genitals or anus.

Section 6. Nuisance Per Se.

A violation of this Ordinance is deemed to be a nuisance per se. Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance.

Section 7. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance

is held to be invalid or unconstitutional by any court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

Section 8. Penalties.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as provided in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500.00 and the payment of the actual costs of enforcement by Odessa Township, including attorney fees. Each day this Ordinance is violated shall be considered as a separate violation. Each violation shall constitute a separate offense.

Section 9. Effective Date.

This Ordinance shall be published as required by law and shall become effective thirty (30) days after publication.

Date of Publication: 12-15-99.

Lisa K. Williams
Odessa Township Clerk

Lisa K. Williams

EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Cobb, Williams, Rohrbaugh, Pessehndy Buche

NAYS: Members: none.

ORDINANCE DECLARED ADOPTED

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

12-6-99
Date

STATE OF MICHIGAN }
 }SS.
COUNTY OF IONIA }

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

Date

**TOWNSHIP OF ODESSA
COUNTY OF IONIA, MICHIGAN**

At a regular meeting of the Board of Trustees of the Township of Odessa, Ionia County, Michigan, held at the Township offices, 3862 Laurel Drive, Lake Odessa, Michigan, on the 7th day of February, 2000, at 8:00 p.m.

PRESENT: Cobb, Williams, Rohrbacher, Fossehn, Buche
ABSENT: none.

the following ordinance was offered by Cobb and supported by
Rohrbacher.

The Township of Odessa Ordains:

ODESSA TOWNSHIP ORDINANCE NO. 13

Ordinance Enforcement Officer Ordinance

An ordinance to establish the office of ordinance enforcement officer; to prescribe the duties of said office; to authorize the township board to appoint persons to said office, and to amend any ordinances of the township which conflict with the provisions of this ordinance.

Section 1: Ordinance Enforcement Officer

The office of Odessa Township Ordinance Enforcement Officer is hereby established.

Section 2: Appointment

The township board is hereby authorized to appoint by motion or resolution any person or persons to the office of Odessa Township Ordinance Enforcement Officer for such term or terms and for such compensation as the township board may, by such motion/resolution, determine. The board may further, by motion/resolution, remove any person from said office, in the discretion of the board.

Section 3: Authority

The ordinance enforcement officer is hereby authorized to enforce all ordinances of the township, whether heretofore or hereinafter enacted, and whether such ordinances specifically designate a different enforcing officer or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance, that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this ordinance, and the authority of the ordinance enforcement officer shall be in addition to and supplementary to the authority granted to such other specific officer. An ordinance enforcement officer shall, in the performance of the officer's duties, be subordinate and responsible to the supervisor or such other township board member as the board may from time to time designate.

Section 4: Duties

The ordinance enforcement officer's duties shall include the following: investigation of ordinance violations; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, as amended (MCL 764.9c); issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under Public Act 12 of 1994, as it may from

time to time be amended (MCL 600.8701, *et. seq.*); appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the township board, township supervisor or assigned by the township attorney.

Section 5: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

Section 6: Supplementary Effect

All ordinances of Odessa Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this ordinance.

Section 7: Effective Date

This ordinance shall, pursuant to statute, take effect thirty (30) days after publication in a newspaper circulating within Odessa Township.

AYES: Members: Cobb, Williams, Rehrbacher, Possehn & Buche.
NAYS: Members: none

ORDINANCE DECLARED ADOPTED.

Lisa K. Williams
Lisa K. Williams
Odessa Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law. I further certify that said ordinance became effective on March 16, 2000, 2000 having been published on February 15, 2000 in the Lakewood News, a newspaper circulating within said Township.

Date _____
Township Clerk _____

TOWNSHIP OF ODESSA
COUNTY OF IONIA, MICHIGAN

At a regular meeting of the Board of Trustees of the Township of Odessa, Ionia County, Michigan, held at the Township offices, 3862 Laurel Drive, Lake Odessa, Michigan, on the 7th day of August, 2000, at 8:00 p.m.

PRESENT: Buche, Cobb, Possehn, Rohrbacher, Williams

ABSENT: None

the following ordinance was offered by Rohrbacher and supported by Cobb:

THE TOWNSHIP OF ODESSA ORDAINS:

ODESSA TOWNSHIP ORDINANCE
NO. 14

AN ORDINANCE TO AMEND ORDINANCE NO. 3 OF THE TOWNSHIP OF ODESSA, COUNTY OF IONIA, STATE OF MICHIGAN, ENTITLED "AN ORDINANCE TO PROTECT THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS, PROPERTY OWNERS, AND PEOPLE WITHIN THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, BY REGULATING THE OPERATION OF SALVAGE YARDS AND RELATED OR SIMILAR TYPES OF BUSINESSES WITHIN SAID TOWNSHIP; TO PROVIDE RULES AND REGULATIONS TO GOVERN THE OPERATION OF SUCH BUSINESSES; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH RULES AND REGULATIONS."

Section 1. AMEND TITLE.

The title to Ordinance No. 3 of the Township of Odessa, Ionia County, Michigan, be and is hereby amended to read as follows:

"An Ordinance to protect the health, safety, and general welfare of the residents, property owners, and people within the Township of Odessa, Ionia County, Michigan, by regulating the operation of salvage yards and related or similar types of businesses within said Township; to provide rules and regulations to govern the operation of such businesses; and to provide sanctions for the violation of such rules and regulations."

Section 2. AMEND SECTION 1.18.

Section 1.18 entitled "Penalties" of Ordinance No. 3 of the Township of Odessa, Ionia County, Michigan, is hereby amended to read as follows:

"1.18 Sanctions for Violation. Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not less than \$100.00 nor more than \$500.00.

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

Each day a violation of this ordinance continues to exist constitutes a separate violation."

Section 3. SEVERABILITY.

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsections, sentence, phrase or clause is adjudged, unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 4. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Odessa, Ionia County, Michigan.

YEAS: Members: Buche, Cobb, Possehn, Rohrbacher, Williams

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Lisa Williams
Lisa Williams
Odessa Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law. I further certify that said ordinance became effective on September 16, 2000, having been published on August 15, 2000 in the Lakewood News, a newspaper circulating within said Township and that the said ordinance has been continuously in full force and effect from said date to this date of certification.

Dated: _____, _____, Township Clerk

TOWNSHIP OF ODESSA

HAZARDOUS MATERIALS EMERGENCY INCIDENT ORDINANCE.

An Ordinance to establish charges for township emergency services responding to an incident involving hazardous materials under Public Act 102 of 1990 (compiled law 41.806a) and to provide methods for the collection of such charges.

THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, ORDAINS:

1.1: Purpose. In order to protect the township from incurring extraordinary expenses resulting from the utilization of township resources to respond to an incident involving hazardous materials, the township board authorizes the imposition of charges to recover reasonable and actual costs incurred by the township in responding to calls for assistance in connection with a hazardous materials release.

1.2: "Hazardous materials" defined. For purposes of this ordinance, "hazardous materials" include, but are not limited to a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoroc, unstable reactive or water reactive.

1.3: "Release" defined. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.

1.4: "Responsible Party" defined. Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials release.

1.5: Charges imposed upon responsible party. Where the township fire department responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by the township responding to such a call shall be imposed upon responsible parties, including, but not limited to:

- (a) The actual cost per hour, or fraction thereof, for each Township Fire Department vehicle or piece of equipment required, in the opinion of the officer in command, to stand by at the hazardous materials incident. For each hour, or fraction thereof, that the equipment is activated, an additional sum per hour shall be charged.

(b) All personnel-related costs incurred by the township as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time fire fighters; overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on-call fire fighters. Such personnel-related charges shall commence after the first hour that the fire department has responded to the hazardous materials incident, and shall continue until all township personnel have concluded hazardous materials incident-related responsibilities.

(c) Other expenses incurred by the township in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.

(d) Charges to the township imposed by any local, state or federal government entities related to the hazardous materials incident.

(e) Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

The Township Board shall at least annually, by resolution, establish the amount or amounts to be charged as actual costs for the use of Township Fire Department vehicles and equipment.

1.6: Billing procedures. Following the conclusion of the hazardous materials incident, the fire chief shall submit a detailed listing of all known expenses to the township clerk, who shall prepare an invoice to the responsible party for payment. The clerk's invoice shall demand full payment within thirty (30) days of receipt of the bill. Any additional expenses that become known to the township fire chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after thirty (30) days, the township shall impose a late charge of one percent (1%) per month, or fraction thereof.

1.7: Other remedies. The township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this ordinance. The recovery of charges imposed under

ODESSA TOWNSHIP ORDINANCE NO. 16
TELECOMMUNICATIONS ORDINANCE

AN ORDINANCE TO REGULATE ACCESS TO AND ONGOING USE OF THE TOWNSHIP'S RIGHTS-OF-WAY BY TELECOMMUNICATIONS PROVIDERS; TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND EXERCISE REASONABLE CONTROL OF THE PUBLIC RIGHTS-OF-WAY IN COMPLIANCE WITH MICHIGAN AND OTHER APPLICABLE LAW; AND TO ENSURE THAT THE TOWNSHIP QUALIFIES FOR DISTRIBUTIONS UNDER MICHIGAN LAW BY MODIFYING THE FEES CHARGED TO TELECOMMUNICATIONS PROVIDERS.

Sec. 1 Purpose.

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the Township qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

Sec. 2 Conflict.

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

Sec. 3 Terms Defined.

The terms used in this ordinance shall have the following meanings:

Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.¹

Permit means a non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the Township for its telecommunications facilities.

All other terms used in this chapter shall have the same meaning as defined or as provided in the Act, including without limitation the following:

¹ A copy of the Act can be obtained on the internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>.

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication Facilities or *Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and *Telecommunications Services* mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

- (a) A cable television operator that provides a telecommunications service.
- (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (c) A person providing broadband internet transport access service.

Township means the Odessa Township.

Township Board means the Township Board of the Odessa Township or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Township Board.

Township Supervisor means the Township Supervisor or his or her designee.

Sec. 4 Permit Required.

(a) *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Township for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.²

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Township Clerk, one copy with the Township Supervisor, and one copy with the Township Attorney. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.³

(c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.

(e) *Additional Information.* The Township Supervisor may request an applicant to submit such additional information which the Township Supervisor deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Township Supervisor. If the Township and the applicant cannot agree on the requirement of additional information requested by the Township, the Township or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Township under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Township to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.

(g) *Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Township as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the Township an application for a permit in accordance with

² Construction or engineering permits may need to be obtained from the County Road Commission.

³ A copy of the application form as approved by the MPSC can be obtained on the internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>.

the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Sec. 5 Issuance of Permit.

(a) *Approval or Denial.* The authority to approve or deny an application for a permit is hereby delegated to the Township Supervisor. Pursuant to Section 15(3) of the Act, the Township Supervisor shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the Township. Pursuant to Section 6(6) of the Act, the Township Supervisor shall notify the MPSC when the Township Supervisor has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Township Supervisor shall not unreasonably deny an application for a permit.

(b) *Form of Permit.* If an application for permit is approved, the Township Supervisor shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.⁴

(c) *Conditions.* Pursuant to Section 15(4) of the Act, the Township Supervisor may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the Township Supervisor may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Sec. 6 Reserved.

⁴ Copies of the permit forms currently approved by the MPSC can be obtained on the internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>.

Sec. 7 Conduit or Utility Poles.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

Sec. 8 Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Township, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Township. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

Sec. 9 Repair of Damage.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Township, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

Sec. 10 Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the Township set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the Township's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Sec. 11 Modification of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the Township hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Township also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Township's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Township shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the

Township's policy and intent, and upon application by a provider or discovery by the Township, shall be promptly refunded as having been charged in error.

Sec. 12 Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Sec. 13 Use of Funds.

Pursuant Section 10(4) of the Act, all amounts received by the Township from the Authority shall be used by the Township solely for rights-of-way related purposes.

Sec. 14 Annual Report.

The Township Supervisor shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority, as required under Section 10(5) of the Act.

Sec. 15 Cable Television Operators.

Pursuant to Section 13(6) of the Act, the Township shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

Sec. 16 Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the Township may have under a permit issued by the Township or under a contract between the Township and a telecommunications provider related to the use of the public rights-of-way.

Sec. 17 Compliance.

The Township hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The Township shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(c) of this ordinance;

(b) Allowing certain previously issued permits to satisfy the permit requirements of this chapter, in accordance with Section 4(f) of this ordinance;

(c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 4(g) of this ordinance;

(d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Township, in accordance with Section 5(a) of this ordinance;

(e) Notifying the MPSC when the Township has granted or denied a permit, in accordance with Section 5(a) of this ordinance;

(f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;

(g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;

(h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;

(j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;

(k) Providing each telecommunications provider affected by the Township's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

Sec. 18 Reservation of Police Powers.

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the Township's right to review and approve a telecommunication provider's access to and ongoing use of a public right-

of-way or limit the Township's authority to ensure and protect the health, safety, and welfare of the public.

Sec. 19 Severability.

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

Sec. 20 Authorized Township Officials.

The Township Supervisor or his or her designee is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators to appear in court.

Sec. 21 Municipal Civil Infraction.

(a) Any person, firm or corporation who violates any provision of this Ordinance, or the terms or conditions of a permit, is responsible for a municipal civil infraction, and shall be subject to payment of a civil fine of not less than \$50, plus costs and other sanctions, for each infraction (as authorized by Section 21 of Act No. 359 of the Public Act of 1947, as amended). Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increase fine for a repeat offense under this Ordinance shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs.

(2) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than \$500 each, plus costs.

(b) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense subject to separate sanctions. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

(c) Failure to comply with an order, judgment or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted by Chapter 87 of Act 236 of the Public Act of 1961, as amended.

(d) A municipal infraction is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

(e) Nothing in this Section 21 shall be construed to limit the remedies available to the Township in the event of a violation by person of this Ordinance or a permit.

Sec. 22 Repealer.

All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

Sec. 23 Effective Date.

This ordinance shall take effect 30 days after publication in a newspaper of general circulation within the Township.

Moved by Rohrbacher, seconded by Cobb,
that the foregoing Ordinance be adopted.

YEAS: Cobb, Rohrbacher, Williams, Possehn

NAYS: none

ABSENT: Bucke

ORDINANCE DECLARED ADOPTED.

Robert Cobb, Jr.
Robert Cobb, Supervisor

Lisa K. Williams, Clerk.
Lisa K. Williams, Clerk

CERTIFICATION

I hereby certify that this Ordinance was adopted by the Odessa Township Board in a regular session held on November 25, 2002.

Lisa K. Williams, Clerk.
Lisa K. Williams, Clerk

**ODESSA TOWNSHIP ORDINANCE
NO. 17
TOWNSHIP OF ODESSA
COUNTY OF IONIA
STATE OF MICHIGAN**

TOWNSHIP PENSION PLAN ORDINANCE

An ordinance to create and establish an annuity or pension plan for the officers and employees of Odessa Township and to authorize the township supervisor and the township clerk to contract, in the name of the township, for such plan; to define those classes of officers and employees who shall be covered by such annuity or pension plan; to set forth the respective per centum shares which Odessa Township and the officers and employees shall contribute; to establish the time at which existing and future employees shall become eligible for such plan; to provide a method for non-coverage of an officer or employee of the annuity or pension plan; to set forth a date wherein each person covered under the annuity or pension plan shall have a vested right or interest in such plan; to ratify and confirm the validity of any annuity or pension plan in existence on the effective date of this ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN ORDAINS:

Section 1:

This ordinance shall be known and cited as the Odessa Township Pension Plan Ordinance.

Section 2:

Pursuant to Public Act 77 of 1989, as amended, the Township of Odessa hereby creates and establishes an annuity or pension plan and program for the pensioning of its officers and employees, and for such purposes, also hereby authorizes the township supervisor and the township clerk to contract, in the name of the township board, with any company authorized to transact such business within the State of Michigan for annuities or pensions.

Section 3:

The annuity or pension plans created, established and contracted for under this ordinance shall cover each person within the following classes of officers and employees:

A. All salaried employees.

Section 4:

A. The Township of Odessa shall annually contribute 100 per centum of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officers and employees enumerated in Section 3 hereof. Such contributions shall be secured from the general fund of the township. The contribution level shall be set each year by Resolution of the Township Board at the regular January board meeting.

B. Each employee who at is least 18 years of age and is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day. Every employee who becomes subsequently employed shall be eligible on the policy anniversary.

C. Any person desiring not to be so covered shall give written notice to the township clerk that he desires not to be covered, and if the notice is received before the person has become covered under the contract, he shall not be covered there under. If the notice is received after the individual has become covered, his coverage under the contract shall cease as provided for in the contract.

D. Coverage under the contract shall cease upon termination of employment or removal from office. Upon termination of employment or removal from office, the officer or employee shall move their vested right or interest from the Township policy to one of their choice.

Section 5:

Each person so covered under the annuity or pension plan shall have a vested right or interest in such plan from the date the plan becomes effective for such person.

Section 6:

The Township of Odessa hereby ratifies and confirms the validity of any annuity or pension plan in existence on the effective date of this ordinance.

Section 7:

This ordinance shall take effect on the date of its publication of a summary of its provisions in a local newspaper of general circulation. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AYES: Members: Spitzley, Rohrbacher, Cobb, Williams, Possehn

NAYS: Members: None

ORDINANCE DECLARED ADOPTED JULY 7, 2003

Lisa K. Williams

Lisa K. Williams, Odessa Township Clerk

STATE OF MICHIGAN }
 }ss.
COUNTY OF IONIA }

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Lisa K. Williams

Lisa K. Williams, Odessa Township Clerk

Effective Date: July 7, 2003.

TOWNSHIP OF ODESSA
COUNTY OF IONIA, MICHIGAN

ORDINANCE NO. 18

AN ORDINANCE TO REGULATE THE CREATION OF PRIVATE
ROADS AND DRIVES WITHIN THE TOWNSHIP OF ODESSA;
TO PROVIDE FOR SAFE, CONVENIENT AND ADEQUATE ACCESS;
TO REPEAL ANY ORDINANCE OR PROVISION THEREOF IN CONFLICT
HEREWITH; AND TO PRESCRIBE PENALTIES AND
ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS
ORDINANCE

THE TOWNSHIP OF ODESSA ORDAINS:

SECTION 1 TITLE

This Ordinance shall be known and cited as the ODESSA Township "Private Road Ordinance."

SECTION 2 PURPOSE

The Township of ODESSA has determined that it is in the best interest of the public health, safety and welfare to establish an Ordinance to regulate the minimum standards for Private Drives, Private Roads and Service Drives to provide a safe, convenient and adequate access for servicing, fire protection, and emergency vehicles. The Ordinance shall establish minimum guidelines for the construction of roads, bridges, tunnels, culverts, signage, etc. for Private Drives, Private Roads and Service Drives to provide for adequate access, maneuverability and load bearing capacity. The Ordinance shall ensure that the private access ways to a parcel of land or group of parcels shall be constructed and maintained to provide minimum required protection for wetlands, drainage ditches, waterways, etc. The Ordinance shall provide minimum maintenance standards to ensure safe access to each principal building on any parcel of land that is accessed by the Private Drive, Private Road or Service Drive, including snow removal, for the protection of the public, emergency personnel and emergency vehicles.

SECTION 3 DEFINITIONS

- A. Private Drive: Shall mean an undedicated path, trail or road extending from a public street or private road or right-of-way to no more than two parcels or principal buildings, dwellings or structures, intended to provide ingress and egress primarily for the occupants thereof.

- B. Private Road: Shall be any undedicated path, trail, or road extending from a public street or private road or right-of-way to three or more parcels or principal buildings, dwellings or structures, commercial businesses or any combination thereof, intended to provide ingress and egress for the occupants thereof, whether such road is created by a private right-of-way agreement, easement, or prescription. The term "Road" shall be synonymous with the terms street, avenue, court, place, way, lane, boulevard, or other thoroughfare.

- C. Existing Private Road: Shall mean a legally constructed and maintained private road, which existed on October 3, 2005. To be legally constructed and maintained, a private road must have been constructed and maintained in accordance with then existing Township ordinances. Any portion of a private road, which is created, improved, re-routed or extended after October 3, 2005 shall not be considered part of the existing private road.
- D. Service Drive: Shall mean a private road/street where the movement of through traffic is the primary function and service to adjacent land uses in a secondary function.
- E. County Engineering Department: Shall mean the Engineering Department of the Ionia County Road Commission or other representative designated by the Township Board to carry out the duties entailed by this Ordinance and these Procedures for Private Drives and Road Development.
- F. Soil Erosion and Sediment Control: Shall be administered by the Ionia County Drain Commission, and/or the Michigan Department of Environmental Quality or its representatives or designees, in accordance with Part 91 of the Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Act (NREPA), 1994 PA 451, as amended.
- G. Standards For Construction: Shall be in accordance to the Current Rules for Street Development as amended by the Ionia County Road Commission, the Michigan Department of Transportation (MDOT) current Specifications for Construction and the American Association of State Highway and Transportation Officials (AASHTO) Standards for Construction.

SECTION 4 APPLICATION AND APPROVAL

A private road may not be created, improved, extended or rerouted until construction plans have been signed, sealed and approved, and permits have been issued by the Road Commission, the Drain Commission and/or any other Local or State Agencies that are applicable for such private road. A permit is not required for an existing private road, but a permit shall be required for any improvement, extension or re-routing of an existing private road. To obtain a permit, the applicant shall complete an application and shall provide the following information:

- A. Plans: Applicants shall submit four (4) sets of site plans or drawings drawn to scale and prepared by a registered professional engineer or licensed surveyor. The plans shall be submitted and approved by the Road Commission and/or designee prior to the issuance of permits or construction commences. When plans receive final approval, the applicant shall produce an electronic file copy in format to be determined by the Road Commission. The plans or drawings shall be signed and sealed by a registered professional engineer and shall be submitted and retained by the Road Commission. A Plan drawing shall contain the following:
 1. The name(s) of the owner(s) and any other parties having any legal interest in the private road and the property across which it is to be constructed.
 2. The proposed layout of the private road(s), including the location, grade, route, elevation, dimensions and design of the private road, and the location of and distance to any public roads, which the private road is to intersect.
 3. The location of all lots, parcels, and principle buildings that will be serviced or within 100 feet of the Private Road.

4. The plans shall plainly define plan/profile view with existing and design elevations of the road surface and storm drainage, typical cross sections, standard plan for all basins, inlets, manholes, etc. of the road to be constructed.
5. The location of all existing and proposed utilities located within the Private Road right of way and/or within 20 feet of either side thereof.
6. The location of any streams, wetlands, trees, vegetation, drains and all other significant natural features affected by or within 100 feet of the proposed Private Road.
7. The location of any bridges, culverts, or other types of construction pertaining to the Private Road. For any proposed bridges or culverts, other than the typical residential driveway culvert, the applicant shall submit sealed plans, showing detailed design and specifications, designed by a professional engineer or architect licensed by the State of Michigan to the County Engineer for review prior to issuing a permit.
8. In accordance with the "Ionia County Storm Water Guidelines and Standards" as established and administered by the Ionia County Drain Commissioner. All construction shall be in accordance with the provision as stated in Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.9101 to 324.9123 of the Michigan Compiled Laws Annotated.
9. The method and construction techniques to be used in the crossing of any natural stream, wetland, or drainage course. Such methods shall satisfy the requirements of the Ionia County Drain Commission, the local soil erosion enforcing agent, Department of Natural Resources/Department of Environmental Quality, and any other local, state, or federal agencies having jurisdiction thereof.
10. Any other requirements from local, state, or federal agencies having jurisdiction thereof.
11. Upon completion of construction of the private road, the applicant(s)/owner(s) shall remove and properly dispose of, any and all trees, shrubs, construction debris, and rubbish.

B. Road Name: In order to facilitate the accurate dispatching of emergency vehicles, each private road within the Township shall have a name that is not the same or similar to any other public or private road name in Ionia County. The developer and/or property owner(s) benefited by the private road shall file an application for a Private Road Name with the Ionia County Road Commission listing the proposed name for the private road. In the event that another road within Ionia County has the same or similar name as the applicant's proposed private road name, the applicant shall submit to the Ionia County Road Commission a new private road name for approval.

C. Inspection: The private road shall be subject to inspection and approval by the Road Commission or its designee(s). The applicant/owner shall reimburse the Ionia County Road Commission at current fees, as amended, through withdrawals from an escrow account for all expenses incurred for necessary consulting services related to permit applications, inspections, approvals and construction inspections of the Private Road. The applicant/owner shall add to an escrow account when requested by the Road Commission to assure that adequate funds are available to meet anticipated or incurred expenses. The escrow account shall contain adequate

funds to meet anticipated final expenses before a permit is issued. Any portion of unused escrow by the Road Commission shall be disbursed back to the applicant/owner upon completion and approval of the private road.

- D. Issuance: If the application satisfies the standards of this Ordinance, a permit shall be issued. If the application is found not to satisfy the standards of this Ordinance, the application shall be returned to the applicant with any deficiencies noted. The application fee shall not be refunded, but any unused escrow fees shall be returned to the applicant.

SECTION 5 DESIGN REQUIREMENTS

The following are the minimum design and construction specifications and materials for newly established or reconstructed private drives, private roads, and service drives. All construction shall be in accordance to Michigan Department of Transportation's (MDOT) current *Specifications for Construction* and the American Association of State Highway and Transportation Officials (AASHTO). Any variance from design requirements shall require prior approval from the County Engineer, the Drain Commissioner or their designees.

A. Private Drives & Shared Drives

1. A drive permit shall be obtained from and constructed in accordance with the Ionia County Road Commission specifications for a private drive extending from a public or private road.
2. Private drives and shared drives shall be constructed and maintained, such that, in all weather conditions the driveway shall be passable and shall readily afford emergency vehicles access to the dwellings, buildings or other structures serviced by such driveways.
3. A shared drive shall be constructed to Road Commission residential driveway permit specifications, including a minimum cleared height of 18 feet and cleared width 2 feet outside of the constructed drive width, allowing for safe passage of emergency vehicles.
4. All shared drives shall have a recorded, permanent right-of-way and minimum 33 feet easement for ingress and egress. If the drive has the potential to become a private road, sufficient easement shall be maintained to allow for future upgrading, as provided in this ordinance for private roads.

B. Private Roads

1. A private road shall have a recorded, permanent right-of-way and easement, with a minimum width of 66 feet, and provide a means of turn-a-rounds to be constructed to Road Commission Rules for Plat Street Development, MDOT Standards for Construction and/or current AASHTO Standards for Construction. The instrument establishing the easement and right-of-way shall expressly permit public or private utilities to be installed within the right-of-way or, if not within the right-of-way, then within 20 feet on either side thereof. A permit shall be required from the Ionia County Road Commission for all new drive construction and/or utility installations performed after final approval and acceptance of the original development.
2. The layout of private roads, with respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, horizontal curves, curb openings at intersecting

streets, etc. shall conform to the Ionia County Road Commission Rules for Plat Street Development, MDOT Standards and/or AASHTO Standards unless otherwise stated within this ordinance.

3. All gravel roads shall have a road bed not less than 22 feet wide and shall have a minimum of 12 inches, Granular Material Class II subbase, unless existing sub-grade materials meet Class II specifications, and 6 inches of finished compacted, Type 23A Aggregate Base, or other material approved. Final approval of construction dimensions shall be determined by the county engineer.
4. All hard surfaced roads shall have a road bed not less than 22 feet wide with 2 ft. Type 23A Aggregate Shoulders, a minimum of 12 inches, Granular Material Class II subbase, unless existing sub-grade materials meet Class II Specifications, and 6 inches of finished compacted Type 22A Aggregate Base with a minimum of 3.5 inches of Type 13A Hot Mix Asphalt or 6 inches of Concrete, or other approved materials. Final approval of construction dimensions shall be determined by the county engineer.
5. All drive approaches off public roadways shall be constructed in accordance to Ionia County Road Commission requirements and approvals before the expiration date of the permit.
6. All private roads shall have and maintain a cleared vertical height of 18 feet above the roadway and shall have and maintain a minimum cleared width of 4 feet outside of edge of constructed width on both sides of roadway.
7. Any private road designed for one hundred (100) or more lots or dwelling units shall have multiple road entrances or connections to a public road. A traffic impact study may be required in order to determine the number of necessary private road approaches and locations.
8. A private road design criteria for crown, horizontal and vertical curves shall be in accordance to the Current Rules for Street Development as amended by the Ionia County Road Commission, the MDOT current Specifications for Construction and/or the AASHTO Standards for Construction.
9. A private road shall be constructed so as to sufficiently control storm water runoff; by means of leaching basins, culverts, and drainage ditches, or such other effective methods as may be required by the Road Commission and the Drain Commission to ensure adequate drainage and control of storm water runoff.
10. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes and grades shall be determined using the Ionia County Drain Commission storm runoff calculations formula. Applicant(s) shall submit culvert calculations and construction plans to the Drain Commission for review and approval. Materials for culverts shall also conform to Drain Commission requirements.
11. All private roads shall be constructed and continuously maintained in such a manner that (i) their use does not pose a danger to the health, safety and welfare of the inhabitants of the Township or other persons, and (ii) in all weather conditions the roads shall be passable and shall readily afford emergency vehicles access to the dwellings, buildings or other structures serviced by such private roads.

12. The applicant/property owner(s) shall record a Private Road Maintenance Agreement or Restrictive Covenant between the owners of the lands served by the private road and any other parties having an interest in the property upon which the private road is located. This Agreement shall run with the land and shall be recorded with the Ionia County Register of Deeds and filed with the Township or designee. This Agreement shall assure that the costs of maintenance, improvements, and snow removal as required by this ordinance shall be the responsibility of the owners of the lands served by the private road, and/or any property owners association consisting of the owners of such lands, or shall otherwise provide for the equitable apportionment of these costs among those benefited. The Agreement or Restrictive Covenant shall provide the Township with the right to assess such costs against the owners of those properties benefited, plus a 25% administrative fee, as authorized in Section 5(b)(13) of this ordinance, in the event of a failure of those benefited to privately perform those duties.
13. The applicant for a private road and the owners of the affected lands agree that by applying for and obtaining approval of the private road, and a permit to construct the same, they shall indemnify the Township, the Ionia County Road Commission and Ionia County Drain Commission or its designee(s) and shall hold it harmless from any and all claims for personal injury or property damage arising out of or in any way related to the use of the private road or the failure to properly construct, maintain, repair, and replace the private road, in whole or in part. The applicant and the owners of the affected lands further agree that in the event of a failure of the owners and/or applicant to perform these duties for the health, safety and general welfare of the public and the users of the lands served by the private road, the Township shall have the right to perform such improvements and specially assess all costs incurred against the properties benefited by such improvements, including all Township expenses associated with such special assessment and an administrative fee equal to 25% of all such costs of improvement incurred.
14. Any intersection between private and public roads or between more than one private road shall be designed and constructed to provide for clear vision and safe turning and travel of vehicles in all directions at the posted speed limit, including not less than a clear vision triangular area extending ten (10) feet along each street right-of-way line as measured from the intersecting right-of-way lines. For streets that present increased safety risks as a result of topographic, vegetative or other factors, the Township may require an additional clear vision triangle of twenty-five (25) feet or more as directed by the county engineer.
15. A Private Road name sign and stop sign shall be erected at the intersection of the private road with another private or public road. A sign stating "Private Road not maintained by Ionia County Road Commission" shall be placed on all Private Roads that intersect a public road, which is clearly legible when entering onto the Private Road. The signs must conform to the State Manual of Uniform Traffic Control Devices. The stop sign shall have the Private Road name sign affixed to it. All signs shall be erected and maintained by those responsible pursuant to the agreement described in subsection 5(b)(12) above.
16. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.
17. Every resident, occupant or owner of a dwelling with an address within the Township that is not already in conformance with Article IV (Addressing System) of the Ionia

County Address Ordinance of 2000 or current, shall be in conformance within sixty (60) days of the effective date of this subsection.

C. Service Drives

1. A service drive may include a private drive, which connects some or all of the parcels, subdivision lots or site condominium units, or may be simply a connection lane between the various parking lots servicing the individual parcels, subdivision lots or site condominium units. In any event, the following Standards shall apply, including Section 4, to whatever is deemed by the Township Board or the County Engineer to be a service drive.
2. A service drive shall have a recorded, permanent right-of-way and easement, with a minimum width of 66 feet and provide a means of turn-a-rounds to be constructed to Road Commission Rules for Plat Street Development, MDOT Specifications for Construction and/or current AASHTO Standards for Construction. The instrument establishing the easement and right-of-way shall expressly permit public or private utilities to be installed within the right-of-way or, if not within the right-of-way, then within 20 feet on either side thereof.
3. A permit shall be required from the Ionia County Road Commission for all new drive construction and/or utility installations performed after final approval and acceptance of the original development.
4. A minimum of 15 feet snow storage/landscaping area shall be reserved along both sides of the service drive, and no part of the service drive shall be within 15 feet of the right-of-way of a State or County Highway.
5. A recordable service drive maintenance agreement or restrictive covenant agreement shall be in accordance with *Section 5B (12) and (13)* and shall be recorded with the Ionia County Register of Deeds and filed with the township assessor. The maintenance agreement and of designee specifying the method of private financing of all maintenance, improvements, and snow removal, and apportionment of these costs among those benefited.
6. If two or more businesses are accessed directly off a service drive, it shall require a road name as described in *Section 4B, 5(B)(12) and 5(B)(13)* that is not the same or similar to any other public or private street name in Ionia County.

SECTION 6 ACCESS AND SAFE PASSAGE

Driveways, private roads, existing private roads and service drives shall be constructed and maintained with sufficient width, surface and grade to assure access, safe passage and maneuverability of police, fire, ambulance and other safety vehicles. Maintenance shall include the clearing and trimming of all trees and undergrowth necessary to assure such access, safe passage and maneuverability.

SECTION 7 INSPECTIONS

The Township Officials, the Ionia County Road Commission, the Ionia County Drain Commission, and/or its designees shall have the right to enter upon the property where any private road or driveway is or will be located to conduct such inspections as may be necessary to assure that the private road or driveway is sufficiently constructed, designed and maintained so as to be in compliance with this Ordinance and to allow access, safe passage and maneuverability of fire department and other emergency vehicles.

- A. The township, the Ionia County Road Commission, Ionia County Drain Commission, and/or his or her designees may notify any property owner or occupant who has failed to comply with the terms of this Ordinance that if the condition of the private road or driveway is not corrected, emergency services will not be available to that property, including services by police, fire, ambulance or other emergency vehicles.

SECTION 8 CERTIFICATE of COMPLIANCE

- A. Upon completion of construction of the private road or service drive, the registered engineer or licensed surveyor of the developer shall certify that completed construction complies with the approved plans, specifications, permit, and this Ordinance. The applicant(s) may be required to provide the County with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit. "As built" drawings shall be provided in electronic format as specified by the Ionia County Road Commission, Ionia County Drain Commission, and/or their designee.
- B. If the completed private road or service drive does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing. Failure to correct the deficiencies will result in the denial of any further permits relating to the development.

SECTION 9 APPEAL

An appeal may be taken to the Township Board by any person, officer, department, board or bureau affected by any application or interpretation of this Ordinance. Such appeal shall be taken within sixty (60) days after the date of the action appealed from by filing with the Township Clerk a notice of appeal, specifying the grounds thereof.

- A. The Township Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties ten (10) calendar days prior to public hearing and shall render a decision on the appeal without unreasonable delay. For the purpose of this section, calendar days shall include Saturdays, Sundays, and legal holidays. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- B. The Township Board may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals under this ordinance. At the time the notice for appeal is filed, the fee shall be paid to the Township Treasurer to the credit of the general revenue fund of the Township.

SECTION 9 APPEAL PROCEEDURES

The Township Board shall have the power to act on those matters where this Ordinance provides for an administrative review or interpretation of this Ordinance. The Township Board may adopt procedures for allowing the person appealing to present documents, testimony and other evidence to the Township Board for consideration, and for allowing public comment.

SECTION 10 PENALTIES AND ENFORCEMENT

A violation of this Ordinance or a violation of any permit issued hereunder is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500, nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorneys' fees incurred by the Township in enforcing this Ordinance. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months after a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such a violation occurs shall constitute a separate offense.

A. In addition, a violation of this Ordinance or a violation of any permit issued hereunder is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and imposition of the foregoing municipal civil infraction penalties against a violator shall not prohibit the Township from also seeking injunctive relief against a violator, in order to abate the violation or to seek other relief provided by law.

SECTION 11 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION 12 REPEAL

All previous Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 13 PUBLICATION/EFFECTIVE DATE

This Ordinance shall become effective upon publication of this Ordinance or upon publication of a summary thereof in a newspaper of general circulation in the Township.

TOWNSHIP OF ODESSA

By: Wendy Williams Date: 10-3-05

Its: Clerk

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE**

Community Name: Odessa Township, County: Ionia

Ordinance number 20.

An Ordinance to designate an enforcing agency to discharge the responsibility of the Township of Odessa located in Ionia County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Township of Odessa ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Ionia County Building Department / Official of the County of Ionia is hereby designated as the enforcing agency to discharge the responsibility of the Township of Odessa under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Ionia assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Ionia County, Michigan (All Jurisdictions)" and dated 01-16-2015 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26067C, 0277D, 0281D, 0292D, 0294D, 0311D and 0313D and dated 01-16-2015 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan

Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 2nd (Date) day of March (Month),
2015 (Year).

This ordinance duly adopted on 3-2-2015 (Date) at a regular meeting of the
Odessa Township (Name of Adopting Body) and will become effective
3-2-2015 (Date).

Signed on 3-2-2015 (Date) by Lisa K. Williams (Signature),
Lisa K. Williams (Printed/Typed Name), Clerk of the
Township (County, City, Village, or Township) of
Odessa (Name of Unit of Government).

Attested on 3-2-2015 (Date) by David Bulling (Signature),
David Bulling (Printed/Typed Name)
Supervisor Title: Chair, Mayor, Supervisor, or President of the
Township (County, City, Village, or Township) of
Odessa (Name of Unit of Government).

EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Doane, Williams, Bulling, Pohrbacher.

NAYS: Members: none

Absent: Kruisenga.
ORDINANCE DECLARED ADOPTED

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

3-2-2015.
Date

STATE OF MICHIGAN }
 }SS.
COUNTY OF IONIA }

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

3-2-2015
Date

effective - April 2, 2015.

**ODESSA TOWNSHIP FIRE DEPARTMENT ORDINANCE
ORDINANCE NO. 21**

At a regular meeting of the Odessa Township Board, Ionia County, Michigan, held at the Odessa Township Hall on December 5, 2016, at 7:00 p.m., Board Member Bulling moved to adopt the following Ordinance, which motion was seconded by Board Member Goodemoot.

An Ordinance to establish within Odessa Township a fire department to be known as the Lake Odessa Fire Department; to provide for the basic organizational structure of the Fire Department; to delegate broad management authority and responsibility to the Fire Chief; to provide standards of accountability of the Fire Chief and other Fire Department personnel to the Township Board; and repeal any parts or portions of inconsistent ordinances.

THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN ORDAINS:

Section 1: Scope, Purpose and Intent. This Ordinance is adopted by the Township Board under MCL 41.801 *et seq.* The purpose of the Ordinance is to establish the Lake Odessa Fire Department; to establish jurisdiction and authority of the Township Board over Fire Department personnel; to establish authority to adopt Rules, Regulations, Policies and Standard Operating Procedures for the operation of the Fire Department and the conduct of Fire Department personnel; to employ and appoint a Fire Chief, Command Officers and Firefighters; and to prescribe the powers and duties of Fire Department personnel.

Section 2: Coverage Area. The Lake Odessa Fire Department shall be responsible for providing services to the entire geographic boundaries of Odessa Township, including without limitation the Village of Lake Odessa ("Village"). The Fire Department shall restrict its delivery of services to the geographic area described in this section, and to other jurisdictions with which the Township Board has negotiated and entered into contracts for fire service or mutual aid agreements.

Section 3: Services. Consistent with appropriations and budget authorization, the Lake Odessa Fire Department is authorized to provide to the citizens of Odessa Township, including the Village, the following programs and services:

- a. Fire Suppression
- b. Fire Education
- c. Fire Prevention and Fire Code Enforcement
- d. Basic Emergency Medical Services
- e. Emergency Rescue

Section 4: Organization.

- a. The Lake Odessa Fire Department shall be actively supervised and managed by a Fire Chief appointed by the Township Board. To ensure continuity of command and appropriate incident supervision, the Township Board authorizes the following positions, which shall be subordinate to the Fire Chief, and creates the following chain of command in descending order of authority:

Command Officers:
Assistant Fire Chief
Fire Captain
Fire Lieutenants

Firefighters (On-Call)

- b. With the advice and assistance of the Fire Chief, the Township Board may develop and approve job descriptions for each or any of the above positions. The Township Board, with the advice of the Fire Chief, shall fill these positions as the Township Board and Chief determine operational needs of the Fire Department require. Officers and firefighters shall be selected based on experience, training and qualifications and be persons who would, in the Board's discretion, best perform the duties associated with providing fire protection to the citizens of Odessa Township. Temporary officers may be appointed by the senior Command Officer present at any emergency to ensure the continuity of the chain of command. Such temporary appointments shall terminate when the officer with the given responsibility becomes available. Each Command Officer shall be responsible for assuring that their subordinates carry out orders.

Section 5: Finances. The Township Board shall approve an annual budget and appropriations for the operation and maintenance of the Fire Department and its equipment, and for that purpose shall have the authority to use general funds, tax millage funds, initiate the creation of a special assessment district and levy assessments, sell bonds, establish and collect user fees authorized by Township Board resolution, or raise revenues in any other manner provided for under law for the operation and maintenance of the Fire Department. The Township Board shall provide for payment of any debts incurred incidental to the Fire Department's continued operation. The Township Board shall purchase necessary equipment and construct or lease public buildings for uses incidental to the maintenance and operation of the Fire Department.

Section 6: Rules, Regulations and Policies. The Township Board shall establish Rules, Regulations and Policies for the operations of the Fire Department, the conduct of its personnel and the care of the equipment, and the Fire Chief shall prepare and enforce Standard Operating Procedures consistent with such Rules, Regulations and Policies.

Section 7: Fire Chief Duties.

- a. The Township Board shall appoint a Fire Chief who shall be the chief administrative officer of the Fire Department. The Fire Chief shall be accountable to the Township Board for the efficient and effective operation of the Fire Department, and for the Fire Department's compliance with all state laws and administrative rules, and with Township Ordinances, Rules, Regulations, Policies and Standard Operating Procedures. The Fire Chief shall serve at the pleasure of the Township Board.
- b. The Fire Chief shall develop written Standard Operating Procedures to increase the efficiency and effectiveness of the Fire Department, including without limitation pre-planning and post-incident critiques, emergency response procedures, assigning and scheduling of personnel, and safety or other training policies and procedures. The Fire

Chief shall submit the Standard Operating Procedures to the Township Board to enable the Township Board to plan for the long-range needs of the Fire Department.

- c. The Fire Chief shall be familiar with state and federal laws that affect Fire Department operations, and issue orders consistent with applicable federal and state laws and administrative rules. Noncompliance with applicable state and federal laws and regulations shall be promptly reported to the Township Board.
- d. The Fire Chief shall review unresolved personnel and operating problems that are not resolved at the Fire Department level with the Township Supervisor; shall report Fire Department activities monthly to the Township Board; and shall prepare and file a written report on Fire Department activities annually with the Township Board.
- e. As needed, the Fire Chief shall notify the Township Supervisor of major problems or issues that require action. When such problems must be resolved immediately and it is impractical or will endanger the health, safety or welfare of the Township to wait until the next Township Board meeting to resolve the issue, the Township Supervisor shall be empowered to resolve the issue or problem, subject to the subsequent report of the action to and the ratification by the Township Board.
- f. The Fire Chief shall hold regular Fire Department informational and training meetings.
- g. The Fire Chief may incur expenditures against the Fire Department budget as appropriated by the Township Board. The Fire Chief will monitor the unencumbered balances remaining in the Fire Department budget and shall make timely recommendations for budget amendments at such time as the need for such amendments becomes known. The Fire Department's expenditures shall not exceed the amounts appropriated.
- h. The Fire Chief shall also be responsible for the following:
 - 1. Supervise the extinguishment of all fires that endanger the health, safety and welfare of Odessa Township.
 - 2. Enforce Township burning ordinances.
 - 3. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.
 - 4. Ensure that fire prevention programs are conducted.
 - 5. Ensure that qualified personnel conduct fire inspections and that the Fire Prevention Code adopted by the Township Board is fairly and effectively enforced.
 - 6. Ensure that all Fire Department equipment and buildings are properly maintained and in good working order.

7. Ensure that all Fire Department personnel comply with Fire Department and Township Board Rules, Regulations, Policies and Standard Operating Procedures.

Section 8: Firefighters.

- a. Applicants for vacant firefighter positions shall be of good character, possess a good driving record, and shall be screened by a physician of the Township Board's choice and at Township expense. The physician's examination shall determine if the applicant is physically fit and able to perform assigned emergency operations. In accordance with national standards, the physician must identify any pre-existing conditions that may preclude the applicant from performing the duties associated with firefighting.
- b. All firefighters shall serve an initial probationary period of not less than six months. At the discretion of the Fire Chief, the probationary period may be extended. Probationary status shall continue, at a minimum, until the firefighter successfully completes the State of Michigan's Firefighter I examination. At the conclusion of the minimum probationary period, the Fire Chief shall determine whether a probationary firefighter has met all of the qualifications contained in the firefighter job description as required to be offered permanent firefighter status by the Township Board.
- c. A probationary firefighter shall be entitled to all compensation and benefits afforded to permanent firefighters, but shall be restricted to perform only those duties for which he/she has been specifically trained and qualified. A probationary firefighter shall not be issued a Fire Department insignia or badges. Probationary firefighters shall not use emergency signal devices on their private vehicles.
- d. The Fire Chief shall recommend to the Township Board the dismissal of any firefighter (probationary or permanent) who does not or cannot meet the qualifications to be a firefighter and reasons for such recommendation.

Section 9: Training. The Fire Chief shall develop a regular schedule of in-house training classes, including an attendance requirement for all Fire Department personnel. The schedule shall specify the type, amount and frequency of training to be provided to Fire Department personnel necessary to assure that all personnel are adequately trained to properly handle the inherent risks of firefighting and other emergency incidents. The Fire Chief shall ensure that a record of each firefighter's participation and skill mastery is maintained. Employees shall be trained before they are permitted to perform emergency operations. The Fire Chief shall ensure that qualified individuals deliver in-house instruction. The Fire Chief shall require that all firefighters have achieved and maintained all certifications required by state or federal law or rule to perform fire suppression, emergency medical services, or other services performed by the Fire Department.

Section 10: Safety. The Fire Chief shall maintain a current copy of MIOSHA (Michigan Occupational Safety and Health Act) General Industry Safety Standards and shall develop written policies and procedures to ensure compliance. The Fire Chief shall promptly inform the

Township Board of any procedures or equipment that are not in compliance with any MIOSHA General Industry Safety Standard, and shall recommend Township Board actions to achieve compliance. The Fire Chief shall be familiar with the provisions of federal and state laws and administrative rules related to employee safety and health regulations, and shall develop written procedures to ensure compliance, which procedures shall include all the following:

- a. Compliance with a nationally recognized incident management system that will be implemented at each emergency.
- b. A personnel accountability system that will be implemented at each emergency.
- c. Applicability to all employees who are operating at the emergency.
- d. Initial training and annual refresher training in emergency operations and the incident management system.
- e. Procedures that are in accordance with the "two in/two out" rules as found in the provisions of current MIOSHA standards.
- f. A trained employee shall function as the incident commander at each emergency

Section 11: Discipline.

- a. Violations of any this Ordinance, Township or Department Rules, Regulations or Policies, or Standard Operating Procedures, or convictions of a felony shall subject any personnel involved to disciplinary proceedings up to and including termination. The Fire Chief is responsible for maintaining records of disciplinary action and personnel matters in the Fire Department.
- b. The Fire Chief shall provide a copy of a written notice of disciplinary action, which shall identify the violations, the nature of any disciplinary action taken, and the consequences of any further recurrences. Disciplinary action may range from a warning to a reprimand to a suspension, demotion or termination, or a combination, depending on the circumstances, considering, at a minimum:
 1. Seriousness of the violation.
 2. Consequences to the safety of others by the violation.
 3. Potential harm to the Fire Department or the Township.
 4. Prior record of the individual.
 5. The degree of wantonness, if any, of the act.
- c. The Township Board shall determine whether to terminate a firefighter, upon the recommendation of the Fire Chief. The firefighter may request a hearing before the Township Board.
- d. Any disciplinary action taken by the Fire Chief other than termination may be appealed to the Township Board, filed with the Township Clerk within ten (10) days of the disciplinary action. The Township Board shall affirm, deny or modify the disciplinary action taken by the Fire Chief. The Township Board may, on its own initiative, bring

disciplinary charges against any Fire Department personnel. Disciplinary charges initiated by the Township Board shall follow the above procedures, except that the disciplinary action shall be taken by the Township Board.

- e. Firefighters shall not respond to emergencies, meetings or training sessions while under the influence of alcohol or any controlled substances.

Section 12: Compensation. Compensation to firefighters shall be in such amounts as may be determined from time to time by the Township Board. Employees must maintain and submit accurate time records to the Fire Chief, who shall submit same monthly to the Township Board for payment.

Section 13: Public Contact.

- a. Only the Fire Chief or his/her designee may release facts regarding fires or other emergencies to the news media. The Fire Chief or his/her designee may speak to the media on behalf of the Fire Department. All other Fire Department personnel shall refer media inquiries requesting a statement on behalf of the Fire Department to the Fire Chief or the designee.
- b. Fire Department personnel shall not, in connection with Fire Department activities or functions, make statements or writings that constitute libel or slander; impede a law enforcement investigation or compromise the presumption of innocence until proven guilty; or deny any person due process of law.
- c. Members of the public will be allowed in the fire station only when accompanied by a member of the Fire Department. All Fire Department personnel must treat the public courteously and professionally.

Section 14: Emergency Responses.

- a. When responding to emergencies, all Fire Department personnel will drive emergency vehicles with appropriate concern for the safety of the public and defensive driving. Use of emergency signals on vehicles shall be considered a request for the right of way from other drivers.
- b. Use of emergency signal equipment shall be permitted only when the Fire Department has been officially dispatched to an emergency.
- c. The Fire Chief shall establish written Standard Operating Procedures regarding the use of emergency signal equipment on Township-owned and personal vehicles.

Section 15: Equipment.

- a. Protective equipment shall be worn when engaged in firefighting in any enclosed structure, or outdoors when warranted.
- b. Lost or damaged equipment shall be reported as soon as possible to a Command Officer. Township property shall be disposed of only with the prior approval of the Township

Board. All Fire Department-issued equipment shall be returned to the Fire Chief upon terminating employment with the Fire Department.

Section 16: Use of Fire Station and Vehicles. Only Township-owned vehicles and equipment may be kept at the fire station. Fire Department equipment shall not be borrowed for private use. Private vehicles must be parked in designated areas only. Alcohol and controlled substances shall not be brought into or kept in the fire station.

Section 17: Donations; Firefighters Association.

- a. All Fire Department fund-raising activities shall have the prior approval of the Township Board, and all revenues solicited in the name of the Township or the Fire Department shall be deposited with the Township Treasurer. Such funds will be disbursed by the Township Treasurer, upon receiving a warrant signed by the Township Clerk, following audit and approval by the Township Board.
- b. Any fund-raising activities on behalf of the Fire Department, but not solicited in the name of the Township or the Fire Department, shall be conducted by a tax-exempt organization that has been qualified as a 501(c)(3) charitable organization by the Internal Revenue Service.
- c. The personnel of the Fire Department are authorized to incorporate a 501(c)(3) tax-exempt charitable organization that shall be known as "The Lake Odessa Firefighters Association." The purpose of the Association shall be to provide for the social development of Fire Department personnel and the betterment of fire protection in the Township. The Association shall be incorporated under the nonprofit corporation laws of the State of Michigan, with by-laws approved by the Township Board. The Association may elect its own officers. Upon request, the Association shall disclose its records, including any financial records, to the Township Board.

Section 18: Savings Clause. If a court of competent jurisdiction declares any portion of this Ordinance unenforceable, the remainder of this Ordinance shall be in full force and effect.

Section 19: Effective Date. This Ordinance shall take effect on January 1, 2017.

Section 20: Conflict. All portions of any ordinances in conflict with this Ordinance are hereby repealed, to the extent of such conflict.

Upon a roll call vote, the Township Board voted as follows upon the adoption of the Ordinance:

YEAS: Williams, Goodemoot, Doane, Rohrbacher and Bulling,

NAYS: none.

ABSENT/ABSTAIN: none.

ORDINANCE DECLARED ADOPTED


David Bulling, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of Ordinance No. 21, adopted by the Odessa Township Board at a duly scheduled and noticed meeting of that Township Board held on December 5, 2016, pursuant to the required statutory procedures.
2. A summary of the Ordinance was duly published in the Lakewood News, a newspaper that circulates within Odessa Township, on December 10, 2016.
3. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the Ordinance with the Ionia County Clerk on December 19, 2016.

ATTESTED:



Lisa Williams, Township Clerk

Dated: 12-19, 2016

ODESSA TOWNSHIP, IONIA COUNTY, MICHIGAN
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS
Ordinance No. 22

At a meeting of the Odessa Township Board, Ionia County, Michigan, held at the Odessa Township Office on December 3, 2018, at 7 p.m., Board Member Bulling moved to adopt the following Ordinance, which motion was seconded by Board Member Godsmoot :

An Ordinance to prohibit marihuana establishments within the boundaries of Odessa Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.

ODESSA TOWNSHIP, IONIA COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known as and may be cited as the Odessa Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2: DEFINITIONS. Words used within this Ordinance shall be construed to have the same meaning as provided in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.

SECTION 3: NO MARIHUANA ESTABLISHMENTS. All marihuana establishments are prohibited within the boundaries of Odessa Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.

SECTION 4: VIOLATIONS AND PENALTIES.

(a) Any person who disobeys neglects or refuses to comply with any provision of this Ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this Ordinance. A violation of this Ordinance is deemed to be a nuisance *per se*.

(b) A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$500 nor more than \$5,000, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

(c) Each day during which any violation continues shall be deemed a separate offense.

(d) In addition, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.

(e) This Ordinance shall be administered and enforced by the Odessa Township Ordinance Enforcement Officer or by such other person(s) as designated by the Township Board from time to time.

SECTION 5: SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or

unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.


SECTION 6: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE. This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.

ROLL CALL VOTE:

YEAS: Bulling, Goodmoot, Williams, Doane & Pohrbacher.
NAYS: none
ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED



Dave Bulling, Odessa Township Supervisor

CERTIFICATION

I, Lisa K. Williams, Clerk of Odessa Township, hereby certify that the foregoing is a true and accurate copy of Ordinance No. 22, adopted by the Odessa Township Board on the 3rd day of December, 2018. A summary of the Ordinance was duly published in the Lakewood News newspaper, a newspaper that circulates within Odessa Township, on Dec 8th, 2018. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Ionia County Clerk on December 17, 2018.

Attested:



Lisa K. Williams, Odessa Township Clerk

**Odessa Township
Ionia County, Michigan
Odessa Township Prohibition of Marihuana Establishments Ordinance
Notice of Adoption**

Ordinance No. _____

At a meeting of the Township Board of Odessa Township, Ionia County, Michigan, held at the Odessa Township Hall on December 3, 2018, at 7 p.m., the Township Board adopted Ordinance No. ____, the Odessa Township Prohibition of Marihuana Establishments Ordinance, to prohibit marihuana establishments within the boundaries of Odessa Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended. Copies of the complete text of the Ordinance were posted and are available for purchase at the office of the Township Clerk at 3862 Laurel Drive, Lake Odessa, MI 48849. The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: No Marihuana Establishments; Section 4: Violations and Penalties; Section 5: Severability; Section 6: Repeal; and Section 7: Effective Date, which shall be 30 days after this notice is published.

Published by Order of the Township Board
Odessa Township, Ionia County, Michigan
Lisa K. Williams, Township Clerk
616-374-4237 Ext. 10

Publication Date: _____, 2018

**ODESSA TOWNSHIP
IONIA COUNTY
MICHIGAN**

WIND ENERGY ORDINANCE

ORDINANCE NO. 23

Adopted May 6, 2019

ODESSA TOWNSHIP WIND ENERGY ORDINANCE

ORDINANCE NO. _____

An Ordinance to regulate the location, construction, operation, and abandonment of wind energy projects to protect and safeguard the health, safety, and general welfare of the citizens of Odessa Township by establishing reasonable and uniform regulations for such projects.

THE TOWNSHIP OF ODESSA ORDAINS:

1.0 Title. This Ordinance shall be known as the Odessa Township Wind Energy Ordinance.

2.0 Purpose. The purpose of this Ordinance is to regulate wind energy projects to protect and safeguard the health, safety, and general welfare of the citizens of Odessa Township by establishing reasonable and uniform regulations.

3.0 Conflicts with Other Ordinances, Laws and Regulations. Except as expressly amended by this Ordinance, other Odessa Township ordinances shall remain unchanged and in full force and effect. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws and regulations, except those specifically repealed by this Ordinance.

4.0 General Responsibility. The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this Ordinance and the Township Board is hereby empowered, in the name of Odessa Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the appropriate court or agency having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation.

5.0 Validity and Severability. If a court of competent jurisdiction finds any provision, clause, or portion of this Ordinance to be invalid, the balance or remainder of this Ordinance shall remain valid and in full force and effect and shall be deemed severable from the portion, clause, or provision deemed to be invalid by the court.

6.0 Effective Date. This Ordinance shall become effective immediately after a summary of this Ordinance is published as provided by law; except that any penalty provisions relating to the enforcement of this Ordinance shall be effective thirty (30) days after publication of a summary of this Ordinance as required by law.

7.0 Definitions. For purposes of this Ordinance, the following terms shall have the indicated meanings:

- (a) **Non-Participating Property:** Parcel of land that is not a Participating Property.
- (b) **Participating Property:** A parcel of land whose owner has leased, sold, licensed or otherwise permitted it to be part of a wind farm or to have a WECS located on it, or

whose owner has signed a letter consenting to different levels of noise, or shadow flicker, or lesser set-backs for WECS on adjacent or nearby property than otherwise required by this ordinance.

- (c) **Person:** Any individual, corporation, partnership, limited liability company, association, or other legal entity.
- (d) **Unreasonable Safety Hazard:** Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.
- (e) **Wind Energy Conversion System (WECS):** Also commonly referred to as a wind generating tower, windmill or wind-powered generator. It shall mean a combination of:
 - 1. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
 - 2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
 - 3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
 - 4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A WECS can also include other components not listed above but associated with the operation of a wind energy conversion system.

- (f) **Single WECS for On-Site Service Only:** A single wind energy conversion system used to service the energy needs of only the property where the structure is located; provided that the tower shall not exceed a height of eighty (80) feet, the blade diameter (tip to tip) shall not exceed one-hundred (100) feet, the height of the overall WECS (with the blade in the vertical position) shall not exceed one-hundred and thirty (130) feet above ground level (at normal grade), and the distance of the tower from all property lines shall be at least two (2) times the WECS height.
- (g) **WECS Height:** The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).

- (h) **WECS Testing Facility or Testing Facility:** A structure and equipment used to determine the potential for the placement of a WECS.
- (i) **Wind Energy System Permit (WESP):** A permit authorized, approved, and presented by the Township Board by resolution to a person in which the Township expressly consents to the person operating, maintaining, constructing, erecting, or modifying a WECS, WECS Testing Facility, or Wind Farm.
- (j) **Wind Farm:** Clusters of 2 or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located.
- (k) **Habitable Structure:** A residence, school, hospital, church, public library, business, office, store, retail establishment, or other buildings people frequently sleep in, occupy or congregate, excluding accessory structures. Generally, considered a structure occupied by humans.
- (l) **Non-Habitable Structure:** A structure that is generally considered non-lived in by humans and accessory to habitable structures. These may include but are not limited to barns, garages, shop buildings, storage buildings, animal housing or containment structures, greenhouses, silos, sheds, and warehouses.

8.0 Wind Energy. The purpose of this Section is to protect the public health, safety and general welfare in the operation of any WECS as defined hereunder. It is the purpose of this Section to regulate the operation of a WECS in a manner that does not unreasonably interfere with the enjoyment of surrounding land areas by persons owning, occupying or otherwise residing on such lands, and is compatible with the public health, safety and welfare of the Township.

8.1 Wind Energy System Permit (WESP). The Township Board may approve and present a WESP to a person to operate, maintain, construct, erect, or modify a WECS, Wind Farm, or WECS Testing Facility within Odessa Township. A Single WECS for On-Site Service Only shall not be required to obtain a WESP under this Ordinance. The Township Board shall approve and present a WESP to a person when all conditions and specifications as presented in this Section hereinafter are met and satisfied.

8.2 Permit Application and Approval Procedure and Standards. No person shall install, construct, maintain, or operate a WECS, Wind Farm, or WECS Testing Facility within Odessa Township without first duly obtaining a WESP from the Township Board under this Ordinance.

- (a) **Amount of Application Fee:** The Township Board shall adopt a fee schedule by resolution.
- (b) **Issuance or Rejection of the Permit:** The Township Board shall, by resolution, after the application has been fully reviewed and the contents thereof approved or disapproved, grant or deny the application for a permit. The Township Board may require changes to be made in the application to conform to the requirements of this Ordinance or impose reasonable conditions upon the construction or operation of the WECS before issuing a

permit. In the event the application is denied, a written explanation for the denial shall be given.

- (c) **Length of Permit:** Construction on an approved WECS must begin within 5 years of issuance of a WESP. This period may be extended by the Township Board for a period of up to 5 years upon showing good cause for the failure to begin construction within 5 years of issuance of the WESP.
- (d) **WECS and Wind Farm Application information:** All applications for a WECS or Wind Farm permit shall be accompanied by a detailed site plan in bond and Portable Document Format (PDF) drawn to a scale of one (1) inch equals 300 feet on a sheet not less than 18" x 24" or larger than 24" x 36", and dimensioned, displaying all of the following information
1. Legal description, dimensions of site boundary lines, total site area, contours at ten (10) foot intervals, water courses and water bodies, and locations of all buildings, driveways, parking areas, and other structures on adjacent properties within 300 feet of the property including those across the street of the property or on adjacent properties. All lot lines and dimensions, including a legal description.
 2. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
 3. Locations of all adjacent buildings, structures, and above ground utilities located within 1200 feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided upon request.
 4. The location of all reasonably available existing and WECS proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved, as well as within 300 feet of the boundaries of such parcel or lot.
 5. Access driveway to the WECS together with a detailed narrative regarding dimensions, composition, traffic control signs or devices and maintenance of the proposed driveway.
 6. Proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
 7. Planned security measures to prevent unauthorized trespass and access, and to warn of potential dangers.
 8. Geotechnical desktop study of geographic location of the proposed project to identify its ability to site the WECS. Additional borings shall be completed as a condition of the permit and submitted to the township prior to construction of the turbines.
 9. WECS Maintenance Programs: The Applicant shall provide the Township a written description of the maintenance program to be used to maintain the WECS or wind farm, including removal

when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed and removal procedures and schedules if the WECS or Wind Farm become obsolete or abandoned.

10. Planned safety measures to prevent uncontrolled rotation or over speeding.
 11. Planned lighting protection measures.
 12. Any proposed modifications to site drainage patterns on the wind farm shall be identified on plan maps.
 13. Exterior lighting showing area of illumination and indicating the type of fixture to be used.
 14. North arrow, legend, graphic and written scale, and title block containing project name.
 15. A report of the predicted sound impact of the proposed WECS shall be included with the application, specifically taking into consideration the sound emission levels set forth in this ordinance. The report shall demonstrate that the predicted sound level limits are met at all habitable structures within 1 mile of outer most collective participating parcel boundaries and the report conforms with ANSI/ISO standards for outdoor measurements and predictions. The report shall be produced by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).
 16. The name and address of the person and firm who prepared the application, the seal of the professional engineer licensed in the State of Michigan responsible for the accuracy of the application and the date on which the application was prepared.
 17. Any additional information, diagrams, schematics or plans to show that the standards for approval of a permit are satisfied.
 18. Reasonable additional detail(s) and information related to the standards contained in this Ordinance as requested by the Township Board.
 19. A report of the predicted shadow flicker impact of the proposed WECS shall be included with the application. This report shall demonstrate the expected annual shadow flicker produced by the proposed WECS on habitable structures within 1 mile of outer most collective participating parcel boundaries. The shadow flicker report shall include a map that indicates participating and non-participating parcels and all habitable and non-habitable structures that are clearly identified as such. The report shall demonstrate that the predicted shadow flicker limit is met at all non-participating habitable structures within 1 mile of the collective participating parcels.
- (e) **Standards:** Any WECS, Wind Farm, or Testing Facility must meet the following standards as a condition of receiving an approved WESP to operate within Odessa Township:

1. Design Standards:

- i. Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades other than noting the turbine number and safety information at the base of the turbine.
- ii. Height: The permitted maximum total height of a WECS (*i.e.*, WECS height) shall be 499 feet including the blade in vertical position or such lower permissible height by FAA, MDOT and Ionia County Airport.
 1. State and federal regulations may require a lesser height.
 2. As a condition of approval, the Township Board may require a lesser height for a WECS if reasonably necessary to comply with any other standards or requirements contained in this Ordinance.
 3. A WECS shall be constructed with a tubular tower, not a lattice tower.
- iii. Height of Test Tower Facility: Unless a different height is approved by the Township Board, the WECS Testing Facility height shall be no greater than 380 feet from the ground (*i.e.*, from normal grade to the test tower top) and shall comply with design standards. A WECS Testing Facility which is not in use for 6 months or more shall be required to comply with the provisions of this Ordinance regarding abandonment.
- iv. Setbacks: No part of a WECS, or WECS Permanent Testing Facility (including guy wire anchors) shall be located closer than (a) 1,200 feet from any habitable structure on a non-participating property, (b) 1000 feet from a habitable structure on a participating property (c) 1.25 times the height of the WECS from any parcel or lot line of a non-participating property, and (d) one-half (1/2) mile from the village limits of the Village of Lake Odessa. Habitable structure locations shall be identified as the approximate center of the structure, but final setbacks shall be measured from the nearest point of the habitable structure.
- v. Density: Not more than three (3) WECS shall be located within any square-mile section of the Township.
- vi. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure or trees on non-participating property. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.
- vii. Tower Access: To prevent unauthorized climbing, WECS and Testing Facilities must comply with all of the following provisions:
 1. Tower climbing apparatus shall not be located on the outside of the tower, but must be located inside the tower; and

2. A locked anti-climb device or locked door shall be installed and maintained on the WECS; and
 3. A test facility tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fences.
- viii. Construction Adjustments to WECS Locations: The locations of WECS may be adjusted from the location shown on the WECS or Wind Farm Application, with the written approval of the Township Supervisor, if all of the following are met:
1. The location shown on the WECS or wind farm application contains subsurface obstacles, site conditions or other impediments that were not reasonably discoverable through the geotechnical desk top study and site inspection process;
 2. The adjusted location satisfies all of the setback restrictions of this ordinance; and
 3. An adjusted location is within 100 feet of the location shown on the WECS or Wind Farm Application.
- ix. Construction Adjustments to Access Roads and Transmission or Distribution Lines: The locations of access roads and transmission lines or distribution lines may be adjusted from the location shown on the Wind Farm Application as approved by the Township Supervisor (whose decision may be appealed by the Applicant to the Township Board) if all of the following are met:
1. The landowner requested the adjustment as a result of changes made to the land subsequent to the wind farm application;
 2. The adjusted locations satisfy all of the applicable restrictions of this ordinance; and
 3. The adjusted locations remain on the same parcel as shown on the application, or on an adjacent parcel under similar ownership as the parcel shown on the application.
2. Signs: Each WECS, Wind Farm, or Testing Facility shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
- i. Warning high voltage.
 - ii. Warning falling ice.
 - iii. Manufacturer's name.
 - iv. Emergency telephone numbers (list more than one number).
 - v. Emergency shutdown procedures.
 - vi. FAA regulated sign with precise description with latitude and longitude and shall also contain both the Applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Odessa Township.
 - vii. If fenced, place signs on the fence.

3. Construction of Private Drive: The Township Board shall require the construction of a private road to serve a WECS or Wind Farm if it is determined that said road is necessary to protect the public health, safety, or welfare, or to offer an adequate means by which the Township or other governmental agency may readily access the site in the event of an emergency. All private roads shall be constructed to Ionia County Road Commission residential driveway permit specifications.
4. Construction Codes, Towers, & Interconnection Standards: The WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations, if applicable. The tower shaft shall not be illuminated unless required by the FAA. The WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
5. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (forty (40) mph or greater), during turbine failure or in conditions of imbalance.
6. Lighting: A lighting plan for each WECS or Wind Farm shall be approved by the Township Board. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. Minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed by the Township Board.
7. Electromagnetic Interference: Each WECS or Wind Farm shall be designed, constructed and operated so as not to cause radio, wireless internet, telephone (both landline and cell phone) and television interference. In the event that electromagnetic interference is experienced as a result of the WES, the Applicant must take appropriate action to minimize such interference, and if that is not feasible, the applicant shall provide alternate service to each individual resident or property owner affected.
8. Increased Cost of Necessary Aerial Spraying or Aerial Application on Non-Participating Property: In the event that aerial spraying or aerial application must be conducted on any Non-Participating Property within the Township, because other methods of spraying or application are not reasonably feasible, and the location of one or more of Applicant's WECS makes the cost of aerial spraying or aerial application more expensive than the normal cost without the presence of a WECS, Applicant shall reimburse the owner of the Non-Participating Property for the increased cost of aerial spraying or aerial application due to the presence of the WECS, but such reimbursement shall not be more than 50% of the normal cost of aerial spraying or aerial application without the presence of a WECS.
9. Stray Voltage: Each WECS or Wind Farm shall be designed, constructed and operated so as not to cause any stray voltage.

10. Sound emissions from the operation of the WECS shall include, but are not limited to, sound created from the mechanical movement of parts comprising of a WECS and flow of air over and past the blades of the WECS. A qualified acoustical consultant shall model all WECS locations and create a sound report of the predicted sound impact of the proposed WECS and any other sound sources associated with the project. The sound report will include the following:
 - i. A description and map of the project's sound producing features.
 - ii. Participating and non-participating parcels relative to the sound report.
 - iii. All predictive sound modeling will be expressed with the dB(A) scale.
 - iv. The range of decibels should be illustrated for 35 dB(A) to 55 dB(A) in 5 dB(A) increments.
 - v. Sound should be modeled using an L_{eq} (10-minute interval).
 - vi. Habitable structures shall be modeled by a single central point of the structure.
 - vii. Non-participating habitable structure sound limit of 50 dB(A) shall be met.
 - viii. Where ambient noise exceeds the 50 dB(A) sound limit, sound emissions from the WECS or operational project sound sources may exceed the ambient noise by not more than 5 dB(A).
 - ix. All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).

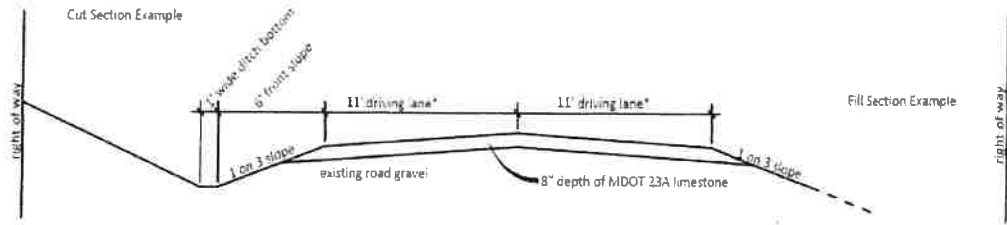
11. A report of the predicted shadow flicker impact to habitable structures within 1 mile of participating parcels by the proposed WECS shall be required. The model should include the following inputs: proposed WECS locations, habitable structures within 1 miles of participating parcels, existing topography, rotor diameter and hub height of the WECS, joint wind speed and direction distribution (wind rose table), and sunshine probability. The shadow flicker report will include the following:
 - i. A description and map of the project's shadow flicker producing features and basis for the expectation.
 - ii. Participating and non-participating parcels relative to the shadow flicker report.
 - iii. Predicted annual shadow flicker shall be reported to the nearest tenth of an hour at habitable structures.
 - iv. Habitable structures shall be modeled by a single central point of the structure.
 - v. Non-participating habitable structure shadow flicker limit of 30 hours annually shall be met.

12. Environmental Assessment: At the Township's request, the Applicant shall provide an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the WECS will be placed. Each such study or report requested shall be provided to the Township prior to the time that a building permit is issued for the project. Any such study or report at the request of the applicant, shall be treated as a confidential document

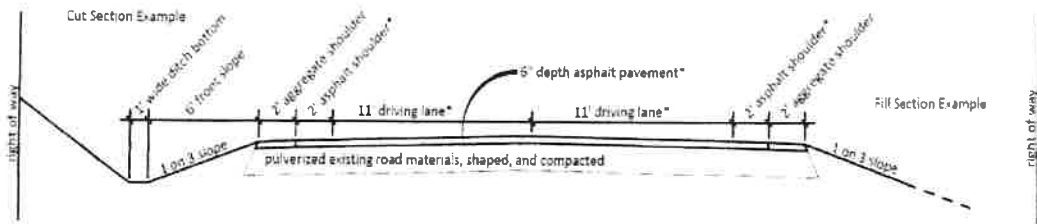
and not subject to disclosure, to the extent permitted under Section 13(1)(f) of the Michigan Freedom of Information Act.

13. Abandonment: Any WECS, Wind Farms, or Testing Facilities that are not used for twelve (12) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property unless the Applicant or its successor can demonstrate good cause for the non-operation of the WECS. All above and below ground materials must be removed. The ground must be restored to its original condition within 60 days of abandonment.
14. Security: If a WECS permit is approved pursuant to this Ordinance, the Township Board shall require security in the form of a surety bond (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the Applicant to the Township in order to ensure full compliance with this Ordinance and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a permit has been approved but before construction commences upon a WECS or Wind Farm. At a minimum, the financial security shall be in an amount determined by the Township Board to be sufficient to have the WECS or Wind Farm fully removed and decommissioned (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or not in compliance with this Ordinance or the permit approval. Such financial security shall be kept in full force and effect during the entire time while a WECS or Wind Farm exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-Owner of the WECS or Wind Farm) for at least 25 years from the date of the permit approval, or until every WECS and Wind Farm has been completely removed as required by this Ordinance, whichever comes later. Failure to keep such financial security in full force and effect at all times while a WECS or Wind Farm exists or is in place shall constitute a material and significant violation of a permit approval and this Ordinance, and will subject the Applicant to enforcement action and all remedies available to the Township by law.
15. Road repair: Any damages to a public road located within the Township resulting from the construction of a WECS or Wind Farm shall be repaired to a condition according to Ionia County Road Commission standards at the Applicant's expense. Any road commissioning permits will be sought for turbine delivery and conditions of those permits met where required.
16. Road Upgrades: Unless otherwise approved by the Township Board, any public road located within the Township to be used in the construction, maintenance, or operation of a WECS or Wind Farm shall be upgraded at Applicant's expense, prior to the commencement of the wind farm construction, according to the following criteria:
 - i. Remove any trees or brush from the shoulder, side slope and ditch bottom that would obstruct positive drainage of the road, as required by the Ionia County Road Commission; and

- ii. Construct positive drainage along the entire route which may include new ditches, culverts, catch basins, and other storm sewer infrastructure; and
- iii. Construct existing aggregate surfaces as shown below:



- iv. Construct existing asphalt surfaces as shown below:



*The above dimensions represent minimum values. If the existing road is wider or thicker than these minimum values than the road upgrades must match existing dimensions. Right of way widths are typically 33 feet left and right of centerline.

- v. Inspect all existing bridges and culverts to ensure their capacity for supporting the proposed loads generated by the wind farm and the construction of the wind farm. If any bridges or culverts cannot support these projected loads WECS or the Wind Farm shall replace the existing structures with a bridge or culvert structure that will support these projected loads; and
- vi. Replace and repair all driveways and access points equal to or better than existing condition; and
- vii. Restore all disturbed soil.

The Ionia County Road Commission (a) will review all plans and specifications prior to road upgrades; (b) will perform inspection during road upgrade construction to ensure that the upgrades are built according to the approved plans and specifications; and (c) must approve all road upgrades prior to the commencement of wind farm construction.

- 17. Liability: The Applicant shall insure each WECS at all times for at least \$2,000,000 (to be adjusted annually to an amount equivalent to 2019 dollars based on the federal CPI) for liability to cover the Applicant, the Land Owner, and the Township as named insureds. Evidence of annual insurance renewal shall be given to the Township Clerk within 60 days of such renewal.

18. Mitigation: Mitigation measures for each receptor site shall be described, including but not limited to, siting changes, operational procedures, grading, modifications to a dwelling, and/or landscaping. If landscaping is used as a mitigation procedure, the planting of mature trees shall be required. The Township may require a performance guarantee, in the case of landscaping, and/or other mitigation measures, to assure the long-term viability and effectiveness of the mitigation.
19. Financial Impact Study: At the Township's request, the Applicant shall provide a financial impact study for review by the Township of the impacts of WECS in communities similar to Odessa Township. Such study or report shall be provided to the Township prior to the time when the Township Board makes its final decision regarding the permit.
20. Reasonable Conditions: In addition to the requirements of this section, the Township Board may impose additional reasonable conditions on the approval of a permit for a WECS or Wind Farm.
21. Escrow: An escrow account shall be set up with the Township Treasurer when the Applicant applies for a permit for a WECS or Wind Farm. The Township and the Applicant will agree to a budget for the monetary amount to be paid by the Applicant. The agreed upon budget shall be estimated by the Township to cover all reasonable costs and expenses directly associated with the permit review and approval process, which costs can include, but are not limited to, fees of the Township Attorney directly relating to the permit, Township Planner and Township Engineer. At any point during the permit review process, should the existing escrow amount filed by the Applicant prove insufficient, after providing the Applicant with a written reasonable explanation for why the budget has been exceeded, the Township may require that the Applicant place additional monies into escrow with the Township Treasurer. If the escrow account needs replenishing and the Applicant refuses to do so within 60 days of being notified in writing, the permit review and approval process may cease until and unless the Applicant makes the required escrow deposit. The escrow account shall not be required to bear interest. Any applicable zoning escrow resolutions or other ordinances adopted by the Township or by Ionia County shall also be applicable. Any balance in the escrow account shall be returned to Applicant within two (2) years after completion of construction and commencement of commercial operation of the WECS or Wind Farm.
22. Approval Standards: In addition to the other requirements and standards contained in this section, the Township Board shall not approve any WECS or Wind Farm unless it finds that the WECS or Wind Farm will not pose an unreasonable safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
23. Decommissioning: The Applicant shall submit a plan describing the intended disposition of the WECS at the end of their useful life and shall describe any agreement with the landowners regarding equipment removal upon termination of the lease. A surety bond, letter of credit or equivalent financial instrument shall be posted, in an amount determined by a registered engineer licensed in the state of Michigan mutually agreed to by the parties, taking into account decommissioning costs as estimated 25 years in the future. This instrument is to be used in the event the Applicant has not followed the agreed upon decommissioning plan. The bond, letter

of credit or other instrument shall be in favor of Odessa Township, and may be provided jointly as a single instrument for multiple townships, each with an independent and severable right to collect upon the instrument, within a single wind farm. The Township reserves the right to review the decommissioning plan every 5 years and revise the requirements and amount of any such instrument as necessary to assure that it covers the then-estimated costs of decommissioning.

24. **Continuing Obligations:** Failure to keep any required financial security and escrow deposit in full force and effect at all times while a WECS or Wind Farm exists or is in place shall constitute a material and significant violation of this Ordinance, and will subject the WECS or Wind Farm Applicant, Owner and Operator to all remedies available to the Township, including enforcement action pursuant to Section 9. A review of security and escrow requirements shall occur no less than annually to determine compliance with this Section.

8.3 Permit Renewal, Review, and Enforcement

- (a) **Renewal and Review:** Permits shall be approved by Township Board resolution for a period of 5 years. Following completion of construction of the WECS, the permit vests for the life of the project or until abandonment or decommissioning of the WECS, subject to continuing compliance with any conditions or requirements of this Ordinance and the permit. Following construction of the WECS, the applicant shall provide the Township by December 21 each year a report of the operations of the WECS, any violations of the conditions or requirements of this Ordinance or the permit, any complaints received in writing, and any known or projected changes or modifications from any information previously submitted to the Township for approval of a permit. The Township Clerk will then forward all material to the Township Board to be reviewed at the next regularly scheduled Township Board meeting. If the evidence discloses that the permittee is not in compliance with this Ordinance or the permit, the Township Board shall give the permittee 180 days to correct any such noncompliance. The permittee shall be given written notice by the Township Board with an itemized list of the items in noncompliance with this Ordinance or permit.
- (b) **Inspection:** Not less than 60 days prior to December 31st of every year after approval of the permit, the permittee shall make arrangements with the Township for an inspection of the WECS or wind farm by a member or designated agent of the Township Board. The Township Board member or designated agent may also be accompanied by an engineer, for which the permittee shall reimburse the Township upon being invoiced for the costs of the engineer's services.
- (c) **Review:** The Township Board shall review the information in the annual report and the inspector's report each year. If the reports or other evidence indicate that the permittee is not in material compliance with this Ordinance and the permit, after providing notice of such noncompliance, 180 days to correct any such noncompliance, and an opportunity for a hearing before the Township Board, the Township may order such action as is necessary to achieve immediate compliance with the Ordinance and the permit. The Township Board's action may be appealed to the Ionia County Circuit Court.

8.4 Nuisance *Per Se*: The operation of any WECS or wind farm in Odessa Township in violation of this Ordinance is hereby declared to be a public nuisance *per se*, and may be abated by order of any court of competent jurisdiction, requiring such actions as may be necessary to abate the nuisance.

9.0 Violations and Penalties

- (a) **Applicability:** This Ordinance and any permit issued hereunder shall be applicable to all Owners and Operators of any WECS, Wind Farm, or WECS Testing Facility, operating within the Township. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or the permit is subject to the violations set forth in this Ordinance.
- (b) **Civil Infractions:** Any person or other entity who causes or permits to continue a violation of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$5,000.00 for each day a violation continues, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, including without limitation injunctive relief against such violations.

10.0 Waivers: Where there are practical difficulties or unnecessary hardships that unreasonably prevent the carrying out of the strict interpretation of this Ordinance, the Township Board shall have the power, upon a clear and convincing showing by the Applicant, to waive or modify any of the rules, regulations or provisions of the Ordinance, by granting waivers, provided that any waiver granted from this Ordinance:

- (a) Will not be contrary to the public interest.
- (b) Will not cause a substantially adverse effect upon property values.
- (c) Will relate only to the property under the control of the Applicant.
- (d) Will not jeopardize the preservation of a substantial right, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- (e) Will not impair the adequate supply of air and light to any adjacent property.
- (f) Will not increase the hazards from fire, flood or other natural or man-made dangers.
- (g) Will not produce nuisance conditions to occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibration, smoke or excessive light.
- (h) Will not otherwise impair the public health, safety and general welfare of the residents of Odessa Township.

MOTION: At a regular meeting of the Township Board of Odessa Township, Ionia County, Michigan, held at the Odessa Township Hall on May 6, 2019, at 6 pm, Township Board Member Doane moved to adopt the foregoing Ordinance, which motion was supported by Township Board Member Goodemoot :

ROLL CALL VOTE:

YEAS: Doane, Pohrbacher, Bulling, Williams & Goodemoot.
NAYS: none
ABSENT/ABSTAIN: none.

ORDINANCE DECLARED ADOPTED.


David Bulling, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Odessa Township Board at a duly scheduled meeting of that Township Board held on May 6, 2019, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Lakewood News newspaper, a newspaper that circulates within Odessa Township, on May 18, 2019.
3. Within one (1) week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ionia County Clerk on May 31, 2019.

ATTESTED:


Lisa K. Williams, Township Clerk

**ODESSA TOWNSHIP, IONIA COUNTY, MICHIGAN
WIND ENERGY ORDINANCE
NOTICE OF ADOPTION**

Please take notice that, on May 6, 2019, the Township Board of Odessa Township, Ionia County, Michigan adopted Ordinance No. 23, regulating the location, construction, operation and abandonment of wind energy projects. The Ordinance contains the following sections and catch lines: Section 1.0 Title; Section 2.0 Purpose; Section 3.0 Conflict with Other Ordinances, Laws and Regulations; Section 4.0 General Responsibility; Section 5.0 Validity and Severability; Section 6.0 Effective Date; Section 7.0 Definitions; Section 8.0 Wind Energy; Section 8.1 Wind Energy System Permit; Section 8.2 Permit Application and Approval Procedure and Standards; Section 8.3 Permit Renewal, Review, and Enforcement; Section 8.4 Nuisance *Per Se*; Section 9.0 Violations and Penalties; Section 10.0 Waivers. Copies of the Ordinance may be obtained from Lisa Williams, Odessa Township Clerk, at 3862 Laurel Drive, Lake Odessa, MI 48849, or by calling (616) 374-4237. The Ordinance shall be effective 30 days after this publication.

Published by Order of the Township Board
Odessa Township, Ionia, Michigan
Lisa Williams, Township Clerk
(616) 374-4237 ext. 10

Publication Date: May 18, 2019

**ODESSA TOWNSHIP
IONIA COUNTY, MICHIGAN
NOISE ORDINANCE
Ordinance No. 24**

At a meeting of the Township Board of Odessa Township, Ionia County, Michigan, held at the Odessa Township Hall on August 5, 2019, at 7:00 p.m., Township Board Member Bulling moved to adopt the following Ordinance, which motion was seconded by Township Board Member Goodemoot:

An Ordinance to secure the public health, safety and general welfare of the citizens of Odessa Township, Ionia County, Michigan, by the regulation and prohibition of certain noise within the Township, the exemption of certain noise from the Ordinance prohibitions, the designation of civil infractions and civil penalties for violations of the Ordinance, and the repeal and replacement of any other inconsistent ordinances.

ODESSA TOWNSHIP, IONIA COUNTY, MICHIGAN ORDAINS:

SECTION 1: PURPOSE. The intent of this Ordinance is to provide Odessa Township with an enforceable noise ordinance that allows residents to enjoy their property free from noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities.

SECTION 2: TITLE. This Ordinance shall be known and may be cited as the Odessa Township Noise Ordinance.

SECTION 3: GENERAL PROHIBITED NOISE

- A. No person or entity shall cause or create any unreasonable noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping, in any office, hotel, motel, hospital, or residence.
- B. The following noises are hereby declared to be a violation of this Ordinance but shall not be deemed the exclusive noises that violate this Ordinance. Each noise that continues or is repeated in a 1/2-hour time frame may be considered a separate violation of this Ordinance, subject to additional prosecution and civil penalties.
 - 1. **HORNS & SIGNALS** - the sounding of any horn or signal device on any automobile, motorcycle, bus, snowmobile, or other vehicle for any purpose other than to avoid an accident or collision, provide a signal of danger, or give warning of motion.
 - 2. **MUSIC** - the playing of any radio, television, phonograph, media player, or musical instrument in such a manner that it is plainly audible on a property other than that from which the sound is being emitted, that would offend a reasonable person of normal

sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.

3. **VOCAL NOISES** - yelling, shouting, hooting, whistling, or singing on the public streets or public area between the hours of 10:00 pm to 8:00 am or at any dwelling or residence where the noise is plainly audible on a property other than that from which the sound is being emitted, that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
4. **ANIMALS** - the keeping of any animal, bird, or fowl that emits frequent, loud or extended noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
5. **AUTOMOBILES** - the operation of any automobile, motorcycle, snowmobile, or other vehicle in such a state of disrepair, or loaded in such a manner, as to result in loud grating, grinding, rattling, exhaust, or other noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
6. **SIRENS** - the blowing of any whistles or sirens, except as a warning of fire danger or emergency.
7. **ENGINE EXHAUST**- the discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, snowmobile, or motor boat engine, except through a muffler or other similar device that will effectively prevent loud noises resulting therefrom, that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
8. **CONSTRUCTION** - the erection, excavation, demolition, alteration, or repair of any building or structure, other than between sunrise and sunset, where such activities result in the creation of an unreasonably loud noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping, except in the case of urgent necessity in the interest of public health and safety, for the duration of such emergency.
9. **DEVICES TO ATTRACT ATTENTION** - the use of any drum, loudspeaker, or other instrument or device for attracting attention to any performance, show, sale, or display of merchandise, to create a noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
10. **YARD EQUIPMENT** - the use of any yard equipment including, but not limited to, chain saws, lawn mowers, leaf blowers, snow blowers, and insect control, other than between sunrise and sunset, to create a noise that would offend a reasonable person of

normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.

SECTION 4: EXEMPTIONS

A. None of the prohibitions of the previous Section 3 shall apply to or be enforced against the following activities and conduct:

1. **EMERGENCY VEHICLES** - any police vehicle, ambulance, fire engine, or other emergency vehicle while engaged in normal and customary activities related to preserving the public health and safety.
2. **WARNING SIGNALS** - noises emitted from warning devices for the purpose of notifying individuals or the public at large, as authorized by law.
3. **ROAD CONSTRUCTION, SNOWPLOWING, AND UTILITY MANAGEMENT** - excavation or repair of streets, highways, bridges or any utility management or work done by or on the behalf of Odessa Township, the County of Ionia, or the State of Michigan.
4. **RAILROAD OPERATIONS** - all railroad operations meeting the maximum permissible noise levels permitted by law.
5. **FIREARMS** - noise emanating from the discharge of firearms, provided that such discharge is done in a lawful manner as authorized under Michigan law or local ordinance.

B. The initial determination of whether any noise violates the prohibitions of this Ordinance shall be made by the Township Ordinance Enforcement Officer or Ionia County Sheriff's Deputy, subject to review by the Odessa Township Board upon written application made by the alleged violator within 15 days after the initial determination.

SECTION 5: VIOLATIONS. Any person or entity that violates any provision of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty. The civil penalty for a first violation is One Hundred Dollars (\$100.00); each successive subsequent violation after a first violation shall carry an additional One Hundred Dollar (\$100.00) fine respectively, up to a maximum of Five Hundred Dollars (\$500.00) per violation. Every day that a violation continues to exist shall constitute a separate violation. In addition to civil infractions and civil penalties, this Ordinance may be enforced by a civil action against an alleged violator for injunctive or other relief.

SECTION 6: SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 7: REPEAL: All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: EFFECTIVE DATE: This Ordinance shall become effective within thirty days following its publication.

YEAS: Bulling, Williams, Goode moot

NAYS: Rohrbacher, Doane

ABSENT/ABSTAIN none

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Lisa K. Williams, Clerk of Odessa Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 24 adopted by Odessa Township on the August 5, 2019. A summary of the Ordinance was duly published in the Lakewood News newspaper, a newspaper that circulates within Odessa Township, on August 10, 2019. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted. I filed an attested copy of the Ordinance with the Ionia County Clerk on August 19, 2019.

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves and to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas and/or electric business in the TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF ODESSA ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves and to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas and/or electric business in the TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines, electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas and/or electric distribution system within said Township, and shall furnish gas and electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide gas and electric service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas and electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous gas and/or electric franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on Dec 9, 2020.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, on the 2nd day of December, 2019.



Dave Bulling, Township Supervisor

Attest:

I, Lisa K. Williams, Clerk of the TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, a gas and/or electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.



Lisa Williams, Township Clerk

Dated: December 2, 2019.

**ODESSA TOWNSHIP
IONIA COUNTY, MICHIGAN
SALVAGE YARD ORDINANCE
ORDINANCE NO. 210**

At a meeting of the Township Board of Odessa Township, Ionia County, Michigan, held on October 5, 2020 at 7:00 p.m., Township Board Member Bulling moved to adopt the following Ordinance, which motion was supported by Township Board Member Goodemoot:

An Ordinance to protect the health, safety, and general welfare of the residents, property owners, and people within the Township of Odessa, Ionia County, Michigan, by regulating the activities of Salvage Yards as authorized under the laws of the State of Michigan.

ODESSA TOWNSHIP, IONIA COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE. This ordinance shall be known and cited as the Odessa Township Salvage Yard Ordinance.

SECTION 2: DEFINITIONS. The following terms shall have the meanings assigned below:

- A. "Person" means any person, firm, association, partnership, corporation, limited liability company, or other entity and includes all agents, employees, and contractors of an entity or person.
- B. "Salvage Material" is any used, secondhand, unwanted, unused, scrap, or damaged goods, materials, or items and parts thereof of any kind. Examples of Salvage Materials include, but are not limited to: (1) scrap metal; (2) motor vehicles of any kind and their parts; (3) machinery of any kind and their parts; (4) appliances; (5) pipes; (6) wire and cables; (7) construction materials; (8) tools; (9) plastics and rubber; (10) batteries; (11) rubbish and waste materials; and (12) electronics.
- C. "Salvage Yard" means a lot, parcel of land, building, structure, establishment, place of business, or part thereof used in whole or in part to collect, accumulate, purchase, sell, exchange, recycle, store, salvage, fabricate, convert, or receive Salvage Materials as defined herein. This definition does not include establishments primarily used for repair or sales of automobiles or other machinery that may incidentally conduct activities consistent with a Salvage Yard.

SECTION 3: LICENSE REQUIRED.

- A. No person may operate or maintain a Salvage Yard in the Township without obtaining a license from the Township. All persons must apply and obtain a separate license for each Salvage Yard they operate in the Township and may not use one license for more than one operation.

B. Salvage Yard License Application: To obtain a license to operate or maintain a Salvage Yard, a person must submit a Salvage Yard License Application to the Township Clerk containing the information below.

1. The trade name of the Salvage Yard.
2. The names and contact information (including addresses) of all persons with an ownership interest in the Salvage Yard. This includes all persons who have an ownership interest in an entity that will operate the Salvage Yard as well as all persons who own the land on which the Salvage Yard will be located.
3. A Salvage Yard Plan which includes: (1) the legal description of the property comprising the Salvage Yard; (2) a scale drawing showing the locations and sizes of all buildings, fences, driveways, parking lots, and property improvements, as well as the locations of property boundaries and of adjacent roadways; and (3) a narrative or other document(s) showing how the Salvage Yard will meet all of the required performance standards in this Ordinance.
4. Information that shows whether any person applying for the Salvage Yard license has ever been licensed by a municipality for a similar operation and whether any similar operation has ever violated local, state, or federal laws and regulations and an explanation regarding the basis of such violations. A person applying for the Salvage Yard license must also indicate whether they have ever had a license for a similar operation revoked (in any jurisdiction) and the basis of the revocation.
5. A written narrative summarizing the operations of the Salvage Yard, which must include the type of equipment and machinery used and hours of operation.
6. A description showing how an applicant will screen the Salvage Yard from adjoining properties to mitigate imposing nuisances on nearby properties.
7. License fee and escrow deposit.
8. Any requested waivers under this Ordinance.
9. A signed certification by all persons applying for such a license that such information included in the application is accurate and complete.
10. Any other reasonably requested information by the Township Board deemed necessary to assist its decision whether to grant the Salvage Yard license, which may include, but is not limited to, information related to the Salvage Yard's impacts on the environment, neighboring properties, and the health, safety, and welfare of Odessa Township residents and visitors.

C. Existing Salvage Yard Waiver: If the Salvage Yard existed in the Township prior to the enactment of this Ordinance and the Salvage Yard cannot meet a requirement imposed by this

Ordinance due to a practical difficulty, an applicant may request a waiver from a requirement of this Ordinance. A practical difficulty means circumstances related to the existing operations or layout of the Salvage Yard that make strict compliance with this Ordinance impossible or would otherwise impose an unreasonable burden on an applicant. To request a waiver, a person must submit as part of an initial Salvage Yard License application: (1) evidence that the Salvage Yard existed prior to the enactment of this Ordinance; (2) a statement of the requirement(s) that an applicant is seeking a waiver from; (3) information explaining why the listed Ordinance requirements impose a practical difficulty on the Salvage Yard; and (4) if the requirement is waived, any actions the applicant plans to take to meet the goals of a waived requirement. The Township Board may approve or deny waiver requests on a case-by-case basis by evaluating the existence of the practical difficulty and an applicant's alternative plans to meet the goals of a waived condition. A waiver granted under this section may contain conditions to meet the goals of this Ordinance and will remain effective if the Salvage Yard's license does not lapse. The Township Board must provide an applicant with a written explanation if it denies a waiver request.

- D. License Fee: Completed Salvage Yard applications shall be submitted to the Township Clerk accompanied by an annual license fee of twenty-five (\$25) dollars.
- E. Escrow Deposit: In addition to the required license fee, all applications for a Salvage Yard license and to renew a license must include an escrow deposit to defray the anticipated costs incurred by the Township to review an application including potential legal, planning, engineering, and other consultant costs. The Township Board may not consider an application for a Salvage Yard license before receiving a required escrow deposit. The Township Board shall determine the amount of the required escrow deposit by resolution and may update the amount required for an escrow deposit from time-to-time to more accurately reflect the Township's costs related to reviewing a Salvage Yard license application. If the Township does not use any portion of an escrow deposit to review a Salvage Yard license application, the Township must return any unused portion to an applicant/person who submitted a deposit or apply the remainder to any fees owed to the Township within 30 days of license decision. If the Township exhausts an escrow deposit to review an application, an applicant must replenish the escrow deposit upon a request from the Township Treasurer for the Township to continue to review an application.
- F. License Term: All licenses granted under this Ordinance are valid for 12 months. A person must renew a license or obtain a new license upon expiration of a prior license.
- G. Salvage Yard Renewal License Application: After obtaining an initial Salvage Yard license, a person may submit a Salvage Yard Renewal License Application in lieu of a full Salvage Yard License Application only if the person submits a Salvage Yard Renewal License Application containing the information required below sixty (60) days before the expiration of a previously-issued Salvage Yard License:
 - 1. The trade name of the Salvage Yard.

2. The names and contact information (including addresses) of all persons with an ownership interest in the Salvage Yard. This includes all persons who have an ownership interest in an entity that will operate the Salvage Yard as well as all persons who own the land on which the Salvage Yard is located.
 3. Information that shows whether any person renewing the Salvage Yard license has ever been licensed by a municipality for a similar operation and whether any similar operation has ever violated local, state, or federal laws and regulations and an explanation showing such violations. A person renewing a Salvage Yard license must also indicate whether they have ever had a license for a similar operation revoked (in any jurisdiction) and the basis of the revocation.
 4. A person must include a new Salvage Yard Plan (as required in a Salvage Yard License Application above) if they change any improvements from what is depicted and summarized on a previously submitted Salvage Yard Plan.
 5. A summary of all complaints received in the past 12 months related to the Salvage Yard's "Complaint Resolution Plan" and all actions taken to resolve such complaints.
 6. A written narrative summarizing the operations of the Salvage Yard, which must include the type of equipment and machinery used and hours of operation.
 7. License fee and escrow deposit.
 8. A description showing how an applicant will screen the Salvage Yard from adjoining properties to mitigate imposing nuisances on nearby properties.
 9. If applicable, a list of any waivers granted by the Township Board for the Salvage Yard and a narrative explaining how the applicant is using alternative means to accomplish the goals of the waived Ordinance conditions.
 10. A certification by all persons applying for such a license that such information included in the application is accurate and complete.
 11. Any other reasonably requested information by the Township Board deemed necessary to assist its decision whether to renew the Salvage Yard license, which may include, but is not limited to, information related to the Salvage Yard's impacts on the environment, neighboring properties, and the health, safety, and welfare of Odessa Township residents and visitors.
- H. Township Board Review: The Township Board shall review all applications and renewal applications for Salvage Yard licenses under this Ordinance. After the submission of a complete application, the Township Board will review the content of an application and either grant, grant with conditions, or deny a request for the Salvage Yard license or a renewal of the Salvage Yard license by resolution at a public meeting. The Township Board may require changes to be made to an application to conform to the requirements of this

Ordinance and may impose reasonable conditions upon the construction or operations of the Salvage Yard before issuing a license to protect the health, safety, and welfare of Township residents and visitors. If the Township Board denies a license or renewal application, the Township Board must provide the applicant a written explanation of the denial.

- I. Application Forms: To assist the Township Board with reviewing applications for required licenses under this Ordinance, the Township may create application forms to facilitate the organization of required application information. The Township Board must approve the format of all application forms by a majority vote. All persons applying for or renewing licenses this Ordinance must utilize any established application forms before the Township Board will review any licensure applications.

SECTION 4: PERFORMANCE STANDARDS.

- A. Mandatory Standards: All Salvage Yards within the Township must meet the following performance standards. Failure to meet any of the listed performance standards is a violation of this Ordinance.
- B. Setbacks: All operations of a Salvage Yard, including, but not limited to: (1) the locations of all buildings and structures excluding fences, driveways, and landscaping materials used as screening; (2) the storage, exchange, and processing of Salvage Materials; and (3) the operation of any equipment used to support the Salvage Yard, must be set back at least 100 feet from any property line and/or roadway.
- C. Noise: A Salvage Yard may not cause or create any unreasonable noise that would offend a neighboring or nearby property owner of normal sensitivities or disrupt the reasonable conduct of basic human activities. Violations of the Township's Noise Ordinance (Ordinance 24), as amended, shall be deemed a violation of this performance standard. To mitigate noise, the Salvage Yard shall conduct all operations that generate elevated noise levels such as crushing, recycling, or processing Salvage Materials or operating machinery in an enclosed building or in an area enclosed by a minimum eight-foot tall, solid material, privacy fence (a solid material fence that contains no gaps).
- D. Odor: A Salvage Yard may not cause or create any unreasonable odor that would offend a neighboring or nearby property owner of normal sensitivities or disrupt the reasonable conduct of basic human activities.
- E. Screening/Landscaping: All Salvage Yards shall screen portions of a property that are used to store, process, recycle, or otherwise use Salvage Materials, by: (1) enclosing the activities within a building with four walls and a roof; (2) enclosing the activities within a minimum eight-foot tall privacy fence (a solid material fence that contains no gaps); or (3) enclose the activities with an eight-foot tall fence made of any material and plantings of at least four-foot tall coniferous trees around the interior of the fence in manner deemed by the Township Board to sufficiently screen the Salvage Yard from neighboring properties (not applicable to Salvage Yards within 100 feet of a residence). Any Salvage Yard that is within 100 feet of a residence

must be screened by an eight-foot tall privacy fence (solid material with no gaps) and may not be screened by any other fence type. Fences part of a Salvage Yard may not be electrified and may not contain barbed or razor wire and their height must be measured from the working grade of the Salvage Yard. Salvage Materials stored in an area enclosed by a fence may not exceed the height of the fence unless the Salvage Yard contains coniferous trees on the interior of the fence in a way deemed by the Township Board to reasonably screen the Salvage Yard from neighboring properties.

- F. Minimum Lot Size: A Salvage Yard must be located on a minimum five (5) acre parcel.
- G. Location Restrictions: A Salvage Yard shall not be located within 1,000 feet of any church, school, public building, cemetery, private residence, or residential subdivision that exists at the time of filing an initial Salvage Yard application license. Salvage Yards may be within 1,000 feet of such uses if the licensed Salvage Yard existed before the development of the uses listed above.
- H. Complaint Resolution Plan: Salvage Yards must provide and post on an area accessible to the public a sign that notes a telephone number and e-mail address to send any complaints related to the Salvage Yard. Licensees under this Ordinance must keep a log of all complaints received over the last 18 months from the complaint sign posted on the premises (subject to inspection by the Township) and detail: (1) the date of all complaints received and a description of each complaint; (2) any action taken to resolve each complaint; and (3) any action taken to prevent future similar complaints.
- I. Hours of Operation: A Salvage Yard shall not operate or receive the delivery of materials between the hours of 8:00PM and 7:00AM each day, excluding any operations that entirely take place within an enclosed building with four walls, a roof, and all doors and windows closed, and will not generate noise outside of the building.
- J. Prohibition on Open Burning: A Salvage Yard may not burn Salvage Materials or other materials outside or in any other manner that violates local, state, or federal laws, rules, or regulations.
- K. Compliance with Applicable Laws: All persons who operate a Salvage Yard within the Township shall comply with all applicable local, state, and federal laws, rules, and regulations and must report any violations or license revocations related to the operation of a licensed Salvage Yard in the Township or a similar operation outside of the Township to the Township Board within 30 days of the violation and/or license revocation.

SECTION 5: ENFORCEMENT AND PENALTIES.

- A. Compliance Inspections: The Township Supervisor or their designee may inspect a Salvage Yard for compliance with this Ordinance during normal hours of operations if the Township gives the Salvage Yard 48 hours' notice of such an inspection.

- B. Stop Work: Upon evidence that a person licensed to operate a Salvage Yard is violating this Ordinance or a condition of their license, the Township Supervisor or their designee may issue a written Stop Work Order prohibiting the Salvage Yard from conducting any operations other than those to remedy an Ordinance or condition violation. The Township must issue Stop Work Orders by posting a written Stop Work Order on the premises of the Salvage Yard and by mailing (first-class) or personally serving the Stop Work Order to the Salvage Yard. Stop Work Orders must describe the alleged violations in writing and are valid until a licensed Salvage Yard produces evidence acceptable to the Township Supervisor or their designee that shows the Salvage Yard has remedied the alleged ordinance or license violations.
- C. License Revocation: The Township Board may begin the process to revoke, suspend, or impose additional conditions on a Salvage Yard license if a person licensed to operate a Salvage Yard in the Township: (1) violated a provision of this Ordinance or a condition of a Salvage Yard license; (2) provided false information on a Township Salvage Yard license or renewal application; or (3) had a similar license revoked or suspended in a different jurisdiction. Before revoking, suspending, or imposing additional conditions on a Salvage Yard license, the Township must either personally deliver or mail by first-class mail a Notice of License Revocation to a Salvage Yard that describes in writing the alleged conduct that caused the notice and that sets a date and place for hearing before the Township Board no earlier than seven (7) days from the date of the Notice of License Revocation where the Township Board will consider whether to revoke, suspend, or impose additional conditions on a licensed Salvage Yard. At such hearing, all person(s) who have an ownership interest in the Salvage Yard will be allowed to present evidence and testimony related to the allegations in the Notice of License Revocation subject to reasonable rules imposed by the Township Board. The Township Board may also consider all other evidence and testimony of interested persons related to the alleged violations. At the conclusion of the hearing, the Township Board shall have five (5) business days to submit a written decision to the persons with an ownership interest in the Salvage Yard that either revokes, suspends, or imposes additional conditions on the Salvage Yard license and includes the reasons for such a decision. The written decision shall be final and is subject to appeal in a court of competent jurisdiction within Ionia County, Michigan.
- D. Penalties: Any person that violates any provision of this Ordinance or fails to comply with a duly authorized Stop Work Order issued pursuant to this Ordinance, shall be deemed responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. Any individual authorized by the Township Board or by Ordinance may issue a municipal civil infraction or otherwise enforce this Ordinance or impose any of the penalties prescribed in this section. The Township may also enforce this Ordinance by any other remedies available under Michigan law including, but not limited to, injunctive relief and misdemeanor prosecution. Each day that a violation continues shall constitute a separate offense and the Township may use the penalties authorized above in combination with a Stop Work Order or actions to revoke a license as authorized in this Ordinance.

SECTION 6: ABANDONMENT. Any Salvage Yard that allows a license required under this Ordinance to expire for a period exceeding 30 days without reapplying for a subsequent license or renewal license is deemed abandoned. Abandoned Salvage Yards may not seek Existing Salvage Yard Waivers and must submit a full Salvage Yard Application and obtain a new Salvage Yard license before operating within the Township.

SECTION 7: SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION 8: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed including the entirety of Odessa Township Ordinance No. 3, Salvage Yard Ordinance, as amended by Odessa Township Ordinance No. 14.

SECTION 9: EFFECTIVE DATE. This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.

ROLL CALL VOTE:

YEAS: Bulling, Williams, Rohrbacher & Goodenough

NAYS: none

ABSENT/ABSTAIN: Doone

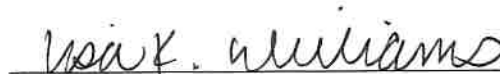
ORDINANCE DECLARED ADOPTED


David Bulling, Odessa Township Supervisor

CERTIFICATION

I, Lisa Williams, Clerk of Odessa Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 26, adopted by the Odessa Township Board on October 5, 2020. A Notice of Adoption was duly published in the Lakewood News newspaper, a newspaper that circulates within Odessa Township, on October 10, 2020. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Ionia County Clerk on October 12, 2020.

Attested:


Lisa Williams, Odessa Township Clerk

**ODESSA TOWNSHIP
IONIA COUNTY, MICHIGAN
ODESSA TOWNSHIP SALVAGE YARD ORDINANCE
ORDINANCE NO. 26**

NOTICE OF ADOPTION

Please take notice that on October 5, 2020, the Township Board of Odessa Township adopted Ordinance No. 26, the Odessa Township Salvage Yard Ordinance, which regulates the activities of Salvage Yards and requires Salvage Yards in the Township to obtain a license as authorized under the laws of the State of Michigan to protect the health, safety, and general welfare of the residents, property owners, and people within Odessa Township and repeals and replaces the Township's former Salvage Yard Ordinance (No. 3) as amended by Ordinance No. 14. Copies of the Ordinance may be obtained from Lisa Williams, Odessa Township Clerk, at 3862 Laurel Drive, Lake Odessa, Michigan 48849 (please call 616-374-4237 due to COVID-19 closures).

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: License Required; Section 4: Performance Standards; Section 5: Enforcement and Penalties; Section 6: Abandonment; Section 7: Severability; Section 8: Repeal; and Section 9: Effective Date, which is 30 days after this publication.

Published by Order of the Township Board
Odessa Township, Ionia County, Michigan

Lisa Williams, Township Clerk
(616) 374-4237

Publication Date: October 10, 2020

ODESSA TOWNSHIP ORDINANCES

ORDINANCE #	TITLE	INFORMATION	ADOPTED	EXPIRES
1	FISCAL YEAR ORDINANCE		March 5, 1979	none
#2 REPLACED	JUNK ORDINANCE	REPLACED BY #11	Sept. 10, 1979	
#3 AMENDED	SALVAGE YARD ORDINANCE	AMENDED BY #14	Sept. 10, 1979	
#4 RECINDED	CABLE TV ORDINANCE	RECINDED 10-6-2008	Aug. 3, 1998	Aug. 3, 2008
#5 REPLACED	CEMETERY ORDINANCE	REPLACED BY #10	July 7, 1986	
6	CONSUMER POWER COMPANY GAS AND/OR ELECTRIC ORDINANCE	REPLACED BY #25	Dec. 4, 1989	Dec. 12, 2019
7	ELECTRIC SERVICE FRANCHISE ORDINANCE		June 4, 1990	May 2, 2046
8	LAND USE ORDINANCE		Sept. 22, 1997	none
9	WATER SERVICE LIEN ORDINANCE		April 6, 1998	none
10	CEMETERY ORDINANCE		April 16, 1998	none
11	JUNK ORDINANCE		Sept. 14, 1998	none
12	PUBLIC NUDITY ORDINANCE		Dec. 6, 1999	none
13	ENFORCEMENT OFFICER ORDINANCE		February 2, 2000	none
14 REPLACED	SALVAGE YARD ORDINANCE-AMENDMENT	REPLACED BY #26	Aug. 7, 2000	none
15	HAZARDOUS MATERIALS ORDINANCE		February 5, 2000	none
16	TELECOMUNNICATIONS ORDINANCE		November 25, 2002	none
17	PENSION PLAN ORDINANCE		July 7, 2003	none
18	PRIVATE ROAD ORDINANCE		October 3, 2005	none
#19 REPEALED	SANITARY SEWER USE ORDINANCE	LAKESWOOD WASTEWATER	November 4, 2013	February 5, 2018
20	FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE			none
21	ODESSA TOWNSHIP FIRE DEPARTMENT ORDINANCE		December 5, 2016	none
22	MARIHUANA ESTABLISHMENT		December 3, 2018	none
23	WIND ENERGY ORDINANCE		May 6, 2019	none
24	NOISE ORDINANCE		August 5, 2019	none
25	CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE		December 2, 2019	December 2, 2049
26	SALVAGE YARD ORDINANCE		October 5, 2020	none
27	CIVIL INFRACTION ORDINANCE		December 6, 2021	none

TOWNSHIP BOARD FOR THE TOWNSHIP
OF ODESSA, IONIA COUNTY, MICHIGAN

RESOLUTION

WHEREAS, in accordance with Act 345 of the Public Acts of the State of Michigan of 1966 as amended by Act 234 of said Public Acts of 1972, being M.S.A. 11.419 (1) et. seq., the said Township Board of the Township of Odessa hereby joins with the Township of Woodland, Barry County, Michigan and the Village of Lake Odessa, Ionia County, Michigan in passing this resolution to create a Lake Board for Jordan Lake which lake is made up of areas lying in all three municipal units and in Barry and Ionia County in accordance with said Act,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

(1) That the Township of Odessa, Ionia County, Michigan, does hereby join in the creation of said Lake Board in accordance with said Act 345 of the Public Acts of the State of Michigan of 1966 as amended by Act 234 of said Public Acts of 1972, being M.S.A. 11.419 (1) et. seq.

(2) In accordance with said Act, the said Lake Board shall consist of the Barry County Drain Commissioner, the Ionia County Drain Commissioner, a member of the Ionia County Board of Commissioners, a member of the Barry County Board of Commissioners, a representative of the Village of Lake Odessa, a representative of the Township of Woodland, Barry County, Michigan, a representative of the Township of Odessa, and a representative of the Department of Natural Resources. Upon being duly constituted, the Lake Board shall then elect a chairman and a secretary.

(3) The Lake Board shall determine the scope of the Lake Improvement Project concerning said Jordan Lake in accordance with the aforesaid Public Act and shall establish a special assessment district including therein all parcels of land and local units which will be benefited by the improvement of said Jordan Lake.

(4) The Lake Board shall in accordance with Section 10 of said Act, retain a registered professional engineer to prepare an engineering feasibility report and economic study report and an estimate of cost.

The said report of the professional engineer shall include the specific requirements concerning the recommended improvements as set forth in Section 10(2) of said Act.

The estimate of costs shall show possible assessments for the project and the effects of the proposed assessments on the local units involved.

(5) Upon receipt of this said report, the Lake Board shall hold such hearing or hearings as required to determine the practicability of the project and if it determines the project to be practicable, by resolution it shall proceed with the said project of Lake Improvement in accordance with the Act aforesaid.

(6) The aforesaid Resolution is expressly subject to further action with respect to said Lake Improvement Project or with respect to said Lake Board as may be hereafter determined by the governing bodies of the above named local units of government who join in the creation of this Lake Board on a year to year basis.

CERTIFICATE

The foregoing Resolution was adopted by the Township of Lake Odessa, County of Ionia, State of Michigan, at a meeting duly held on the fifth day of January 1981.

I, Nancy Hickey, duly qualified and elected clerk of the Township of Odessa, County of Ionia, Michigan, hereby certify that the foregoing is a true and correct copy of the resolution of the Jordan Lake Board.

Nancy Hickey 1-5-81
Nancy Hickey, Clerk

