CODE OF ORDINANCES CAMBRIDGE TOWNSHIP, MICHIGAN

Published in 2018 by Order of the Township Board

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Township Treasurer

Phillip Schaedler

Township Attorney

PREFACE

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

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

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

Chapter and Section Numbering System

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

Page Numbering System

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

CODE	CD1:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

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

Looseleaf Supplements

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

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

Acknowledgments

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

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

Copyright

ORDINANCE NO. 18-01

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

THE TOWNSHIP OF CAMBRIDGE, MICHIGAN ORDAINS:

Section 1. Short title. This ordinance shall be known as the "Code of Ordinances adopting ordinance" and may be so cited.

Section 2. Adoption of Code of Ordinances. The Code entitled "Code of Ordinances, Cambridge Township, Michigan," published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, is adopted.

Section 3. Repealer. All ordinances of a general and permanent nature enacted on or before August 10, 2016, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 4. Prior ordinances not revived. The repeal provided for in section 3 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 5. Penalty. Except as otherwise provided by law and by this Code, a person convicted of a violation of this Code shall be guilty of a misdemeanor and punished by a fine not to exceed $500.00, imprisonment for a period of not more than 90 days, or both; however, unless otherwise provided by law, a person convicted of a violation of any provision of this Code that substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine of not more than $500.00, imprisonment for a term of not more than 93 days, or both. A person convicted of a violation of this Code shall be responsible for costs.

Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Township may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 6. Code additions or amendments. Additions or amendments to the Code when passed in such form as to indicate the intention of the Township Board to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Later ordinances. Ordinances adopted after August 10, 2016, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. Effective date. This ordinance shall become effective Feb. 14, 2018.
PASSED AND ADOPTED by the Township Board this 14th day of February, 2018.

By:

/s/ William R. Gentner
Supervisor

ATTEST:

/s/ Rick W. Richardson
Clerk

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent

nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the code's historical evolution.

Legislation	Date Adopted	Include/Omit	Supp. No.
Ord. No. 17-01	2- 8-2017	Included	1
Ord. No. 18-01	2-14-2018	Included	1
Ord. No. 18-02	7-11-2018	Included	1
Ord. No. 18-05	12-12-2018	Included	2
Ord. No. 18-03	1- 9-2019	Included	2
Ord. No. 18-04	1- 9-2019	Included	2
Ord. No. 19-01	1- 9-2019	Omitted	2
Ord. No. 19-02	2-13-2019	Included	2
Ord. No. 19-03	6-12-2019	Omitted	2
Ord. No. 19-04	8-14-2019	Included	2
Ord. No. 19-05	8-14-2019	Included	2
Ord. No. 19-06	8-14-2019	Included	2
Ord. No. 19-07	8-14-2019	Included	2
Ord. No. 19-08	8-14-2019	Included	2
Ord. No. 19-09	10- 9-2019	Included	3
Ord. No. 19-10	11-13-2019	Included	3
Ord. No. 2020-03	5- 6-2020	Included	3

Ord. No. 2020-04	5- 6-2020	Included	3

Chapter 1 - GENERAL PROVISIONS

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

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

State Law reference— Authority to codify ordinances, MCL 41.186.

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

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

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

Agencies, officers. Any reference to any local, state or federal agency or officer shall include any successor agency or officer.

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

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

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either…or," the conjunction shall be interpreted as follows:

(1) The term "and" indicates that all the connected terms, conditions, provisions or events apply.

(2) The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3) The term "either…or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

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

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

Gender. Terms of one gender include all other genders.

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

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

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

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

MCL. The abbreviation "MCL" means the Michigan Compiled Laws, as amended or revised, and any successor statute.

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

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

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

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

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

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

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

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

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

Public acts. References to public acts are references to the Public Acts of Michigan. (For example, a reference to Public Act No. 246 of 1945 is a reference to Act No. 246 of the Public Acts of Michigan of 1945.) Any reference to a public act, whether by act number or by short title, is a reference to such act as amended.

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

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

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

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

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

Street, highway, alley. The terms "street" and "highway" mean the entire width subject to an easement for a public right-of-way or owned in fee by the township, county or state, or every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The term "alley" means any such way or place providing a secondary means of ingress and egress from property.

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

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

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

Township board. The term "township board" means the township board of Cambridge Township, Michigan.

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

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

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

State Law reference— Definitions and rules of construction applicable to state statutes, MCL 8.3 et seq.

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

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

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

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

State Law reference— Catchlines in state statutes, MCL 8.4b.

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

(a) Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive any repealed ordinance.

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

State Law reference— Effect of repeal of state statutes, MCL 8.4 et seq.

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

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

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

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

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

State Law reference— Ordinance adoption procedures, MCL 41.185.

Sec. 1-6. - Supplementation of Code.

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

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

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

(1) Arrange the material into appropriate organizational units.

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

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

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

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

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

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

(a) Except as otherwise provided by law or ordinance, violations of this Code are a misdemeanor.

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

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

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

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

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

(c) Misdemeanors.

(1) A person convicted of violating this Code so designated in the text as a misdemeanor shall be guilty of a misdemeanor and shall be sentenced by the court for a period not to exceed 90 days in jail and/or ordered to pay a fine not to exceed $500.00; provided, however, that a violation of this Code is punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days.

(2) Except as otherwise provided by law or ordinance:

a. As to misdemeanor violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

b. As to misdemeanor violations of this Code that are not continuous with respect to time, each violation constitutes a separate offense.

(3) Penalties not exclusive. In addition to any penalties provided for in this Code, any equitable or other remedies available may be sought. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(d) Municipal civil infractions.

(1) Any person, firm, or corporation who shall be responsible for a municipal civil infraction shall be subject to the penalties set forth in this Code.

(2) A person, firm or corporation who admits or is found responsible for committing a municipal civil infraction shall pay a civil fine as prescribed by an ordinance or as determined by the district court, district court judge, or district court magistrate.

(3) Notwithstanding any other provisions of the Michigan Compiled Laws and this Code to the contrary violation of any of the provisions of Chapter 6, Animals; Chapter 8, Bed and Breakfasts; Chapter 10, Buildings and Building Regulations; Chapter 12, Cemeteries; Chapter 14, Emergencies; Chapter 16, Environment; Chapter 18, Fire Prevention and Protection; Chapter 20, Land Divisions, Subdivisions and Condominiums; Chapter 22, Medical Marihuana; Chapter 24, Offenses, Article V, Article VIII, and Article X, except as otherwise specified; Chapter 26, Outdoor Assemblies; Chapter 28, Telecommunications; Chapter 30, Traffic and vehicles, except as otherwise specified; Chapter 32, Utilities; Chapter 34, Waterways; and Chapter 36, Zoning shall be a municipal civil infraction.

(4) [Violations and penalties.]

a. A violation of this section is a municipal civil infraction, for which the fine shall be not less than $50.00 nor more than $500.00 for the first offense and not less than $100.00 nor more than $2,500.00 for subsequent offenses, in the discretion of the court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this section committed by the same person for the same property within 12 months of a previous violation of the same provision of this section for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

b. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection (4)a. hereof, the township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this section or any provision of this section.

c. All remedies available to the township under this section and Michigan law shall be deemed to be cumulative and not exclusive.

d. Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this section is also hereby declared to be a nuisance per se.

e. Each and every day during which a violation of this section shall exist shall be deemed to be a separate offense.

f. Any person, firm or entity that assists with or enables the violation of this section shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this section involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this section shall be deemed a violation of the provision of this section involved as if the violation had been successful or completed.

(e) Except as otherwise provided by law or ordinance:

(1) As to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(2) As to other violations, each violation constitutes a separate offense.

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

(g) Remedies not exclusive. In addition to any remedies provided for in this Code, any equitable or other remedies available may be sought.

(h) The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

(i) A municipal civil infraction shall not be a lesser-included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

(j) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

(Ord. No. 19-04, 8-14-2019; Ord. No. 19-05, § I, 8-14-2019)

State Law reference— Penalty for ordinance violations, MCL 41.183.

Sec. 1-8. - Severability.

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Code that can be given effect without the invalid or unconstitutional provision or application, and, to this end, the provisions of this Code are severable.

State Law reference— Severability of state statutes, MCL 8.5.

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

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

State Law reference— Similar provisions as to state statutes, MCL 8.3u.

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

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

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

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

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance listed below. Such ordinances or portions of ordinances continue in full force and effect to the same extent as if published at length in this Code.

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

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

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

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

(5) Making or approving any appropriation or budget.

(6) Providing for salaries or other employee benefits not codified in this Code.

(7) Granting any right or franchise.

(8) Adopting or amending the master plan.

(9) Levying or imposing any special assessment.

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

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

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

(13) Levying, imposing or otherwise relating to taxes.

(14) Rezoning property or amending the zoning map.

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

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

(17) The purpose of which has been accomplished.

Chapter 2 - ADMINISTRATION[1]

Footnotes:

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State Law reference— Townships generally, MCL 41.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

ARTICLE I. - IN GENERAL

Secs. 2-1—2-18. - Reserved.

ARTICLE II. - TOWNSHIP BOARD (RESERVED)[2]

Footnotes:

--- (**2**) ---

State Law reference— Township board, MCL 41.70 et seq.

Secs. 2-19—2-39. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES[3]

Footnotes:

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State Law reference— Township officers generally, MCL 41.61 et seq.

Sec. 2-40. - Ordinance enforcement officer.

(a) *[Established.]* There is hereby established the office of ordinance enforcement officer within the Cambridge Township, Lenawee County, Michigan.

(b) *Appointment.* The Cambridge Township Board is hereby authorized, by resolution, at any regular meeting of said board, to appoint any person or persons to the office of ordinance enforcement officer for such term or terms as may be designated in said resolution. Said board may further, by resolution, remove any person from said office, in the discretion of said board.

(c) *Duties.* The ordinance enforcement officer is hereby authorized to enforce all ordinances of Cambridge Township, whether currently or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the ordinance enforcement officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. Any ordinance-enforcing authority of the township supervisor and any other officers specifically designated in any township ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within ordinance.

(d) *Definitions.* The ordinance enforcement duties herein authorized shall include, among others, the following:

(1) Investigating ordinance violations;

(2) Serving notice of violations;

(3) Serving appearance tickets as authorized under Chapter 4 of the Code of Criminal Procedure Act, Public Act 175 of 1927, as amended (MCL 764.9c);

(4) Appearing in court or other judicial proceedings to assist in the prosecution of ordinance violators; and

(5) Such other ordinance enforcement duties as may be delegated by the township supervisor or assigned by the township attorney.

(Ord. No. 19-08, §§ 1—4, 8-14-2019)

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

Secs. 2-41—2-66. - Reserved.

ARTICLE IV. - EMPLOYEE BENEFITS[4]

Footnotes:

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State Law reference— Certain fringe benefits authorized, MCL 41.110b.

DIVISION 1. - GENERALLY

Secs. 2-67—2-90. - Reserved.

DIVISION 2. - PENSION PLAN

Sec. 2-91. - Title.

This division shall be known and cited as the "Cambridge Township Pension Plan Ordinance."

(Ord. of 6-12-1991, § 1)

Sec. 2-92. - Annuity and pension plans established.

Pursuant to Public Act No. 77 of 1989 (MCL 41.1b et seq.), the township 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 for annuities or pensions.

(Ord. of 6-12-1991, § 2)

Sec. 2-93. - Officers and employees covered by pension plan.

The annuity or pension plans created, established and contracted for under this division shall cover each person within the following classes of officers and employees: All members of the township board (elected officials) must be all full-time employees.

(Ord. of 6-12-1991, § 3)

Secs. 2-94—2-114. - Reserved.

DIVISION 3. - GROUP INSURANCE PLAN

Sec. 2-115. - Title.

This division shall be known and cited as the "Cambridge Township Group Insurance Plan Ordinance."

(Ord. No. 93-04, § 1, 7-14-1993)

Sec. 2-116. - Established.

Pursuant to Public Act No. 77 of 1989 (MCL 41.1b et seq.), the township hereby creates and establishes a group insurance plan covering life, health, hospitalization, medical and surgical service and expense and accident insurance of its officers and employees enumerated herein, and their dependents, and for such purposes, also hereby authorizes the township supervisor and the township clerk to contract, in the name of the township board, subject to approval of the township board, with any company authorized to transact such business within the state for such group insurance policies.

(Ord. No. 93-04, § 2, 7-14-1993)

Sec. 2-117. - All full-time employees covered.

The group insurance plan created, established and contracted for under this division shall cover each person within the following classes of officers and employees and shall also cover the dependents of such person: All full-time employees who notify the clerk in writing that they wish to have insurance coverage.

(Ord. No. 93-04, § 3, 7-14-1993)

Sec. 2-118. - Existing insurance ratified.

The township hereby ratifies and confirms the validity of any life, health, hospitalization, medical and surgical service and expense and accident insurance or any one or more of such forms of insurance in existence on the effective date of the ordinance from which this division is derived.

(Ord. No. 93-04, § 4, 7-14-1993)

Secs. 2-119—2-149. - Reserved.

ARTICLE V. - BOARDS AND COMMISSIONS

DIVISION 1. - GENERALLY

Secs. 2-150—2-166. - Reserved.

DIVISION 2. - PLANNING COMMISSION

Sec. 2-167. - Scope, purpose and intent.

(a) This division is adopted pursuant to the authority granted the township board under the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), and the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this division and any future amendments to this division.

(b) The purpose of this division is to provide that the township board shall hereby confirm the establishment under the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), of the township planning commission formerly established under the township planning act, Public Act No. 168 of 1959 (MCL 125.321 et seq.); to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

(Ord. of 9-8-2010, § 1)

Sec. 2-168. - Establishment.

The township board hereby confirms the establishment under the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), of the township planning commission formerly established under the township planning act, Public Act No. 168 of 1959 (MCL 125.321 et seq.). The township planning commission shall have nine members. Members of the township planning commission as of the effective date of the ordinance from which this division is derived shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

(Ord. of 9-8-2010, § 2)

Sec. 2-169. - Appointments and terms.

(a) The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

(b) The planning commission members, other than an ex officio member, shall serve for terms of three years each.

(c) A planning commission member shall hold office until his successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

(d) Planning commission members shall be qualified electors of the township (note: a qualified elector is a U.S. citizen, 18 years old, who has been a resident of the state for six months and a resident of the township for at least 30 days), except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

(e) One member of the township board shall be appointed to the planning commission as an ex officio member.

(f) An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his term on the township board.

(g) No other elected officer or employee of the township is eligible to be a member of the planning commission.

(Ord. of 9-8-2010, § 3)

Sec. 2-170. - Removal.

The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

(Ord. of 9-8-2010, § 4)

Sec. 2-171. - Conflict of interest.

(a) Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this section constitutes malfeasance in office.

(b) For the purposes of this section, the term "conflict of interest" is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

(1) An immediate family member is involved in any request for which the planning commission is asked to make a decision. The term "immediate family member" is defined as the planning commission member's spouse, the member and members' spouses' children (including adopted) and their spouses' step-children and their spouses' grandchildren and their spouses' parents and step-parents, brothers and sisters and their spouses' grandparents, parents-in-law, grandparents-in-law, or any person residing in the planning commission member's household.

(2) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.

(3) The planning commission member owns or has a financial interest in neighboring property; for purposes of this subsection, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by chapter 36 or other applicable ordinance.

(4) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

(Ord. of 9-8-2010, § 5)

Sec. 2-172. - Compensation.

The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

(Ord. of 9-8-2010, § 6)

Sec. 2-173. - Officers and committees.

(a) The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the planning commission bylaws.

(b) The planning commission may also appoint advisory committees whose members are not members of the planning commission.

(Ord. of 9-8-2010, § 7)

Sec. 2-174. - Bylaws, meetings and records.

(a) The planning commission shall adopt bylaws for the transaction of business.

(b) The planning commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

(c) Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

(d) The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.).

(e) The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.).

(Ord. of 9-8-2010, § 8)

Sec. 2-175. - Annual report.

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

(Ord. of 9-8-2010, § 9)

Sec. 2-176. - Authority to make master plan.

(a) Under the authority of the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

(b) Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

(c) Unless rescinded by the township, any plan adopted or amended under the township planning act, Public Act No. 168 of 1959 (MCL 125.321 et seq.), need not be readopted under the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

(Ord. of 9-8-2010, § 10)

Sec. 2-177. - Zoning powers.

(a) The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former township zoning act, Public Act No. 184 of

1943 (MCL 125.271 et seq.); the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.); or other applicable zoning statutes to the township planning commission formerly established under the township planning act, Public Act No. 168 of 1959 (MCL 125.321 et seq.).

(b) Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

(Ord. of 9-8-2010, § 11)

Sec. 2-178. - Capital improvements program.

To further the desirable future development of the township under the master plan, the township board, after the master plan is adopted, shall prepare or cause to be prepared by the township supervisor or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six-year period. The prepared capital improvements plan, if prepared by someone other than the township board, shall be subject to final approval by the township board. The planning commission is hereby exempted from preparing a capital improvements plan.

(Ord. of 9-8-2010, § 12)

Sec. 2-179. - Subdivision and land division recommendations.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

(Ord. of 9-8-2010, § 13)

Secs. 2-180—2-196. - Reserved.

ARTICLE VI. - FINANCE[5]

Footnotes:

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State Law reference— Uniform budgeting and accounting act, MCL 141.421 et seq.; keeping of public moneys, MCL 129.11 et seq.; deposit of public moneys, MCL 211.43b; revised municipal finance act, MCL 141.2101 et seq.

DIVISION 1. - GENERALLY

Secs. 2-197—2-215. - Reserved.

DIVISION 2. - COST RECOVERY FOR POLICE AND FIRE EMERGENCY SERVICES[6]

Footnotes:

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State Law reference— Authority to collect fee for fire services, MCL 41.806a; expenses for reimbursement for emergency response, MCL 769.1f; environmental remediation, MCL 324.20101 et seq.

Sec. 2-216. - Purpose.

The township hereby finds that persons in and traveling through the township historically have needed, caused or contributed to the need for certain public safety and fire emergency services, which needs and situations have negatively affected the health, environment, and welfare of some township residents and real property located within the township. In addition, the township has found that it has incurred costs associated with the provision of these certain public safety and fire emergency services. As a result of these determinations, the township has adopted this division to allow the township to recover costs incurred by the township in connection with the provisions of these certain public safety and fire emergency services.

(Ord. No. 16-02, § 1, 5-18-2016)

Sec. 2-217. - Definitions.

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

*Assessable cost*s means the costs incurred by the township, including, but not limited to, the actual labor, equipment and material costs to the township, whether or not such services are provided by the township or by a third party independent contractor on behalf of the township; service charges or interest; attorneys' fees; litigation costs; and any costs, charges, fines, or penalties to the township imposed by any local, state, or federal governmental entities. The actual labor, equipment and material costs to the township include, without limitation, employee wages; workers' compensation benefits; overtime; fringe benefits; administrative overhead; costs of equipment; costs of equipment operation, materials, excavation, transportation, and disposal; costs of any contracted labor or materials; and any and all other labor and material costs. The township labor and equipment costs shall be as established by resolution of the township board of trustees and may be adjusted from time to time by resolution.

Excessive requests for emergency assistance means any request for emergency assistance (e.g., emergency medical assistance; public safety, police or sheriff services; or fire department services) made for a particular location or commercial entity if that location or commercial entity has requested emergency assistance, of any type, more than five times in the preceding 30 calendar days.

False alarm means any device, automated or manual, that is designed to request or summon emergency assistance or emergency service personnel, including, but not limited to, fire, emergency medical and public safety personnel, which device is activated, intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the highest-ranking emergency service person responding to a false alarm.

Hazardous materials means those elements, substances, wastes, or their byproducts, which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (EPA); or which are contained in the list of toxic pollutants designated by congress or the EPA; or which are defined as hazardous, toxic, pollutant, infectious, flammable, combustible, explosive, or radioactive by any other federal, state, or local statute, law, ordinance, code, rule, regulation, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste substance or material, as now or at any time hereafter in effect. Specifically included, without limitation, as federal and state laws, rules and regulations, are Part 201 of Public Act No. 451 of 1994 (MCL 324.20101 et seq.); the Federal Comprehensive Environmental Response,

Compensation and Liability Act, as amended, 42 USC 9601 et seq.; the Federal Toxic Substances Control Act, as amended, 15 USC 2601 et seq.; the Federal Resource Conservation and Recovery Act, as amended, 42 USC 6901 et seq.; the Federal Hazardous Material Transportation Act, as amended; the Federal Clean Air Act, as amended; the Federal Water Pollution Control Act, as amended; or any similar or successor statute or law, or rules and regulations of the EPA, or any other state or federal department, board, or agency, or any other agency or governmental board or entity having jurisdiction (collectively, the "Environmental Laws"). Hazardous materials specifically include, without limitation, petroleum products, automotive antifreeze, polychlorinated biphenyls and asbestos.

Motor vehicle means any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in section 79 of Public Act No. 300 of 1949 (MCL 257.79), which is required to be registered for use upon the public streets and highways of this state under Public Act No. 300 of 1949 (MCL 257.1 et seq.). For the purposes of this division, the term "motor vehicle" includes those vehicles owned by the government of the United States and any and all trailers or appurtenances to any motor vehicle.

Motor vehicle accident means any collision or contact involving one or more motor vehicles within the public right-of-way or on private property which results in any damage to the motor vehicle involved or other real property.

Motor vehicle fire means any instance in which a motor vehicle is destroyed by or suffers any damage as a result of a fire.

Release means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment, including, but not limited to, the air, soil, groundwater and surface water.

Responsible party means:

(1) In connection with a release of hazardous materials, any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for a release of hazardous materials, either actual or threatened; or that is an owner, tenant, occupant, or party in control of property, real or personal, onto which or from which there is a release of hazardous materials; and the heirs, estates, assigns or successors to any such entity.

(2) In connection with a failure of a utility line, any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the maintenance or failure of the utility line; and the heirs, estates, assigns or successors to any such entity.

(3) In connection with a motor vehicle accident or motor vehicle fire, the registered owner; the operator of the motor vehicle at the time of the motor vehicle accident or motor vehicle fire if different from the registered owner of the motor vehicle; any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the motor vehicle accident or the motor vehicle fire; and the heirs, estates, assigns or successor to any such owner, operator or entity.

(4) In connection with a fire, any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the fire, for the real property on which the fire occurred, or for the object which was damaged or destroyed by the fire; and the heirs, estates, assigns or successor to any such entity.

(5) In connection with a water rescue attempt, any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the situation which necessitated the water rescue attempt; and the heirs, estates, assigns or successors to any such entity.

(6) In connection with excessive requests for emergency assistance, the individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any

other legal entity that is responsible, in whole or in part, for the excessive requests for emergency assistance; or for the real property, location, or commercial entity to which emergency service personnel are summoned pursuant to the excessive requests for emergency assistance; and the heirs, estates, assigns or successors to any such entity.

(7) In connection with a false alarm, the individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the false alarm; or for the real property, location, or commercial entity to which emergency service personnel are summoned pursuant to the false alarm; and the heirs, estates, assigns or successor to any such entity.

Structure means anything constructed or erected which has a permanent location on the ground or is attached to something having such location.

Utility lines means any transmission or service line, cable, conduit, pipeline, wire, main or the like used in any way to provide, collect or transport water, sewage, electricity, liquid hydrocarbons, natural gas, or communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses).

Water rescue attempt means any emergency response by township personnel in connection with any emergency or perceived emergency, on, near or caused by a body of water naturally open to the atmosphere. For purposes of this definition, the term "body of water" includes, without limitation, rivers, lakes, streams, impoundments, estuaries, springs, wells, or other collectors of water, including a wetland, as defined by the Michigan Goemaere-Anderson wetland protection act, as amended, and including an inland lake or stream as defined in the Michigan inland lakes and streams act, as amended.

(Ord. No. 16-02, § 2, 5-18-2016)

Sec. 2-218. - Assessment of costs.

(a) All assessable costs associated with any of the following actions or services may be jointly and severally assessed to any or all responsible parties:

(1) Assessable costs incurred to halt, abate, remediate or remedy any release of any hazardous materials and any liabilities resulting therefrom;

(2) Assessable costs incurred to extinguish or fight a fire at any residential or nonresidential structure, any demolition costs if the structure must be demolished to protect the public safety following the fire, and any liabilities resulting therefrom;

(3) Assessable costs incurred in connection with a utility line failure and any liabilities resulting therefrom;

(4) Assessable costs incurred in connection with any water rescue attempt and any liabilities resulting therefrom;

(5) Assessable costs associated with a motor vehicle accident or motor vehicle fire and any liabilities resulting therefrom;

(6) Assessable costs associated with excessive requests for emergency assistance and any liabilities resulting therefrom; and

(7) Assessable costs associated with a false alarm and any liabilities resulting therefrom.

(b) Any assessable costs which become known to the township following the transmittal of a statement to the responsible party pursuant to this division shall be billed in the same manner on a subsequent statement to the responsible party.

(c) The township treasurer or his designee shall certify to the township supervisor or his designee the total assessable costs incurred by the township. The township supervisor or his designee shall then decide whether to assess any, all, or part of the costs against any of the responsible parties. In deciding

whether to assess any, all, or part of the costs against any of the responsible parties, the township supervisor or his designee shall consider the following factors:

(1) The total costs incurred by the township, including, but not limited to, materials, equipment, manpower, administration, assistance from other sources, etc.;

(2) The risks to the township, its residents, their property, or any other people or property which result from the situation which caused the township to incur assessable costs;

(3) Any injuries or damage to people or property which resulted from a situation which caused the township to incur assessable costs;

(4) Whether the situation which caused the township to incur assessable costs necessitated an evacuation;

(5) Whether the situation which caused the township to incur assessable costs resulted in any damage to the environment; and

(6) Any other factors deemed relevant by the township supervisor.

(d) The township supervisor or his designee may, after consideration of the factors listed in subsection (c) of this section, allocate the costs among and between the responsible parties. Any costs not allocated among or between responsible parties shall be a joint and several liability of each responsible party assessed costs pursuant to subsection (c)3 of this section, regardless of whether that responsible party has any other legal liability apart from this division, and regardless of whether such person is at fault.

(e) The township supervisor or his designee shall direct the police chief and fire chief to send reporting to either the township clerk or a third party as designated by a township board resolution. The township clerk or third party will be responsible for disbursement of claims pursuant to this division to all responsible parties so assessed. A claim statement shall be dated and sent First Class United States Mail, postage prepaid, to the last known address of each responsible party.

(f) The township may charge any costs assessed pursuant to this division to the insurer of any responsible party. The submission of an invoice for the assessed costs to an insurer does not in any way limit or extinguish the liability of a responsible party for the costs assessed pursuant to this division until such time as the assessed costs are paid in full.

(g) If the township supervisor or his designee or the township board decides not to assess all or part of its costs against any responsible party, such decision shall not in any way extinguish or limit a responsible person's liability to other parties for any costs or damages of any kind arising from the release.

(Ord. No. 16-02, § 3, 5-18-2016)

Sec. 2-219. - Notice and right to appear provisions.

(a) Any responsible party who receives a statement of costs assessed pursuant to this division shall be given the opportunity to appear before the township board to request a modification of the assessed costs. Any responsible party who desires to appear before the township board shall file a written request with the township clerk within 14 calendar days of the date of the statement of assessed costs. The responsible party will be placed on the agenda of the next regularly scheduled or special township board meeting which is at least 14 calendar days after the date on which the responsible party files with the township clerk a request to appear. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the costs assessed pursuant to this division should be modified. Any reason, basis or argument for a modification of the assessed costs not set forth in the written request to appear shall be deemed waived by the responsible party. Failure to file a written request to appear within 14 days of the date of the statement of assessed costs shall constitute a waiver of the responsible party's right to appear before the township board and the

responsible party's agreement to pay the assessed costs, which payment must be made within 30 days of the date of the statement sent to the responsible party.

(b) At the township board meeting, the responsible party shall have the opportunity to address the township board regarding the written request that the township board modify the assessed costs. The responsible party shall be limited, in addressing the township board, to those reasons and bases set forth in that responsible party's written request to appear. The township supervisor shall have the opportunity to address the township board to explain the process by which the assessed costs were determined and allocated. The township board, after hearing the responsible party and the township supervisor, shall review the assessed costs and make a final determination regarding the costs assessed to the responsible party. The township board shall pass a resolution detailing its final determination regarding the assessed costs. The township clerk shall then send a statement of assessed costs to the responsible party, by First Class United States Mail, with postage prepaid, to the last known address of the responsible party. The assessed costs shall be due and payable 30 days from the date of that statement. If the responsible party fails to pay the assessed costs within those 30 days, the township shall have available to it all remedies available under section 2-220.

(Ord. No. 16-02, § 4, 5-18-2016)

Sec. 2-220. - Failure to pay; procedure to recover.

To the extent allowed by applicable law, any responsible party who fails to timely pay the costs assessed pursuant to this division shall be considered in default. In the case of default, the township board may authorize the township attorney to commence a civil action to recover the costs, plus a late payment penalty of one percent per month or part of a month during which the costs remain unpaid, together with attorneys' fees and any other costs allowed by law.

(Ord. No. 16-02, § 5, 5-18-2016)

Sec. 2-221. - Administrative liability.

No officer, agent, employee or member of the township board shall be personally liable for any damage that may accrue to any person as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this division.

(Ord. No. 16-02, § 7, 5-18-2016)

Secs. 2-222—2-250. - Reserved.

ARTICLE VII. - MUNICIPAL CIVIL INFRACTION BUREAU[7]

Footnotes:

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Cross reference— General penalty; continuing violations, § 1-7; Ordinance enforcement officer, § 2-40.

State Law reference— Penalty for ordinance violations, MCL 41.183.

DIVISION 1. - MUNICIPAL CIVIL INFRACTION BUREAU

Sec. 2-251. - Title.

This division shall be known and cited as the "Cambridge Township Municipal Ordinance Violations Bureau Ordinance."

(Ord. No. 19-07, § 1, 8-14-2019)

Sec. 2-252. - Definitions.

As used in this division:

Authorized township official means a police officer or other personnel of the township authorized by this ordinance or any other township ordinance to issue municipal civil infraction citations.

Municipal civil infraction means an act or omission that is prohibited by any ordinance of the township, but which is not a crime under the ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of any township ordinance that is a criminal offense.

Municipal civil infraction citation means a written complaint prepared by an authorized township official and filed with the court, in those cases where the alleged violator either denies responsibility or admits responsibility with explanation following the issuance of a municipal civil infraction notice.

Municipal civil infraction notice means a written notice issued and served by an authorized township official which shall notify an alleged violator of the proposed action to be commenced by an authorized township official regarding the occurrence or existence of a municipal civil infraction violation.

(Ord. No. 19-07, § 2, 8-14-2019)

Sec. 2-253. - Establishment, location and personnel of municipal ordinance violations bureau.

(a) *Establishment.* The Cambridge Township Municipal Ordinance Violations Bureau (hereafter "bureau") is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as amended, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

(b) *Location.* The Bureau shall be located at the township hall/office or such other location in the township as may be designated by the township board.

(c) *Personnel.* All personnel of the bureau shall be township employees. The township board may by resolution designate a bureau clerk with the duties prescribed herein and as otherwise may be delegated by the township board.

(Ord. No. 19-07, § 3, 8-14-2019)

Sec. 2-254. - Bureau authority.

The bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this division or other applicable ordinance. The bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

(Ord. No. 19-07, § 4, 8-14-2019)

Sec. 2-255. - Civil infraction action.

(a) *Commencing action.* A municipal civil infraction action shall be commenced by the issuance of a municipal civil infraction notice by an authorized township official directing the alleged violator to contact the bureau for purposes of admitting or denying responsibility for the violation.

(b) *Grounds for issuing notice.* An authorized Cambridge Township official may issue a municipal civil infraction notice to a person if:

(1) The authorized township official witnesses that person commit a municipal civil infraction; or

(2) Based upon investigation, the official has reasonable cause to believe that that person is responsible for a municipal civil infraction; or

(3) Based upon investigation of a complaint by someone who allegedly witnessed that person commit a municipal civil infraction, the official has reasonable cause to believe that that person is responsible for an infraction and if the township attorney approves in writing the issuance of the municipal civil infraction notice.

(Ord. No. 19-07, § 5, 8-14-2019)

Sec. 2-256. - Civil infraction notice.

(a) *Contents of notice.* Municipal civil infraction violation notices shall be issued and served by authorized township officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:

(1) The name and address of the alleged violator;

(2) The violation;

(3) The time within which the person must contact the bureau for purposes of admitting or denying responsibility for the violation;

(4) The amount of the scheduled fines/costs for the violation;

(5) The methods by which the violation may be admitted or denied;

(6) The consequences of failing to pay the required fines/costs or contact the bureau within the required time;

(7) The address and telephone number of the bureau; and

(8) The days and hours that the bureau is open.

(b) *Rights of violator.* Further, the municipal civil infraction notice 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. Request an informal hearing in which event he or she shall appear in person for a hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township; or

b. Request a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) *Effect of failure to admit.* The municipal civil infraction notice shall also inform the alleged violator that in the event the alleged violator admits responsibility "with explanation", denies responsibility or fails to contact the bureau within the prescribed time, a municipal civil infraction citation shall be issued and served.

(Ord. No. 19-07, § 6, 8-14-2019)

Sec. 2-257. - Civil infraction citation.

(a) *When citation shall issue.* Where a person fails to admit responsibility without explanation for a violation within the jurisdiction of the bureau and pay the required civil fines/costs within the designated time period, the bureau clerk or other designated Cambridge Township employee(s) shall advise the authorized township official to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter.

(b) *Content of citation.* The citation filed with the court and served on the alleged violator shall contain the following information:

(1) The name and address of the alleged violator;

(2) A sworn complaint containing all the allegations regarding the violation as set forth in the municipal civil infraction notice;

(3) The place where the alleged violator shall appear in court;

(4) The address and telephone number of the court;

(5) The time as or by which the appearance shall be made;

(6) Clear and unambiguous information on how the alleged violator must respond to the citation; and

(7) 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.

(c) *Rights of violator.* The citation shall also inform the alleged violator of his or her right to admit or deny the violation, as more fully set forth section 2-256(b) of this division.

(d) *Service of the Citation.* A copy of the citation may be served on the alleged violator either by personal service or by first class mail sent to the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

(Ord. No. 19-07, § 7, 8-14-2019)

Sec. 2-258. - Schedule of civil fines/costs.

Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

First violation within three-year period* .....$ 50.00

Second violation within three-year period* 125.00

Third violation within three-year period* 250.00

Fourth or subsequent violation within three-year period* 400.00

*determined on the basis of the date of violation(s).

In addition to the above-prescribed civil fines, costs in the amount of $30.00 shall be assessed by the bureau if the fine and costs are paid within ten days of the date of service of the municipal ordinance violation notice. Otherwise, costs of $50.00 shall be assessed by the bureau.

(Ord. No. 19-07, § 8, 8-14-2019)

Sec. 2-259. - Records and accounting.

The bureau clerk or other designated township official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the township board once a month or at such other intervals as the township board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the bureau and the amount of fines/costs collected with respect to such violations.

The civil fines/costs collected shall be delivered to the township treasurer at such intervals as the treasurer shall require, and shall be deposited in the general fund of the township.

(Ord. No. 19-07, § 9, 8-14-2019)

Sec. 2-260. - Availability of other enforcement options.

Nothing in this division shall be deemed to require the township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

(Ord. No. 19-07, § 10, 8-14-2019)

Secs. 2-261—2-274. - Reserved.

DIVISION 2. - MUNICIPAL PENALTY, CIVIL INFRACTION AND APPEARANCE TICKETS

Sec. 2-275. - Title.

This division shall be known as the "Cambridge Township Municipal Penalty, Civil Infraction and Appearance Tickets Ordinance."

(Ord. No. 19-06, § 1, 8-14-2019)

Sec. 2-276. - Definitions.

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

Act means Act No. 236 of the Public Acts of 1961, as amended, and Public Acts 12 and 26 of 1994, as amended.

Authorized township official means a township official, police officer or other personnel or agent of the township authorized by this division or any ordinance to issue municipal civil infraction citations.

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction 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.

Township means Cambridge Township.

(Ord. No. 19-06, § 2, 8-14-2019)

Sec. 2-277. - Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized township official of a municipal civil infraction directing the alleged violator to appear in court.

(Ord. No. 19-06, § 3, 8-14-2019)

Sec. 2-278. - 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 that has jurisdiction over Cambridge Township.

(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 to 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;

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation; or

(3) Municipal civil infraction citations shall be served by an authorized township official as follows:

a. Except as otherwise provided below, an authorized township official shall personally serve a copy of the citation upon the alleged violator.

b. 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 the 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 owner's last known address.

(Ord. No. 19-06, § 4, 8-14-2019)

Sec. 2-279. - Municipal civil infraction citations; contents.

(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(b) Further, 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 a 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 all 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 the alleged violator must appear in person before a judge or district court magistrate, without 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.

(Ord. No. 19-06, § 5, 8-14-2019)

Sec. 2-280. - General penalties and sanctions for violations of township ordinances; continuing violations; injunctive relief.

(a) Unless a violation of an ordinance of Cambridge Township is specifically designated in the ordinance as a municipal civil infraction, the violation shall be deemed to be a criminal misdemeanor.

(b) The penalty for a misdemeanor violation shall be a fine not exceeding $500.00 (plus costs of prosecution), or imprisonment not exceeding 93 days, or both, unless a specific penalty is otherwise provided for the violation by the ordinance involved.

(c) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the ordinances involved, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, Public Acts 12-26 of 1994, as amended, and other applicable laws.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance (or if the ordinance involved is silent, as set by the Township Board by resolution), the civil fine for a municipal civil infraction violation shall be not less than $50.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this Ordinance, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (i) committed by the same person for the same property within any three year period and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance for a particular municipal infraction violation, the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be not less than $50.00, plus cost.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than $125.00, plus costs.

(d) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.

(e) Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(f) In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

(Ord. No. 19-06, § 6, 8-14-2019)

Sec. 2-281. - Authorized persons-civil infractions tickets.

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Cambridge Township ordinance to the contrary, the following officials are hereby designated as the authorized township officials to issue and serve municipal civil infraction citations of township ordinances which provide for a municipal civil infraction for a violation thereof:

- The township building inspectors.

- The Lenawee County sheriff and all other deputy county sheriffs of said county and any officer of the Cambridge Township Police Department.

- The township fire chief or the assistant fire chief.

- The township supervisor.

- The township mechanical plumbing and electrical inspectors.
- The township ordinance enforcement officer.
- The township clerk.

(Ord. No. 19-06, § 7, 8-14-2019)

Sec. 2-282. - Authorized persons-misdemeanor appearance tickets.

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Cambridge Township ordinance to the contrary, the following officials are empowered to issue and serve appearance tickets for violations or township ordinances that contain criminal misdemeanor penalties for violations of the ordinance involved:

- The township building inspector.
- The Lenawee County sheriff and all other deputy county sheriffs of said county and any officer of the Cambridge Township Police Department.
- The township fire chief or the assistant fire chief.
- The township supervisor.
- The township mechanical, plumbing and electrical inspectors.
- The township ordinance enforcement officer.
- The township clerk.

(Ord. No. 19-06, § 8, 8-14-2019)

Sec. 2-283. - Applicability of the act.

If this division is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

(Ord. No. 19-06, § 9, 8-14-2019)

Chapter 4 - ALCOHOLIC LIQUORS[1]

Footnotes:

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State Law reference— Michigan liquor control code of 1998, MCL 436.1101 et seq.

ARTICLE I. - IN GENERAL

Secs. 4-1—4-18. - Reserved.

ARTICLE II. - LICENSING[2]

Footnotes:

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State Law reference— Local license issuance and revocation recommendations, MCL 436.1501.

Sec. 4-19. - Title.

This article shall be known and may be cited as the "Cambridge Township Liquor License Ordinance."

(Ord. of 3-14-1984, § I)

Sec. 4-20. - Application for new license.

(a) *Application to sell; required information.* Applications for license to sell beer and wine or spirits shall be made to the township board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

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

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

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

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

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

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

(7) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the state.

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

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

(b) *Restrictions.* No such license shall be issued:

(1) To a person whose license, under this article, has been revoked for cause.

(2) To a person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.

(3) To a co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

(4) To a corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.

(5) To a person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.

(6) To a person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.

(7) To a person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.

(8) Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.

(9) For premises where there exists a violation of the single state construction code or fire codes, applicable zoning regulations, applicable public health regulations, or any other applicable township ordinance.

(10) For any new license or for the transfer of any existing license, unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as, but not limited to, food sales, motel operations, or recreational activities.

(11) For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refused disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.

(12) Where the board determines, by majority vote, that the proposed location is inappropriate considering the following:

a. Desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas;

b. The attitude of adjacent residents and property owners;

c. Traffic safety;

d. Accessibility to the site from abutting roads;

e. Capability of abutting road to accommodate the commercial activity;

f. Distance from public or private schools for minors;

g. Proximity of the inconsistent zoning classification; and

h. Accessibility from primary roads or state highways.

(c) *Term of license.* Approval of a license shall be for a period of one-year subject to annual renewal by the township board upon continued compliance with the regulations of this article. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the state liquor

control commission approving such license, which ever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

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

(e) *License hearing.* The township board shall grant a public hearing upon the license application when, in its discretion, the board determines that the issuance of an additional liquor license is in the best interest of the township at large and for the needs and convenience of its citizens. Following such hearing, the board shall submit to the applicant a written statement of its findings and determination. The board's determination shall be based upon satisfactory compliance with the restrictions set forth in subsections (b)(1) through (12) of this section.

(Ord. of 3-14-1984, § II)

Sec. 4-21. - Objections to renewal and request for revocation.

(a) *Procedures.*

(1) Before filing an objection to renewal or request for revocation of a license with the state liquor control commission, the township board shall serve the license holder, by First Class United States Mail, mailed not less than ten days prior to hearing, the notice of a hearing, which notice shall contain the following:

a. Notice of proposed action.

b. Reasons for the proposed action.

c. Date, time and place of hearing.

d. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

(2) Following the hearing, the township board shall submit to the license holder and the commission a written statement of its findings and determination.

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

(1) Violation of any of the restrictions on licenses set forth in section 4-20(b).

(2) Maintenance of a nuisance upon the premises.

(Ord. of 3-14-1984, § III)

Chapter 6 - ANIMALS[1]

Footnotes:

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State Law reference— Authority to adopt animal control ordinance, MCL 287.290; crimes related to animals and birds, MCL 750.49 et seq.; wildlife conservation, MCL 324.40101 et seq.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Presumption of ownership.

Ownership, when applied to the proprietor of any animal, licensed or unlicensed, pedigreed or not, means every person having a right of property in that animal, an authorized agent or representative of its owner, and every person who keeps or harbors the animal or has it in his care, custody or control or every person who permits the animal to remain, for a period in excess of 48 hours, on or about the premises, leased or occupied by himself shall be deemed to be the owner of such animal for the purpose of this chapter.

(Ord. No. 99-01, § 2-1, 1-13-1999)

Sec. 6-2. - Cruelty to animals.

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

Adequate care means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

Animal means any vertebrate other than a human being.

Animal control shelter means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the township or state law.

Animal protection shelter means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.

Licensed veterinarian means a person licensed to practice veterinary medicine under article 15 of the public health code, Public Act No. 368 of 1978 (MCL 333.16101 et seq.).

Livestock means that term as defined in the animal industry act of 1987, Public Act No. 466 of 1988 (MCL 287.701 et seq.).

Neglect means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

Sanitary conditions means an adequate space free from health hazards, including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. The term "sanitary conditions" does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

Shelter means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. The term "shelter," for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes one or more of the following:

(1) The residence of the dog's owner or other individual.

(2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(3) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and

ventilated, contains a doghouse as provided under subsection (2) of this definition that is accessible to the dog.

State of good health means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

Tethering means the restraint and confinement of a dog by use of a chain, rope, or similar device.

Water means potable water that is suitable for the age and species of animal that is made regularly available, unless otherwise directed by a licensed veterinarian.

(b) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(1) Fail to provide an animal with adequate care.

(2) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(3) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(4) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subsection, for purposes of transportation of sled dogs. The term "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(5) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this subsection when the owner or custodian has made a reasonable effort to locate the animal.

(6) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory, to suffer unnecessary neglect, torture, or pain.

(7) Tether a dog, unless the tether is at least three times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(c) This section does not prohibit the lawful killing or other use of an animal, including the following:

(1) Fishing.

(2) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.).

(3) Horse racing.

(4) The operation of a zoological park or aquarium.

(5) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.8301 et seq.).

(6) Farming or a generally accepted animal husbandry or farming practice involving livestock.

(7) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, Public Act No. 380 of 1965 (MCL 16.109).

(8) Scientific research under Public Act No. 224 of 1969 (MCL 287.381 et seq.).

(9) Scientific research under sections 2226, 2671, 2676, and 7333 of the public health code, Public Act No. 368 of 1978 (MCL 333.2226, 333.2671, 333.2676, and 333.7333).

(d) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, Public Act No. 368 of 1978 (MCL 333.18801 et seq.).

(Ord. No. 99-01, § 1-1, 1-13-1999)

State Law reference— Similar provisions, MCL 750.50.

Sec. 6-3. - Animals running at large or trespassing on private property.

(a) It shall be unlawful for the owner or custodian of any animal to allow the animal to run at large on any public or private property in the township, except, however, a dog engaged in hunting need not be leashed when under reasonable control of its owner.

(b) The term "run at large" means the presence of an animal at any place except upon the premises of the owner or custodian; provided, however, an animal shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control it or in an enclosed vehicle.

(Ord. No. 99-01, § 1-2, 1-13-1999)

Sec. 6-4. - Seizure and impounding of dogs.

Any dog found at large or not under reasonable control in the township in violation of section 6-1 or 6-27, or which is suspected of having rabies or of having bitten any person or animal, may be seized and impounded by the animal control officer or any police officer of the county or township.

(Ord. No. 99-01, § 2-4, 1-13-1999)

Secs. 6-5—6-26. - Reserved.

ARTICLE II. - DOGS[2]

Footnotes:

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State Law reference— Dogs, MCL 287.261 et seq.

Sec. 6-27. - Immunization and control.

(a) No dog licensed or unlicensed shall be permitted upon the public streets or off the premises of its owner unless such dog has been immunized against rabies in a manner approved by the state department of health and human services.

(b) For the purpose of this section, a dog licensed or unlicensed shall be deemed under such reasonable control when such dog is with the owners or some member of the owner's family, or some other person with permission of the owners; and the person with the dog can control the animal's behavior by leash, whistle or verbal control.

(c) The owner of any dog that shall exhibit vicious habits toward persons or other domestic animals and/or livestock, including, but not limited to, charging, snarling, growling, or causing injury, etc., or that

molests passersby when such persons are lawfully on a public or private highway, right-of-way or adjacent property are deemed to have violated this article.

(d) All dogs, male or female, sexed or unsexed, of the age of four months or older shall be licensed and have a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture.

(Ord. No. 99-01, § 2-2, 1-13-1999)

Sec. 6-28. - Barking and nuisance.

No person owning, possessing or having charge of any dog shall permit such dog to be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping or howling; or by reason of damaging or trespassing on the property, public or private, of others.

(Ord. No. 99-01, § 2-3, 1-13-1999)

Sec. 6-29. - Licensing and kennels.

(a) All dogs of the age of four months or older shall be licensed. The county animal control agency and/or township police department shall have jurisdiction to enforce this subsection and dog licensing statutes of the state.

(b) A kennel license shall require inspection and approval of the kennel and dogs by the animal control officer of the county. Kennels may only be established in or on property properly zoned for such purpose.

(Ord. No. 99-01, § 2-5, 1-13-1999)

State Law reference— Dog licenses, MCL 287.266 et seq.; kennels, MCL 287.270 et seq.

Chapter 8 - BED AND BREAKFASTS[1]

Footnotes:

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State Law reference— Treatment of bed and breakfasts under the state construction code, MCL 125.1504b; minimum standards for board and room facilities, MCL 125.1513c.

Sec. 8-1. - Definitions.

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

Dwelling unit means a unit in which the principal use is that of a single-family dwelling which contains, as a subordinate use, rooms in which transient guests are lodged and boarded in return for payment.

(Ord. No. 88-1, § 1, 10-12-1988)

Sec. 8-2. - License; issuance, display on premises.

No person, group, organization, corporation or other entity shall operate a bed and breakfast facility within the township without first obtaining a license, to be issued by the township clerk upon a form to be approved by the township board. Such license shall be displayed in a conspicuous place upon the premises of the bed and breakfast facility.

(Ord. No. 88-1, § 2, 10-12-1988)

Sec. 8-3. - License requirements.

Prior to issuance of a license, an applicant shall demonstrate that all of the following requirements have been met:

(1) The structure shall have at least two exit doors from the premises to the outdoors and such exit doors shall be located on different walls of the premises.

(2) Rooms utilized as sleeping rooms shall have a minimum of 100 square feet for two occupants and an additional 30 square feet per each additional occupant. There shall be no more than four occupants per sleeping room.

(3) The structure utilized for a bed and breakfast facility shall be the principal residence operator/owner and said operator/owner shall live and be in residence on the premises when the bed and breakfast services are being provided to the public.

(4) The structure shall remain a residential structure for all purposes and appearances (i.e., the kitchen shall not be remodeled into a commercial kitchen).

(5) A continental breakfast only (coffee, juice and commercially prepared sweet rolls) shall be served or provided to overnight guests and patrons of the establishment. Notwithstanding the foregoing, an establishment with ten or fewer sleeping rooms (including owner and family rooms) may serve a full breakfast at no additional cost to registered guests of the establishment. No food service whatsoever shall be provided to any person other than a resident or overnight guest or patron.

(6) The operator shall maintain a register of the names and addresses of all residents, guests and patrons of the bed and breakfast facility and shall keep such register available for inspection by persons designed by the township board.

(7) The maximum length of stay of any guest or patron of the bed and breakfast establishment shall be 14 consecutive days.

(8) There shall be no separate cooking facilities for residential use and bed and breakfast facility use.

(9) Site illumination shall be kept to a safe minimum and shall be approved by the township ordinance enforcement officer.

(10) Each sleeping room and each hall area shall be equipped with a working smoke detector, the design and placement of which has received approval of the fire chief of the township fire department. In addition, each bed and breakfast facility shall be equipped with an emergency lighting system reasonably calculated to illuminate the anticipated pathway from sleeping areas in the event of an emergency exit. The placement and design of such emergency lighting system shall also be subject to prior approval of the fire chief of the township fire department.

(11) There shall be available two off-street parking spaces, plus one additional off-street parking space per room available for occupancy.

(12) Any sign erected on the premises shall conform to the requirements of chapter 36 and/or any state or federal statutes or regulations governing size and placement of signs.

(Ord. No. 88-1, § 3, 10-12-1988; Ord. No. 97-1, 3-12-1997)

Sec. 8-4. - Term and renewal.

A license granted hereunder shall be non-transferable and shall be effective for a period of one year. Thereafter, a non-transferable renewal license may be granted upon the same terms and conditions then in effect for an original license hereunder.

(Ord. No. 88-1, § 4, 10-12-1988)

Sec. 8-5. - Fees.

Applicants for an original or renewal license hereunder shall pay the fee therefor as established by resolution of the township board.

(Ord. No. 88-1, § 5, 10-12-1988)

Sec. 8-6. - Inspection.

A bed and breakfast facility shall be available at all times for inspection by any agent of the township appointed by the township board to perform such license inspection.

(Ord. No. 88-1, § 6, 10-12-1988)

Sec. 8-7. - Revocation.

Any license issued hereunder shall be subject to immediate revocation upon violation of any of the terms or conditions of this chapter, or upon violation of any other township ordinance, or any state or federal law or regulation. Within 14 days of written notification of such revocation of the license, the licensee shall have the right to apply for a full hearing before the township board.

(Ord. No. 88-1, § 7, 10-12-1988)

Chapter 10 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 10-1. - Temporary certificate of use and occupancy.

(a) On request of the holder of a building permit, the township building inspector may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users.

(b) A temporary certificate of use and occupancy shall not be issued until the owner or applicant for a temporary use and occupancy permit shall file with the township a performance bond, in cash or in a form satisfactory and acceptable to the township, payable to the township and conditioned on the faithful performance, on or before the date specified in such temporary certificate of use and occupancy, of all requirements necessary for a final certificate of use and occupancy. The amount of the required bond which will reflect the anticipated cost of completing the requirements for a final

certificate of use and occupancy shall be fixed in the sole discretion of the township board. The bond shall be released upon written certification of the building inspector that the structure is in full compliance with chapter 36 and building code and a final certificate of use and occupancy may be issued.

(Ord. No. 95-04, 6-14-1995)

Secs. 10-2—10-20. - Reserved.

ARTICLE II. - SINGLE STATE CONSTRUCTION CODE[1]

Footnotes:

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State Law reference— Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 et seq.

Sec. 10-21. - Building official.

Pursuant to the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, in accordance with section 8b of Public Act No. 230 of 1972 (MCL 125.1508b), the building official is hereby designated as the enforcing agency to discharge the responsibility of the township of under such Act. The township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

(Ord. No. 97-6, § 1, 8-28-1997)

State Law reference— Local enforcement of single state construction code, MCL 125.1508b.

Sec. 10-22. - Construction board of appeals.

A construction board of appeals is hereby established, to consist of not less than three nor more than seven members qualified by experience and training to perform the duties of members of the board of appeals as follows:

(1) Members of the township construction board of appeals shall be appointed for six year terms by the township supervisor. Members shall serve until the appointment of their successor.

(2) Members of the construction board of appeals may serve on the board of appeals of more than one governmental subdivision and the township may jointly maintain its construction board of appeals in cooperation with another governmental subdivision or subdivisions.

(3) In the event an enforcing agent or agency of the township refuses to grant an application for a permit under any construction code adopted by the township, or makes any other decision pursuant to or related to such code or codes, an interested person, or the person's authorized agent, may appeal in writing to the construction board of appeals.

(4) The construction board of appeals shall have and may exercise such other duties and powers as shall be conferred upon it by law, including the authority to grant variances as provided in MCL 125.1515, and as shall otherwise be prescribed from time to time by resolution of the township board.

(5) Appeals to the construction board of appeals shall be taken in accordance with the procedures, rules and regulations as shall be determined by the board of appeals consistent with state statute and the terms of this section.

(6) Members of the construction board of appeals may be compensated as from time to time determined by resolution of the township board.

(Ord. No. 99-02, 1-13-1999; Ord. No. 19-02, 2-13-2019)

State Law reference— Construction board of appeals, MCL 125.1514.

Secs. 10-23—10-33. - Reserved.

ARTICLE III. - DANGEROUS BUILDINGS[2]

Footnotes:

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State Law reference— Dangerous buildings, MCL 125.538 et seq.

Sec. 10-34. - Unlawful conduct.

It is unlawful for any owner or agent thereof to keep or maintain any building or part thereof within the corporate boundaries of the township which is a dangerous building as defined in section 10-35.

(Ord. of 6-4-1975(2), § 1)

State Law reference— Similar provisions, MCL 125.538.

Sec. 10-35. - Definitions.

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

Dangerous building means any building or structure which has any of the following defects or is in any of the following conditions:

(1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the township.

(2) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of this article or the single state construction code for a new building or structure, purpose, or location.

(3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.

(4) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this article or the single state construction code.

(5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(6) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.

(7) The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

(8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

(9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, Public Act No. 299 of 1980 (MCL 339.2401 et seq.). For purposes of this subsection, the term "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:

a. A building or structure if the owner or agent does both of the following:

1. Notifies a local law enforcement agency that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this article or the single state construction code.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, the term "secondary dwelling" means a dwelling, including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

(Ord. of 6-4-1975(2), § 2)

State Law reference— Similar provisions, MCL 125.539.

Sec. 10-36. - Notice; contents; hearing officer; filing of notice with officer; service.

(a) Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(b) The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency. If an owner, agent, or lessee is not registered, the notice shall be served on each owner of or party in

interest in the building or structure in whose name the property appears on the last local tax assessment records.

(c) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(d) The hearing officer shall be appointed by the township supervisor to serve at his pleasure. The hearing officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer. The enforcing agency shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(e) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

(Ord. of 6-4-1975(2), § 3)

State Law reference— Similar provisions, MCL 125.540.

Sec. 10-37. - Hearing; testimony; decision; order; nonappearance or noncompliance; review; order to show cause; costs.

(a) At a hearing prescribed by section 10-36, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under section 10-35(10), the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building, including, but not limited to, the maintenance of lawns, trees, and shrubs.

(c) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (b) of this section, the hearing officer shall file a report of the findings and a copy of the order with the township board not more than five days after the date for compliance set in the order and request that necessary action be taken to enforce the order. If the township board has established a board of appeals under section 10-40, the hearing officer shall file the report of the findings and a copy of the order with the board of appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 10-36.

(d) The township board or the board of appeals, as applicable, shall set a date not less than 30 days after the hearing prescribed in section 10-36 for a hearing on the findings and order of the hearing officer. The township board or the board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in section 10-36 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The township board or the board of appeals shall either approve, disapprove, or modify the order. If the township board or board of appeals approves or modifies the order, the township board shall take

all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the township board or the board of appeals determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

(e) The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this article. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the township to bring the property into conformance with this article shall be reimbursed to the township by the owner or party in interest in whose name the property appears.

(f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the township shall have a lien for the cost incurred by the township to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act No. 206 of 1893 (MCL 211.1 et seq.).

(g) In addition to other remedies under this article, the township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(Ord. of 6-4-1975(2), § 4)

State Law reference— Similar provisions, MCL 125.541.

Sec. 10-38. - Enforcement of judgment against other assets; lien; effectiveness; priority.

(a) A judgment in an action brought pursuant to section 10-37(g) may be enforced against assets of the owner other than the building or structure.

(b) The township shall have a lien for the amount of a judgment obtained pursuant to section 10-37(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

State Law reference— Similar provisions, MCL 125.541a.

Sec. 10-39. - Noncompliance with order.

A person who fails or refuses to comply with an order approved or modified by the township board or board of appeals under section 10-37 within the time prescribed by that section is guilty of a misdemeanor.

State Law reference— Similar provisions, MCL 125.541b.

Sec. 10-40. - Board of appeals; establishment; appointment and terms of members; vacancy; election of officers; quorum; compensation; expenses; meetings; writings.

(a) The township board may establish a board of appeals to hear all of the cases and carry out all of the duties of the township board described in section 10-37(c) and (d).

(b) The board of appeals shall be appointed by the township board and shall consist of the following members:

(1) A building contractor.

(2) A registered architect or engineer.

(3) Two members of the general public.

(4) An individual registered as a building official, plan reviewer, or inspector under the building officials and inspectors' registration act, Public Act No. 54 of 1986 (MCL 338.2301 et seq.). The individual may be an employee of the enforcing agency.

(c) Board of appeals members shall be appointed for three years, except that, of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

(d) The board of appeals annually shall elect a chairperson, vice-chairperson, and other officers that the board considers necessary.

(e) A majority of the board of appeals members appointed and serving constitutes a quorum. Final action of the board of appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

(f) The township board shall fix the amount of any per diem compensation provided to the members of the board of appeals. Expenses of the board of appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the township board.

(g) A meeting of the board of appeals shall be held pursuant to the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date, and place of the meeting shall be given in the manner required by such Act.

(h) A writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public pursuant to the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.).

State Law reference— Similar provisions, MCL 125.541c.

Sec. 10-41. - Judicial review.

An owner aggrieved by a final decision or order of the township board or the board of appeals under section 10-37 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Ord. of 6-4-1975(2), § 5)

State Law reference— Similar provisions, MCL 125.542.

Chapter 11 - BUSINESS REGULATIONS

ARTICLE I. - IN GENERAL

Secs. 11-1—11-20. - Reserved.

ARTICLE II. - MARIHUANA ESTABLISHMENTS[1]

Footnotes:

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Cross reference— Medical Marihuana, Ch. 22.

Sec. 11-21. - Title.

This article shall be known as and may be cited as the "Township of Cambridge Prohibition of Marihuana Establishments Ordinance."

(Ord. No. 18-05, § I, 12-12-2018)

Sec. 11-22. - Definitions.

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

(Ord. No. 18-05, § II, 12-12-2018)

Sec. 11-23. - No marihuana establishments.

The Township of Cambridge hereby prohibits all marihuana establishments within the boundaries of the township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

(Ord. No. 18-05, § III, 12-12-2018)

Sec. 11-24. - 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 article. A violation of this article is deemed to be a nuisance per se.

(b) A violation of this article is a municipal civil infraction, for which the fines shall not be less than $100.00 nor more than $500.00, 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 article, and such other relief as may be provided by law.

(e) This article shall be administered and enforced by the ordinance enforcement officer of the township or by such other person(s) as designated by the township board from time to time.

(Ord. No. 18-05, § IV, 12-12-2018)

Chapter 12 - CEMETERIES[1]

Footnotes:

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State Law reference— Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; cemetery regulation act, MCL 456.521 et seq.; permit for disposition of body, MCL 333.2848.

Sec. 12-1. - Title.

This chapter shall be known and cited as the "Cambridge Township Cemetery Ordinance."

(Ord. No. 85-3, § I, 11-13-1985)

Sec. 12-2. - Size of burial spaces.

All burial spaces, in all new additions to cemeteries after 1985, shall consist of a land area four feet wide and 11 feet in length.

(Ord. No. 85-3, § II, 11-13-1985)

Sec. 12-3. - Sale of lots or burial spaces.

All such sales shall be made on a form approved by the township board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the township clerk, or an appointed representative.

(Ord. No. 85-3, § III, 11-13-1985)

Sec. 12-4. - Purchase price and transfer fees.

The purchase prices and transfer fees for burial spaces shall be as currently established or as hereafter adopted by resolution of the township board from time to time.

(1) The fees shall be paid to the ownership and shall be deposited in the general fund for the particular cemetery involved in the sale.

(2) The township board by resolution may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(Ord. No. 85-3, § IV, 11-13-1985)

Sec. 12-5. - Grave opening and closing.

(a) The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost currently established or as hereafter adopted by resolution of the township board from time to time.

(b) There shall be no foundations from October 10 to April 10, except if done by the lot owner under the conditions that it must be done to township specifications and under the supervision of the sexton; the lot owner is to sign a waiver releasing the township from all liability.

(c) No cemetery plot shall be opened or closed except under the direction and control of the cemetery sexton or such other individual as is designated by the township board. This subsection (c) shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the cemetery sexton shall be given at least 24 hours prior notice of when such grave opening or closing will occur.

(Ord. No. 85-3, § V, 11-13-1985; Ord. No. 08-04, 4-9-2008; Ord. No. 14-01, § V, 3-12-2014; Ord. No. 19-09, 10-9-2019)

Sec. 12-6. - Markers or memorials.

(a) All markers or memorials must be of stone or other equally durable composition.

(b) All markers or memorials must be located upon a suitable solid foundation to maintain the same in an erect position and all markers or memorials shall be in line.

(c) Only one monument, marker, or memorial shall be permitted per burial space, except a marker placed flush with the ground.

(d) The footing or foundation upon which any monument, marker, or memorial must be placed shall be constructed by the township at a cost to the owner of the burial right.

(e) Foundations will cost as currently established or as hereafter adopted by resolution of the township board from time to time.

(f) Any vandalism shall be repaired by the owner of each burial space.

(g) The township board by resolution may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(h) The height of any marker or monument shall be limited to 37 inches.

(i) All grave markers or memorials shall be limited in width to be eight inches less than the grave space said marker or memorial is being placed on.

(j) Should any monument or memorial (including any monument or memorial that was in place before Ordinance No. 19-09 became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the township board shall have the right, at the expense of the owner of cemetery plot, to correct the condition or remove the same. The township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.

(k) The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The township has no responsibility or liability regarding the repair, maintenance or upkeep of any such marker, memorial, urn or similar item.

(Ord. No. 85-3, § VI, 11-13-1985; Ord. No. 14-01, § VI, 3-12-2014; Ord. No. 19-09, 10-9-2019)

Sec. 12-7. - Interment and disinterment regulations.

(a) Only one person may be buried in a burial space, expect for a mother and infant or two children buried at the same time. For burial of the remains of persons having been cremated, up to six urns of ashes may be placed in one standard burial site.

(b) Not less than 36 hours' notice shall be given in advance of any time of any funeral to allow for the opening of burial space.

(c) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, and together with the burial transit permit from the health department shall be presented to either the cemetery sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall be satisfied, from his/her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

(d) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(e) No disinterment or the digging up of an occupied grave shall occur without a township disinterment permit.

(f) No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the township.

(g) The township board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

(h) No disinterment permit shall be issued by the township until the township disinterment application form (as authorized by the township board) has been fully completed (and signed by a properly authorized person) and filed with the township.

(Ord. No. 85-3, § VII, 11-13-1985; Ord. No. 19-09, 10-9-2019)

Sec. 12-8. - Ground maintenance.

(a) No grading, leveling, or excavation upon a burial space shall be allowed without the permission of the cemetery sexton or the township clerk.

(b) No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. The township or the cemetery sexton may remove any of the foregoing items planted without such approval.

(c) The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

(d) Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(e) The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.

(f) Surfaces other than earth or sod are prohibited.

(g) All refuse of any kind or nature, including, among others, dried flowers, wreaths, papers, and flower containers, must be removed or deposited in containers located within the cemetery.

(h) Dates for removal will be April 10 and October 10.

(i) Except for markers, memorials, flowers and urns expressly allowed by this chapter, and veterans flags as authorized by law, no other item (including, but not limited to: ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other such structures) shall be installed or maintained within a township cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as authorized by this chapter or by the township.

(Ord. No. 85-3, § VIII, 11-13-1985; Ord. No. 19-09, 10-9-2019)

Sec. 12-9. - Forfeiture of vacant cemetery lots or burial spaces.

Cemetery plots or burial spaces sold after the effective date of Ordinance No. 19-09 and remaining vacant for 40 years or more from the date of their sale shall automatically revert to the township upon the occurrence of the following events:

(1) Notice shall be sent by the township clerk by first class mail to the last known address of the last owner of record informing him/her of the expiration of the 40-year period and that all rights with respect to said plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of such notice of his/her desire to retain such burial rights; and

(2) No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the township clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.

(Ord. No. 85-3, § IX, 11-13-1985; Ord. No. 19-09, 10-9-2019)

Sec. 12-10. - Repurchase of lots or burial spaces.

(a) The township will repurchase any cemetery lot or burial space from the owner for the original price paid the township upon the written request of said owner or his legal heirs or representatives.

(b) There shall be no transfer of lots between parties. All transfers shall be handled as a repurchase and resale through the township.

(Ord. No. 85-3, § X, 11-13-1985)

Sec. 12-11. - Records.

The township clerk and sexton shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township, and the same shall be open to public inspection at all reasonable business hours.

(Ord. No. 85-3, § XI, 11-13-1985)

Sec. 12-12. - Vault.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(Ord. No. 85-3, § XII, 11-13-1985)

Sec. 12-13. - Hours.

(a) The cemetery shall be open to the general public from the hours of dawn to dusk of each day.

(b) No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.

(Ord. No. 85-3, § XIII, 11-13-1985)

Chapter 14 - EMERGENCIES

ARTICLE I. - IN GENERAL

Secs. 14-1—14-18. - Reserved.

ARTICLE II. - AMBULANCE SERVICES[1]

Footnotes:

--- (**1**) ---

State Law reference— Emergency medical services, MCL 333.20901 et seq.; operations and services furnished by local governmental unit, MCL 333.20948.

Sec. 14-19. - Charge for ambulatory services; billing and collection by mutual aid agreement.

(a) Any person who shall make use of any ambulance service provided or contracted by the township or provided by any other private or governmental agency pursuant to a mutual aid agreement shall pay to the township for such service a charge as currently established or as hereafter adopted by resolution of the township board from time to time.

(b) The person receiving service, or parents, legal guardians and/or conservators of a minor or incompetent person, or administrator, executor or personal representative of a deceased person, shall be primarily responsible for payment of the charges set out in this article.

(c) Payment hereunder shall be due within 90 days of the date upon which such charges are billed by the township.

(d) Interest on overdue payments shall accrue at the rate of 1½ percent per month, and costs of collection shall be chargeable to the party primarily responsible for payment.

(e) Notwithstanding anything herein to the contrary, in the event the township shall enter into a mutual aid agreement which calls for billing and collection by an entity other than the township, rates, billing and collection procedures shall be governed under the terms of such mutual aid agreement.

(Ord. No. 87-2, § I, 7-28-1987; Ord. No. 90-2, 6-13-1990)

Sec. 14-20. - Exemption from payment of services.

(a) Notwithstanding the provisions of this article, any active member of the Cambridge Township fire department, or relatives by blood or marriage residing in the same household and at the same address of any such active member, shall be exempt from payment under this article. Also exempt hereunder are retired members of the Cambridge Township fire department and the spouses of such retired members, provided such person claiming exemption shall reside in the township, further provided that eligibility for exemption of a surviving spouse of a retired member shall terminate upon remarriage of such individual.

(b) Active members of the Cambridge Township fire department are defined as any member listed on the active roster on the date ambulance service was rendered and for which exemption is claimed.

(c) Retired members of the Cambridge Township fire department are defined as any individual who is not currently an active member but who has previously been an active member of either department for a period of at least ten years.

(d) The exemption from payment as set forth herein shall apply only to ambulance transport when the point of initial response is within the township.

(Ord. No. 87-2, § II, 7-28-1987)

Chapter 16 - ENVIRONMENT[1]

Footnotes:

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State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

ARTICLE I. - IN GENERAL

Secs. 16-1—16-18. - Reserved.

ARTICLE II. - NUISANCES[2]

Footnotes:

--- (**2**) ---

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

State Law reference— Penalty for ordinance violations, MCL 41.183; Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 16-19. - Definitions.

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

Appliance means any mechanism which is operated by gas, electric current or motor, including, but not limited to, an ice box, refrigerator, or stove.

Garbage means all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

Motor vehicles means any wheeled vehicles which are self-propelled or intended to be self-propelled.

Dismantled or partially dismantled motor vehicles means motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

Inoperable motor vehicles means motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power.

Rubbish means dirt, leaves, grass trimmings, tin cans, waste paper, ashes, straw, shavings, junk and, in general, non-putrescible wastes normally incident to the lawful use of the premises on which accumulated.

(Ord. of 6-4-1975(1), § 5)

Sec. 16-20. - Nuisance defined and prohibited.

Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or stream; or in any way renders the public insecure in life and property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by a provision by this article. No person shall commit, create, or maintain any public nuisance.

(Ord. of 6-4-1975(1), § 1)

Sec. 16-21. - Littering and accumulation of garbage, rubbish, and other material.

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, rubbish, wash water or other noxious or unsightly material or material which interferes with the operation and use of motor vehicles in streets, alleys or public places. It shall be the duty of every occupant of property and the owner of unoccupied property at all times to maintain the premises occupied or owned by him, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as hereinafter provided. It shall be the duty of every occupant of property and the owner of unoccupied property to place any rubbish and/or garbage accumulated or stored outside of a dwelling or building of any premises in containers which shall be placed at the rear or side of buildings in a place which is reasonably inconspicuous and away from streets and places occupied by other persons. Such containers, when used for the storage or accumulation of garbage or rubbish which is contaminated by garbage, shall be constructed of nonabsorbent materials, shall be kept in a clean and sanitary condition and shall be covered; such containers used for the accumulation and storage of rubbish shall be covered if there is a likelihood that rubbish will be carried therefrom by wind or other natural causes. Garbage and rubbish accumulated as aforesaid must be disposed of within a reasonable period of time in a manner not inconsistent with the provisions of this section.

(Ord. of 6-4-1975(1), § 2)

State Law reference— Littering, MCL 324.8901 et seq.

Sec. 16-22. - Grass and noxious weeds.

(a) *Generally.* No person occupying any premises classified for tax purposes as commercial or residential, and no person owning any unoccupied premises classified for as tax purposes as commercial or residential shall fail to keep cut down any grass, rag weed, Canada thistles, burdocks, crab grass, quack grass, wild growing bushes, milk weeds, wild carrots, oxeye, daisies or other noxious weeds growing on property occupied by or owned by him growing on that portion of the street which adjoins property occupied by or owned by him. Any person who shall cut, remove or destroy such weeds, grass and vegetation at least once in every three weeks between May 15 and September 15 of each year shall be deemed to be in compliance with the requirements of this section.

(b) *Duty of occupant/owner.* It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the township to cut and remove or destroy by lawful means all such weeds and grass as often as may be necessary to comply with the provisions of subsection (a) of this section.

Any such weeds or grass that attain the height of 12 inches are hereby declared to be a public nuisance.

(c) *When township to do work.* If the provisions of this section are not complied with, and if any weeds, grass or other vegetation described in subsection (a) of this section are not cut or destroyed once in every three weeks between May 15 and September 15 of each year, the township clerk may cause such weeds, grass or other vegetation to be removed or destroyed and the actual costs of such cutting, removal or destruction (with a minimum charge as currently established or as hereafter adopted by resolution of the township board from time to time) inspection, scheduling, administration, billing and other costs in connection therewith shall be billed to the responsible parties.

(d) *Billing and collection.* The township treasurer shall mail an itemized invoice to the responsible parties to their last known address. Such invoice shall be due and payable within 30 days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent per month or fraction thereof that the amount due remains unpaid. Any invoices not paid when due shall constitute a lien upon the real property where the township performed the work. Such lien shall be of the same character and effect as a lien created for unpaid township real property taxes and shall include accrued interest. The township treasurer shall, prior to October 15 of each year, certify to the township assessor the fact that such assessable costs are delinquent and unpaid. The township assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent unpaid real property taxes.

(e) *Notice provisions.* Notice of the provisions of this section shall be published in a newspaper of general circulation in the township once each month during the months of May through September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby.

(Ord. of 6-4-1975(1), § 3; Ord. No. 00-02, 7-12-2000; Ord. No. 09-01, 6-10-2009; Ord. No. 10-01, 5-12-2010)

Sec. 16-23. - Abandoned or inoperable motor vehicles and appliances.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises to keep dismantled, partially dismantled or inoperative motor vehicles or appliances which shall be stored, placed or permitted to be stored or placed on premises owned or occupied by him, in a wholly enclosed garage or other wholly enclosed structure; provided, however, that the owner of such motor vehicles or appliances may store on the premises of which he is the owner, co-owner, or tenant, any such vehicles that are properly licensed that are not deemed excessive in number; provided further, that the occupant of every premises and the owner of unoccupied premises shall not leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, or lock which may not be released or opened from the inside of said icebox, refrigerator or container, unless the said lock or door has been removed therefrom.

(Ord. of 6-4-1975(1), § 4)

Sec. 16-24. - Enforceability by mandatory injunction.

As a cumulative remedy to prosecution for violation of this article, any person who violates any provision of this article or any rule or regulation adopted or issued in pursuance thereof, may be made a party defendant in a suit in the circuit court for the county; the township shall have the power, through its attorneys, to request that said circuit court issue a mandatory injunction compelling the said party defendant in violation of this article to forthwith comply with said article.

(Ord. of 6-4-1975(1), § 8)

Sec. 16-25. - Non-conforming signs.

(a) *Purpose.* The purpose of this section is to regulate non-conforming signs to protect the public health, safety and general welfare, to protect property values and to protect the character of various neighborhoods, to prevent blight, to prevent public nuisance and to provide for the removal or repair of non-conforming signs in the Township of Cambridge consistent with the provisions of the Michigan Constitution, Article 7, subsection 34 and MCL 41.181.

(b) *Subject matter.* Regulation of signs, including but not limited to: definitions, exemptions; general regulation, including but not limited to: illumination, area, height, setback, type; prohibition; location; specific zoning district regulation; permits and fees; conformity and non-conformity shall be the subject of this section and the Cambridge Township Zoning Ordinance generally and article IV, division 2 specifically.

(c) *Non-conforming signs.* Non-conforming signs shall not:

(1) Be re-established after the activity, business or usage to which it relates has been discontinued for 60 days.

(2) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.

(3) Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the replacement costs as determined by the Ordinance Enforcement Officer.

(d) *Removal of signs.*

(1) The ordinance enforcement officer shall order the removal of any sign erected or maintained in violation of this section except for legal non- conforming signs. Thirty days' notice, in writing, shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located, to remove the sign. The township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the township shall be assessed to the owner of the property on which sign is located and may be collected in the manner of an ordinary debt or in the manner of taxes and such charge will be a lien on the property.

(2) A sign shall be removed by the owner or lessee of the premises on which the sign is located within 180 days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the township shall remove it. This removal provision shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the sign to advertise the type of business conducted on the premises and provided that the sign complies with the provisions of this and other applicable township ordinances.

(e) *Permits and fees.*

(1) A permit shall be required to erect or replace a sign that is regulated by this section except to paint, repaint, clean or perform normal maintenance unless a structural or size change is made. The application shall be made by the owner of the property, or authorized agent thereof, to the township office by submitting the required forms, proper sketches and dimensions and the fee that shall be established from time to time by the township board. As part of the permit process, within 15 days of sign completion, a legible photograph must be submitted to the township office for inclusion into the master township sign inventory record.

(2) Signs for which a permit is required shall be inspected periodically by the ordinance enforcement official for compliance with this and other ordinances of Cambridge Township.

(f) *Enforcement and penalties.* A violation of this section is a misdemeanor and shall be punishable by a sentence of not more than 90 days in jail, or by a fine of not more than $500.00, or both, plus court costs and costs of prosecution, except as otherwise provided.

(Ord. No. 17-01, §§ 1—6, 2-8-2017)

Chapter 18 - FIRE PREVENTION AND PROTECTION[1]

Footnotes:

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State Law reference— State fire prevention act, MCL 29.1 et seq.; crimes related to explosives and bombs, MCL 750.200 et seq.; crimes related to fires, MCL 750.240 et seq.

ARTICLE I. - IN GENERAL

Secs. 18-1—18-18. - Reserved.

ARTICLE II. - FIRE CODE

Sec. 18-19. - Adoption of code.

Cambridge Township ("township") hereby adopts by reference the most current edition of the International Fire Code as promulgated and published by the International Code Council, including the appendix chapters and references to NFPA 1, Fire Prevention Code and NFPA 101, Life Safety Code issued by the National Fire Protection Association, copies of which are on file in the office of the fire chief of the township, as the fire code for the township, for the purpose and intent of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms of such fire code on file in the office of the township clerk are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions insertions, deletions and changes, if any, prescribed in this article.

(Ord. No. 2020-04, § 1, 5-6-2020)

Sec. 18-20. - References.

References in the code and supplements to "state" shall mean the State of Michigan; references to "municipality" shall mean Cambridge Township; references to the term "corporation counsel" shall mean the attorney for the township; reference to the "bureau of fire prevention" shall mean the township fire department, reference to the term "fire code official" shall mean the chief of the fire department or his designee.

(Ord. No. 2020-04, § 2, 5-6-2020)

Sec. 18-21. - Modifications.

The fire chief shall have the power to modify any of the provisions of the fire prevention code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(Ord. No. 2020-04, § 3, 5-6-2020)

Sec. 18-22. - Code changes.

The following sections and subsections of the Fire Prevention Code are hereby revised:

(1) *Section 101.1.* Insert in the blank: "Cambridge Township"

(2) *Section 109.3.* Amend in its entirety:

"*Section 109.3 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any one of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under provision of the code, shall be deemed responsible for a civil infraction. Penalties may be imposed in fines, plus the costs of prosecution, as set forth in the Cambridge Township Municipal Civil Infractions and Violations Penalties, Ordinance 2019-04, as amended.

Section 109.3.1 Abatement of violation. In addition to the imposition of penalties herein described, any violation of this code shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief or specific performance."

(3) *Section 111.4.* Amend in its entirety:

"*Section 111.4. Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be the subject to the penalty provisions of Section 109.3."

(Ord. No. 2020-04, § 4, 5-6-2020)

Sec. 18-23. - Geographic limits.

The geographic limits referred to in certain sections of the Fire Code are hereby established as follows:

(1) *Section 3204.3.1.1* (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Within 1,000 feet of any residence or residential zoning district.

(2) *Section 3404.2.9.5.1* (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Within 1,000 feet of any residence or residential zoning district.

(3) *Section 340.6.2.4.4* (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Within 1,000 feet of any residence or residential zoning district.

(4) *Section 3804.2* (geographic limits in which the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas): Within 1,000 feet of any residence or residential zoning district.

(Ord. No. 2020-04, § 5, 5-6-2020)

Secs. 18-24—18-39. - Reserved.

ARTICLE III. - OPEN BURNING[2]

Footnotes:

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State Law reference— Arson and burning, MCL 750.71 et seq.; open burning, MCL 324.11522 et seq.; prevention and suppression of forest fires, MCL 324.51501 et seq.

Sec. 18-40. - Permit required; contents.

The following information is required for a permit:

(1) Name, address and phone number of person requesting permit.

(2) Location of burning.

(3) Items to be burned.

(Ord. of 9-11-1991, § 1)

Sec. 18-41. - Hours of burning.

It shall be unlawful to burn at any time except between the hours of sunrise and sunset (daylight hours only).

(Ord. of 9-11-1991, § 2)

Sec. 18-42. - Bonfires.

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

Bonfire means a fire greater in size than four inches in diameter and two inches in height or a fire greater in size than a camp fire.

(b) All bonfires located within the township shall require approval from the fire chief or his designee in the perspective area.

(Ord. of 9-11-1991, § 3)

Sec. 18-43. - Burning with permits only; regulations.

(a) Open burning is the burning of trees, brush and other natural materials.

(b) In agricultural areas, the burning of ditch banks, fields and other rights-of-way for the maintenance of wildlife management and to reduce potential fire hazards is permitted with the approval of the fire chief or his designee.

(c) No burning shall be done unless under the charge or supervision of a person of mature years and discretion.

(d) No burning shall be done at any time or place when the wind conditions would create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of a person in the vicinity thereof.

(e) No burning shall be done when excessive smoke would cause a health hazard.

(Ord. of 9-11-1991, § 4)

Sec. 18-44. - Burning containers.

All such burning must be done in a metal or masonry container having a suitable metal cover and so constructed as to prevent the dispersal of sparks and burning materials to neighboring or adjacent buildings or premises. Wire mesh burners or baskets are prohibited. The burner cover or stack shall not have any perforation or openings larger than one-half inch.

(Ord. of 9-11-1991, § 5)

Sec. 18-45. - Nuisances prohibited.

It shall be a nuisance and unlawful for any person to burn, or allow to be burned, at any time or place any materials of any kind which exude obnoxious odors, or when such fire emits sparks or burning embers upon adjoining, adjacent, neighboring or nearby premises.

(Ord. of 9-11-1991, § 6)

Sec. 18-46. - Fire inspections of commercial, multifamily, apartments, etc.

(a) The fire chief or his designee is empowered to enter at any and all reasonable times, upon and into any commercial, multifamily, apartment complexes, building or structure for the purpose of examining and inspecting the same, to ascertain the conditions thereof with regard to fire hazards and the condition, size, arrangement and efficiency of any and all appliances for firefighting. The fire chief is hereby empowered to appoint members of the regular personnel of the fire department to make inspections herein provided, who shall report in writing the results of the inspection to the fire chief and who are hereby empowered to make such written orders for the correction of any hazard or deficiency in correction of any firefighting appliances as the fire chief is authorized to make.

(b) No combustible materials shall be stored, placed or kept under or upon any passageway or stairs, nor shall any such materials be stored, placed or kept in any other part of any building in such a position as to obstruct or render hazardous egress therefrom.

(c) No fire escape, stairway, or balcony in any building shall be obstructed, out of repair or maintained in a hazardous condition. Doors and windows leading to any fire escape shall open easily from the inside.

(d) All doors, hallways and stairways shall be unobstructed at all times.

(e) No person shall do any act which causes any violation of the rules set forth in this section, nor shall any person owning any building or in charge of any building, as agent, employees or otherwise, permit any of said rules to be violated.

(Ord. of 9-11-1991, § 7)

Sec. 18-47. - Public nuisance per se.

Any violation of the provision of the article is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. of 9-11-1991, § 10)

Chapter 22 - MEDICAL MARIHUANA[1]

Footnotes:

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State Law reference— Michigan medical marihuana act, MCL 333.26421 et seq.; medical marihuana facilities licensing act, MCL 333.27101 et seq.; marihuana tracking act, MCL 333.27901 et seq.

ARTICLE I. - IN GENERAL

Secs. 22-1—22-18. - Reserved.

ARTICLE II. - USE

Sec. 22-19. - Definitions.

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

Marihuana means as that term as defined in section 7106 of the public health code, Public Act No. 368 of 1978 (MCL 333.7106).

Medical use means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Registry identification card means a document issued by the state that identifies a person as a registered qualifying patient or registered primary caregiver.

Usable marihuana means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

Written certification means a document signed by a physician, stating all of the following:

(1) The patient's debilitating medical condition.

(2) The physician has completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation.

(3) In the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(Ord. No. 12-4, § II, 4-11-2012)

State Law reference— Similar definitions, MCL 333.26423.

Sec. 22-20. - Permissible medical use of marihuana; prohibited conduct; fraudulent representations, penalties; construction of act with other acts.

(a) The medical use of marihuana is allowed under MCL 333.7106 to the extent that it is carried out in accordance with its terms. The provisions of this statute are to be applied in concert with state law. The following shall constitute a misdemeanor violation of this article:

(1) To undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.

(2) To possess marihuana, or otherwise engage in the medical use of marihuana:

a. In a school bus;

b. On the grounds of any preschool or primary or secondary school; or

c. In any correctional facility.

(3) To smoke marihuana:

a. On any form of public transportation; or

b. In any public place.

(4) Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana.

(5) Use of marihuana if that person does not have a serious or debilitating medical condition.

(6) Separate plant resin from a marihuana plant by butane extraction in any public place or motor vehicle, or inside or within the curtilage of any residential structure.

(7) Separate plant resin from a marihuana plant by butane extraction in a manner that demonstrates a failure to exercise reasonable care or reckless disregard for the safety of others.

(b) Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marihuana to avoid arrest or prosecution shall be punishable by a misdemeanor.

(Ord. No. 12-4, § III, 4-11-2012)

State Law reference— Similar provisions, MCL 333.26427.

Secs. 22-21—22-43. - Reserved.

ARTICLE III. - DISPENSARIES

Sec. 22-44. - Findings.

The township adopts this article based on the following findings of fact:

(1) On November 4, 2008, voters in the state approved the referendum authorizing the use of marihuana for certain medical conditions.

(2) The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use and distribute marihuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.

(3) On December 4, 2008, the Michigan medical marihuana act, MCL 333.26421 et seq. (MMMA), took effect, and on April 9, 2009, the state department of community health adopted administrative rules to implement the MMMA (the "rules").

(4) Despite the specifics of the MMMA and the activities legally allowed set forth therein, marihuana is still a controlled substance under state law and the legalization of obtaining, possessing, cultivating/growing, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and, to the extent permissible, regulated by the local authorities.

(5) If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the MMMA can present an opportunity for increased illegal conduct and/or activity; and this threat affects the health, safety and welfare of the residents of the township.

(6) It is the intent of the township that nothing in this article be construed to allow persons to engage in conduct that endangers others or causes a public nuisance; or to allow use, possession or control of marihuana for non-medical purposes; or allow activity relating to cultivation/growing, distribution or consumption of marihuana that is otherwise illegal.

(Ord. No. 13-04, § 1, 6-5-2013)

Sec. 22-45. - Purpose.

It is the purpose of this article to impose specific requirements for those individuals registered with the state as "qualifying patients" or "primary caregivers" as those terms are defined in the MMMA, and to regulate the conduct of activity pursuant thereto in the township so as to protect the health, safety, and welfare of the general public.

(Ord. No. 13-04, § 2, 6-5-2013)

Sec. 22-46. - Definitions.

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

Dispensary means any location providing marihuana to more than five qualified patients.

(Ord. No. 13-04, § 3, 6-5-2013)

Sec. 22-47. - Possession and use of medical marihuana.

Medical marihuana can be possessed and used in the township only in accordance with and pursuant to the MMMA and the rules promulgated thereunder and any subsequent amendments to the MMMA or rules.

(Ord. No. 13-04, § 4, 6-5-2013)

Sec. 22-48. - Locations prohibited for distribution of medical marihuana.

It shall be unlawful for any primary caregiver to cultivate or dispense medical marihuana or assist a qualifying patient to use medical marihuana in or through any retail store, storefront, office building, manufacturing building, processing facility, co-operative growing facility, dispensary or any other type of commercial or industrial building located within the township.

(Ord. No. 13-04, § 5, 6-5-2013)

Sec. 22-49. - Civil forfeiture.

Any medical marihuana dispensed or possessed with intent to dispense in violation of this article may be seized, forfeited and disposed of by the state, county and local police agencies serving the township, all of which have authority to enforce this article.

(Ord. No. 13-04, § 6, 6-5-2013)

Chapter 24 - OFFENSES[1]

Footnotes:

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State Law reference— Michigan Penal Code, MCL 750.1 et seq.

ARTICLE I. - IN GENERAL

Sec. 24-1. - Definitions.

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

Animals, unless otherwise stated, includes birds, fish, mammals, and reptiles.

Livestock means horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.

Owner and *persons owning premises* means both the owner of the title of record and those occupying or in possession of any property or premises. The term "owner," when applied to proprietorship of any animal, means every person having a right of property of the animal, an authorized agent of the animal, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premises occupied by himself.

Peace officer means any person employed or elected by the people of the township or by the state or the county, whose duty it is to preserve the peace or to make an arrest or to enforce the law, and includes game, fish or forest wardens, members of the state police department, conservation officers or firefighters.

Poultry means all domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Public Act No. 191 of 1929 (MCL 317.71 et seq.).

Public place means any public or private street, alley, sidewalk, park, public building, any place of business open to or frequented by the public, and any other place, public or private, that is visible or accessible to the public.

School means any school or college, whether elementary, secondary, advanced or for preschool, mentally handicapped or physically handicapped individuals, or whether public, private or parochial.

School premises means all lands and grounds owned by a school, whether or not occupied by a building, together with all lands and grounds surrounding said school buildings, including any paths, walkways, drives or parking areas used in connection with or incidental thereto.

(Ord. No. 87-1, § I, 4-8-1987; Ord. No. 96-01, § 2, 12-13-1995; Ord. No. 98-4, § 2(7), 12-9-1998)

Sec. 24-2. - Violation a misdemeanor.

Unless stated otherwise in this chapter, violations of this chapter are a misdemeanor.

Sec. 24-3. - Parental responsibility.

No parent, guardian, or other person having charge, guardianship, custody or control of any minor under the age of 17 years shall encourage, knowingly permit or by inefficient control allow the minor to violate a provision of this chapter. Proof that the minor was convicted of violating this chapter shall be

prima facie evidence that the minor's parent or guardian allowed or encouraged the minor to violate such section.

(Ord. No. 96-01, § 6, 12-13-1995)

Sec. 24-4. - Soliciting illegal act.

No person shall solicit any person for the purpose of inducing the commission of any illegal act.

(Ord. No. 87-1, § II(19), 4-8-1987; Ord. of 7-14-1992, § 2(19); Ord. No. 96-01, § 3(40), 12-13-1995)

State Law reference— Abolition of distinction between accessory and principal, MCL 767.39.

(Ord. No. 87-1, § II(20), 4-8-1987)

Sec. 24-5. - Illegal businesses.

No person shall engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation.

(Ord. No. 87-1, § II(18), 4-8-1987)

State Law reference— Similar provisions, MCL 750.167(1)(d).

Sec. 24-6. - Inmate of place where illegal conduct occurs.

A person who knowingly attends, frequents, operates or loiters in or about a place where gambling, the illegal sale of intoxicating liquor, controlled substances, or any other illegal business or occupation is permitted or conducted with intent to aid or engage in any unlawful activity is guilty of a misdemeanor.

(Ord. No. 87-1, § II(17), 4-8-1987; Ord. No. 96-01, § 3(13), 12-13-1995)

State Law reference— Similar provisions, MCL 750.167(1)(i), (1)(j).

Sec. 24-7. - Aiding illegal acts by transportation.

No person shall knowingly transport any person to a place where prostitution or gambling is practiced, encouraged or allowed for the purpose of enabling such person to engage in gambling or in any illegal act.

State Law reference— Transporting person for prostitution, MCL 750.459.

Secs. 24-8—24-32. - Reserved.

ARTICLE II. - OFFENSES AGAINST THE PERSON

Sec. 24-33. - Assault and battery.

No person shall commit an assault, or an assault and battery, on any person.

(Ord. No. 87-1, § II(1), 4-8-1987; Ord. No. 96-01, § 3(30), 12-13-1995)

State Law reference— Assault and battery, MCL 750.81.

Sec. 24-34. - Use of physical and/or verbal threats to a school employee.

A person shall not use physical and/or verbal threats to a school employee while on school premises or during a school sanctioned activity conducted outside of the school premises.

(Ord. No. 05-03, § 3/63, 7-13-2005)

State Law reference— Assault and battery, MCL 750.81.

Sec. 24-35. - Offensive conduct.

A person shall not follow a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.

(Ord. No. 87-1, § II(10), 4-8-1987; Ord. No. 96-01, § 3(39), 12-13-1995; Ord. No. 05-03, § 3/64, 7-13-2005)

Sec. 24-36. - Window peeping.

A person who, without permission, peeps or peers into the windows of any inhabited place that he does not own or occupy is guilty of a misdemeanor.

(Ord. No. 87-1, § II(4), 4-8-1987; Ord. No. 96-01, § 3(9), 12-13-1995)

State Law reference— Window peepers as disorderly persons, MCL 750.167(1)(c).

Sec. 24-37. - Malicious use of service provided by telecommunications service provider.

(a) A person is guilty of a misdemeanor who maliciously uses any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

(1) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.

(2) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.

(3) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.

(4) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.

(5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.

(6) Making an unsolicited commercial telephone call that is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this subsection, the term "unsolicited commercial telephone call" means a call made by a person or recording device, on behalf of a person, corporation, or other entity, soliciting business or contributions.

(7) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing his telecommunications service or device.

(b) An offense is committed under this section if the communication either originates or terminates in this township and may be prosecuted at the place of origination or termination.

(c) As used in this section, the terms "telecommunications," "telecommunications service," and "telecommunications device" mean those terms as defined in section 540c of the Michigan Penal Code (MCL 750.540c).

(Ord. No. 96-01, § 3(25), 12-13-1995)

State Law reference— Similar provisions, MCL 750.540e.

Secs. 24-38—24-62. - Reserved.

ARTICLE III. - OFFENSES INVOLVING PROPERTY RIGHTS

Sec. 24-63. - Stealing.

No person shall steal the property of another.

(Ord. No. 96-01, § 3(44), 12-13-1995)

State Law reference— Larceny generally, MCL 750.356.

Sec. 24-64. - General breaking and entering.

(a) A person who breaks and enters, with intent to commit a felony or a larceny therein, a tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, structure, boat, ship, shipping container, or railroad car is guilty of a misdemeanor.

(b) As used in this section, the term "shipping container" means a standardized, reusable container for transporting cargo that is capable of integrating with a railcar flatbed or a flatbed semitrailer.

(Ord. No. 12-3, § II, 4-11-2012)

State Law reference— Similar provisions, MCL 750.110.

Sec. 24-65. - Breaking and entering or entering without breaking.

(a) Any person who breaks and enters or enters without breaking any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein; or any cottage, clubhouse, boathouse, hunting or fishing lodge, garage or the out-buildings belonging thereto; any ice shanty with a value of $100.00 or more; or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, agent, or person having immediate control thereof, is guilty of a misdemeanor.

(b) Subsection (a) of this section does not apply to entering without breaking any place which at the time of the entry was open to the public, unless the entry was expressly denied. Subsection (a) of this section does not apply if the breaking and entering or entering without breaking was committed by a peace officer or an Individual under the peace officer's direction in the lawful performance of his duties as a peace officer.

(Ord. No. 05-03, § 3/62, 7-13-2005; Ord. No. 12-3, § III, 4-11-2012)

State Law reference— Similar provisions, MCL 750.1146.

Sec. 24-66. - Breaking or entering motor vehicles.

A person who enters or breaks into a motor vehicle, house trailer, trailer, or semitrailer to steal or unlawfully remove property from it is guilty of a misdemeanor.

(Ord. No. 05-03, § 3/60, 7-13-2005)

State Law reference— Similar provisions, MCL 759.356a(2).

Sec. 24-67. - Buying, receiving, possessing or concealing stolen, embezzled or converted money, goods, or property.

A person shall not buy, receive, possess, conceal or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing the money, goods or property is stolen, embezzled or converted.

(Ord. No. 05-03, § 3/61, 7-13-2005)

State Law reference— Similar provisions, MCL 750.535.

Sec. 24-68. - Trespass.

No person shall willfully enter upon the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant thereof or the agent or servant of either; or remain upon the land or premises of another without lawful authority after being notified to depart therefrom by the owner or occupant thereof or the agent or servant of either.

(Ord. No. 87-1, § II(24), 4-8-1987; Ord. No. 96-01, § 3(16), (17), 12-13-1995)

State Law reference— Trespass, MCL 750.552.

Sec. 24-69. - Entry onto property at night.

No person shall willfully enter upon the lands or premises of any person in the nighttime without authority or permission of the owner of such premises.

(Ord. No. 87-1, § II(25), 4-8-1987)

State Law reference— Trespass, MCL 750.552.

Sec. 24-70. - Recreational trespass.

(a) Except as provided in subsection (d) of this section, a person shall not enter or remain upon the property of another person, other than farm property or a wooded area connected to farm property, to engage in any recreational activity or trapping on that property without the consent of the owner or his lessee or agent, if either of the following circumstances exists:

(1) The property is fenced or enclosed and is maintained in such a manner as to exclude intruders.

(2) The property is posted, in a conspicuous manner, with signs against entry. The minimum letter height on the posting signs shall be one inch. Each posting sign shall be not less than 50 square inches, and the signs shall be spaced to enable a person to observe not less than one sign at any point of entry upon the property.

(b) Except as provided in subsection (d) of this section, a person shall not enter or remain upon farm property or a wooded area connected to farm property for any recreational activity or trapping without the consent of the owner or his lessee or agent, whether or not the farm property or wooded area connected to farm property is fenced, enclosed, or posted.

(c) On fenced or posted property or farm property, a fisherman wading or floating a navigable public stream may, without written or oral consent, enter upon property within the clearly defined banks of the stream or, without damaging farm products, walk a route as closely proximate to the clearly defined bank as possible when necessary to avoid a natural or artificial hazard or obstruction, including, but not limited to, a dam, deep hole, or a fence or other exercise of ownership by the riparian owner.

(d) A person other than a person possessing a firearm may, unless previously prohibited in writing or orally by the property owner or his lessee or agent, enter on foot upon the property of another person for the sole purpose of retrieving a hunting dog. The person shall not remain on the property beyond the reasonable time necessary to retrieve the dog. In an action under this section, the burden of showing that the property owner or his lessee or agent previously prohibited entry under this subsection is on the plaintiff or prosecuting attorney, respectively.

(e) Consent to enter or remain upon the property of another person pursuant to this section may be given orally or in writing. The consent may establish conditions for entering or remaining upon that property. Unless prohibited in the written consent, a written consent may be amended or revoked orally. If the owner or his lessee or agent requires all persons entering or remaining upon the property to have written consent, the presence of the person on the property without written consent is prima facie evidence of unlawful entry.

(Ord. No. 03-2, § 03-2, 8-13-2003)

State Law reference— Similar provisions, MCL 324.73102.

Sec. 24-71. - Unauthorized entry onto schools.

No person shall willfully enter upon school premises at any time without lawful authority after having been forbidden to do so by any authorized agent of the school.

(Ord. No. 87-1, § II(34), 4-8-1987; Ord. No. 96-01, § 3(10), (62), 12-13-1995; Ord. No. 98-4, § 3(62), 12-9-1998)

Sec. 24-72. - Damaging property of another; posting bills.

No person shall willfully destroy, remove, damage, alter or in any manner deface any property that is not his own, or any school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the township or located in the public places of the township; or mark or post handbills on, or in any manner mar the walls of, any public building, fence, tree, or pole within the township; or damage, destroy, take, or meddle with any property belonging to the township; or remove the same, without proper authority, from the building or place where it may be kept, placed, or stored without the proper authority.

(Ord. No. 87-1, § II(27), 4-8-1987; Ord. No. 96-01, § 3(38), (56), 12-13-1995; Ord. No. 98-4, § 3(56), 12-9-1998)

State Law reference— Malicious mischief general, MCL 750.377a et seq.

Sec. 24-73. - Damaging school property.

No person shall damage, destroy or deface any school building, equipment, teaching supplies or equipment or other school property located in or on any school premises, including, but not limited to, any trees, shrubbery, lawn, flowers or fences.

(Ord. No. 87-1, § II(35), 4-8-1987)

Sec. 24-74. - Disabling motor vehicles.

A person who disables or attempts to disable, in whole or in part, any motor vehicle owned or operated by another person, by any means, including, but not limited to, deflating tires attached to said vehicles or placing a foreign substance in the motor vehicle's fuel tank is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(22), 12-13-1995)

State Law reference— Damaging, tampering or meddling with motor vehicle, MCL 750.416.

Sec. 24-75. - Obtaining telecommunications services with intent to avoid charges; definitions.

(a) *Intent to avoid charges.* A person shall not knowingly obtain or attempt to obtain telecommunications service with intent to avoid, attempt to avoid, or cause another person to avoid or attempt to avoid any lawful charge for that telecommunications service by using any of the following:

(1) A telecommunications access device.

(2) An unlawful telecommunications access device.

(3) A fraudulent or deceptive scheme, pretense, method, or conspiracy, or any device or other means, including, but not limited to, any of the following:

a. Using a false, altered, or stolen identification.

b. The use of a telecommunications access device to violate this section by a person other than the subscriber or lawful holder of the telecommunications access device under an exchange

of anything of value to the subscriber or lawful holder to allow that unlawful use of the telecommunications access device.

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

Telecommunications and *telecommunications service* mean any service lawfully provided for a charge or compensation to facilitate the origination, transmission, retransmission, emission, or reception of signs, data, images, signals, writings, sounds, or other intelligence or equivalence of intelligence of any nature over any telecommunications system by any method, including, but not limited to, electronic, electromagnetic, magnetic, optical, photo-optical, digital, or analog technologies.

Telecommunications access device means any of the following:

(1) Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in section 157m of the Michigan Penal Code (MCL 750.157m) that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service.

(2) Any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission, or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet-based or wireless distribution network, system, or facility; or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmissions, signals, or services.

Telecommunications service provider means any of the following:

(1) A person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging, or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunications service.

(2) A person or entity owning or operating any fiber optic, cable television, satellite, internet-based, telephone, wireless, microwave, data transmission or radio distribution system, network, or facility.

(3) A person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks, or facilities.

Telecommunications system means any system, network, or facility owned or operated by a telecommunications service provider, including any radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or internet-based system, network, or facility.

Unlawful telecommunications access device means any of the following:

(1) A telecommunications access device that is false, fraudulent, unlawful, not issued to a legitimate telecommunications access device subscriber account, or otherwise invalid or that is expired, suspended, revoked, canceled, or otherwise terminated, if notice of the expiration, suspension, revocation, cancellation, or termination has been sent to the telecommunications access device subscriber.

(2) Any telephones altered to obtain service without the express authority or actual consent of the telecommunications service provider, a clone telephone, clone microchip, tumbler telephone, tumbler microchip, or wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use, acquisition, interception, or receipt of a telecommunications service without the express authority or actual consent of the telecommunications service provider.

(3) Any telecommunications access device that has been manufactured, assembled, altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another device, so as to be capable of facilitating the disruption, acquisition, interception, receipt, transmission, retransmission, or decryption of a telecommunications service without the actual consent or express authorization of the telecommunications service provider, including, but not limited to, any device, technology, product, service, equipment, computer software, or component or part, primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used for the purpose of providing the unauthorized receipt of, transmission of, interception of, disruption of, decryption of, access to, or acquisition of any telecommunications service provided by any telecommunications service provider.

(4) Any type of instrument, device, machine, equipment, technology, or software that is primarily designed, assembled, developed, manufactured, sold, distributed, possessed, used, or offered, promoted, or advertised, for the purpose of defeating or circumventing any technology, device, or software, or any component or part, used by the provider, owner, or licensee of any telecommunications service or of any data, audio, or video programs or transmissions, to protect any such telecommunications, data, audio, or video services, programs, or transmissions from unauthorized receipt, acquisition, interception, access, decryption, disclosure, communication, transmission, or retransmission.

(Ord. No. 87-1, § II(28), 4-8-1987; Ord. No. 96-01, § 3(57), 12-13-1995; Ord. No. 98-4, § 3(57), 12-9-1998)

State Law reference— Similar provisions, MCL 750.219a.

Sec. 24-76. - Driving so as to endanger persons or property.

No person shall drive or operate any motor vehicle in a careless or negligent manner likely to endanger any person or property, including, but not limited to, animals, fences, shrubbery, trees, flowers, garden crops, lawns or any interior or exterior portions of any structure of any nature.

(Ord. No. 87-1, § II (31), 4-8-1987)

Sec. 24-77. - Driving in places not intended for vehicles.

No person shall drive or operate any motor vehicle, including, but not limited to, automobiles, motorcycles, motorized bicycles, snowmobiles, motor scooters, trail bikes, trucks, or tractors on property owned by another person, corporation, school, college or unit of government, in areas on said property not specifically designated for use as roadways, driveways or parking lots, without first having obtained the permission of the owner or occupant thereof or the authorized servant or agent of either.

(Ord. No. 96-01, § 3(59), 12-13-1995; Ord. No. 98-4, § 3(59), 12-9-1998)

Sec. 24-78. - Throwing objects from or at moving vehicles.

A person who throws or propels any snowball, rock, missile or object at or from any moving vehicle is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(23), 12-13-1995)

State Law reference— Throwing objects at trains or vehicles, MCL 750.394.

Sec. 24-79. - Littering.

No person shall knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on public or private property other than property designated and set aside for such purposes.

(Ord. No. 96-01, § 3(45), 12-13-1995)

State Law reference— Littering without permission, MCL 750.552a.

Secs. 24-80—24-101. - Reserved.

ARTICLE IV. - OFFENSES INVOLVING PUBLIC SAFETY

Sec. 24-102. - Firearms.

Any person who, within the township, shall carelessly, recklessly, or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property of others is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(46), 12-13-1995)

State Law reference— Similar provisions, MCL 752.863a.

Sec. 24-103. - Carrying weapons.

A person is guilty of a misdemeanor if the person carries any form of firearm, air rifle, bow and arrow, slingshot, crossbow or other dangerous weapon in any public place, subject to the following exceptions:

(1) When it is in a case and is not loaded;

(2) When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public personnel; or

(3) Where and as otherwise permitted by state law.

(Ord. No. 96-01, § 3(28), 12-13-1995)

State Law reference— Similar provisions, MCL 323.43513.

Sec. 24-104. - Knives.

A person who carries a knife having a blade of three inches in length or more, whether in its sheath or not, in a public place is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(48), 12-13-1995)

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

State Law reference— Penalty for ordinance violations, MCL 41.183; Carrying knives, MCL 750.227.

Sec. 24-105. - Fireworks.

No person shall fire, discharge, display or possess any fireworks, except of the type and under the conditions permitted by the Michigan fireworks safety act (MCL 28.451 et seq.).

(Ord. No. 87-1, § II(3), 4-8-1987; Ord. No. 96-01, § 3(35), 12-13-1995)

Secs. 24-106—24-123. - Reserved.

ARTICLE V. - OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 24-124. - Disturbing the peace.

No person shall disturb the public peace and quiet by loud, boisterous or vulgar conduct.

(Ord. No. 87-1, § II(21), 4-8-1987; Ord. No. 96-01, § 3(54), 12-13-1995; Ord. No. 98-4, § 3(54), 12-9-1998)

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

State Law reference— Penalty for ordinance violations, MCL 41.183; Disorderly conduct, MCL 750.167; disrupting religious meeting, MCL 750.169; disturbing lawful meetings, MCL 750.170; disturbing funerals, MCL 750.167d.

Sec. 24-125. - Disturbing or interfering with schools.

No person shall disturb or interfere in any manner with the orderly conduct of classes or other school sanctioned activity, whether conducted in or on any school premises or elsewhere, including, but not limited to, interference through the operation of a motor vehicle; bomb threats or other threats of the use of explosives or weapons against school property, school personnel, teachers and/or students; or threats of violence causing or intended to cause reasonable apprehension or fear and directed against school property, school personnel, teachers, and/or students.

(Ord. No. 87-1, § II(33), 4-8-1987; Ord. No. 96-01, § 3(61), (63), 12-13-1995; Ord. No. 98-4, § 3(61), (63), 12-9-1998; Ord. No. 01-04, § 3(61), (63)(b), 7-11-2001)

State Law reference— False reports, MCL 28.674.

Sec. 24-126. - Noise.

A person is guilty of a misdemeanor if the person makes or continues any loud noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable people, including, but not limited to:

(1) Sounding any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary and reasonable duration, or unreasonable loudly or harshly;

(2) Playing or amplifying any radio, phonograph, stereo, tape or disc player, or musical instrument in such a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of reasonable persons in any place of business, or any dwelling, hotel or other type of residence, or of any reasonable person in the immediate vicinity;

(3) Yelling, shouting, hooting, whistling or singing on a public street or sidewalk at any time or place, including private property so as to annoy or disturb the quiet, comfort or repose of any reasonable person in any place of business, or any dwelling, hotel or other type of residence, or of any person in the immediate vicinity;

(4) Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort and repose of any reasonable person in the vicinity;

(5) Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper township authorities;

(6) Discharging the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(7) Intentionally squealing the tires of any motor vehicle;

(8) Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of 7:00 a.m. and 10:00 p.m.

(9) Creating loud and excessive noises in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers;

(10) Creating noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise.

(Ord. No. 96-01, § 3(21), 12-13-1995)

Sec. 24-127. - Disturbances in public places.

No person shall make or excite a disturbance or contention within any tavern, store, manufacturing establishment, business place, or public building; or upon any street, lane, alley, highway, public grounds, park, public place; or at any public meeting where citizens are peaceably and lawfully assembled.

(Ord. No. 96-01, § 3(42), 12-13-1995)

State Law reference— Disrupting religious meeting, MCL 750.169; disturbing lawful meetings, MCL 750.170; disturbing funerals, MCL 750.167d.

Sec. 24-128. - Keeping disorderly place.

No person shall permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous or disorderly persons.

(Ord. No. 87-1, § II(22), 4-8-1987; Ord. No. 96-01, § 3(55), 12-13-1995; Ord. No. 98-4, § 3(55), 12-9-1998)

Sec. 24-129. - Obstructing public places.

(a) No person shall obstruct the free and uninterrupted passage of the public on any street, roadway, sidewalk or alleyway for any purpose by erecting, placing, or maintaining any barrier or object thereon; except such barrier or object may be erected, placed or maintained when necessary for the safety of passersby in connection with the building, erection, modification or demolition of any building or by prior written consent of the chief of police.

(b) A person is guilty of a misdemeanor if the person loiters, loafs, wanders, stands or remains idle in a public place, including a private street, alley, sidewalk or park so as to:

(1) Obstruct a public or private street, highway, sidewalk, park, public place or public building by hindering, impeding or threatening to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians therein or thereon;

(2) Obstruct or interfere with the free and uninterrupted use of property or business lawfully conducted by anyone in, upon, facing or fronting any such public street, park, highway, sidewalk, place or building so as to prevent the free and uninterrupted ingress or egress thereto or therefrom;

and refuses or fails to forthwith obey an order by a peace officer to cease such conduct and to move and disperse. However, this article shall not prohibit a person lawfully in possession of a premises from obstructing a private driveway that serves only that particular premises.

(Ord. No. 87-1, § II(14), (15), 4-8-1987; Ord. No. 96-01, § 3(15), (52), (53), 12-13-1995; Ord. No. 98-4, § 3(15)(a), (52), (53), 12-9-1998)

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

State Law reference— Penalty for ordinance violations, MCL 41.183.

Sec. 24-130. - Gathering for illegal or mischievous purposes.

No person shall collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place.

(Ord. No. 87-1, § II(12), 4-8-1987; Ord. No. 96-01, § 3(51), 12-13-1995; Ord. No. 98-4, § 3(51), 12-9-1998)

State Law reference— Unlawful assembly, MCL 752.543.

Sec. 24-131. - Public disturbances, quarrels or fights.

A person who disturbs the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place is guilty of a misdemeanor.

(Ord. No. 87-1, § II(11), 4-8-1987; Ord. No. 96-01, § 3(2), 12-13-1995)

Sec. 24-132. - Indecent or obscene conduct.

No person shall engage in any indecent or obscene conduct in any public place.

(Ord. No. 87-1, § II(8), 4-8-1987)

Sec. 24-133. - Public urination or defecation.

A person who urinates or defecates in a public place is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(7), 12-13-1995)

Sec. 24-134. - Improper language.

No person shall utter language in any public place that is reasonably calculated to provoke an immediate breach of the peace.

(Ord. No. 87-1, § II(7), 4-8-1987; Ord. No. 96-01, § 3(36), 12-13-1995)

Sec. 24-135. - Jostling others.

A person who is found jostling, shoving, pushing, or roughly crowding people without permission in a public place is guilty of a misdemeanor.

(Ord. No. 87-1, § II(13), 4-8-1987; Ord. No. 96-01, § 3(20), 12-13-1995)

State Law reference— Similar provisions, MCL 750.167(1)(l).

Sec. 24-136. - Begging.

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

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intending to compel or force a person to accede to demands.

(b) *Soliciting on private or public property.* It shall be unlawful for any person to solicit money or other things of value:

(1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;

(2) Within 15 feet of the entrance to or exit from any public toilet facility;

(3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;

(5) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxi stand;

(6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;

(7) From any persons who are waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility; or

(8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility.

(c) *Soliciting by accosting.* It shall be unlawful for any person to solicit money or other things of value by:

(1) Accosting another; or

(2) Forcing oneself upon the company of another.

(Ord. No. 87-1, § II(5), 4-8-1987; Ord. No. 96-01, § 3(12), 12-13-1995)

Sec. 24-137. - Spitting.

No person shall spit on the floor or the seat of any public assemblage. A person who spits or expectorates on, at or toward another person is guilty of a misdemeanor.

(Ord. No. 87-1, § II(26), 4-8-1987; Ord. No. 96-01, § 3(8), 12-13-1995)

Sec. 24-138. - Public intoxication from alcohol or drugs.

No person shall be under the influence of any narcotic drug or be intoxicated in a public place and either endanger directly the safety of another person or property or act in a manner that causes a public disturbance.

(Ord. No. 87-1, § II(2), 4-8-1987; Ord. No. 96-01, § 3(1), 12-13-1995)

State Law reference— Similar provisions, MCL 750.167(1)(e); local public intoxication ordinances, MCL 330.1286.

Secs. 24-139—24-159. - Reserved.

ARTICLE VI. - OFFENSES INVOLVING PUBLIC MORALS

Sec. 24-160. - Prostitution.

No person shall engage in any act of prostitution.

(Ord. No. 87-1, § II(16), 4-8-1987)

State Law reference— Prostitution, MCL 750.448 et seq.

Sec. 24-161. - Solicitation for prostitution or lewd act.

Any person, 17 years of age or older, who shall accost, solicit or invite another in a public place, or in or from any building or vehicle, by word, gesture or any other means to commit prostitution or to do any other lewd act is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(26), 12-13-1995)

State Law reference— Similar provisions, MCL 750.448.

Sec. 24-162. - Public obscenity and indecency.

No person shall engage in any indecent, insulting, or obscene conduct in any public place.

(Ord. No. 96-01, § 3(34), 12-13-1995)

Sec. 24-163. - Public nudity.

No person shall engage in public nudity. As used in this section, the term "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

(1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).

(3) Sexually explicit visual material as defined in section 3 of Public Act No. 33 of 1978 (MCL 722.673).

(Ord. No. 87-1, § II(9), 4-8-1987; Ord. No. 96-01, § 3(37), 12-13-1995)

State Law reference— Authority to prohibit public nudity, MCL 41.181(1), (4).

Sec. 24-164. - Gambling and related offenses.

A person who maintains a gaming room, gaming table, or any policy or pool tickets used for gambling, knowingly allows a gaming table or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him, except as permitted by law; conducts or attends any cock fight or dog fight; or places, receives or transmits any bet on the outcome of any race, contest or game of any kind whatsoever is guilty of a misdemeanor;

(Ord. No. 96-01, § 3(14), 12-13-1995)

State Law reference— Gambling, MCL 750.301 et seq.

Secs. 24-165—24-181. - Reserved.

ARTICLE VII. - OFFENSES INVOLVING GOVERNMENT

Sec. 24-182. - Obedience to peace officer.

Any person who willfully refuses to obey a lawful order of a peace officer in the performance of his duties is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(47), 12-13-1995)

Sec. 24-183. - Resisting or opposing emergency personnel.

No person shall obstruct, interfere with, resist, hinder or oppose any member of the police force, fire department, other law enforcement agent, other emergency personnel or any person duly empowered with police authority while in the discharge or apparent discharge of his duty.

(Ord. No. 85-1, §§ A, B, 3-13-1985; Ord. No. 87-1, § II(23), 4-8-1987; Ord. No. 96-01, § 3(3), 12-13-1995)

State Law reference— Obstruction of police officer, MCL 750.479; obstructing of resisting firefighters, MCL 750.241.

Sec. 24-184. - Escape from custody of law enforcement officers or jails.

(a) No person shall offer or endeavor to assist any person in the custody of a police officer, a member of the police department, or a person duly empowered with police authority to escape or attempt to escape from such custody.

(b) No person shall assist or aid, or attempt to assist or aid, any person in the custody of, or confined under the authority of the township, to escape from jail, a place of confinement or custody.

(c) No person shall, while a prisoner in the jail, or at any place where the prisoners are confined, or otherwise in the custody of any confined by the township escape or attempt to escape or to assist others to escape from such custody or confinement.

(Ord. No. 85-1, §§ C, F, G, 3-13-1985; Ord. No. 96-01, § 3(41), 12-13-1995)

State Law reference— Escapes, rescues and prison breaking, MCL 750.183 et seq.

Sec. 24-185. - Furnishing peace officer false identification.

A person who furnishes a peace officer with false, forged, fictitious or misleading verbal or written information identifying the person as another person, if the person is detained for the investigation of a violation of law or ordinance or temporarily detained for the purpose of issuance of a civil infraction citation, is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(4), 12-13-1995)

Sec. 24-186. - False reports or statements.

A person who makes a false report to any public official or who knowingly makes a false statement to a peace officer is guilty of a misdemeanor

(Ord. No. 96-01, § 3(6), 12-13-1995)

State Law reference— False reports, MCL 28.674.

Sec. 24-187. - Obstructing criminal investigations.

(a) *Concealing or providing false or misleading information.* Except as provided in this section, a person who is informed by a peace officer that he is conducting a criminal investigation shall not do any of the following:

(1) By any trick, scheme, or device, knowingly and willfully conceal from the peace officer any material fact relating to the criminal investigation.

(2) Knowingly and willfully make any statement to the peace officer that the person knows is false or misleading regarding a material fact in that criminal investigation.

(3) Knowingly and willfully issue or otherwise provide any writing or document to the peace officer that the person knows is false or misleading regarding a material fact in that criminal investigation.

(b) *Exceptions.* This section does not apply to any of the following:

(1) Any statement made or action taken by an alleged victim of the crime being investigated by the peace officer.

(2) A person who was acting under duress or out of a reasonable fear of physical harm to himself or another person from a spouse or former spouse, a person with whom he has or has had a dating relationship, a person with whom he has had a child in common, or a resident or former resident of his household.

(c) *Right to decline to speak.* This section does not prohibit a person from doing either of the following:

(1) Invoking the person's rights under the Fifth Amendment of the Constitution of the United States or section 17 of article I of the state constitution of 1963.

(2) Declining to speak to or otherwise communicate with a peace officer concerning the criminal investigation.

(d) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional involvement. The term "dating relationship" does not include a casual relationship or an ordinary fraternization between two persons in a business or social context.

Peace officer means any of the following:

(1) A sheriff or deputy sheriff of a county of the state acting in the township.

(2) An officer of the police department of the township.

(3) A marshal of this township.

(4) A constable of any local unit of government of the state acting in the township.

(5) An officer of the Michigan state police acting in the township.

(6) A conservation officer of the state acting in the township

(7) A security employee employed by the state under section 6c of public act no. 59 of 1935 (MCL 28.6c) acting in the township

(8) A motor carrier officer appointed under section 6d of public act no. 59 of 1935 (MCL 28.6d) acting in the township.

(9) A police officer or public safety officer of a community college, college, or university within the state who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university acting in the township.

(10) A park and recreation officer commissioned under section 1606 of the natural resources and environmental protection act (MCL 324.1606) acting in the township.

(11) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act (MCL 324.83107) acting in the township.

(12) An investigator of the state department of attorney general acting in the township.

(13) An agent of the state department of human services, office of inspector general acting in the township.

Serious misdemeanor means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act (MCL 780.811).

(Ord. No. 14-03, §§ 1—3, 8-13-2014)

State Law reference— Similar provisions, MCL 750.479c.

Sec. 24-188. - False alarms.

A person who summons, as a joke or prank or otherwise, without any good reason therefor, by telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(5), 12-13-1995)

State Law reference— False reports, MCL 28.674; false fire alarms, MCL 750.240; false report of crime or report of medical or other emergency, MCL 750.411a.

Sec. 24-189. - Impersonating police.

No person, other than an official police officer of the township, shall wear or carry the uniform, apparel, badge, identification card, or any other insignia of the office like, or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the township.

(Ord. No. 85-1, § D, 3-13-1985)

State Law reference— Similar provisions, MCL 750.216a.

Sec. 24-190. - Furnishing liquor, drugs and implements of escape to prisoners.

No person shall, at any place in the township, make available to, present to, or place within the reach of any person confined under the authority of the township any intoxicating liquor, drugs, narcotics, controlled substances (including lysergic acid diethylamide, peyote, mescaline, dimethycryptamine, psicolyn, psiocybin, marijuana) and such other substances defined in article 7 of the Public Health Code (MCL 333.7101 et seq.) or any tool, implement, device or other thing calculated to aid in the escape of such persons so confined under the authority of the township.

(Ord. No. 85-1, § E, 3-13-1985)

State Law reference— Furnishing alcoholic liquor, controlled substances, and weapons to prisoners, MCL 801.261 et seq.

Secs. 24-191—24-218. - Reserved.

ARTICLE VIII. - OFFENSES INVOLVING UNDERAGE PERSONS

Sec. 24-219. - Truancy.

No student shall fail to attend a scheduled program or class of instruction or other school activity for which attendance for said student is required by the school.

(Ord. No. 96-01, § 3(63), 12-13-1995; Ord. No. 98-4, § 3(63), 12-9-1998; Ord. No. 01-04, § 3(63)(b), 7-11-2001)

State Law reference— Compulsory school attendance, MCL 380.1561 et seq.

Sec. 24-220. - Causing truancy; interference with school functions.

(a) No person shall cause or attempt to cause, by counsel, inducement, enticement, invitation, encouragement, intimidation, or threat of physical force, any student under the age of 16 years to:

(1) Fail to attend a scheduled program or class of instruction or other school activity for which attendance for said student is required by the school; or

(2) Interfere with school sanctioned activities or business.

(b) This section shall not apply to the parent or guardian of any child with respect to said child.

(Ord. No. 87-1, § II(36), 4-8-1987)

State Law reference— Compulsory school attendance, MCL 380.1561 et seq.

Sec. 24-221. - Curfew.

(a) *Curfew for 12-year-old children.* No minor under the age of 12 years shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 10:00 p.m. and 6:00 a.m.

(b) *Curfew for 16-year-old children.* A minor under the age of 16 years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 12:00 midnight and 6:00 a.m., immediately following.

(c) *Exceptions.* It is a defense to prosecution under subsection (a) or (b) of this section that a minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police about the minor's presence;

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from such activity, without any detour or stop;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly;

(9) Married or had been married or had disabilities of minority removed in accordance with law.

(Ord. No. 96-01, § 3(49), (50), 12-13-1995)

Sec. 24-222. - Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; prior violation; screening and assessment; chemical breath analysis; notice to parent, custodian, or guardian; exceptions; definitions.

(a) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions:

(1) For the first violation by a fine of not more than $100.00. A court may order a minor under this subsection to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code (MCL 333.6107), and designated by the administrator of the office of substance abuse services, and may order that minor to perform community service and to undergo substance abuse screening and assessment at his own expense as described in subsection (e) of this section.

(2) For a second violation of this subsection (a) by imprisonment for not more than 30 days, but only if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $200.00, or both. A court may order a minor under this subsection to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code (MCL 333.6107), and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his own expense as described in subsection (e) of this section.

(3) For a third or subsequent violation of this subsection (a) by imprisonment for not more than 60 days, but only if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $500.00, or both. A court may order a minor under this subsection to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code (MCL 333.6107), and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his own expense as described in subsection (e) of this section.

(b) An individual who furnishes fraudulent identification to a minor, or notwithstanding subsection (a) of this section, a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(c) When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of subsection (a) of this section pleads guilty to a violation of subsection (a) of this section or offers a plea of admission in a juvenile delinquency proceeding for a violation of subsection (a) of this section, the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and

conditions of that probation include, but are not limited to, the sanctions set forth in subsection (a)(1) of this section, payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the Probate Code of 1939, (MCL 712A.18m) and section 1j of chapter IX of the Code of Criminal Procedure (MCL 769.1j) and the costs of probation as prescribed in section 3 of chapter XI of the Code of Criminal Procedure (MCL 771.3). If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. An individual may obtain only one discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

(1) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this subsection (c).

(2) To the department of corrections, a prosecutor, or a law enforcement agency upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

a. At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

b. The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his conditions of employment or whether an applicant meets criteria for employment.

(d) A violation of subsection (a) of this section successfully deferred, discharged, and dismissed under subsection (c) of this section is considered a prior violation for the purposes of subsection (a)(2) and (3) of this section.

(e) A court may order an individual convicted of violating subsection (a) of this section to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the Public Health Code (MCL 333.6103), in order to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (a) of this section to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor under 18 years of age not emancipated under Public Act No. 293 of 1968 (MCL 722.1 et seq.) may request a random or regular preliminary chemical breath analysis as part of the probation.

(f) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (a) or (b) of this section as provided in section 319 of the Michigan vehicle code (MCL 257.319).

(g) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require that individual to submit to a preliminary chemical breath analysis. A peace officer may arrest an individual based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $100.00.

(h) A law enforcement agency, upon determining that an individual less than 18 years of age who is not emancipated under Public Act No. 293 of 1968 (MCL 722.1 et seq.), allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (a) of this section shall notify the parent, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (a) of this section is less than 18 years of age and not emancipated under Public Act No. 293 of 1968 (MCL 722.1 et seq.). The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (a) of this section, his parents or legal guardian shall be notified immediately as provided in this subsection.

(i) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his employment if employed by a person licensed by this act, by the state liquor control commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his personal consumption.

(j) The following individuals are not considered to be in violation of subsection (a) of this section:

(1) A minor who has consumed alcoholic liquor and who voluntarily presents himself to a health facility or agency for treatment or for observation, including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code (MCL 750.520b to 750.520g) committed against a minor.

(2) A minor who accompanies an individual who meets both of the following criteria:

a. Has consumed alcoholic liquor.

b. Voluntarily presents himself to a health facility or agency for treatment or for observation, including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code (MCL 750.520b to 750.520g) committed against a minor.

(3) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(k) If a minor under the age of 18 who is not emancipated under section 1 of Public Act No. 293 of 1968 (MCL 722.1 et seq.), voluntarily presents himself to a health facility or agency for treatment or for observation as provided under subsection (j) of this section, the health facility or agency shall notify the parent, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.

(l) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee.

(m) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by the Michigan liquor control code of 1998 (MCL 436.1101 et seq.) if the purpose of the consumption is solely educational and is a requirement of the course.

(n) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited.

(o) Subsection (a) of this section does not apply to a minor who participates in either or both of the following:

(1) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(2) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(p) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (a) of this section, section 701(1) of the Michigan liquor control code of 1998 (MCL 436.1701(1)), or section 801(2) of the Michigan liquor control code of 1998 (MCL 436.801(2)).

(q) In a criminal prosecution for the violation of subsection (a) of this section concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

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

Any bodily alcohol content means either of the following:

(1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

Emergency medical services personnel means that term as defined in section 20904 of the Public Health Code (MCL 333.20904).

Health facility or agency means that term as defined in section 20106 of the Public Health Code (MCL 333.20106).

(Ord. No. 87-1, § II(32), 4-8-1987; Ord. No. 96-01, § 3(24), 12-13-1995)

State Law reference— Similar provisions, MCL 436.1703.

Sec. 24-223. - Party hosting.

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

Alcoholic liquor means alcoholic liquor as defined in section 105 of the Michigan liquor control code of 1998 (MCL 436.1105).

Allow means to give permission for, or approval of, possession or consumption of alcoholic liquor or a controlled substance by any of the following means:

(1) In writing.

(2) By one or more oral statements.

(3) By any form of conduct, including a failure to take corrective action, that would cause a reasonable person to believe that permission or approval has been given.

Control over any premises, residence, or other real property means the authority to regulate, direct, restrain, superintend, control, or govern the conduct of other individuals on or within that premises, residence, or other real property, and includes, but is not limited to, a possessory right.

Controlled substance means that term as defined in section 7104 of the Public Health Code (MCL 333.7104a).

Corrective action means any of the following:

(1) Making a prompt demand that the minor or other individual depart from the premises, residence, or other real property, or refrain from the unlawful possession or consumption of the alcoholic liquor or controlled substance on or within that premises, residence, or other real property, and taking additional action described in subsections (2) or (3) of this definition if the minor or other individual does not comply with the request.

(2) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to a law enforcement agency having jurisdiction over the violation.

(3) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to another person having a greater degree of authority or control over the conduct of persons on or within the premises, residence, or other real property.

Minor means an individual less than 21 years of age.

Premises means a permanent or temporary place of assembly, other than a residence, including, but not limited to, any of the following:

(1) A meeting hall, meeting room, or conference room.

(2) A public or private park.

Residence means a permanent or temporary place of dwelling, including, but not limited to, any of the following:

(1) A house, apartment, condominium, or mobile home.

(2) A cottage, cabin, trailer, or tent.

(3) A motel unit, hotel unit, or bed and breakfast unit.

Social gathering means an assembly of two or more individuals for any purpose, unless all of the individuals attending the assembly are members of the same household or immediate family.

(b) Except as otherwise provided in subsection (c) of this section, an owner, tenant, or other person having control over any premises, residence, or other real property shall not do either of the following:

(1) Knowingly allow a minor to consume or possess alcoholic liquor at a social gathering on or within that premises, residence, or other real property.

(2) Knowingly allow any individual to consume or possess a controlled substance at a social gathering on or within that premises, residence, or other real property.

(c) This section does not apply to the use, consumption, or possession of a controlled substance by an individual pursuant to a lawful prescription, or to the use, consumption, or possession of alcoholic liquor by a minor for religious purposes.

(d) Except as provided in subsection (e) of this section, a person who violates subsection (b) of this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or by a fine of not more than $500.00, or both, and the cost of prosecution.

(e) For a second or subsequent violation of subsection (b) of this section, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by a fine of not more than $500.00, or both, and the cost of prosecution.

(f) Evidence of all of the following gives rise to a rebuttable presumption that the defendant allowed the consumption or possession of alcoholic liquor or a controlled substance on or within a premises, residence, or other real property, in violation of this section:

(1) The defendant had control over the premises, residence, or other real property.

(2) The defendant knew that a minor was consuming or in possession of alcoholic liquor or knew that an individual was consuming or in possession of a controlled substance at a social gathering on or within that premises, residence, or other real property.

(3) The defendant failed to take corrective action.

(g) This section does not authorize selling or furnishing alcoholic liquor to a minor.

(h) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

(Ord. No. 03-1, § 03-1, 8-13-2003)

State Law reference— Similar provisions, MCL 750.141a.

Sec. 24-224. - Enticing without parental consent.

A person who invites, entices, coaxes, persuades or induces by threat, promise or false statement any minor child under the age of 17 years to enter any motor vehicle or conveyance, or private property or place, except where the parent or guardian of that child has given that person express consent (this section shall not prohibit school personnel, peace officers or public health or social worker personnel from carrying out the normal duties of their employment) is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(27), 12-13-1995)

Sec. 24-225. - Use or possession of tobacco products by minor in public; penalty, health promotion and risk assessment program, etc.

(a) A person under 18 years of age shall not, within the township, possess or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public or private highway, street, alley, park, sidewalk or other lands used for public purposes, or in a public place of business or amusement.

(b) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than $50.00, plus costs of prosecution for each offense. Pursuant to a probation order, the court may require a person who violates this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, a person who violates this section is subject to the following:

(1) For the first violation, the court may order the person to do one of the following:

a. Perform not more than 16 hours of community service in a hospice, nursing home, or long-term care facility.

b. Participate in a health promotion and risk reduction program, as described in this subsection (b).

(2) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility.

(3) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home, or long-term care facility.

(c) Subsection (a) of this section does not apply to a minor participating in any of the following:

(1) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(2) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

(3) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency as defined in section 6103 of the Public Health Code (MCL 333.6103), and with the prior approval of the state police or a local police agency.

(d) Subsection (a) of this section does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

(e) This section does not interfere with the right of a parent or legal guardian in the rearing and management of his minor children or wards within the bounds of his own private premises.

(Ord. No. 98-7, § 1, 2, 11-11-1998)

State Law reference— Similar provisions, MCL 722.642.

Sec. 24-226. - Sales of alcohol or drugs to underage persons; display of alcohol or drugs.

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

Alcoholic liquor means alcoholic liquor as defined in section 105 of the Michigan liquor control code of 1998 (MCL 436.1105).

Control means as any form of regulation or dominion, including a possessory or management right or duty.

Drug means a controlled substance as defined now or hereafter by article 7 of the Public Health Code (MCL 333.7101 et seq.)

Minor means a person not legally permitted by reason of age to possess alcoholic liquor pursuant to section 703 of the Michigan Liquor Control Code of 1998 (MCL 436.1703).

(b) The provisions of this article shall not apply to a person related to a minor as a parent or guardian, or to a person placed in the position of a parent by a parent or guardian of the minor, or to legally protected religious observances, educational activities or medical treatments.

(c) A person who has the ownership, possession or control of any premises in the township and who permits the consumption or use of alcoholic liquor or drugs in any form by any minor on said premises, or who fails to make diligent inquiry as to whether such person is a minor, is guilty of a misdemeanor. In an action for violation of this section, proof that the alcoholic liquor, a motor vehicle operator's license, or other bona fide documentary evidence that such person is not a minor, shall be a defense to an action under this section.

(d) A person who has the ownership, possession or control of any premises in the township and who stores or displays or allows to be stored or displayed alcoholic liquor or drugs in any form on said premises shall take reasonable steps to prevent any minor on said premises from obtaining possession of such alcoholic liquor or drugs for any purpose whatsoever, and any such person who fails to take such reasonable steps shall be guilty of a misdemeanor.

(Ord. No. 90-1, §§ 1, 2, 4-11-1990)

State Law reference— Sale of alcohol to underage persons, MCL 436.1701.

Secs. 24-227—24-245. - Reserved.

ARTICLE IX. - CONTROLLED SUBSTANCES[2]

Footnotes:

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State Law reference— Controlled substances, MCL 333.7101 et seq.

Sec. 24-246. - Possession of a controlled substance, controlled substance analogue, or prescription form.

A person shall not knowingly or intentionally possess a controlled substance, a controlled substance analogue, or a prescription form unless the controlled substance, controlled substance analogue, or prescription form was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.

(Ord. No. 05-03, § 3/5 8, 7-13-2005)

Sec. 24-247. - Use of a controlled substance or controlled substance analogue.

A person shall not use a controlled substance or controlled substance analogue unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.

(Ord. No. 05-03, § 3/5 9, 7-13-2005)

Sec. 24-248. - Marihuana.

A person shall not use the controlled substance of marihuana in the township unless the substance was directly obtained from, and pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioners professional practice.

(Ord. No. 96-01, § 3(31), 12-13-1995)

Sec. 24-249. - Drug paraphernalia.

No person shall possess drug paraphernalia. The term "drug paraphernalia" means any equipment, product, material, or combination of equipment, products, or materials which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting; ingesting; inhaling; or otherwise introducing to the human body a controlled substance; including, but not limited to, all of the following:

(1) An isomerization device specifically designed for use in increasing the potency of any species of plant, which plant is a controlled substance.

(2) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.

(3) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.

(4) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.

(5) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(6) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body.

(7) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant from which a controlled substance can be derived.

(8) A kit specifically designed for manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(9) A device, commonly known as a cocaine kit, that is specifically designed for ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.

(10) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.

(11) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.

(12) A device, commonly known as an automobile safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.

(13) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

(Ord. No. 96-01, § 3(32), 12-13-1995)

State Law reference— Drug paraphernalia, MCL 333.7451 et seq.

Secs. 24-250—24-276. - Reserved.

ARTICLE X. - OTHER OFFENSES

DIVISION 1. - GENERALLY

Sec. 24-277. - Sale of admission tickets.

(a) A person owning, occupying, managing or controlling a building or room, park or enclosure for the sale of tickets for theater, circus, athletic game, race tracks or places of public entertainment or amusement is prohibited from asking, demanding or receiving from a person for the sale of such tickets a price in excess of the general admission advertised or charged for the same privilege. It is unlawful for a person, or agent or employee of a person, to offer for sale upon a public place or thoroughfare a ticket to a theater, circus, athletic ground, race track or place of public entertainment or amusement for admission to, or for a seat or other privilege at a theater, circus, athletic ground, race track or place of public entertainment or amusement, at a price in excess of that demanded or received from the general public for the same privilege, or in excess of the advertised or printed rate, without the written permission of the owner, lessee, operator or manager of such facility.

(b) Except as otherwise provided, no person shall establish an agency or sub-office for the sale of such tickets in excess of the advertised price of the ticket.

(c) Except as otherwise provided, the owner, lessee, operator or occupant of a building or room, enclosure or other place open to the public is prohibited from permitting a person to sell or exhibit for sale upon the premises one or more tickets to a theater, circus, athletic ground or place of public entertainment or amusement, for more than the price printed on the ticket.

(d) The owner, lessee, operator or manager of a theater, circus, athletic ground, race track or place of public entertainment or amusement which sells a ticket or admission to a person under restrictive conditions and at a rate less than the general admission charge, and whose name appears on the face of the ticket or is registered in the office of the owner, lessee, operator or manager as the holder of the ticket, and if it is printed on the face of the ticket, that the ticket is nontransferable and sold only to the person whose name is on the face of the ticket or is registered as the holder of the ticket, shall not sell the ticket to another person.

(Ord. No. 87-1, § II(19b), 4-8-1987; Ord. of 7-14-1992, § 2(19))

State Law reference— Similar provisions, MCL 750.465.

Sec. 24-278. - Sale of alcoholic liquor to minors, drunkards, etc.

(a) A person who knowingly sells, gives or furnishes alcoholic liquor, liquor or spirits to any drunken, intoxicated or disorderly person is guilty of a misdemeanor.

(b) In this subsection, the term "minor" means a person under the age of 21 years. Subject to the following, a person who knowingly sells or furnishes alcoholic liquor to a minor, or who fails to make diligent inquiry as to whether the person is a minor is guilty of a misdemeanor:

(1) A state alcoholic liquor licensee shall not be charged with a violation of this subsection (b), unless all of the following occur, if applicable:

a. Enforcement action is taken against the minor who purchased or attempted to purchase, consumed or attempted to consume, or possessed or attempted to possess alcoholic liquor.

b. Enforcement action is taken under this subsection (b) against the person 21 years of age or older who is not the retail licensee or the retail licensee's clerk, agent, or employee who sold or furnished the alcoholic liquor to the minor.

c. Enforcement action under this subsection is taken against the clerk, agent, or employee who directly sold or furnished alcoholic liquor to the minor.

(2) Subsection (b)(1)a of this section does not apply under either of the following circumstances:

a. The violation of this subsection (b) is the result of an undercover operation in which the minor purchased or received alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

b. The violation of this subsection (b) is the result of an undercover operation in which the minor purchased or received alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action.

(3) Any initial or contemporaneous purchase or receipt of alcoholic liquor by the minor under subsection (b)(2) of this section must have been under the direction of the state police, the state liquor control commission, or the local police agency and must have been part of the undercover operation

(Ord. No. 96-01, § 3(18), 12-13-1995)

State Law reference— Similar provisions, MCL 436.1701, 436.1707.

Sec. 24-279. - Public possession of alcohol.

A person who possesses any open intoxicant or consumes any alcoholic liquor, beer, liquor or spirits while in or upon a public street, sidewalk or non-licensed public place is guilty of a misdemeanor.

(Ord. No. 96-01, § 3(19), 12-13-1995)

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

State Law reference— Penalty for ordinance violations, MCL 41.183.

Sec. 24-280. - Operation of off-road recreation vehicle (ORV).

(a) A person shall not operate an ORV:

(1) At a rate of speed greater than is reasonable and proper, or in a careless manner, having due regard for conditions then existing.

(2) During the hours of a half hour after sunset to a half hour before sunrise without displaying a lighted headlight and lighted taillight.

(3) Unless the vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of a half hour after sunset and a half hour before sunrise; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(4) In a state game area or state park or recreation area, except on roads, trails, or areas designated for this purpose; on other state-owned lands under the control of the department where the operation would be in violation of rules promulgated by the department; in a forest nursery or planting area; on public lands posted or reasonably identifiable as an area of forest reproduction, and when growing stock may be damaged; in a dedicated natural area of the department; or in any area in such a manner as to create an erosive condition, or to injure, damage, or destroy trees or growing crops. However, the state department having jurisdiction may permit an owner and guests of the owner to use an ORV within the boundaries of a state forest in order to access the owner's property.

(5) On the frozen surface of public waters within 100 feet of an individual not in or upon a vehicle, or within 100 feet of a fishing shanty or shelter or an area that is cleared of snow for skating purposes, except at the minimum speed required to maintain controlled forward movement of the vehicle, or as may be authorized by permit in special events.

(6) Unless the vehicle is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation. Exhaust noise emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a sound level meter that meets the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the United States Environmental Protection Agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this part,

manufactured or assembled after December 31, 1972, and used, sold, or offered for sale in the state, shall conform to the noise emission levels established by the United States Environmental Protection Agency under the noise control act of 1972, 42 USC 4901 to 4918.

(7) Within 100 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except under any of the following circumstances:

a. On property owned by or under the operator's control or on which the operator is an invited guest.

b. On a forest road or forest trail, if the forest road or forest trail is maintained by or under the jurisdiction of the department.

c. On a street, county road, or highway on which ORV use is authorized pursuant to the natural resources and environmental protection act, section 81131(2), (3), (5), or (6) (MCL 324.81131(2), (3), (5), or (6)).

(8) In or upon the lands of another without the written consent of the owner, the owner's agent, or a lessee, when required by the natural resources and environmental protection act, Part 731 of Public Act No. 451 of 1994 (MCL 324.73101 et seq.). The operator of the vehicle is liable for damage to private property caused by operation of the vehicle, including, but not limited to, damage to trees, shrubs, or growing crops, injury to other living creatures, or erosive or other ecological damage. The owner of the private property may recover from the individual responsible nominal damages of not less than the amount of damage or injury. Failure to post private property or fence or otherwise enclose in a manner to exclude intruders or of the private property owner or other authorized person to personally communicate against trespass does not imply consent to ORV use.

(9) In an area on which public hunting is permitted during the regular November firearm deer season, from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., except as follows:

a. During an emergency.

b. For law enforcement purposes.

c. To go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle.

d. To remove legally harvested deer, bear, or elk from public land. An individual shall operate an ORV under this subsection at a speed not exceeding five miles per hour, using the most direct route that complies with subsection (a)(14) of this section.

e. To conduct necessary work functions involving land and timber survey, communication and transmission line patrol, or timber harvest operations.

f. On property owned or under control of the operator or on which the operator is an invited guest.

g. While operating a vehicle registered under the code on a private road capable of sustaining automobile traffic or a street, county road, or highway.

h. If the individual holds a valid permit to hunt from a standing vehicle issued under part 401 or is a person with a disability using an ORV to access public lands for purposes of hunting or fishing through use of a designated trail or forest road. An individual holding a valid permit to hunt from a standing vehicle issued under the natural resources and environmental protection act, Part 401 of Public Act No. 451 of 1994 (MCL 324.40101 et seq.), or a person with a disability using an ORV to access public lands for purposes of hunting or fishing, may display a flag, the color of which the department shall determine, to identify himself as a person with a disability or an individual holding a permit to hunt from a standing vehicle under such part 401.

(10) Except as otherwise provided in the natural resources and environmental protection act, section 40111 (MCL 324.40111 et seq.), while transporting on the vehicle a bow, unless unstrung or

encased, or a firearm, unless unloaded and securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(11) On or across a cemetery or burial ground, or land used as an airport.

(12) Within 100 feet of a slide, ski, or skating area, unless the vehicle is being used for the purpose of servicing the area or is being operated pursuant to the natural resources and environmental protection act, section 81131(2), (3), (5), or (6) (MCL 324.81131(2), (3), (5), or (6)).

(13) On an operating or non-abandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as provided for in the natural resources and environmental protection act, section 81127 (MCL 324.81127).

(14) In or upon the waters of any stream, river, bog, wetland, swamp, marsh, or quagmire, except over a bridge, culvert, or similar structure.

(15) To hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill an animal, whether wild or domesticated.

(16) In a manner so as to leave behind litter or other debris.

(17) On public land, in a manner contrary to operating regulations.

(18) While transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, except under either of the following circumstances:

a. The container is in a trunk or compartment separate from the passenger compartment of the vehicle.

b. If the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is encased or enclosed.

(19) While transporting any passenger in or upon an ORV, unless the manufacturing standards for the vehicle make provisions for transporting passengers.

(20) On adjacent private land, in an area zoned residential, within 300 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except under any of the following circumstances:

a. On a forest road or forest trail if the forest road or forest trail is maintained by or under the jurisdiction of the department.

b. On a street, county road, or highway on which ORV use is authorized under the natural resources and environmental protection act, section 81131(2), (3), (5), or (6) (MCL 324.81131(2), (3), (5), or (6)).

(21) On a forest trail if the ORV is greater than 50 inches in width.

(b) An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This subsection does not apply to any of the following:

(1) An individual who owns the property on which the ORV is operating, is a family member of the owner and resides at that property, or is an invited guest of an individual who owns the property. An exception under this subsection does not apply to any of the following:

a. An individual less than 16 years of age.

b. An individual 16 or 17 years of age, unless the individual has consent from his parent or guardian to ride without a crash helmet.

c. An individual participating in an organized ORV riding or racing event if an individual who owns the property receives consideration for use of the property for operating ORVs.

(2) An individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet.

(3) An ORV operated on a state-licensed game bird hunting preserve at a speed of not greater than ten miles per hour.

(c) Each person who participates in the sport of ORV riding accepts the risks associated with that sport insofar as the dangers are inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; defects in traffic lanes; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with fill material, decks, bridges, signs, fences, trail maintenance equipment, or other ORVs. Those risks do not include injuries to persons or property that result from the use of an ORV by another person in a careless or negligent manner likely to endanger person or property. When an ORV is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of ORV riding additionally assumes risks including, but not limited to, entanglement with railroad tracks, switches, and ties and collisions with trains and train-related equipment and facilities.

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

ATV means a vehicle with three or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.

Highway means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel.

Operator means a person who operates or is in actual physical control of the operation of an ORV.

ORV or *vehicle* means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related two-wheel vehicle, a vehicle with three or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. The term "ORV" or "vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

Owner means any of the following:

(1) A vendee or lessee of an ORV which is the subject of an agreement for the conditional sale or lease of the ORV, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.

(2) A person renting an ORV, or having the exclusive use of an ORV, for more than 30 days.

(3) A person who holds legal ownership of an ORV.

Property owner means a person who holds title to real property via deed, land contract, lease agreement, (either verbal or written) or any other written instrument that conveys title or interest to real property.

Roadway means that portion of a highway improved, designated, or ordinarily used for vehicular travel. The term "roadway" does not include the shoulder.

(Ord. No. 03-3, § 03-3, 12-10-2003)

State Law reference— Similar provisions, MCL 324.81101, 324.81133.

Secs. 24-281—24-308. - Reserved.

DIVISION 2. - HUNTING, FISHING AND RELATED ACTIVITIES

Sec. 24-309. - Possession and exhibit of license; possession of certain firearms during firearm deer season; exhibit of unused kill tag except as otherwise provided by the authority of the state department of natural resources or the Michigan Compiled Laws.

(a) A person who has been issued a hunting, fur harvester's, or fishing license shall carry the license and shall exhibit the license upon the demand of a conservation officer, a law enforcement officer, or the owner or occupant of the land, if either or both of the following apply:

(1) The person is hunting, trapping, or fishing.

(2) Subject to and except as provided in applicable Michigan Compiled Laws, the person is in possession of a firearm or other hunting or trapping apparatus or fishing apparatus in an area frequented by wild animals or fish, respectively.

(b) Subject to and except as provided in applicable Michigan Compiled Laws, a person shall not carry or possess afield a shotgun with buckshot, slug loads, or ball loads; a bow and arrow; a muzzle-loading rifle or black powder handgun; or a centerfire handgun or centerfire rifle during firearm deer season, unless that person has a valid firearm deer license with an unused kill tag, if issued, issued in his name. The person shall exhibit an unused kill tag, if issued, upon the request of a conservation officer, a law enforcement officer, or the owner or occupant of the land.

(Ord. No. 12-1, § II, 4-11-2012)

State Law reference— Similar provisions, MCL 324.43516.

Sec. 24-310. - Licensing requirements; prohibited acts except as otherwise provided by the authority of the state department of natural resources or the Michigan Compiled Laws.

(a) A person is guilty of a misdemeanor if the person does any of the following:

(1) Makes a false statement as to material facts for the purpose of obtaining a license or uses or attempts to use a license obtained by making a false statement.

(2) Affixes to a license a date or time other than the date or time issued.

(3) Issues a license without receiving and remitting the fee to the department.

(4) Without a license, takes or possesses a wild animal, wild bird, or aquatic species, except aquatic insects. This subsection does not apply to a person less than 17 years of age who without a license takes or possesses aquatic species.

(5) Sells, loans, or permits in any manner another person to use the person's license or uses or attempts to use another person's license.

(6) Falsely makes, alters, forges, or counterfeits a sport card or a hunting, fishing, or fur harvester's license or possesses an altered, forged, or counterfeited hunting, fishing, or fur harvester's license.

(7) Uses a tag furnished with a firearm deer license, bow and arrow deer license, bear hunting license, elk hunting license, or wild turkey hunting license more than one time, or attaches or allows a tag to be attached to a deer, bear, elk, or turkey other than a deer, bear, elk, or turkey lawfully killed by the person.

(8) Except as provided by law, makes an application for, obtains, or purchases more than one license for a hunting, fishing, or trapping season, not including a limited fishing license, second bow and arrow license, second firearm deer license, antlerless deer license, or other license specifically authorized by law, or if the applicant's license has been lost or destroyed.

(9) Applies for, obtains, or purchases a license during a time that the person is ineligible to secure a license.

(10) Knowingly obtains, or attempts to obtain, a resident or a senior license if that person is not a resident of the state.

(b) A person who violates subsection (a) of this section shall be punished by imprisonment for not more than 90 days, or a fine of not less than $25.00 or more than $500.00 and the costs of prosecution, or both. In addition, the person shall surrender any license and license tag that was wrongfully obtained.

(c) A person licensed to carry a firearm under this division is prohibited from doing so while under the influence of a controlled substance or alcohol or a combination of a controlled substance and alcohol.

(Ord. No. 12-1, § III, 4-11-2012)

State Law reference— Similar provisions, 324.43558.

Sec. 24-311. - Taking animals from in or upon a vehicle; transport or possession of bow or firearm; except as otherwise provided by the authority of the state department of natural resources or state law.

(a) A person shall not take an animal from in or upon a vehicle, except as otherwise provided by the authority of the state department of natural resources or the state law.

(b) A person shall not transport or have in possession a firearm in or upon a vehicle, unless the firearm is unloaded, enclosed in a case, and carried in the trunk of a vehicle, or unloaded in a motorized boat, except as otherwise provided by law.

(c) A person shall not transport or have in possession a bow in or upon a vehicle, unless the bow is unstrung, enclosed in a case, or carried in the trunk of a vehicle.

(Ord. No. 12-1, § IV, 4-11-2012)

State Law reference— Similar provisions, MCL 324.40111.

Sec. 24-312. - Safety zones around buildings.

(a) Safety zones are all areas within 150 yards (450 feet) of an occupied building, house, structure or any barn or other building.

(b) A person shall not hunt or discharge a firearm within the safety zone of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.

(Ord. No. 12-1, § V, 4-11-2012)

State Law reference— Similar provisions, MCL 324.40111.

Sec. 24-313. - Clothing requirements.

(a) A person shall not take game during the established daylight shooting hours as designated by the state department of natural resources, unless the person wears a cap, hat, vest, jacket, or rain gear of the highly visible color commonly referred to as hunter orange or a color authorized by the state under the natural resources and environmental protection act, section 40116(4) (MCL 324.40116(4)). Hunter orange includes blaze orange, flame orange, or fluorescent blaze orange, and camouflage that is not less than 50 percent hunter orange. The garments that are hunter orange shall be the hunter's outermost garment and shall be visible from all sides of the hunter.

(b) This section does not apply to a person engaged in the taking of deer with a bow during archery deer season, a person taking bear with a bow, a person engaged in the taking of turkey or migratory birds other than woodcocks, a person engaged in the sport of falconry, or a person who is stationary and in the act of hunting a bobcat, coyote, or fox.

(c) The failure of a person to comply with this section is not evidence of contributory negligence in a civil action for injury to the person or for the person's wrongful death.

(Ord. No. 12-1, § VI, 4-11-2012)

State Law reference— Similar provisions, MCL 324.40116.

Sec. 24-314. - Bag limits and hunting seasons; incorporated as established in the annual state department of natural resources hunting and fishing guidelines.

It shall be a violation of this division for any person to exceed the established bag limits or to hunt outside the hunting seasons as set forth in the annual state department of natural resources hunting and fishing guidelines. The hunting seasons and bag limits as set forth in that annual publication shall be and are hereby adopted and incorporated in this section by reference.

(Ord. No. 12-1, § VII, 4-11-2012)

Sec. 24-315. - Use of artificial light; time, purpose; application of subsection; stopping vehicles; applicable except as otherwise provided by the authority of the state department of natural resources or the Michigan Compiled Laws.

(a) Except as otherwise provided in a state department of natural resources order authorized under the natural resources and environmental protection act, section 40107 (MCL 324.40107), for a specified animal, a person shall not use an artificial light in taking game or in an area frequented by animals; throw or cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest while having a bow or firearm or other weapon capable of shooting a projectile in the person's possession or under the person's control, unless otherwise permitted by law. A licensed hunter may use an artificial light one hour before and one hour after shooting hours while in possession of any unloaded firearm or bow and traveling afoot to and from the licensed hunter's hunting location.

(b) Except as otherwise provided in a state department of natural resources order authorized under the natural resources and environmental protection act, section 40107 (MCL 324.40107), a person shall not throw, cast, or cause to be thrown or cast, the rays of an artificial light from December 1 to October 31 between the hours of 11:00 p.m. and 6:00 a.m. for the purpose of locating animals. Except as otherwise permitted by law or an order of the state department of natural resources, from November 1 to November 30, a person shall not throw, cast or cause to be thrown or cast, the rays of a spotlight, headlight, or other artificial light for the purpose of locating animals. This subsection does not apply to any of the following:

(1) A peace officer while in the performance of the officer's duties.

(2) A person operating an emergency vehicle in an emergency.

(3) An employee of a public or private utility while working in the scope of his employment.

(4) A person operating a vehicle with headlights in a lawful manner upon a street, highway, or roadway.

(5) A person using an artificial light to identify a house or mailbox number.

(6) The use of artificial lights used to conduct a census by the state department of natural resources.

(7) A person using an artificial light from November 1 to November 30 on property that is owned by that person or by a member of that person's immediate family.

(c) The operator of a vehicle from which the rays of an artificial light have been cast in a clear attempt to locate game shall immediately stop the vehicle upon the request of a uniformed peace officer or when signaled by a peace officer with a flashing signal light or siren from a marked patrol vehicle.

(Ord. No. 12-1, § VIII, 4-11-2012)

State Law reference— Similar provisions, MCL 324.40113.

Chapter 26 - OUTDOOR ASSEMBLIES

Sec. 26-1. - Finding and declaration.

The township board finds and declares that the interests of the public health, safety and welfare of the citizens of township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this township.

(Ord. of 9-9-1970, § 1)

Sec. 26-2. - Definitions.

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

Attendant means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

Licensee means any person to whom a license is issued pursuant to this chapter.

Outdoor assembly, hereinafter referred to as "assembly," means any event, attended by more than 5,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to, musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

(1) An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;

(2) An event which is conducted or sponsored by any entity qualifying for tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1954, being 26 USC 501(c)(3), as incorporated by reference in section 201 of the income tax act of 1967, Public Act No. 281 of 1967 (MCL 206.201);

(3) An event held entirely within the confines of a permanently enclosed and covered structure; or

(4) An event at Michigan International Speedway.

Sponsor means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

(Ord. of 9-9-1970, § 2)

Sec. 26-3. - License required.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

(Ord. of 9-9-1970, § 3)

Sec. 26-4. - Application for license.

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as currently established or as hereafter adopted by resolution of the township board from time to time and shall include at least the following:

(1) The name, age, residence, mailing address, e-mail address and telephone number of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than five percent ownership.)

(2) A statement of the kind, character, and type of proposed assembly.

(3) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.

(4) The date or dates and hours during which the proposed assembly is to be conducted.

(5) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

(Ord. of 9-9-1970, § 4)

Sec. 26-5. - Detailed explanation for application.

(a) Each application shall be accompanied by a detailed explanation, including drawings and diagrams, where applicable, of the prospective licensee's plans to provide for the following:

(1) Police and fire protection.

(2) Food and water supply and facilities.

(3) Health and sanitation facilities.

(4) Medical facilities and services, including emergency vehicles and equipment.

(5) Vehicle access and parking facilities.

(6) Camping and trailer facilities.

(7) Illumination facilities.

(8) Communications facilities.

(9) Noise control and abatement.

(10) Facilities for cleanup and waste disposal.

(11) Insurance and bonding arrangements.

(b) In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

(Ord. of 9-9-1970, § 5)

Sec. 26-6. - Review and investigation.

On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, the township fire chief, and such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the township board.

(Ord. of 9-9-1970, § 6)

Sec. 26-7. - Issuance or denial of license.

Within 30 days of the filing of the application, the township board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The township board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within five days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

(Ord. of 9-9-1970, § 7)

Sec. 26-8. - Reasons for denial of license.

A license may be denied if:

(1) The applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or

(2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

(Ord. of 9-9-1970, § 8)

Sec. 26-9. - Required information on license.

A license shall specify the name, address, e-mail address and telephone number of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

(Ord. of 9-9-1970, § 9)

Sec. 26-10. - Requirements for processing an application.

In processing an application, the township board shall, at a minimum, require the following:

(1) *Security personnel.* The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the township in cooperation with the director of state police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

(2) *Water facilities.* The licensee shall provide potable water, sufficient in quantity and pressure to ensure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with part 127 of Public Act No. 368 of 1978 (MCL 33.12701 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the township health officer.

(3) *Restroom facilities.*

a. *Separate water closets, lavatories and drinking water facilities.* The licensee shall provide separate enclosed flush type water closets as defined in Public Act No. 733 of 2002 (MCL 338.3511 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Public Act No. 733 of 2002 (MCL 338.3511 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male	Male and Female	Female
Toilets	1:300		1:200
Urinals	1:100		
Lavatories	1:200		1:200
Drinking fountains		1:500	
Taps or faucets		1:500	

b. *Shower facilities.* Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Shower heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the township health officer.

(4) *Food service.* If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Public Act No. 92 of 2000 (MCL 289.1101 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

(5) *Medical facilities.* If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the township health officer.

(6) *Liquid waste disposal.* The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the township health officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Part 117 of Public Act No. 451 of 1994 (MCL 324.11701 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the township health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will ensure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health. The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches, and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

(7) *Public bathing beaches.* The licensee shall provide or make available or accessible public bathing beaches only in accordance with sections 12541 through 12546 of Public Act No. 368 of 1978 (MCL 333.12541 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(8) *Public swimming pools.* The licensee shall provide or make available public swimming pools only in accordance with sections 12521 through 12534 of Public Act No. 368 of 1978 (MCL 333.12521 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(9) *Access and traffic control.* The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the state. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles.

Prior to the issuance of a license, the director of the department of state police and the director of the state department of transportation must approve the licensee's plan for access and traffic control.

(10) *Parking.* The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four attendants.

(11) *Camping and trailer parking.* A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with sections 12501 through 12516 of Public Act No. 368 of 1978 (MCL 333.12501 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.

(12) *Illumination.* The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township building inspector.

(13) *Insurance.* Before the issuance of a license, the licensee shall obtain public liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the township clerk in writing at least ten days before the expiration or cancellation of said insurance.

(14) *Bonding.* Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in the state, a corporate surety bond in the amount as currently established or as hereafter adopted by resolution of the township board from time to time in a form to be approved by the township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of state or local law, and which shall indemnify the township board, its agents, officers, and employees and the township board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

(15) *Fire protection.* The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to ensure fire protection.

(16) *Sound producing equipment.* Sound production equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments and other recording devises, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of township.

(17) *Fencing.* The licensee shall erect a fence completely enclosing the site, or sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

(18) *Communications.* The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

(19) *Miscellaneous.* Prior to the issuance of a license, the township board may impose any other conditions reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

(Ord. of 9-9-1970, § 10)

Sec. 26-11. - Revocation.

The township board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any, and all, provisions and requirements set forth herein or with any, and all, provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

(Ord. of 9-9-1970, § 11)

Sec. 26-12. - Violations.

(a) It shall be unlawful for a licensee, his employee, or agent, to knowingly:

(1) Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.

(2) Conduct or operate an assembly in such a manner as to create a public or private nuisance.

(3) Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.

(4) Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.

(5) Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.

(6) Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

(b) Any of the violations set forth in subsection (a) of this section is a separate offense, is a nuisance per se immediately enjoinable in the circuit courts, and is punishable as a misdemeanor.

(c) It is further provided that any of the violations set forth in subsection (a) of this section is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

(Ord. of 9-9-1970, § 12)

Chapter 28 - TELECOMMUNICATIONS[1]

Footnotes:

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State Law reference— Michigan telecommunications act, MCL 484.2101 et seq.; metropolitan extension telecommunications rights-of-way oversight act, MCL 484.3101 et seq.; Michigan broadband development authority act, MCL 484.3201 et seq.; uniform video services local franchise act, MCL 484.3301 et seq.

ARTICLE I. - IN GENERAL

Secs. 28-1—28-18. - Reserved.

ARTICLE II. - METROPOLITAN EXTENSION TELECOMMUNICATIONS RIGHTS-OF-WAY OVERSIGHT[2]

Footnotes:

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State Law reference— Metropolitan extension telecommunications rights-of-way oversight act, MCL 484.3101 et seq.

Sec. 28-19. - Purpose.

The purposes of this article 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, Public Act No. 48 of 2002 (MCL 484.3101 et seq.) ("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.

(Ord. No. 02-03, § 1, 11-13-2002)

Sec. 28-20. - Conflict.

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

(Ord. No. 02-03, § 2, 11-13-2002)

Sec. 28-21. - Definitions.

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

Act means the metropolitan extension telecommunications rights-of-way oversight act, Public Act No. 48 of 2002 (MCL 484.3101 et seq.).

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to section 3 of the Act (MCL 484.3103).

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.

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

Public right-of-way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. The term "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 USC 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, Public Act No. 179 of 1991 (MCL 484.2102). The term "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 USC 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 article only, a provider also includes all of the following:

(1) A cable television operator that provides a telecommunications service.

(2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

(3) A person providing broadband internet transport access service.

Township board means the township board of the Township of Cambridge or its designee. This definition does not authorize delegation of any decision or function that is required by law to be made by the township board.

(Ord. No. 02-03, § 3, 11-13-2002)

Sec. 28-22. - Permit.

(a) *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 article.

(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 (MCL 484.3106(1)). A telecommunications provider shall file one copy of the application with the township clerk, one copy with the supervisor, and one copy with the township attorney. Upon receipt, the township clerk shall make copies of the application and distribute a copy to the township board. 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 (MCL 484.3106(5)).

(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, Public Act No. 442 of 1976 (MCL 15.231 et seq.), pursuant to section 6(5) of the Act (MCL 484.3106(5)), 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 nonrefundable application fee an amount of $500.00.

(e) *Additional information.* The township clerk may request an applicant to submit such additional information that the township clerk 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 clerk. 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 (MCL 484.3106(2)).

(f) *Previously issued permits.* Pursuant to section 5(1) of the Act (MCL 484.3105(1)), authorizations or permits previously issued by the township under section 251 of the Michigan telecommunications act, Public Act No. 179 of 1991 (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 article.

(g) *Existing providers.* Pursuant to section 5(3) of the Act (MCL 484.3105(3)), 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, Public Act No. 179 of 1991 (MCL 484.2251), shall submit to the township an application for a permit in accordance with the requirements of this article. Pursuant to section 5(3) of the Act (MCL 484.3105(3)), a telecommunications provider submitting an application under this subsection is not required to pay the

$500.00 application fee required under subsection (d) of this section. 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 (MCL 484.3105(4)).

(Ord. No. 02-03, § 4, 11-13-2002)

Sec. 28-23. - Issuance of permit.

(a) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the township clerk. Pursuant to section 15(3) of the Act (MCL 484.3115(3)), the township clerk shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under section 28-22(b) for access to a public rights-of-way within the township. Pursuant to section 6(6) of the Act (MCL 484.3106(6)), the township clerk shall notify the MPSC when the township clerk 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 clerk shall not unreasonably deny an application for a permit.

(b) *Form of permit.* If an application for permit is approved, the township clerk 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 (MCL 484.3106(1), 484.3106(2) and 484.3115).

(c) *Conditions.* Pursuant to section 15(4) of the Act (MCL 484.3115(4)), the township clerk 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 (MCL 484.3115(3)), and without limitation on subsection (c) of this section, the township clerk 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.

(Ord. No. 02-03, § 5, 11-13-2002)

Sec. 28-24. - Construction/engineering permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the township without first obtaining a construction or engineering permit as required under the township ordinances, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

(Ord. No. 02-03, § 6, 11-13-2002)

Sec. 28-25. - Conduit or utility poles.

Pursuant to section 4(3) of the Act (MCL 484.3104(3)), obtaining a permit or paying the fees required under the Act or under this article does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. No. 02-03, § 7, 11-13-2002)

Sec. 28-26. - Route maps.

Pursuant to section 6(7) of the Act (MCL 484.3106(7)), 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 or electronic format unless and until the MPSC determines otherwise, in accordance with section 6(8) of the Act (MCL 484.3106(8)).

(Ord. No. 02-03, § 8, 11-13-2002)

Sec. 28-27. - Repair of damage.

Pursuant to section 15(5) of the Act (MCL 484.3115(5)), 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.

(Ord. No. 02-03, § 9, 11-13-2002)

Sec. 28-28. - Establishment and payment of maintenance fee.

In addition to the nonrefundable application fee paid to the township set forth in section 28-22(d), 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 (MCL 484.3108).

(Ord. No. 02-03, § 10, 11-13-2002)

Sec. 28-29. - Modification of existing fees.

In compliance with the requirements of section 13(1) of the Act (MCL 484.3113(1)), 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 (MCL 484.3113(4)), 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 (MCL 484.3108). The township shall provide each telecommunications provider affected by the fee with a copy of this article, in compliance with the requirement of section 13(4) of the Act (MCL 484.3113(4)). 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.

(Ord. No. 02-03, § 11, 11-13-2002)

Sec. 28-30. - Savings clause.

Pursuant to section 13(5) of the Act (MCL 484.3113(5)), if section 8 of the Act (MCL 484.3108) is found to be invalid or unconstitutional, the modification of fees under section 28-29 shall be void from the date the modification was made.

(Ord. No. 02-03, § 12, 11-13-2002)

Sec. 28-31. - Use of funds.

Pursuant to section 10(4) of the Act (MCL 484.3110(4)), all amounts received by the township from the authority shall be used by the township solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the township from the authority shall be deposited into the major street fund and/or the local street fund maintained by the township.

(Ord. No. 02-03, § 13, 11-13-2002)

Sec. 28-32. - Annual report.

Pursuant to section 10(5) of the Act (MCL 484.3110(5)), the township clerk, if required by the Act, shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.

(Ord. No. 02-03, § 14, 11-13-2002)

Sec. 28-33. - Cable television operators.

Pursuant to section 13(6) of the Act (MCL 484.3113(6)), 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.

(Ord. No. 02-03, § 15, 11-13-2002)

Sec. 28-34. - Existing rights.

Pursuant to section 4(2) of the Act (MCL 484.3104(2)), except as expressly provided herein with respect to fees, this article 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.

(Ord. No. 02-03, § 16, 11-13-2002)

Sec. 28-35. - Compliance.

The township hereby declares that its policy and intent in adopting this article 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:

(1) Exempting certain route maps from the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.), as provided in section 28-22(c);

(2) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with section 28-22(f);

(3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the $500.00 application fee, in accordance with section 28-22(g);

(4) Approving or denying an application for a permit within 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 28-23(a);

(5) Notifying the MPSC when the township has granted or denied a permit, in accordance with section 28-23(a);

(6) Not unreasonably denying an application for a permit, in accordance with section 28-23(a);

(7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in section 28-23(b);

(8) 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 28-23(c);

(9) 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 28-23(d);

(10) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with section 28-24;

(11) Providing each telecommunications provider affected by the township's right-of-way fees with a copy of this article, in accordance with section 28-29;

(12) Submitting an annual report to the authority, in accordance with section 28-32; and

(13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with section 28-33.

(Ord. No. 02-03, § 17, 11-13-2002)

Sec. 28-36. - Reservation of police powers.

Pursuant to section 15(2) of the Act (MCL 484.3115(2)), this article 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.

(Ord. No. 02-03, § 18, 11-13-2002)

Sec. 28-37. - Authorized township officials.

The township clerk or his designee is hereby designated as the authorized township official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this article as provided by the township ordinances.

(Ord. No. 02-03, § 20, 11-13-2002)

Sec. 28-38. - Municipal ordinance violation.

A violation of this article shall be a violation of the township ordinances. Nothing in this article shall be construed to limit the remedies available to the township in the event of a violation by a person of this article or a permit.

(Ord. No. 02-03, § 21, 11-13-2002)

Chapter 30 - TRAFFIC AND VEHICLES[1]

Footnotes:

State Law reference— Michigan vehicle code, MCL 257.1 et seq.; powers of local authorities, MCL 257.605, 257.606, 257.610.

ARTICLE I. - IN GENERAL

Sec. 30-1. - Racing motorcycles prohibited.

No persons shall engage in racing motorcycles within the township, be the same upon private property or public property; and no person or organization shall permit his or its premises to be utilized for such a purpose. Violation of this section shall be considered a misdemeanor and punishable as otherwise provided for within the township ordinances.

(Ord. of 2-7-1968)

Secs. 30-2—30-21. - Reserved.

ARTICLE II. - TRAFFIC CODES

Sec. 30-22. - Michigan vehicle code and snowmobile statute adopted.

(a) The state vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), and part 821 of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.82101 et seq.), are hereby adopted by reference.

(b) References in the Michigan vehicle code and the natural resources and environmental protection act to "governmental unit" shall mean the township; references to "traffic engineer" shall mean the township chief of police.

(c) The penalties provided by the Michigan vehicle code and Part 821 of the natural resources and environmental protection act are adopted by reference; provided, however, that the township may not enforce any provision of the Michigan vehicle code or the natural resources and environmental protection act for which the maximum period of imprisonment is greater than 93 days.

(Ord. No. 02-01, §§ 1, 2, 4, 7-10-2002)

State Law reference— Authority to adopt the Michigan vehicle code by reference, MCL 41.181.

Sec. 30-23. - Uniform traffic code adopted.

(a) The uniform traffic code for cities, townships, and villages as promulgated by the director of the department of state police pursuant to the administrative procedures act of 1969, Public Act No. 306 of 1969 (MCL 24.201 et seq.) and made effective October 30, 2002, are incorporated and adopted by reference.

(b) References in the uniform traffic code for state cities, townships and villages to "governmental unit" shall mean the township; references to "traffic engineer" shall mean the township chief of police.

(c) The penalties provided by the uniform traffic code for cities, townships, and villages are adopted by reference.

(Ord. No. 04-02, § 1, 2, 4, 12-11-2002)

State Law reference— Authority to adopt the Uniform Traffic Code by reference, MCL 257.951.

Chapter 32 - UTILITIES[1]

Footnotes:

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State Law reference— Local authority to provide and regulate sewer and water service, MCL 324.4301 et seq.; water and sewer authorities, MCL 124.281 et seq.

ARTICLE I. - IN GENERAL

Secs. 32-1—32-18. - Reserved.

ARTICLE II. - WATER

DIVISION 1. - GENERALLY

Secs. 32-19—32-39. - Reserved.

DIVISION 2. - CROSS CONNECTION RULES

Sec. 32-40. - Adoption of rules.

The township adopts by reference the Water Supply Cross Connection Rules of the state department of environmental quality being Mich. Admin. Code R 325.11401 to R 325.11407.

(Ord. No. 97-7, § 1, 10-8-1997)

Sec. 32-41. - Division does not supersede plumbing code.

This division does not supersede the state plumbing code.

(Ord. No. 97-7, § 6, 10-8-1997)

Sec. 32-42. - Duty to cause inspections.

It shall be the duty of the township or an authorized representative to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the township and as approved by the state department of environmental quality.

(Ord. No. 97-7, § 2, 10-8-1997)

Sec. 32-43. - Right to enter for inspecting piping system cross connection; refusal of inspection deemed evidence.

The representative of the township shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the township for the purpose of inspection of the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(Ord. No. 97-7, § 3, 10-8-1997)

Sec. 32-44. - Authorization to disconnect water service.

The representative of the township is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.

(Ord. No. 97-7, § 4, 10-8-1997)

Sec. 32-45. - Potable water made available.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this division and by the state and township plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

(Ord. No. 97-7, § 5, 10-8-1997)

Secs. 32-46—32-63. - Reserved.

DIVISION 3. - SOUTH SHORE WATER SUPPLY SYSTEM

Subdivision I. - In General

Sec. 32-64. - Title.

This division shall be known and may be cited as the "South Shore Water Supply System Improvements Water Rate and Use Ordinance."

(Ord. No. 97-2, § 7.01, 7-28-1997)

Sec. 32-65. - Right to amend.

The township specifically reserves the right to amend this division in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease, or otherwise modify any of the fees, charges, or rates herein provided, it being understood, however, that the adoption of this division or its subsequent amendment or repeal shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to the Gentner Water Supply System Improvements Contract with the county or under Public Act No. 342 of 1939 (MCL 46.171 et seq.). This division shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to the system.

(Ord. No. 97-2, § 7.04, 7-28-1997)

Sec. 32-66. - Definitions.

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

Availability charge means the amount charged at the time and in the amount hereinafter provided to each premises for the availability to directly serve said premises by the distribution system to which water is distributed to structures by the system and represents the proportionate cost allocable to such premises for the water distribution services made directly available to and on the premises and the general benefit derived therefrom.

Available public potable water system means a public potable water system located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon property in the township.

Building water service lateral means the buried piping from outside a structure to the water main.

Charges for potable water services or *service charges* means the amount charged to each premises for potable water services and represents the proportionate cost allocable to the user, for operation and maintenance and replacement and may include a debt service charge.

Committee means the South Shore Water Supply System Improvements Water Advisory Committee which makes policy recommendations to the township and the county regarding the system.

Connection permit means the permit required to be obtained by the property owner prior to connecting said premises to the system.

Debt service charge means that part of the charge for potable water services which is used to cover capital indebtedness.

Inspection and approval fee means the amount charged to each applicant by the township to connect any premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

Owner means the owner or occupant of premises which connect to facilities of the system or are to be connected.

Potable water services means the distribution, transportation, treatment, and maintenance of all facilities of the system.

Potable water system or *system* means the South Shore Water Supply System Improvements located, established, and constructed by the county, acting through the county drain commissioner pursuant to Public Act No. 342 of 1939 (MCL 46.171 et seq.), and includes all wells, pumps, pressure tanks, treatment facilities, and all other facilities used or useful in the distribution and treatment, including all extensions and improvements thereto which may hereafter be acquired.

Premises means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the township as a single, taxable item in the name of the taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

Qualified contractor means a licensed contractor that is bonded and insured and has been prequalified and approved and licensed through the county drain commissioner to make installations and connection to the system.

System operator means the agent of the county drain commissioner designated as being responsible for the operation of the facilities of the system.

Trunkage charge means the amount charged on a per unit basis at the time and in the amount hereinafter provided to each premises for connecting or being connected to the system and represents

the water main facilities, wells, storage tanks, treatment facility, and other public water system appurtenances located on public property by which potable water services are immediately provided to the premises.

Unit or *units* shall be related to the quantity of potable water ordinarily arising from the occupancy of a structure by a single family of ordinary size and the benefit derived therefrom and shall be defined or determined from time to time by the township board after consultation with the consulting engineers for the township and the county. Said determination of units shall be based upon the studies made relative to the quantity of potable water used by and the benefit derived from different types of use and occupancy of premises and shall be kept up to date and revised as needed as new studies are made and through experience gained by the township and county in actual operation.

(Ord. No. 97-2, § 1.01, 7-28-1997)

Sec. 32-67. - Public potable water systems essential.

Public potable water systems are essential to the health, safety, and welfare of the people of the state and the township. Failure or potential failure of the existing water distribution system poses a threat to the public health, safety, and welfare; and presents a potential for ill health, transmission of disease, mortality, and potential economic blight. The connection to available public potable water systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest, which is declared as a matter of legislative determination.

(Ord. No. 97-2, § 1.02, 7-28-1997)

Sec. 32-68. - Connection to system.

It is hereby determined and ordained that all premises served by the system on which a structure or structures are located in which potable water is used, and to which there is an available public potable water system, are authorized to be connected to said public potable water system. The facilities of the system, including any curb stops, service laterals, valve, or stub, as well as the wells, storage tanks and treatment facilities are each and all hereby found essential parts of a public potable water system as defined and provided in this division.

(Ord. No. 97-2, § 1.03, 7-28-1997)

Sec. 32-69. - Distribution and transportation of potable water only.

The system shall be used for the distribution and transportation of potable water only. All industrial and commercial users shall comply with connection to the system in compliance with the standards and regulations of the township or county.

(Ord. No. 97-2, § 2.01, 7-28-1997)

Sec. 32-70. - Structures and subdivided plats must be approved.

(a) Structures in which potable water users located in the township served by the system for which there is an available public potable water system shall not be used or occupied after the effective date of the ordinance from which this division is derived, unless said structures are connected to the system or are otherwise approved by county health department.

(b) Plats for premises in the area served by the system subdivided into three or more lots or parcels, after the effective date hereof, shall not be approved on behalf of the township and none of said lots or

parcels shall be improved by the erection of the structure unless water service lateral is provided at owners' expense and lateral water mains to serve all of said lots or parcels and to connect same to the system are available as part of the system or shall be installed at private cost (or the estimated cost thereof deposited with the township) in the manner, size, and location approved by the township.

(Ord. No. 97-2, § 3.01, 7-28-1997)

Sec. 32-71. - Charges; special assessment credit.

(a) Owners of premises within the area of the township served by the system as of the effective date of the ordinance from which this division is derived shall pay the charges as currently established or as hereafter adopted by resolution of the township board from time to time.

(b) The owner of said premises listed on the township special assessment roll for the South Shore Water Supply System Improvements shall be given a credit against the charges specified in this section equal to the amount levied on the roll and said charges will be considered paid at the time the roll was confirmed.

(c) The trunkage and availability charges shall be paid in cash at the time a connection permit is issued, if such owner is not listed on the special assessment roll.

(Ord. No. 97-2, § 3.02, 7-28-1997)

Sec. 32-72. - Structures outside the township.

Owners of structures on premises not now within the area in the township served by the system, which are hereafter connected directly to the system or indirectly to the system or through other public or private water mains, hereafter constructed in any area in the township hereafter to be served by the system, shall pay the trunkage and/or availability charges specified in section 32-71 in cash at the time of entering into an access permit and service agreement and payment of any inspection fees, which fees shall be in addition to any other fee or charge paid or being paid hereunder with respect to said premises.

(Ord. No. 97-2, § 3.03, 7-28-1997)

Sec. 32-73. - Units assigned per premises.

(a) The number of units to be assigned to any particular premises shall be as set forth in appendix A, as kept on file in the office of the township clerk, as the same may be revised from time to time by the township board following consultations with the consulting engineer. The township board if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises, but, for purposes of computing the connection fee, units in excess of one may be computed and assigned to the nearest tenth.

(b) Once any premises have been connected to the system and have been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal, or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of all charges to said premises for the amount and for the period hereinabove provided for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of potable water emanating from the premises, the township board shall increase the number of units assigned to said premises and, thereupon, a trunkage charge shall be charged as specified in sections 32-71 and 32-72 for the additional units and shall be payable in cash at the time of construction or other permit is issued by the township for such changes in use or at the time such change in use occurs if no permit is issued or required.

(Ord. No. 97-2, § 3.04, 7-28-1997)

Sec. 32-74. - Charges for potable water services; billing.

(a) Charges for potable water services to each premises within the township connected to the system shall be as currently established or as hereafter adopted by resolution of the township board from time to time to reflect changes in the actual cost of operating, maintaining, and administering the system, or to permit the township to comply with any obligation, limitations, or conditions contained in any agreement between the township and any entity pertaining to the operation, maintenance, and administration of the system; provided that the per unit rate of the service charge shall not be changed or amended so as to conflict with or impair any obligation of limitation upon the township under any agreement pertaining to the operation, maintenance, and administration thereof.

(b) Bills will be rendered quarterly on March 1, June 1, September 1, and December 1 and shall be payable within 30 days. A penalty of ten percent of the amount of the bill shall be charged for late payment.

(Ord. No. 97-2, § 3.05, 7-28-1997; Res. of 11-12-2014(03))

Sec. 32-75. - No free service.

No free service shall be furnished by the township to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

(Ord. No. 97-2, § 3.06, 7-28-1997)

Secs. 32-76—32-93. - Reserved.

Subdivision II. - System Connections

Sec. 32-94. - No connections without written permission.

No person shall make any connection to the system without first obtaining a written connection permit from the county. The cost of this connection permit is as currently established or as hereafter adopted by resolution of the township board from time to time and shall be payable in cash at the time the permit is issued.

(Ord. No. 97-2, § 4.01, 7-28-1997)

Sec. 32-95. - All costs borne by owner after construction; township indemnified.

All costs and expenses incidental to the installation and connection of the building service lateral to the system for premises connecting to the system after the original construction shall be borne by the owner. The owner shall indemnify the township for or against any loss or damage that may directly or indirectly be occasioned by the installation of the building service lateral or stub.

(Ord. No. 97-2, § 4.02, 7-28-1997)

Sec. 32-96. - Use of existing laterals.

Existing building service laterals may be used only when they are found, on examination and test by the township, or by the system operator, to meet all requirements of this division.

(Ord. No. 97-2, § 4.03, 7-28-1997)

Sec. 32-97. - Conformance with building and plumbing codes.

The size, condition and materials for construction of a building service lateral, and the methods to be used in excavating, backfilling, and placing of the pipe, shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the township or of the system operator.

(Ord. No. 97-2, § 4.04, 7-28-1997)

Sec. 32-98. - Existing wells.

Existing wells that are not part of the system may not be used as a source of water for the system.

(Ord. No. 97-2, § 4.05, 7-28-1997)

Sec. 32-99. - Requirements for connection.

(a) The connection of the building service lateral to the system shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the township, or the county or the procedures set forth in appropriate specifications.

(b) Only a qualified contractor approved by the county drain commissioner and licensed through said agency will be allowed to make connection to the system.

(c) Any deviation from the prescribed procedures and materials must be approved by the township or the system operator.

(Ord. No. 97-2, § 4.06, 7-28-1997)

Sec. 32-100. - Connection limitations and regulations.

(a) The applicant for the connection permit shall notify the system operator when the building service lateral is ready for inspection and connection to the public water system. The connection shall be made under the supervision of the system operator.

(b) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the system.

(Ord. No. 97-2, § 4.07, 7-28-1997)

Sec. 32-101. - Protection from hazard.

All excavating for building service lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

(Ord. No. 97-2, § 4.08, 7-28-1997)

Sec. 32-102. - Installation responsibilities; township and owner.

(a) At the time of original construction of the system, the township shall be responsible for arranging for the installation of the distribution water mains, service laterals, and curb boxes to each property requiring service.

(b) The owner shall install, at his expense, in strict accordance with township regulations and specifications, the building service lateral to the curb stop. Where a curb stop and lateral stub are not provided, the main shall be wet tapped, and a lateral and curb box installed. The curb box and service lateral to the main shall become part of the system and shall be operated, maintained, and replaced, if necessary, by the township. The service lateral on the house side of the curb box shall always be the responsibility of the owner.

(Ord. No. 97-2, § 5.01, 7-28-1997)

Sec. 32-103. - Township not responsible for interruption of service.

The township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages, or necessary repairs; and no person shall be entitled to damages not have any portion of a payment refunded for any interruption; provided, however, the township shall be responsible for restoring to its original condition any premises disturbed by the construction, operation, or maintenance of the system.

(Ord. No. 97-2, § 5.02, 7-28-1997)

Sec. 32-104. - Inspection at reasonable hours.

All premises served by the system shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the township or of the county.

(Ord. No. 97-2, § 5.03, 7-28-1997)

Secs. 32-105—32-121. - Reserved.

Subdivision III. - Enforcement

Sec. 32-122. - Interest on delinquent charges.

Any trunkage charge and availability charge not paid on or before the due date, as hereinabove provided, shall accrue interest at the rate of one percent per month until paid.

(Ord. No. 97-2, § 6.01, 7-28-1997)

Sec. 32-123. - Unpaid charges to become liens on tax roll.

Charges imposed on any premises for the use and benefit of the system and for potable water services furnished by the system, including any trunkage charge, availability charge, and service charges imposed upon such premises under the provisions of this division, shall be a lien thereon as such fees or charges become due and payable; and, on September 1 of each year, the township treasurer shall certify any unpaid charges which have been delinquent 30 days or more, together with penalties and interest accrued thereon plus an additional amount of six percent of the aggregate amount to the township board which shall cause such delinquent amount to be entered upon the next December 1 tax roll against the premises in respect of which such unpaid charges shall have been imposed and such delinquent amount

shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(Ord. No. 97-2, § 6.02, 7-28-1997)

Sec. 32-124. - Other remedies through appropriate action.

In addition to the remedies elsewhere provided for herein, the provisions of this division shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction.

(Ord. No. 97-2, § 6.03, 7-28-1997)

Sec. 32-125. - Violating provisions.

Any individual violating any of the provisions of this division, which results in fines or penalties being levied against the township or county, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to other fines.

(Ord. No. 97-2, § 6.05, 7-28-1997)

Sec. 32-126. - Bills and notices to be mailed.

All bills and notices relating to the conduct of the business of the system will be mailed to the owner at the address listed on the property tax rolls unless a request for change in billing address has been filed in writing at the office of the township treasurer.

(Ord. No. 97-2, § 6.06, 7-28-1997)

Sec. 32-127. - Surcharge for "extra usage."

Each user that proposes to use water which exceeds the limits of "normal usage" may be required to pay a surcharge. The surcharge shall be added to the quarterly potable water charge. The surcharge shall be determined at the time of the proposed usage. The surcharge shall be based on the current cost of providing one unit as determined by an evaluation of the most current cost data on file with the township. The surcharge shall be based on direct relationship of the quantity of the proposed usage to normal usage. The township shall have the right to adjust the surcharge based on a determination of the effect of the "extra usage" on the operation of the system.

(Ord. No. 97-2, § 6.07, 7-28-1997)

Sec. 32-128. - Reasons for cancellation/disconnection.

Applications for connecting permits may be canceled and/or water service disconnected by the township for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

(1) Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the system.

(2) Nonpayment of bills.

(3) Improper or imperfect service pipes and fixtures or failure to keep the same in a suitable stable of repair.

(Ord. No. 97-2, § 6.08, 7-28-1997)

Sec. 32-129. - Reestablishing discontinued services.

Where the water service supplied to a customer has been discontinued for nonpayment of delinquent bills, the township reserves the right to request a reasonable sum (not less than the estimated potable water charges for such premises for the next six months following resumption of service) be placed on deposit with the township for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-on charge to be specified by resolution of the township have been paid. Further, such charges and penalties may be recovered by the township in accordance with section 32-123.

(Ord. No. 97-2, § 6.09, 7-28-1997)

Secs. 32-130—32-156. - Reserved.

ARTICLE III. - SEWERS

DIVISION 1. - GENERALLY

Secs. 32-157—32-180. - Reserved.

DIVISION 2. - LOCH ERIN SANITARY DRAIN

Subdivision I. - In General

Sec. 32-181. - Title.

This division shall be known and may be cited as the "Loch Erin Sewer Ordinance."

(Ord. No. 83-2, § 8.01, 7-27-1983)

Sec. 32-182. - Right to amend.

The township specifically reserves the right to amend this division in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided, it being understood, however, that the adoption of this division or its subsequent amendment or repeal shall in no way change, relieve or release any obligation of the township to make the required payments to the county arising out of the procedures initiated by the township under Public Act No. 40 of 1956 (MCL 280.1 et seq.). This division shall not be deemed to be a part of any contractual obligation or bond contract pertaining to said system.

(Ord. No. 83-2, § 8.04, 7-27-1983)

Sec. 32-183. - Definitions.

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

Availability fee means the amount charged, at the time and in the amount hereinafter provided, to those premises in the service area served by the system, for the availability of the sewage disposal system directly to such premises.

Building sewer means the buried piping between the building and the septic tank.

Connection fee means the amount charged, at the time and in the amount hereinafter provided, to each premises in the township and represents the cost for inspecting the connection and providing additional treatment plant capacity at the treatment facility.

Inspector means any person or persons authorized by the county to inspect and approve the installation of building sewers and their connection to the public sewer system.

Operator means the agent of the county designated as being responsible for the operation of the sewage works.

Owner means a property owner desiring to connect to a public sewer.

Service charge means the amount charged to each premises in the township for keeping the sewer system ready for use and for actual usage of the system, and may include a debt service factor.

Service stub charge means the amount charged, at the time and in the amount hereinafter provided, to each premises in the township for the construction of service stubs from the sewer line.

Sewage disposal services means the routine maintenance of the system and the collection, transportation, treatment and disposal of sanitary sewage originating from premises now or hereafter located within the service area as defined by the proceedings, as referenced in the definition of the term "connection fee" (hereinafter referred to as the "service area").

Sewage disposal system and *system* means the Loch Erin Sanitary Drain established under proceedings pursuant to Public Act No. 40 of 1956 (MCL 280.1 et seq.), and to be constructed by the county pursuant to and in accordance with such proceedings, and shall consist of all sewers and facilities to be acquired and constructed in connection with said system, herein called "new construction" or "construction."

STEP system means a septic tank and effluent pumping system into which a building sewer directly discharges and shall be considered a part of the public sewer.

Structure in which sanitary sewage originates or *structure* means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.

Township means the Township of Cambridge and the term "county" shall be construed to mean the County of Lenawee, acting through the Lenawee County Drain Commissioner or his authorized agents.

Trunkage fee means the amount charged on a per unit basis at the time and in the amount hereinafter provided, to each premises in the service area for connecting or being connected to the sewage disposal system, and represents the charge to the individual user for the cost of constructing the trunk facilities, lift station, ponds and treatment facilities by which sewage disposal services are immediately provided to the premises.

Unit or *units* means the quantity of sanitary sewage ordinarily arising from the occupancy of a residential building by a single family of ordinary size. The number of units or fractional parts thereof to be assigned to types of usage other than single-family residential use shall be defined or determined from time to time by the township, after consultation with the county. Said definition or determination of units shall be based upon the history of comparable sewer systems, and shall be kept up-to-date and revised as needed as new studies are made and shall be reviewed in the light of experience gained by the township and the county in the actual operation of the sewage disposal system.

(Ord. No. 83-2, § 1.01, 7-27-1983)

Secs. 32-184—32-204. - Reserved.

Subdivision II. - Charges and Rates

Sec. 32-205. - Charges for construction, use and benefit.

Owners of premises within the service area on the effective date of the ordinance from which this division is derived shall pay charges for the construction, use and benefit of the sewage disposal system which shall be computed at the rate as currently established or as hereafter adopted by resolution of the township board from time to time. The charges shall be paid before a connection permit is issued.

(Ord. No. 83-2, § 2.01, 7-27-1983)

Sec. 32-206. - Loch Erin Special Assessment Roll.

The owners of property listed on the Loch Erin Special Assessment Roll shall be given a credit against the charges specified in section 32-205 equal to the amount levied on the roll. Said credit shall be given only to the extent that the principal amount of the special assessment has actually been paid.

(Ord. No. 83-2, § 2.02, 7-27-1983)

Sec. 32-207. - Premises not included in special assessment roll.

Any premises which is directly served by the original Loch Erin sanitary drain, but was not included on the Loch Erin Special Assessment Roll which, with the approval of the drain board and the township, hereinafter is connected to the system shall pay the amounts specified in section 32-205 in cash at the time of connection.

(Ord. No. 83-2, § 2.03, 7-27-1983)

Sec. 32-208. - Trunkage fee.

Any premises in the township which, with the approval of the drain board and the township board, hereinafter is connected to the sewage disposal system through any private or public sanitary sewer shall pay in cash, before such connection is authorized, the trunkage fee provided in section 32-205.

(Ord. No. 83-2, § 2.04, 7-27-1983)

Sec. 32-209. - Connection fee.

Any premises hereinafter connecting to the system shall pay in cash a connection fee as currently established or as hereafter adopted by resolution of the township board from time to time. The connection fee shall be paid at the time a connection permit is issued.

(Ord. No. 83-2, § 2.05, 7-27-1983)

Sec. 32-210. - Units assigned per premises.

(a) The number of units to be assigned to any premises in the township shall be determined by the township board based on the unit definition factors described in section 32-183. The township may, if the circumstances justify, assign more than one unit to a dwelling occupied by a single family. No less than one unit shall be assigned to each premises, and for purposes of computing the trunkage fee, fractions of units in excess of one may be computed and assigned to the nearest tenth.

(b) Once any premises has been connected to the system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of the charges to said premises for the number of units assigned to said premises.

(c) If subsequent changes in the character of the use or type of occupancy of such premises at any time increase the amount of sanitary sewage originating from the premises, the township board shall increase the number of units assigned to said premises and thereupon the trunkage fee and connection fee chargeable to such premises shall be increased at the unit rates specified in section 32-205 (subject to the escalation clauses as therein provided) which increased fee shall be payable in cash as of the date any construction or other permit is issued by the township for an improvement which will result in such change in the character of use or type of occupancy, or if no permit is issued or required, as of the date such change in the character of use of type of occupancy occurs.

(Ord. No. 83-2, § 2.06, 7-27-1983)

Sec. 32-211. - Service charge.

(a) In addition to the trunkage fee, availability fee, service stub charge and connection fee, each premises in the township which is connected to the sewage disposal system shall pay a service charge which shall be comprised of two components consisting of a readiness to serve fee and a usage fee. The readiness to serve fee shall be as currently established or as hereafter adopted by resolution of the township board from time to time. This annual component of the service charge shall be billed on the township's tax roll and collected in the same manner as property taxes. In addition, each premises actually connected to the system shall pay a usage fee as currently established or as hereafter adopted by resolution of the township board from time to time. The number of units assigned shall be as currently established or as hereafter adopted by resolution of the township board from time to time. The yearly and quarterly rate of such service charge, including the amount thereof allocable to debt service, may be amended from time to time by resolution of the township board to reflect changes in the actual cost of operating, maintaining, and administering the system, or to permit the township to comply with any obligations, limitations or conditions contained in any agreement between the township and the county, or any other entity pertaining to the operation, maintenance and administration of the system; provided, that the per unit rate of the service charge shall not be changed or amended so as to conflict with or impair any obligation of or limitation upon the township under any agreement pertaining to the operation, maintenance and administration of the sewage disposal system.

(b) Quarterly service charges are payable in advance and shall be billed and collected quarterly; the first such quarterly charge for each premises shall be due and payable on the first day of the established billing quarter following the date when such premises are connected to the system, and successive charges shall be due and payable on the first day of each succeeding quarter. Quarterly charges shall be billed at least one month before their due date.

(Ord. No. 83-2, § 2.07, 7-27-1983; Ord. No. 06-01, 4-12-2006; Ord. No. 06-02, 5-10-2006; Res. of 11-12-2014(02))

Sec. 32-212. - No free service.

No free service shall be furnished by the township to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

(Ord. No. 83-2, § 2.08, 7-27-1983)

Secs. 32-213—32-232. - Reserved.

Subdivision III. - Building Sewers, STEP System and Connections

Sec. 32-233. - Written permit required.

No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the county.

(Ord. No. 83-2, § 3.01, 7-27-1983)

Sec. 32-234. - All costs borne by owner; township indemnified.

All costs and expenses incident to the installation and connection of the building sewer and the Septic Tank and Effluent Pumping System (STEP) to the public sewer shall be borne by the owner. The owner shall indemnify the township and county from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or STEP Unit.

(Ord. No. 83-2, § 3.02, 7-27-1983)

Sec. 32-235. - Existing building sewers and septic tanks.

Existing building sewers and septic tanks may be used only when they are found, on examination and test by the inspector, or his representative, to meet all requirements of this division.

(Ord. No. 83-2, § 3.03, 7-27-1983)

Sec. 32-236. - Conforming with building and plumbing codes required.

The size, slope, alignment, materials for construction of a building sewer and the STEP system, and the methods to be used in excavating, placing of the pipe, wet well, pumping controls, and jointing, testing, and backfilling, shall conform to the requirements of the building and plumbing codes of the township, or other applicable rules and regulations of the county. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall all apply.

(Ord. No. 83-2, § 3.04, 7-27-1983)

Sec. 32-237. - Run off or groundwater not to be connected to sewer.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run off or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(Ord. No. 83-2, § 3.05, 7-27-1983)

Sec. 32-238. - Connection requirements.

(a) The connection of the building sewer and STEP system into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the county,

or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gastight and watertight.

(b) Any deviation from the prescribed procedures and materials must be approved by the inspector, or his representative, before installation.

(Ord. No. 83-2, § 3.06, 7-27-1983)

Sec. 32-239. - Applicant to notify county for inspection.

The applicant for the connection permit shall notify the county when the building sewer and STEP unit is ready for inspection and connection to the public sewer. The complete installation shall remain uncovered and visible allowing pump and connections of system to be pressurized and checked for leaks. The connection shall be made under the supervision of the inspector or his representative.

(Ord. No. 83-2, § 3.07, 7-27-1983; Ord. of 10-16-1986)

Sec. 32-240. - Powers and authorities of inspectors.

The operator and other duly authorized employees or agents of the county or township, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of operating and maintaining the STEP units and for inspection, observations, measurement, sampling and testing in accordance with the provisions of this division.

(Ord. No. 83-2, § 5.01, 7-27-1983)

Sec. 32-241. - Protection from hazard.

All excavating for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township and the county road commission.

(Ord. No. 83-2, § 3.08, 7-27-1983)

Sec. 32-242. - Connections not allowed without adequate capacity.

No connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for B.O.D. and suspended solids in the treatment plant.

(Ord. No. 83-2, § 3.09, 7-27-1983)

Secs. 32-243—32-262. - Reserved.

Subdivision IV. - Use of the Public Sewers

Sec. 32-263. - Violations; penalties.

(a) Any individual or entity that shall request a service call to correct any sewer back-up or other damage resulting from that party's discharge or drainage of storm water, surface water, groundwater, roof runoff or subsurface water into the public sanitary sewer shall be directly responsible to the county drain

commissioner for the cost of the service call at the rate that may be established from time to time by the office of the county drain commissioner. Such party shall also be responsible, financially and otherwise, for correcting the violation within 30 days of the date of the first service call and shall also be directly responsible in the same manner as set out above for a subsequent service call or calls to verify that the violation has been abated. Payment for such service calls shall not relieve the responsible party from payment of other damages, fines or costs as provided in this division.

(b) If the violation is not corrected within 30 days of the original service call described in subsection (a) of this section, the property owner or occupant of the premises allowing a violation of this subsection (a) of this section to so persist shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine to be imposed in the discretion of the court together with costs of such prosecution. Each day in excess of the described 30-day abatement period that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this division.

(c) If not paid within 90 days, such charges billed for expense, loss or damage shall become a lien on the premises owned or occupied by the violating party if such premises are located within the township. These charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes or as otherwise provided by law.

(d) The remedy provided herein shall be cumulative and in addition to any other remedies, civil and criminal, provided in this division or otherwise provided by law.

(Ord. No. 83-2, § 4.01, 7-27-1983; Ord. No. 96-01, 1-10-1996)

Sec. 32-264. - Required water conservation devices.

All structures served by the sewer system which are constructed after the effective date of the ordinance from which this division is derived shall be equipped with water conservation devices which meet the following requirements:

Toilets	1.5 gallons per flush or less
Showers	3 gpm or less
Indoor faucets	2 gpm or less

(Ord. No. 83-2, § 4.02, 7-27-1983)

Sec. 32-265. - Damaging substances cannot be discharged.

No person shall discharge waters or wastes containing substances which clog or damage the collection system or the sewage treatment facility. Such substances include, but are not limited to, the following: explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than one-half inch in size); or insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax or clothing.

(Ord. No. 83-2, § 4.03, 7-27-1983)

Sec. 32-266. - Malicious, willful or negligent acts prohibited.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public sewer works.

(Ord. No. 83-2, § 4.04, 7-27-1983)

Secs. 32-267—32-295. - Reserved.

Subdivision V. - Conditions of Service

Sec. 32-296. - Installation of collecting sewers.

At the time of original construction, the county shall install the collecting sewers and designate a point of access to the public sewer system for each premises served by the public sewer system.

(Ord. No. 83-2, § 6.01, 7-27-1983)

Sec. 32-297. - Installation responsibilities; township and owner.

(a) At the time of connection to the public sewer system, the owner shall install, at his expense in strict accordance with county regulations and specifications, the building sewer to the STEP system, the STEP system, and the service lead forcemain connecting to the designated access point at the collecting sewer, together with all appurtenances. At the time of connection to the system, the STEP system and service lead forcemain shall become part of the public sewer and shall be operated, maintained and replaced, if necessary, by the county.

(b) The owner shall maintain, at his expense, the building sewer. The owner shall also provide power for the pump and pay power costs for operating the pump. The county shall have a right of access to the STEP system and service lead forcemain for purposes of operation and maintenance.

(Ord. No. 83-2, § 6.02, 7-27-1983)

Sec. 32-298. - Township or county not held responsible for interruption of service.

The township or county shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

(Ord. No. 83-2, § 6.03, 7-27-1983)

Sec. 32-299. - Inspection at reasonable hours.

The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the county and of the township.

(Ord. No. 83-2, § 6.04, 7-27-1983)

Secs. 32-300—32-316. - Reserved.

Subdivision VI. - Enforcement

Sec. 32-317. - Interest on delinquent charges.

Any trunkage fee, availability fee, connection fee or service stub charge not paid on or before the due date, as hereinabove provided, shall accrue interest at the rate of one percent per month until paid.

(Ord. No. 83-2, § 7.01, 7-27-1983)

Sec. 32-318. - Penalty added to unpaid service charge.

There shall be added to any service charge for sewage disposal service not paid on or before the due date, as hereinabove provided, a penalty of ten percent of the unpaid amount, and the unpaid balance shall also draw interest at the rate of one percent per month.

(Ord. No. 83-2, § 7.02, 7-27-1983)

Sec. 32-319. - Unpaid charges to become liens on tax roll.

Charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage fee, availability fee, service stub charge, connection fee and service charge imposed upon such premises under the provisions of this division, shall be a lien thereon as of the date such charges become due and payable, and on September 1 of each year the township treasurer shall certify any unpaid charges which have been delinquent six months or more, together with penalties and interest accrued thereon (plus an additional amount of six percent of the aggregate amount), to the township board which shall cause such delinquent amount to be entered upon the next township and county tax roll against the premises in respect of which such unpaid charges shall have been imposed, and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(Ord. No. 83-2, § 7.03, 7-27-1983)

Sec. 32-320. - Other remedies through appropriate action.

In addition to the remedies elsewhere provided for herein, the provisions of this division shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this division shall be deemed to be a nuisance per se.

(Ord. No. 83-2, § 7.04, 7-27-1983)

Sec. 32-321. - Violating provisions.

Any individual violating any of the provisions of this division, which results in fines or penalties being levied against the township or county, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to other fines.

(Ord. No. 83-2, § 7.06, 7-27-1983)

Secs. 32-322—32-345. - Reserved.

DIVISION 3. - WAMPLERS LAKE SEWAGE DISPOSAL SYSTEM

Subdivision I. - In General

Sec. 32-346. - Title.

This division shall be known and may be cited as the "Wamplers Lake Sewage Disposal System Sewer Rate and Use Ordinance."

(Ord. No. 95-06, § 8.01, 10-11-1995)

Sec. 32-347. - Right to amend.

The township specifically reserves the right to amend this division in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease, or otherwise modify any of the fees, charges, or rates herein provided, it being understood, however, that the adoption of this ordinance or its subsequent amendment or repeal shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to the Wamplers Lake Sewage Disposal System Contract with the county or under Public Act No. 342 of 1939 (MCL 46.171 et seq.). This division shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to the system.

(Ord. No. 95-06, § 8.04, 10-11-1995)

Sec. 32-348. - Definitions.

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

Availability charge means the amount charged at the time and in the amount hereinafter provided to each premises for the availability to directly serve said premises by the collection system by which sewage originating in structures on the premises is transported therefrom and treated in the public facilities of the system and represents the proportionate cost allocable to such premises for the sewage collection services made directly available to and on the premises and the general benefit derived therefrom.

Available public sanitary sewer means a public sanitary sewer located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon property in the township and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

Building sewer means the buried piping from outside a structure to the sewer main for a gravity system and from outside a structure to a STEP tank or grinder pump vault for a pressure system.

Charges for sewage disposal services or *service charges* means the amount charged to each premises for sewage disposal services and represents the proportionate cost allocable to the user, for operation and maintenance and replacement and may include a debt service charge.

Committee means the Wamplers Lake Sewage Disposal System Sewer Advisory Committee which makes policy recommendations to the public corporations regarding the system.

Connection permit means the permit required to be obtained by the property owner prior to connecting said premises to the system.

County means Lenawee County, Michigan.

Debt service charge means that part of the charge for sewage disposal services which is used to cover capital indebtedness.

Grinder system means a grinder pump and controls, etc., into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

Inspection and approval fee means the amount charged to each applicant by the township to connect said premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

Owner means the owner or occupant of premises which connect to facilities of the system or are to be connected.

Premises means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the township as a single, taxable item in the name of the taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

Qualified contractor means a licensed contractor that is bonded and insured and has been prequalified and approved and licensed through the Lenawee County Drain Commissioner to make installations and connection to the sewer system.

Sewage disposal services means the collection, transportation, treatment, and disposal of sanitary sewage originating now or hereafter in a structure, and shall, where appropriate, include the maintenance of all facilities of the system.

Sewage disposal system or *system* means the Wamplers Lake Sewage Disposal System located, established, and constructed by the county, acting through the county drain commissioner pursuant to Public Act No. 342 of 1939 (MCL 46.171 et seq.), as amended, and includes all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

STEP system means a septic tank effluent pump, and controls into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

Structure in which sanitary sewage originates or *structure* means a building in which toilet, kitchen, laundry, bathing, or other facilities that generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.

System operator means the agent of the Lenawee County Drain Commissioner designated as being responsible for the operation of the facilities of the system.

Township means the Township of Cambridge in the County of Lenawee and the State of Michigan.

Township board means the township board of Cambridge Township, the legislative and governing body thereof.

Trunkage charge means the amount charged on a per unit basis at the time and in the amount hereinafter provided to each premises for connecting or being connected to the system and represents the charge to the premises for the cost of constructing the trunk sewer main facilities, lift stations, sewage treatment facility, and other public sewage system appurtenances located on public property by which sewage disposal services are immediately provided to the premises.

Unit or *units* means the quantity of sanitary sewage ordinarily arising from the occupancy of a structure by a single family of ordinary size and the benefit derived therefrom and shall be defined or determined from time to time by the township board after consultation with the consulting engineers for the township and the county. Said determination of units shall be based upon the studies made relative to the quantity of sewage generated by and the benefit derived from different types of use and occupancy of premises and shall be kept up to date and revised as needed as new studies are made and through experience gained by the township and county in actual operation.

(Ord. No. 95-06, § 1.01, 10-11-1995)

Sec. 32-349. - Public sanitary sewage disposal systems essential.

Public sanitary sewage disposal systems are essential to the health, safety, and welfare of the people of the state and the township. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and potential economic blight; and constitutes a threat to the quality of surface and subsurface waters of the state and the township. The connection to available public sanitary sewage disposal systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest, which is declared as a matter of legislative determination.

(Ord. No. 95-06, § 1.02, 10-11-1995)

Sec. 32-350. - All premises must be connected to the public sanitary system.

In accordance with and to implement and make effective the terms and provisions of Public Act No. 368 of 1978 (MCL 333.1101 et seq.), it is hereby determined and ordained that all premises served by the system on which a structure or structures is located in which sanitary sewage originates and to which there is an available public sanitary sewer system, all as defined and provided in said Act No. 368, shall be connected to said public sanitary system. The facilities of the system, including any STEP system components, grinder system components, service pipe, valve, or stub, as well as the sewer forcemain, pumping stations, and sewage treatment facilities are each and all hereby found determined and ordained to be components elements, and essential parts of a public sanitary sewer system as defined and provided in said Act No. 368 and in this division and to which connection of premises in this township is hereby mandated and required to the full extent of Act No. 368 and of this division.

(Ord. No. 95-06, § 1.03, 10-11-1995)

Sec. 32-351. - Collection and transportation of sanitary sewage only.

The system shall be used for the collection and transportation of sanitary sewage only. Downspouts, footing drains, weep tile, or any conduit that carries stormwater or groundwater, alone or in combination with sanitary sewage shall not be connected to the system, directly or indirectly. Industrial and commercial waste shall be discharged into the system only in compliance with the standards and regulations of the township or county.

(Ord. No. 95-06, § 2.01, 10-11-1995)

Sec. 32-352. - Structures and subdivided plats must be approved.

(a) Structures in which sanitary sewage originates located in the township served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied after the effective date of the ordinance from which this division is derived, unless said structures are connected to the system; provided, that structures in which sanitary sewage is originating on the effective date of the ordinance from which this division is derived, or in which sanitary sewage originates before availability of the system or any part thereof to serve said structures shall be connected to said system within one year after publication of a notice by the township in a newspaper of general circulation in the township, of the availability of the system, but in any event on or before December 31, 1996.

(b) Plats for premises in the area served by the system subdivided into three or more lots or parcels, after the effective date of the ordinance from which this division is derived, shall not be approved on behalf

of the township and none of said lots or parcels shall be improved by the erection of a structure thereon unless STEP, grinder, or gravity sewer service is provided at owner's expense and lateral sewers to serve all of said lots or parcels and to connect same to the system are available as part of the system or shall be installed at private cost (or the estimated cost thereof deposited with the township) in the manner, size, and location approved by the township.

(Ord. No. 95-06, § 3.01, 10-11-1995)

Secs. 32-353—32-377. - Reserved.

Subdivision II. - Charges and Rates

Sec. 32-378. - Charges; special assessment credit.

(a) Owners of premises within the area of the township served by the system as of the effective date of the ordinance from which this division is derived shall pay the charges as currently established or as hereafter adopted by resolution of the township board from time to time.

(b) The owner of premises listed on the township special assessment roll for the Wamplers Lake Sewage Disposal System shall be given a credit against the charges specified in this section equal to the amount levied on the roll and said charges will be considered paid at the time the roll was confirmed.

(c) The trunkage and availability charges shall be paid in cash at the time a connection permit is issued, if such owner is not listed on the special assessment roll.

(Ord. No. 95-06, § 3.02, 10-11-1995)

Sec. 32-379. - Charges for structures outside the township.

Owners of structures on premises not now within the area in the township served by the system, which are hereafter connected directly to the system or indirectly to the system or through other public or private sewers, hereafter constructed in any area in the township hereafter to be served by the system, shall pay the trunkage and/or availability charges specified in section 32-378 in cash at the time of entering into an access permit and service agreement and payment of any inspection fees, which fees shall be in addition to any other fee or charge paid or being paid hereunder with respect to said premises.

(Ord. No. 95-06, § 3.03, 10-11-1995)

Sec. 32-380. - Units assigned per premises.

(a) The number of units to be assigned to any particular premises shall be as set forth in appendix A, on file in the office of the township clerk, as the same may be revised from time to time by the township board following consultations with the consulting engineer. The township board if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises, but, for purposes of computing the connection fee, units in excess of one may be computed and assigned to the nearest tenth.

(b) Once any premises has been connected to the system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal, or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of all charges to said premises for the amount and for the period provided for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage emanating from the premises, the township board shall increase the number of units assigned to said premises and, thereupon, a

trunkage charge shall be charged as specified in sections 32-378 and 32-379 for the additional units and shall be payable in cash at the time a construction or other permit is issued by the township for such changes in use or at the time such change in use occurs if no permit is issued or required.

(Ord. No. 95-06, § 3.04, 10-11-1995)

Sec. 32-381. - Charges for sewage disposal services; billing.

(a) Charges for sewage disposal services to each premises within the township connected with the system shall be as currently established or as hereafter adopted by resolution of the township board from time to time to reflect changes in the actual cost of operating, maintaining and administering the system, or to permit the township to comply with any obligation, limitations or conditions contained in any agreement between the township and any entity pertaining to the operation, maintenance, and administration of the system; provided that the per unit rate of the service charge shall not be changed or amended so as to conflict with or impair any obligation of limitation upon the township under any agreement pertaining to the operation, maintenance and administration thereof.

(b) Bills will be rendered quarterly on March 1, June 1, September 1, and December 1 and shall be payable within 30 days. A penalty of ten percent of the amount of the bill shall be charged for late payment.

(Ord. No. 95-06, § 3.05, 10-11-1995; Res. of 11-12-2014(04))

Sec. 32-382. - No free service.

No free service shall be furnished by the township to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

(Ord. No. 95-06, § 3.06, 10-11-1995)

Secs. 32-383—32-407. - Reserved.

Subdivision III. - System Connections and Owner's Responsibilities

Sec. 32-408. - Connection permit.

No person shall uncover, make any connections with or opening into, use, alter, or disturb any building sewer, public sewer or appurtenance thereof without first obtaining a written connection permit from the county. The cost of this connection permit is as currently established or as hereafter adopted by resolution of the township board from time to time and shall be payable in cash at the time the permit is issued.

(Ord. No. 95-06, § 4.01, 10-11-1995)

Sec. 32-409. - Authorized employees permitted to enter premises.

The township and its duly authorized employees or contractors, bearing proper credentials and identification, shall be permitted to enter upon all premises for the purpose of constructing, operating, and maintaining the STEP or grinder pump units and for inspection, measurement, sampling, and testing in accordance with the provisions of this division.

(Ord. No. 95-06, § 5.01, 10-11-1995)

Sec. 32-410. - All costs borne by owner; township indemnified.

All costs and expense incidental to the installation and connection of the building sewer, the septic tank, and effluent pumping system (STEP unit), or grinder system, and service pipe to the public sewer for premises connecting to the public system after the original construction shall be borne by the owner. The owner shall indemnify the township for or against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, STEP or grinder system, or stub.

(Ord. No. 95-06, § 4.02, 10-11-1995)

Sec. 32-411. - Use of existing sewers.

Existing building sewers may be used only when they are found, on examination and test by the township, or by the system operator, to meet all requirements of this division.

(Ord. No. 95-06, § 4.03, 10-11-1995)

Sec. 32-412. - Conforming with building and plumbing codes required.

The size, slope, alignment, and materials for construction of a building sewer STEP unit or grinder system, and the methods to be used in excavating, backfilling, and placing of the pipe, wet well, and pumping controls, shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the township or of the system operator. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall all apply.

(Ord. No. 95-06, § 4.04, 10-11-1995)

Sec. 32-413. - Existing septic tanks not to be used until examined.

Existing septic tanks may not be used as elements of the STEP unit without examination and testing by the township or system operator and modified by the property owner to meet all requirements of this division.

(Ord. No. 95-06, § 4.05, 10-11-1995)

Sec. 32-414. - Connection requirements.

(a) The connection of the building sewer and STEP unit or grinder system into the service lateral and the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the township, or the county or the procedures set forth in appropriate specifications which shall require that the connections shall be made gastight and watertight.

(b) Only a qualified contractor approved by the county drain commissioner and licensed through said agency will be allowed to make connection to the system.

(c) Any deviation from the prescribed procedures and materials must be approved by the township or the system operator.

(Ord. No. 95-06, § 4.06, 10-11-1995)

Sec. 32-415. - Connection limitations and regulations.

(a) The applicant for the connection permit shall notify the system operator when the building sewer, STEP unit, or grinder system are ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the system operator.

(b) No connection shall be made that discharges or causes to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any public sewer.

(c) Grease, oil, and sand interceptors shall be provided by the owner when, in the opinion of the township, they are necessary for the proper handling of liquid wastes, sand or other harmful ingredients. All such interceptors shall be of type and capacity approved by the township and shall be located to be readily and easily accessible for cleaning and inspection by the owner or occupant of the premises served thereby.

(d) No connection shall be made that discharges waters or wastes containing substances which clog or damage the STEP system, the grinder pump system, the collection system, or the sewage treatment facility. Such substances include, but are not limited to, the following: explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than one-half inch in size); insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax, or clothing.

(e) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewer.

(Ord. No. 95-06, § 4.07, 10-11-1995)

Sec. 32-416. - Protection from hazard.

All excavating for building sewer, STEP unit, or grinder system installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

(Ord. No. 95-06, § 4.08, 10-11-1995)

Sec. 32-417. - Installation responsibilities; township and owner.

(a) At the time of original construction of the system, the township shall be responsible for arranging for the installation of the collecting sewers.

(b) The owner shall install, at his expense, in strict accordance with township regulations and specifications, the building sewer to the system, the STEP unit or grinder system, and the service lead forcemain connecting to the designated access point at the collecting sewer, together with all appurtenances or the building sewer to the service lateral for the gravity system. At the time of connection to the system, the STEP unit or grinder system, and service lead forcemain shall become part of the public sewer and shall be operated, maintained, and replaced, if necessary, by the township.

(c) The owner shall install and maintain, at his expense, the building sewer. The owner shall also provide power for the pump and pay power costs for operating the pump. The township shall have a right of access to the STEP unit or grinder system and service lead forcemain for purposes of operation and maintenance.

(Ord. No. 95-06, § 6.01, 10-11-1995)

Sec. 32-418. - Township not held responsible for interruption of service.

The township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages, or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption; provided, however, the township shall be responsible for restoring to its original condition any premises disturbed by the construction, operation, or maintenance of the STEP unit or grinder system or service pipe, valve, or stub.

(Ord. No. 95-06, § 6.02, 10-11-1995)

Sec. 32-419. - Inspection at reasonable hours.

All premises served by the system from which sanitary sewage hereafter originates shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the township or of the county.

(Ord. No. 95-06, § 6.03, 10-11-1995)

Secs. 32-420—32-436. - Reserved.

Subdivision IV. - Enforcement

Sec. 32-437. - Interest on delinquent charges.

Any trunkage charge and availability charge not paid on or before the due date shall accrue interest at the rate of one percent per month until paid.

(Ord. No. 95-06, § 7.01, 10-11-1995)

Sec. 32-438. - Unpaid charges to become liens on tax roll.

Charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage charge, availability charge, and service charges imposed upon such premises under the provisions of this division, shall be a lien thereon as such fees or charges become due and payable; and, on September 1 of each year, the township treasurer shall certify any unpaid charges which have been delinquent 30 days or more, together with penalties and interest accrued thereon plus an additional amount of six percent of the aggregate amount to the township board which shall cause such delinquent amount to be entered upon the next December 1 tax roll against the premises in respect of which such unpaid charges shall have been imposed and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(Ord. No. 95-06, § 7.02, 10-11-1995)

Sec. 32-439. - Other remedies through appropriate action.

In addition to the remedies elsewhere provided for herein, the provisions of this division shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this division shall be deemed to be a nuisance per se.

(Ord. No. 95-06, § 7.03, 10-11-1995)

Sec. 32-440. - Violating provisions.

Any individual violating any of the provisions of this division, which results in fines or penalties being levied against the township or county shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to other fines.

(Ord. No. 95-06, § 7.05, 10-11-1995)

Sec. 32-441. - Bills and notices to be mailed.

All bills and notices relating to the conduct of the business of the system will be mailed to the customer at the address listed on the property tax rolls unless a request for change in billing address has been filed in writing at the office of the township treasurer.

(Ord. No. 95-06, § 7.06, 10-11-1995)

Sec. 32-442. - Surcharges for "extra strength sewage."

Each user that proposes to discharge to the system wastewater which exceeds the limits of "normal strength sewage" may be required to pay a surcharge. The surcharge shall be added to the quarterly sewage disposal charge. The surcharge shall be determined at the time of the proposed discharge. The surcharge shall be based on the current cost of treating a unit of normal strength sewage as determined by an evaluation of the most current cost data on file with the township. The surcharge shall be based on direct relationship of the strength of the proposed discharge to normal strength sewage. The township shall have the right to adjust the surcharge based on a determination of the effect of the "extra strength sewage" on the operation of the wastewater treatment facility.

(Ord. No. 95-06, § 7.07, 10-11-1995)

Sec. 32-443. - Reasons for cancellation/disconnection.

Applications for connection permits may be cancelled and/or sewer service disconnected by the township for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

(1) Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the system.

(2) Nonpayment of bills.

(3) Improper or imperfect service pipes and fixtures or failure to keep the same in a suitable state of repair.

(Ord. No. 95-06, § 7.08, 10-11-1995)

Sec. 32-444. - Reestablishing discontinued service.

Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the township reserves the right to request a reasonable sum (not less than the estimated sewage disposal charges for such premises for the next six months following resumption of service) be placed on deposit with the township for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-on charge to be specified by resolution of the township have been paid. Further, such charges and penalties may be recovered by the township in accord with section 32-438

(Ord. No. 95-06, § 7.09, 10-11-1995)

Secs. 32-445—32-471. - Reserved.

DIVISION 4. - CAMBRIDGE/FRANKLIN SEWAGE DISPOSAL SYSTEM

Subdivision I. - In General

Sec. 32-472. - Title.

This division shall be known and may be cited as the "Cambridge/Franklin Sewage Disposal System Sewer Rate and Use Ordinance."

(Ord. No. 96-3, § 8.01, 8-14-1996)

Sec. 32-473. - Right to amend.

The township specifically reserves the right to amend this division in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease, or otherwise modify any of the fees, charges, or rates herein provided, it being understood, however, that the adoption of this division or its subsequent amendment or repeal shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to the Cambridge/Franklin Sewage Disposal System contract with the county or under Public Act No. 342 of 1939 (MCL 46.171 et seq.). This division shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to the system.

(Ord. No. 96-3, § 8.04, 8-14-1996)

Sec. 32-474. - Definitions.

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

Availability charge means the amount charged at the time and in the amount hereinafter provided to each premises for the availability to directly serve said premises by the collection system to which sewage originating in structures on the premises is transported therefrom and treated in the public facilities of the system and represents the proportionate cost allocable to such premises for the sewage collection services made directly available to and on the premises and the general benefit derived therefrom.

Available public sanitary sewer means a public sanitary sewer located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon property in the township and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

Building sewer means the buried piping from outside a structure to the sewer main for a gravity system and from outside a structure to a STEP tank or grinder pump vault for a pressure system.

Charges for sewage disposal services or *service charges* means the amount charged to each premises for sewage disposal services and represents the proportionate cost allocable to the user, for operation and maintenance and replacement and may include a debt service charge.

Committee means the Cambridge/Franklin Sewage Disposal System Sewer Advisory Committee which makes policy recommendations to the public corporations regarding the system.

Connection permit means the permit required to be obtained by the property owner prior to connecting said premises to the system.

County means Lenawee County, Michigan.

Debt service charge means that part of the charge for sewage disposal services which is used to cover capital indebtedness.

Grinder system means a grinder pump and controls, etc., into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

Inspection and approval fee means the amount charged to each applicant by the township to connect said premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

Owner means the owner or occupant of premises which connect to facilities of the system or are to be connected.

Premises means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the township as a single, taxable item in the name of the taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

Qualified contractor means a licensed contractor that is bonded and insured and has been prequalified and approved and licensed through the Lenawee County Drain Commissioner to make installations and connection to the sewer system.

Sewage disposal services means the collection, transportation, treatment, disposal of sanitary sewage originating now or hereafter in a structure, and shall, where appropriate, include the maintenance of all facilities of the system.

Sewage disposal system or *system* means the Cambridge/Franklin Sewage Disposal System located, established, and constructed by the county, acting through the county drain commissioner pursuant to Public Act No. 342 of 1939 (MCL 46.171 et seq.), and includes all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment, and disposal of domestic, commercial or industrial wastes, Including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

STEP system means a septic tank effluent pump, and controls into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

Structure in which sanitary sewage originates or *structure* means a building in which toilet, kitchen, laundry, bathing, or other facilities that generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.

System operator means the agent of the Lenawee County Drain Commissioner designated as being responsible for the operation of the facilities of the system.

Township means the Township of Cambridge in the County of Lenawee and the State of Michigan.

Township board means the township board of the said township, the legislative, and governing body thereof.

Trunkage charge means the amount charged on a per unit basis at the time and in the amount hereinafter provided to each premises for connecting or being connected to the system and represents the trunk sewer main facilities, lift stations, sewage treatment facility, and other public sewage system appurtenances located on public property by which sewage disposal services are immediately provided to the premises.

Unit or *units* means the quantity of sanitary sewage ordinarily arising from the occupancy of a structure by a single family of ordinary size and the benefit derived therefrom and shall be defined or determined from time to time by the township board after consultation with the consulting engineers for the township and the county. Said determination of units shall be based upon the studies made relative to

the quantity of sewage generated by and the benefit derived from different types of use and occupancy of premises and shall be kept up to date and revised as needed as new studies are made and through experience gained by the township and county in actual operation.

(Ord. No. 96-3, § 1.01, 8-14-1996)

Sec. 32-475. - Public sanitary sewage disposal systems essential.

Public sanitary sewage disposal systems are essential to the health, safety, and welfare of the people of the state and the township. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and potential economic blight; and constitutes a threat to the quality of surface and subsurface waters of the state and the township. The connection to available public sanitary sewage disposal systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest, which is declared as a matter of legislative determination.

(Ord. No. 96-3, § 1.02, 8-14-1996)

Sec. 32-476. - All premises must be connected to public sanitary system.

In accordance with and to implement and make effective the terms and provisions of Public Act No. 368 (MCL 333.1101 et seq.), it is hereby determined and ordained that all premises served by the system on which a structure or structures is located in which sanitary sewage originates and to which there is an available public sanitary sewer system, all as defined and provided in said Act No. 368, shall be connected to said public sanitary system. The facilities of the system, including any STEP system components, grinder system components, service pipe, valve, or stub, as well as the sewer forcemain, pumping stations, and sewage treatment facilities are each and all hereby found essential parts of a public sanitary sewer system as defined and provided in said Act No. 368 and in this division and to which connection of premises in this township is hereby mandated and required to the full extent of Act No. 368 and of this division.

(Ord. No. 96-3, § 1.03, 8-14-1996)

Sec. 32-477. - Collection and transportation of sanitary sewage only.

The system shall be used for the collection and transportation of sanitary sewage only. Downspouts, footing drains, weep tile, or any conduit that carries stormwater or groundwater, alone or in combination with sanitary sewage shall not be connected to the system, directly, or indirectly. industrial and commercial waste shall be discharged into the system only in compliance with the standards and regulations of the township or county.

(Ord. No. 96-3, § 2.01, 8-14-1996)

Secs. 32-478—32-507. - Reserved.

Subdivision II. - System Connections and Charges

Sec. 32-508. - Structures and subdivided plats must be approved.

(a) Structures in which sanitary sewage originates located in the township served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied after the

effective date hereof, unless said structures are connected to the system; provided, that structures in which sanitary sewage is originating on the effective date of the ordinance from which this division is derived, or in which sanitary sewage originates before availability of the system or any part thereof to serve said structures shall be connected to said system within one year after publication of a notice by the township in a newspaper of general circulation in the township, of the availability of the system, but in any event on or before July 31, 1997.

(b) Plats for premises in the area served by the system subdivided into three or more lots or parcels, after the effective date hereof, shall not be approved on behalf of the township and none of said lots or parcels shall be improved by the erection of the structure thereon unless STEP, grinder, or gravity sewer service is provided at owner's expense and lateral sewers to serve all of said lots or parcels and to connect same to the system are available as part of the system or shall be installed at private cost (or the estimated cost thereof deposited with the township) in the manner, size, and location approved by the township.

(Ord. No. 96-3, § 3.01, 8-14-1996)

Sec. 32-509. - Charges; special assessment credit.

(a) Owners of premises within the area of the township served by the system as of the effective date of this ordinance shall pay the charges as currently established or as hereafter adopted by resolution of the township board from time to time.

(b) The owner of said premises listed on the township special assessment roll for the Cambridge/Franklin Sewage Disposal System shall be given a credit against the charges specified in this section equal to the amount levied on the roll and said charges will be considered paid at the time the roll was confirmed.

(c) The trunkage and availability charges provided above shall be paid in cash at the time a connection permit is issued, if such owner is not listed on the special assessment roll.

(Ord. No. 96-3, § 3.02, 8-14-1996)

Sec. 32-510. - Charges for structures outside the township.

Owners of structures on premises not now within the area in the township served by the system, which are hereafter connected directly to the system or indirectly to the system or through other public or private sewers, hereafter constructed in any area in the township to be served by the system, shall pay the trunkage and/or availability charges specified in section 32-509 in cash at the time of entering into an access permit and service agreement and payment of any inspection fees, which fees shall be in addition to any other fee or charge paid or being paid hereunder with respect to said premises.

(Ord. No. 96-3, § 3.03, 8-14-1996)

Sec. 32-511. - Units assigned per premises.

(a) The number of units to be assigned to any particular premises shall be as set forth in appendix A, on file in the office of the township clerk, as the same may be revised from time to time by the township board following consultations with the consulting engineer. The township board if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises, but, for purposes of computing the connection fee, units in excess of one may be computed and assigned to the nearest tenth.

(b) Once any premises has been connected to the system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including

destruction, removal, or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of all charges to said premises for the amount and for the period hereinabove provided for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage emanating from the premises, the township board shall increase the number of units assigned to said premises and, thereupon, a trunkage charge shall be charged as specified in sections 32-509 and 32-510 for the additional units and shall be payable in cash at the time of construction or other permit is issued by the township for such changes in use or at the time such change in use occurs if no permit is issued or required.

(Ord. No. 96-3, § 3.04, 8-14-1996)

Sec. 32-512. - Charges for sewage disposal services; billing.

(a) Charges for sewage disposal services to each premises within the township connected with the system shall be as currently established or as hereafter adopted by resolution of the township board from time to time to reflect changes in the actual cost of operating, maintaining, and administering the system, or to permit the township to comply with any obligation, limitations, or conditions contained in any agreement between the township and any entity pertaining to the operation, maintenance, and administration of the system; provided that the per unit rate of the service charge shall not be changed or amended so as to conflict with or impair any obligation of limitation upon the township under any agreement pertaining to the operation, maintenance, and administration thereof.

(b) Bills will be rendered quarterly on March 1, June 1, September 1, and December 1 and shall be payable within 30 days. A penalty of ten percent of the amount of the bill shall be charged for late payment.

(Ord. No. 96-3, § 3.05, 8-14-1996; Res. of 12-12-2012; Res. of 11-12-2014(01))

Sec. 32-513. - No free service.

No free service shall be furnished by the township to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

(Ord. No. 96-3, § 3.06, 8-14-1996)

Secs. 32-514—32-534. - Reserved.

Subdivision III. - Permits for System Usage, Rules and Regulations

Sec. 32-535. - Connection permit.

No person shall uncover, make any connections with or opening into, use, alter, or disturb any building sewer, public sewer or appurtenance thereof without first obtaining a written connection permit from the county. The cost of this connection permit is as currently established or as hereafter adopted by resolution of the township board from time to time and shall be payable in cash at the time the permit is issued.

(Ord. No. 96-3, § 4.01, 8-14-1996)

Sec. 32-536. - All costs borne by owner; township indemnified.

All costs and expenses incidental to the installation and connection of the building sewer, the septic tank, and effluent pumping system (STEP unit), or grinder system, and service pipe to the public sewer for premises connecting to the public system after the original construction shall be borne by the owner. The owner shall indemnify the township for or against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, STEP or grinder system, or stub.

(Ord. No. 96-3, § 4.02, 8-14-1996)

Sec. 32-537. - Use of existing sewers.

Existing building sewers may be used only when they are found, on examination and test by the township, or by the system operator, to meet all requirements of this division.

(Ord. No. 96-3, § 4.03, 8-14-1996)

Sec. 32-538. - Conforming to building and plumbing codes required.

The size, slope, alignment, and materials for construction of a building sewer STEP unit or grinder system, and the methods to be used in excavating, backfilling, and placing of the pipe, wet well, and pumping controls, shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the township or of the system operator. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall all apply.

(Ord. No. 96-3, § 4.04, 8-14-1996)

Sec. 32-539. - Existing septic tanks not to be used until examined.

Existing septic tanks may not be used as elements of the STEP unit without examination and testing by the township or system operator and modified by the property owner to meet all requirements of this division.

(Ord. No. 96-3, § 4.05, 8-14-1996)

Sec. 32-540. - Connection requirements.

(a) The connection of the building sewer and STEP unit or grinder system into the service lateral and the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the township, or the county or the procedures set forth in appropriate specifications which shall require that the connections shall be made gastight and watertight.

(b) Only a qualified contractor approved by the county drain commissioner and licensed through said agency will be allowed to make connection to the system.

(c) Any deviation from the prescribed procedures and materials must be approved by the township or the system operator.

(Ord. No. 96-3, § 4.06, 8-14-1996)

Sec. 32-541. - Connection limitations and regulations.

(a) The applicant for the connection permit shall notify the system operator when the building sewer, STEP unit, or grinder system are ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the system operator.

(b) No connection shall be made that discharges or causes to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any public sewer.

(c) Grease, oil, and sand interceptors shall be provided by the owner when, in the opinion of the township, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients. All such interceptors shall be of type and capacity approved by the township and shall be located to be readily and easily accessible for cleaning and inspection by the owner or occupant of the premises served thereby.

(d) No connection shall be made that discharges waters or wastes containing substances which clog or damage the STEP system, the grinder pump system, the collection system, or the sewage treatment facility. Such substances include, but are not limited to, the following: explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than one-half inch in size); insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax, or clothing.

(e) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewer.

(Ord. No. 96-3, § 4.07, 8-14-1996)

Sec. 32-542. - Protection from hazard.

All excavating for building sewer, STEP unit, or grinder system installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

(Ord. No. 96-3, § 4.08, 8-14-1996)

Sec. 32-543. - Authorized employees permitted to enter site.

The township and its duly authorized employees or contractors, bearing proper credentials and identification, shall be permitted to enter upon all premises for the purpose of constructing, operating, and maintaining the STEP or grinder pump units and for inspection, measurement, sampling, and testing in accordance with the provisions of this division.

(Ord. No. 96-3, § 5.01, 8-14-1996)

Sec. 32-544. - Installation responsibilities; township and owner.

(a) At the time of original construction of the system, the township shall be responsible for arranging for the installation of the collection sewers.

(b) The owner shall install, at his expense, in strict accordance with township regulations and specifications, the building sewer to the system, the STEP unit or grinder system, and the service lead forcemain connecting to the designated access point at the collecting sewer, together with all appurtenances or the building sewer to the service lateral for the gravity system. At the time of connection to the system, the STEP unit or grinder system, and service lead forcemain shall become part of the public sewer and shall be operated, maintained, and replaced, if necessary, by the township.

(c) The owner shall install and maintain, at his expense, the building sewer. The owner shall also provide power for the pump and pay power costs for operating the pump. The township shall have a right of access to the STEP unit or grinder system and service lead forcemain connecting to the designated access point at the collecting sewer, together with all appurtenances or the building sewer to the service lateral for the gravity system. At the time of connection to the system, the STEP unit or grinder system, and service lead forcemain shall become part of the public sewer and shall be operated, maintained, and replaced, if necessary, by the township.

(d) The owner shall install and maintain, at his expense, the building sewer. The owner shall also provide power for the pump and pay power costs for operating the pump. The township shall have a right of access to the STEP unit or grinder system and service lead forcemain for purposes of operation and maintenance.

(Ord. No. 96-3, § 6.01, 8-14-1996)

Sec. 32-545. - Township not responsible for interruption of service.

The township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages, or necessary repairs; and no person shall be entitled to damages not have any portion of a payment refunded for any interruption; provided, however, the township shall be responsible for restoring to its original condition any premises disturbed by the construction, operation, or maintenance of the STEP unit or grinder system or service pipe, valve, or stub.

(Ord. No. 96-3, § 6.02, 8-14-1996)

Sec. 32-546. - Inspection at reasonable hours.

All premises served by the system from which sanitary sewage hereafter originate shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the township or of the county.

(Ord. No. 96-3, § 6.03, 8-14-1996)

Secs. 32-547—32-570. - Reserved.

Subdivision IV. - Enforcement

Sec. 32-571. - Interest on delinquent charges.

Any trunkage charge and availability charge not paid on or before the due date shall accrue interest at the rate of one percent per month until paid.

(Ord. No. 96-3, § 7.01, 8-14-1996)

Sec. 32-572. - Unpaid charges to become liens on tax roll.

Charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage charge, availability charge, and service charges imposed upon such premises under the provisions of this division, shall be a lien thereon as such fees or charges become due and payable; and, on September 1 of each year, the township treasurer shall certify any unpaid charges which have been delinquent 30 days or more, together with penalties and interest accrued thereon plus an additional amount of six percent of the aggregate amount to the township board which shall cause such delinquent amount to be entered upon the next December 1 tax roll against the

premises in respect of which such unpaid charges shall have been imposed and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(Ord. No. 96-3, § 7.02, 8-14-1996)

Sec. 32-573. - Other remedies through appropriate action.

In addition to the remedies elsewhere provided for herein, the provisions of this division shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this division shall be deemed to be a nuisance per se.

(Ord. No. 96-3, § 7.03, 8-14-1996)

Sec. 32-574. - Violating provisions.

Any individual violating any of the provisions of this division, which results in fines or penalties being levied against the township or county shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to other fines.

(Ord. No. 96-3, § 7.05, 8-14-1996)

Sec. 32-575. - Bills and notices to be mailed.

All bills and notices relating to the conduct of the business of the system will be mailed to the customer at the address listed on the property tax rolls unless a request for change in billing address has been filed in writing at the office of the township treasurer.

(Ord. No. 96-3, § 7.06, 8-14-1996)

Sec. 32-576. - Surcharge for "extra strength sewage."

Each user that proposes to discharge to the system wastewater which exceeds the limits of "normal strength-sewage" may be required to pay a surcharge. The surcharge shall be added to the quarterly sewage disposal charge. The surcharge shall be determined at the time of the proposed discharge. The surcharge shall be based on the current cost of treating a unit of normal strength sewage as determined by an evaluation of the most current cost data on file with the township. The surcharge shall be based on direct relationship of the strength of the proposed discharge to normal strength sewage. The township shall have the right to adjust the surcharge based on a determination of the effect of the "extra strength sewage" on the operation of the wastewater treatment facility.

(Ord. No. 96-3, § 7.07, 8-14-1996)

Sec. 32-577. - Reasons for cancellation/disconnection.

Applications for connecting permits may be canceled and/or sewer service disconnected by the township for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

(1) Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the system.

(2) Nonpayment of bills.

(3) Improper or imperfect service pipes and fixtures or failure to keep the same in a suitable state of repair.

(Ord. No. 96-3, § 7.08, 8-14-1996)

Sec. 32-578. - Reestablishing discontinued service.

Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the township reserves the right to request a reasonable sum (not less than the estimated sewage disposal charges for such premises for the next six months following resumption of service) be placed on deposit with the township for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-on charge to be specified by resolution of the township have been paid. Further, such charges and penalties may be recovered by the township in accord with section 34-572.

(Ord. No. 96-3, § 7.09, 8-14-1996)

Secs. 32-579—32-604. - Reserved.

DIVISION 5. - SANITARY SEWER SPECIAL ASSESSMENT DISTRICT NO. 1

Subdivision I. - In General

Sec. 32-605. - Title.

This division shall be known as the "Sewer Connection, Use and Rate Ordinance" and may be cited as such.

(Ord. No. 04-03, § 101, 12-14-2004)

Sec. 32-606. - Intent.

This division is intended to apply to all properties served by the township's public sewer system located in Sanitary Sewer Special Assessment District No. 1 within the township.

(Ord. No. 04-03, § 102, 12-14-2004)

Sec. 32-607. - Objectives regarding contractual requirements.

This division is adopted in accordance with and in furtherance of the township's obligations as set forth in the contract and the wastewater services agreement.

(Ord. No. 04-03, § 103, 12-14-2004)

Sec. 32-608. - Objectives regarding state and federal law requirements.

This division sets forth uniform requirements for users of the public sewer system and enables the township to comply with all state and federal laws applicable to a publicly owned sanitary sewer

collection, transportation and treatment systems, including the Clean Water Act (33 USC 1251 et seq.). In addition, the objectives of this division include the following:

(1) To prevent the introduction of pollutants into the public sewer system which will interfere with the operation of the public sewer system and its components or the sewage treatment facility or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the public sewer system which will pass through the public sewer system and its components or the sewage treatment facility, inadequately treated, into the ground water or otherwise be incompatible with the public sewer system and its components or the sewage treatment facility;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the public sewer system;

(4) To provide for proportional distribution of the cost of the public sewer system; and

(5) To protect the physical integrity of the public sewer system and its components and the sewage treatment facility, and to provide for the safety of the public and workers on and in the public sewer system or the sewage treatment facility.

(Ord. No. 04-03, § 104, 12-14-2004)

Sec. 32-609. - Public sewer system essential.

The township hereby determines that the public sewer system is immediately necessary to protect and preserve the public health, safety and welfare of the township. This determination is based upon the express determination of the state legislature set forth in section 12752 of the Public Health Code, Public Act No. 368 of 1978 (MCL 333.12752).

(Ord. No. 04-03, § 105, 12-14-2004)

Sec. 32-610. - Measure of sewer use by metering of water supply.

The township hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the discharge to and the use of the public sewer system. However, the township recognizes that the cost for the implementation, use and maintenance of this technology is often high especially for residential users of the public sewer system. To the extent practicable, the township will seek to use and require metering for measuring discharges to and use of the public sewer system. The township declares, as its goal, the eventual use of metering of domestic water supply for all users of the public sewer system at that time when:

(1) All or substantially all users of the public sewer system are connected to a public water supply system; and/or

(2) In the opinion of the township, the costs for using and maintaining the metering technology is practical and cost effective for residential users of the public sewer system.

In the interim, the township finds that the use of a flat-rate user charge based upon units is a valid, cost effective, and practical method for measuring use of the public sewer system, particularly with respect to detached single family residential users.

(Ord. No. 04-03, § 106, 12-14-2004)

Sec. 32-611. - Definitions.

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

Available public sanitary sewer system means a public sewer which is part of the public sewer system (tapped or untapped) located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon a property, passes not more than 300 feet at the nearest point from a structure in which sanitary sewage originates; provided, however, that with respect to a township approved PUD, the terms of which PUD require connection of all property within the PUD to public sewer, an available public sewer system shall be a public sewer which is part of the public sewer system (tapped or untapped) located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts the PUD. With respect to properties located in the service district, an available public sanitary sewer system shall be a public sewer which is part of the public sewer system (tapped or untapped) located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the properties contiguous to Vineyard Lake or Stony Lake regardless of distance from the structure in which sanitary sewage originates and, with respect to properties not contiguous to Vineyard Lake or Stony Lake, passes not more than 300 feet at the nearest point from a structure in which sanitary sewage originates.

Board of appeals means the township board acting in the capacity as the wastewater board of appeals pursuant to subdivision VIII of this division.

B.O.D.$_5$ or *biochemical oxygen demand* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius (68 degrees Fahrenheit), expressed in PPM by weight.

Brooklyn interceptor means the interceptor sewer main, exclusive of related pump stations and pumping facilities, which transports sewage from the Brooklyn area and the Vineyard Lake Interceptor to the Clark Lake Interceptor (all located within Jackson County), a map of which is on file in the office of the township clerk as appendix III.

Building drain means that part of the lowest piping of a drainage system which receives the discharge of sewage inside of the walls of the building and conveys said discharge to the building sewer.

Building sewer means the extension from the building drain which conveys the discharge of sewage to the public sewer system (typically, the sewer lead and its components) or other places of disposal.

Claimant means any person who makes a claim for economic damages which allegedly were caused by a sewage disposal system event, as defined in this section.

Clark Lake interceptor means the interceptor sewer main, exclusive of related pump stations and pumping facilities, which transports Sewage from the Clark Lake area and the Brooklyn Interceptor to the Leoni Township sewer system (all located within Jackson County) for treatment by the Sewage Disposal Facility, a map of which is on file in the office of the township clerk as appendix IV.

C.O.D. or *chemical oxygen demand* means the oxygen consuming capacity of inorganic and organic matter present in sewage.

Compatible pollutant means the pollutants which can be treated and removed to a substantial degree by the sewage treatment facility. These pollutants include, but are not limited to, defined maximum concentrations of B.O.D. $_5$, S.S., pH and additional pollutants identified in the discharge permit if the sewage treatment facility was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.

Connection fee means the charge imposed by the township to regulate the connection of a building sewer, either directly or indirectly, to the public sewer system. This fee represents:

(1) The proportional cost attributable to each structure in which sanitary sewage originates to regulate access to the public sewer system and ensures that sufficient capacity exists to accommodate the additional use without overburdening the public sewer system or adversely affecting the township's ability to provide service to the public sewer system's existing customers; and

(2) The benefit to the owner of a structure in which sanitary sewage originates derived from the connection to the public sewer system, including, but not limited to, eliminating or reducing the risk of failure of private sewage disposal facilities and the contamination of ground water. See also" direct connection" and "indirect connection."

Contract means the Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section) bond contract, dated as of April 1, 2003, by and between the county, the township, and the Township of Columbia, Jackson County, and the Township of Norvell, Jackson County, as amended by the first amendment to the Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section) bond contract, dated September 2, 2003, by and between the county, the township, Columbia Township and Norvell Township.

Control manhole means the structure installed on the building sewer or service connection to allow access for measurement and sampling of sewage discharging from industrial users and commercial establishments.

Cost of operation and maintenance means all costs, direct and indirect, inclusive of all expenditures attributable to administration, cost of replacement, treatment and collection of sewage, necessary to insure adequate treatment and collection of sewage on a continuing basis in conformance with the discharge permit, and other applicable local, state and federal regulations.

Cost of replacement means the expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the system to maintain capacity and the performance for which the system was designed and constructed.

County means the County of Jackson, Michigan, acting by and through its board of public works, the designated county agency under Public Act No. 185 of 1957 (MCL 123.731 et seq.).

Debt service charge means the amount charged to users of the public sewer system to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for acquisition and construction of the public sewer system.

Direct connection means the connection of the building sewer directly to the public sewer system.

Discharge permit means the permit issued by the MDEQ for the discharge of treated sewage from each sewage treatment facility.

Domestic sewage means the liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

Garbage means solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.

Grinder pump means, in a grinder pump system, the device to which the building sewer connects and which grinds and pumps the sewage for transportation to the sewage treatment facility.

Grinder pump system means the publicly owned grinder pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned building sewer and the public sewer system. A diagram of a typical grinder pump system is on file in the office of the township clerk as appendix II.

Health department means Jackson County Health Department.

Indirect connection means the connection of a building sewer to a sewage collection system which is installed to applicable township and county specifications and with township approval, is paid for by special assessment or private funds, serves multiple users, is connected to the public sewer system, and, after construction, is turned over to the township and/or the county in accordance with the contract and becomes part of the public sewer system (e.g., if a developer constructs collection sewers in a plat and connects the collection sewers to the public sewer system, the connection of each lot in the plat would be an indirect connection).

Industrial users mean users which discharge industrial wastes.

Industrial wastes mean the liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from domestic sewage.

Inspection and administration fee means the amount charged to each applicant by the township at the time an application is made to the township for connection to the public sewer system to cover the actual routine cost of inspecting and approving the physical connection of a building sewer and service connection to the public sewer system, the issuance of a connection permit and related administrative expenses.

Inspector means the person responsible for inspecting connections of building sewers and service connections to the public sewer system as designated by the township.

Interceptor connection fee means the charge imposed by the township as part of the connection fee for the capital cost attributable to the Clark Lake interceptor, the Brooklyn interceptor and/or the Vineyard Lake interceptor.

Interceptor OM&R charge means the component of the user charge attributable to the cost of operation and maintenance of the Clark Lake interceptor, Brooklyn interceptor and/or Vineyard Lake interceptor.

May is permissive.

MDEQ means Michigan Department of Environmental Quality.

mg/l means milligrams per liter, or parts per million.

Miscellaneous user fee means the amount charged to users for miscellaneous services and related administrative costs associated with the system as the actual cost incurred by the township plus administration/enforcement costs.

NAICS means the North American Classification System or the successor publication, if replaced.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Normal strength means sewage which when analyzed shows a daily average concentration of not more than 200 mg/l of BOD, nor more than 240 mg/l of suspended solids; nor more than 10 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees Celsius (150 degrees Fahrenheit); nor more than 40 mg/l of TKN.

Nuisance means, without limitation, any condition where sewage or the effluent from any sewage disposal facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any natural outlet.

Person means any individual, firm, company, association, society, corporation or group, public or private.

pH means the negative logarithm of the concentration of hydrogen ions in solution, in grams per liter; a measure of relative acidity (pH less than 7) or alkalinity of (pH greater than 7) the solution tested. A neutral solution has a pH of 7.

PPM means parts per million, equal to milligrams per liter.

Pretreatment means the treatment of extra strength industrial wastes in privately owned pretreatment facilities prior to discharge into the public sewer system.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of foods that have been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-eighth inch in any dimension.

Public sewer system or *system* means the Vineyard Lake Sewage Disposal System.

Revenues means all collections of sewer rates and charges, including time price differential, interest and penalties.

Sanitary sewer means a sewer which carries sewage and into which storm, surface and ground waters are not intentionally admitted.

Sanitary Sewer Special Assessment District No. 1 means that portion of the township served by the Vineyard Lake Sewage Disposal System, as outlined in appendix I, as kept on file in the office of the township clerk.

Service connection means the portion of the public sewer system which extends either to or onto the parcel of land adjacent to the path of the public sewer system, and includes the sewer main, tee/wye, valve, check valve, connector pipes, the sewer lead, the grinder pump system, electrical controls and connections, related pumping facilities and appurtenances, but not including the building sewer.

Service district means the area located within the township, including, but not limited to, the area within Sanitary Sewer Special Assessment District No. 1, served by the system and any extensions or expansions approved by the township board.

Sewage means any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including industrial wastes and domestic sewage.

Sewage disposal facilities means any on-site, private septic tank, subsurface disposal system or other devices used in the disposal of sewage and which are not part of the system.

Sewage disposal system event means an overflow or backup of the public sewer system, as defined in this section.

Sewage treatment facility means the publicly owned physical plant and appurtenances designated to receive and treat the raw, untreated sewage of the properties located in the service district and served by the public sewer system, and owned by the township, subject to a contract dated as of April 20, 1971, by and between the township and the county, and further subject to the allocated flow rights of the township established by the wastewater services agreement.

Sewer lead means that portion of the service connection which connects to the sewer main located in the public right-of-way and extends perpendicular therefrom to the property line.

Sewer rates and charges means the connection fee, inspection and administration fee, user charge, debt service charge, user surcharge, miscellaneous user fee and the civil penalty imposed pursuant to section 32-646.

Slug means any discharge of water, sewage or industrial wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation.

Special assessment district means all special assessment districts determined at any time by the township board, including, but not limited to, Sanitary Sewer Special Assessment District No. 1 for the provision of sanitary sewer service by the public sewer system.

Special assessment roll means all special assessment rolls confirmed at any time for a special assessment district by the township board.

S.S. or *suspended solids* means solids either floating or suspended in sewage, or other liquids and which are removable by laboratory filtering and biologic processes.

Storm sewer or *storm drain* means a sewer which carries storm or surface waters, or drainage, but excludes sewage.

Structure in which sanitary sewage originates means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate sewage are used or are available for use for household, commercial, industrial, or other purposes.

Subsurface disposal system means an arrangement for distribution of septic tank effluent beneath the ground surface (e.g., a "drainfield system," "tile field," "dry well" or "soil absorption system").

System means the public sewer system.

System receiving funds means the funds established pursuant to subdivision VII of this division to receive collections of sewer rates and charges.

Township means the Township of Cambridge, located in Lenawee County, Michigan, acting by and through its duly authorized agent or representative.

Treatment OM&R charge means that component of the user charge attributable to the cost charged by the township of Leoni for the treatment of sewage by the sewage treatment facility.

U.S. EPA means the United States Environmental Protection Agency which ensures the protection of the environment by abating or controlling pollution on a systematic basis.

Unit or *units* means a standard basis of measuring the relative quantity of sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling), with an average daily sewage discharge of 210 gallons. A listing of the relative relationship between the various users of the system is hereby determined by the township and is set forth in appendix V, which is on file in the office of the township clerk. The assignment of unit to a particular user shall be determined from time to time by the township, based upon available information, studies and investigation of the use to which the user's property is put. In the assignment of units, the number of units shall be rounded to the nearest whole number. The assignment of units for any use not enumerated in appendix V, which is on file in the office of the township clerk, shall, in the sole discretion of the township, be based upon the most similar use enumerated in appendix V, which is on file in the office of the township clerk.

User means a recipient of services provided by the system including premises which are connected to and discharge sewage into the system.

User charge means a charge, based on units, charged to users of the system for use of the system. The charge represents:

(1) That user's proportionate share of the cost of the operation and maintenance (and may include cost of replacement of the system); and

(2) The benefit to that user derived from the availability and use of the system.

User class means a class of users connected to the system, including, but not limited to, residential, industrial, commercial, institutional and governmental.

Commercial user means an establishment listed in the current edition of the NAICS, involved in a commercial enterprise, business or service which, based on a determination by the township, discharges primarily segregated domestic sewage and which is not a residential user or an industrial user.

Governmental user means any federal, state or local government user of the system.

Industrial user means a user of the system which discharges industrial wastes as distinct from their employees' domestic sewage.

Institutional user means any establishment listed in the current edition of the NAICS involved in a social, charitable, religious or educational function which, based on the determination by the township, discharges primarily segregated domestic sewage.

Residential user means a user of the system whose premises or buildings are used primarily as a domicile for one or more persons including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments or permanent multi-family dwellings (transient lodging is not including, it is considered a commercial user).

User surcharge means a charge imposed on a user of the system for discharges of sewage that are in excess of normal strength sewage.

Vineyard Lake Sewage Disposal System means the sanitary sewer collection and transmission system known as the Vineyard Lake Sewage Disposal System, including all publicly owned service connections, mains, lifts, pumping stations, odor control facilities and all appurtenances thereto, which serves the service district, including the Sanitary Sewer Special Assessment District No. 1, and the related sewage treatment facility, all as owned by the county, subject to the rights of the township in accordance with the contract.

Wastewater services agreement means the wastewater services agreement dated as of October 1, 2003, by and between the Township of Columbia, the Township of Norvell, and the Township of Cambridge, whereby the Township of Columbia allocated a portion of its treatment capacity in the sewage treatment facility to the township for treatment of the sewage from the Sanitary Sewer Special Assessment District No. 1.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 04-03, art. II, 12-14-2004)

Secs. 32-612—32-640. - Reserved.

Subdivision II. - Connection to and Extension of Public Sewer System

Sec. 32-641. - Discharge of sewage.

No person shall discharge to any natural outlet within the service district any sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA and this division.

(Ord. No. 04-03, § 301, 12-14-2004)

Sec. 32-642. - Sewage disposal facilities.

Except as provided in this division, no person shall construct or maintain in the service district any private sewage disposal facilities. Any person owning property connected to the public sewer system shall provide for the proper abandonment or destruction of existing private sewage disposal facilities.

(Ord. No. 04-03, § 302, 12-14-2004)

Sec. 32-643. - Mandatory connection of properties in special assessment district.

All owners of structures in which sanitary sewage originates, now situated or hereafter constructed within a special assessment district in the service district, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the available public sanitary sewer system in accordance with the provisions of this division. The township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the inspector.

(Ord. No. 04-03, § 303, 12-14-2004)

Sec. 32-644. - Mandatory connection of new construction in service district outside special assessment district.

All owners of parcels located in the service district, but outside a special assessment district, which are presently undeveloped and, if a septic permit has not been obtained prior to the effective date of the

ordinance from which this division is derived, which are hereafter improved by a structure in which sanitary sewage originates, shall be required to connect to the available public sanitary sewer system in the manner provided by sections 32-643 and 32-646.

(Ord. No. 04-03, § 304, 12-14-2004)

Sec. 32-645. - Connection of existing improved properties in service district outside special assessment district.

(a) Owners of all presently situated structures in which sanitary sewage originates, which are located in the service district, but outside of a special assessment district and which are currently served by private sewage disposal facilities, shall not be required to connect to the available public sanitary sewer system until such time as:

(1) The existing private sewage disposal facilities fail (as determined by the health department); or

(2) Connection of all improved properties within the area in which said premises are located is declared a necessity by the township for the public health and welfare.

(b) Upon the occurrence of any such event, connection shall be made to the public sewer system in accordance with sections 32-643 and 32-646, subject to the availability of capacity in the system. In the alternative, an owner of property subject to this section may connect to the public sewer system at any time in compliance with the terms of this division, subject to the availability of capacity in the system.

(Ord. No. 04-03, § 305, 12-14-2004)

Sec. 32-646. - Connection deadline.

As a matter of public health, all connections to the public sewer system required hereunder shall be completed no later than 12 months after the last to occur of the date of official notice by the township to make said connections or the modification of a structure so as to become a structure in which sanitary sewage originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the public sewer system within such 12-month period shall be liable for a civil penalty equal in amount to the user charges and debt service charges that would have accrued and been payable had the connection been made as required, in addition to the penalties provided in this division.

(Ord. No. 04-03, § 306, 12-14-2004)

Sec. 32-647. - Enforcement in the event of a failure to connect.

In the event a required connection to the public sewer system is not made within the time provided by section 32-646, the township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available public sanitary sewer system and shall advise the owner of the affected property of the requirement and enforcement provisions provided by township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the township may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the available public sanitary sewer system.

(Ord. No. 04-03, § 307, 12-14-2004)

Sec. 32-648. - Extensions of public sewer system to service new developments.

(a) The owner of premises located within the service district but not served by an available public sanitary sewer system may elect to extend the public sewer system and connect his premises thereto, subject to the conditions for sewer extensions set forth in section 32-650.

(b) The owner (or developer) of lands in the township proposed for development (whether by site condominium, subdivision, land division or otherwise) for which land use approval is received after the effective date of the ordinance from which this division is derived, shall be required to extend the public sewer system and connect the premises so developed to the public sewer system subject to the conditions for sewer extensions set forth in section 32-650 if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the public sewer system when divided by the number of units proposed for the development equals 100 feet or less. This subsection shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the public sewer system.

(Ord. No. 04-03, § 308, 12-14-2004)

Sec. 32-649. - Connection of premises located outside the service district.

Premises located outside the service district shall be permitted to connect to the public sewer system only upon the consent of the township board. The consent of the township board shall be granted or denied by the township board in the exercise of its reasonable discretion and shall be based upon the continued availability of capacity in the public sewer system for premises located within the service district and may be based upon such other considerations deemed appropriate by the township board and consistent with this division, including, but not limited to, the terms of the wastewater services agreement, if applicable. To the extent an extension of the public sewer system is required, the conditions set forth in section 32-650 shall apply. In its discretion, the township board may require the person requesting the connection of premises located outside the service district to provide, at the sole expense of said person, an engineering report by a consulting engineer acceptable to the township addressing the cost and feasibility of the proposed sewer service (and any sewer extension necessitated thereby) in the context of the foregoing considerations.

(Ord. No. 04-03, § 309, 12-14-2004)

Sec. 32-650. - Conditions for extension of public sewer system by property owner.

If connection to the public sewer system is required by section 32-648(b), but there is no available public sanitary sewer system adjacent to the premises, or if a property owner elects to extend the public sewer, such extension shall be in accordance with the following requirements, unless modified by the terms of a written agreement between the township and the property owner pursuant to section 32-651:

(1) The sewer main shall be extended to the premises in a public right-of-way, or in an easement owned by the public to the premises in question. If the sewer is to be extended for the purpose of serving a new development, including, but not limited to, a site condominium, subdivision, or division of land which involves the installation of a new public or private road, the sewer main shall be extended throughout such new road so that the sewer abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right-of-way.

(2) If a sewer main is extended to a premises, the main shall be installed across the entire frontage of the premises served, to the border of the adjacent premises. For developments for which a new public or private road is constructed, the sewer main shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer main extensions

shall be located within an easement dedicated to the public, if not located in a public street right-of-way.

(3) The sewer main shall be constructed in accordance with specifications approved by the township.

(4) Upon completion of the sewer main, verification by the inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers if requested), the sewer main shall be dedicated to the township, without cost to the township. Upon acceptance of dedication, the township shall thereafter be responsible for maintenance of the sewer main. The township shall be assigned, or be a third-party beneficiary of, all construction contracts and material and equipment warranties.

(5) The person responsible for installing the sewer shall also reimburse the township for the cost of acquisition of right-of-way, if necessary, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The person responsible for installing the sewer shall pay an amount to the township, in advance, at least equal to the estimated fees for such acquisition. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.

(6) The entire cost of installation of the sewer main, including, but not limited to, engineering, construction, permits and restoration shall be paid by the owner or owners of the premises to whom sewer is being extended.

(7) In addition to the extension of a sewer main as required, the owner of premises to be connected to the system shall reimburse the township for the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the premises or by a development which will be provided with public sewer, including, but not limited to, increasing the size of downstream sewer mains to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the wastewater treatment plant. In such a situation, the responsible party and the township shall enter into an agreement whereby the responsible party pays to the township, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.

(8) In its discretion, the township board may require the person requesting the extension or required to construct an extension to provide at the sole expense of said person an engineering report by a consulting engineer acceptable to the township addressing the cost and feasibility of the proposed extension in the context of the foregoing conditions.

(Ord. No. 04-03, § 310, 12-14-2004)

Sec. 32-651. - Sewer extension agreements.

The township shall have the authority to negotiate agreements for sewer extensions with landowners, developers and other municipalities, which agreements may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to ten years and similar matters.

(Ord. No. 04-03, § 311, 12-14-2004)

Secs. 32-652—32-675. - Reserved.

Subdivision III. - Private Sewage Disposal

Sec. 32-676. - Private sewage disposal facilities.

If a public sewer system is not available to a parcel of land located in the service district in accordance with the provisions of subdivision II of this division of this chapter, the building sewer shall be connected to private sewage disposal facilities constructed in compliance with requirements of the health department and the MDEQ.

(Ord. No. 04-03, § 401, 12-14-2004)

Sec. 32-677. - Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the township.

(Ord. No. 04-03, § 402, 12-14-2004)

Sec. 32-678. - Governmental requirements.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the township, the health department, the MDEQ or any other governmental agency with jurisdiction over the service district.

(Ord. No. 04-03, § 403, 12-14-2004)

Sec. 32-679. - Connection to public sewer system; abandonment.

At such time as the public sewer system becomes available to a parcel served by private sewage disposal facilities, as provided in accordance with subdivision II of this division, the building sewer shall be connected to the public sewer system in compliance with this division, except as provided in section 32-645, and the private sewage disposal facilities shall be abandoned for sanitary use in the manner required by the health department.

(Ord. No. 04-03, § 404, 12-14-2004)

Secs. 32-680—32-701. - Reserved.

Subdivision IV. - Building Sewers and Connections

Sec. 32-702. - Permit requirement.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the public sewer system without first obtaining a written permit from the township in accordance with section 32-703.

(Ord. No. 04-03, § 501, 12-14-2004)

Sec. 32-703. - Permit application.

A connection to the public sewer system shall be made only by an authorized contractor or plumber upon written authorization and a service connection permit issued by the township. Prior to said connection, the property owner or his agent shall submit a permit application to the township. This permit application shall be on a form furnished by the township and shall be accompanied by payment of the applicable connection fee determined in accordance with section 32-774, any civil penalty which has

accrued pursuant to section 32-646 above and the inspection fee, the plans and specifications of all plumbing construction within the premises (when requested), and all other information required by the township.

(Ord. No. 04-03, § 502, 12-14-2004)

Sec. 32-704. - Approval of application.

The approval of a service connection permit application shall be subject to:

(1) Compliance with all terms of this division, including, without limitation, section 32-703, and the rules and regulations of the health department and the MDEQ;

(2) The availability of capacity in the system, including compatible pollutant capacity;

(3) To the extent required by section 32-705, execution of an easement; and

(4) Compliance of the plans and specifications for connection with the following standards for construction:

a. The design, installation and connection of the building sewer and service connection shall meet the specifications approved from time to time by the township and on file for public inspection at the township offices. The sewer lead shall not be less than four inches in diameter for a gravity system and not less than 1¼ inches in diameter for a grinder pump system and a larger diameter may be required by the township based upon the length of run or grade of the sewer lead.

b. The size of the building sewer shall not be less than four inches in diameter and is subject to inspection by the inspector at the time of connection to the service connection. In the event such inspection reveals a deficiency or nonconformity in the building sewer, the connection of the building sewer to the service connection shall not be completed or approved until the owner has corrected the said deficiency or nonconformity to the satisfaction of the inspector.

c. In all buildings in which any building drain is too low to permit gravity flow to the service connection, the sewage carried by the building drain shall be lifted by means acceptable to the township and discharged to the service connection. However, operation and maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.

d. Where the public sewer system is more than 12 feet deep measured from established street grade, a riser may be constructed on the service connection using methods and materials approved by the township.

e. All joints and connections shall be made gastight and watertight.

f. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the township.

g. Connection of the building sewer to the public sewer system shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the township and/or county. Any deviation from the prescribed procedures and materials must be approved by the inspector.

(Ord. No. 04-03, § 503, 12-14-2004)

Sec. 32-705. - On-lot easement requirements.

(a) Prior to the approval and issuance of a service connection permit for a grinder pump system, the applicant will be requested to have executed by the property owner of record for the premises to be connected, an easement in a form provided by the township granting permission to the township to install, construct, operate, maintain, repair and replace the service connection to be installed on the premises.

(1) If the applicant provides such easement, then the township shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the service connection in accordance with section 32-712, below.

(2) If the applicant, for any reason, declines to provide said easement, then the permit shall be issued in the discretion of the township, together with an appropriate bill of sale conveying from the township to the property owner title to all components comprising the service connection. Following installation of the service connection by the property owner (which installation is subject to inspection by the inspector in accordance with the terms of this division), the property owner shall, at his expense, repair, operate, maintain and replace the service connection in accordance with section 32-713.

(3) A property owner or his successor may, at any time following the installation of a service connection on a premises for which no easement was provided to the township prior to the issuance of a permit, grant the appropriate easement to the township. The township shall accept said easement and assume the responsibility for repair, operation, maintenance and replacement provided that the inspector has inspected the service connection and is satisfied that the service connection is in good working order, reasonable wear and tear excepted. In the event such inspection reveals that the service connection has not been properly maintained or that the condition of the service connection has deteriorated beyond reasonable wear and tear, the township may condition its acceptance of the easement and assumption of the financial responsibility for operation, maintenance and repair and replacement of the service connection upon:

a. Appropriate repairs of the service connection at the expense of the property owner;

b. Replacement of the service connection or individual components thereof at the expense of the property owner; or

c. Such other conditions as the township, in the exercise of its reasonable judgment, deems appropriate.

(b) The acceptance of the easement by the township shall be accompanied by an executed bill of sale by the property owner conveying the service connection to the township.

(c) This section shall not apply to any premises for which the installation of the service connection was made by a contractor engaged by the township or the county pursuant to the contract or any future supplement or amendment thereto, it being the assumption in these circumstances that the property owner had granted an appropriate easement prior to said installation.

(d) This section shall not apply if the service connection is a gravity system.

(Ord. No. 04-03, § 504, 12-14-2004)

Sec. 32-706. - Excavations, pipe laying and backfill.

All excavations, pipe laying and backfill required for the installation of building sewers and service connections shall be done to conform to requirements and standards approved by the township. No backfill shall be placed until the work has been inspected and approved by the inspector.

(Ord. No. 04-03, § 505, 12-14-2004)

Sec. 32-707. - Connection of building sewer.

The connection of the building sewer to the public sewer system shall be made at the service connection.

(Ord. No. 04-03, § 506, 12-14-2004)

Sec. 32-708. - Connection of certain drains is prohibited.

No person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, or other points of entry of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer system.

(Ord. No. 04-03, § 507, 12-14-2004)

Sec. 32-709. - Public safety requirements; restoration.

All excavations for building sewer installation and connection to the public sewer system shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the township, the county road commission and all other governmental entities having jurisdiction.

(Ord. No. 04-03, § 508, 12-14-2004)

Sec. 32-710. - Cost of installation of building sewer and connection to public sewer; indemnification.

All costs and expenses incidental to the installation of the building sewer and the connection thereof to the public sewer system shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains any necessary permission to work in the public right-of-way from the county road commission. Said owner shall indemnify the township from all loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer to the public sewer system.

(Ord. No. 04-03, § 509, 12-14-2004)

Sec. 32-711. - Inspection of building sewer and service connection.

A service connection permittee shall notify the inspector when the building sewer and service connection are ready for inspection. The excavation shall be left open until inspection is complete. If the inspector determines that the building sewer and service connection have been constructed and installed in accordance with the requirements of this division, the building sewer shall then be connected with the service connection under the observation of the inspector. The inspection shall include the installation of all required components of the service connection, including without limitation, wiring, conduit, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this section shall include the abandonment of the private sewage disposal facilities in the manner required by the health department.

(Ord. No. 04-03, § 510, 12-14-2004)

Sec. 32-712. - Township's responsibility for repairs, operation and maintenance.

The cost of all repairs, operation, maintenance and replacement of the public sewer system, as well as each service connection which is a gravity system or for which the property owner has granted an easement to the township, shall be borne by the township as part of the township's budgeted annual expense of the system, subject to the right of the township to impose a miscellaneous user fee in accordance with section 32-777.

(Ord. No. 04-03, § 511, 12-14-2004)

Sec. 32-713. - Property owner's responsibility for repairs, operation and maintenance.

The cost of all repairs, operation, maintenance and replacements of existing building sewers and their connection to public sewer systems shall be borne by the property owner. If the property owner has not granted an easement to the township to maintain the service connection which is a grinder pump system, then the cost of all repairs, operation, maintenance and replacement of the service connection shall also be borne by the property owner.

(Ord. No. 04-03, § 512, 12-14-2004)

Sec. 32-714. - Contractor requirements.

Any person desiring to construct a service connection or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must secure an annual license from the township. The license shall be issued on a calendar year basis. The person applying for such license shall pay a license fee as currently established or as hereafter adopted by resolution of the township board from time to time and execute unto the township and deposit with the township, a cash bond or irrevocable letter of credit in the sum as currently established or as hereafter adopted by resolution of the township board from time to time, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the township and the county, pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the township, the county and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the service connection installation and connection as prescribed in this division. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide to the township, evidence of public liability insurance insuring the interests of the township, the property owner, and all persons, for all damages caused by accidents attributable to the work, with limits as currently established or as hereafter adopted by resolution of the township board from time to time.

(Ord. No. 04-03, § 513, 12-14-2004)

Secs. 32-715—32-741. - Reserved.

Subdivision V. - Use of the Public Sewer System

Sec. 32-742. - Prohibited discharge of stormwater.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to the public sewer system.

(Ord. No. 04-03, § 601, 12-14-2004)

Sec. 32-743. - Permissible discharge of stormwater.

Unpolluted water, stormwater and all other unpolluted drain water shall be discharged to the ground surface, to a natural outlet or to a storm sewer or storm drain in accordance with applicable state and federal regulations.

(Ord. No. 04-03, § 602, 12-14-2004)

Sec. 32-744. - Prohibited discharges to public sewer system.

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the system or the sewage treatment facility. These general prohibitions apply to all such users whether or not the user is subject to the national categorical pretreatment standards of any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to the system or the sewage treatment facility:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or the sewage treatment facility or to the operation of the system or the sewer treatment facility. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage that is not properly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any sewage having a pH less than 5.5 or greater than 9.5, or sewage having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system or the sewage treatment facility.

(4) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment facility, or exceed the limitation set forth in a categorical pretreatment standard.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard or to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the system's or sewage treatment facility's effluent or any other product thereof such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(7) Any substance which will cause the sewage treatment facility to violate its discharge permit or the receiving water quality standards.

(8) Any sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any sewage having a temperature which will inhibit biological activity in the system or the sewage treatment facility resulting in interference, but in no case sewage with a temperature at the introduction into the system or sewage treatment facility which exceeds 40 degrees Celsius (104 degrees Fahrenheit).

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the system or sewage treatment facility.

(11) Any sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the township in compliance with applicable state or federal regulations.

(12) Any sewage which causes a hazard to human life or creates a public nuisance.

(13) Any unpolluted water, including, but not limited to, non-contact cooling water.

(14) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

(b) Upon the promulgation of the national categorical pretreatment standards for a particular industry subcategory, the pretreatment standard if more stringent than limitations imposed under this division shall immediately supersede the limitations imposed under this division and shall be considered part of this division and the township shall notify all affected users of the applicable reporting requirements.

(Ord. No. 04-03, § 603, 12-14-2004)

Sec. 32-745. - Discharge permit limitations.

No person shall discharge or cause to be discharged into the system any sewage which would cause effluent from the sewage treatment facility to exceed discharge limits established in the discharge permit issued for operation of the system.

(Ord. No. 04-03, § 604, 12-14-2004)

Sec. 32-746. - Remedies; pre-treatment.

(a) If any sewage is discharged or is proposed to be discharged to the public sewer system, and such sewage contains the substances or possesses the characteristics enumerated in section 32-744 or 32-745, and which in the judgment of the township and/or the county may have a harmful effect upon the system or sewage treatment facility, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the township may take the actions necessary to:

(1) Effect a cease and desist of the discharge of the sewage to the public sewer system.

(2) Reject the sewage.

(3) Require pre-treatment of the sewage to an acceptable condition prior to discharge to the public sewer system.

(4) Require control over the quantities and rates of discharge.

(5) Require payment of a user surcharge to cover the added cost of handling and treating the sewage pursuant to sections 32-748, 32-775(b) and 32-776.

(6) Require new industrial users or industrial users with significant changes in strength or flow of effluent to submit detailed information to the township and/or county concerning the proposed flows or effluent.

(b) If the township and/or county permits the pre-treatment or equalization of sewage flows, the design and installation of the pre-treatment plants and equipment shall be subject to the review and approval of the township and/or county, Leoni County, the health department, the MDEQ, and shall also be subject to the requirements of all applicable codes, ordinances, regulations and laws. No construction of pre-treatment or equalization facilities shall take place until all necessary approvals are obtained in writing, and copies of said approvals are forwarded to the township and/or county.

(Ord. No. 04-03, § 605, 12-14-2004)

Sec. 32-747. - Maintenance of pre-treatment facilities.

Where preliminary treatment or flow equalizing facilities are provided for any sewage, said facilities shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the township and/or county.

(Ord. No. 04-03, § 606, 12-14-2004)

Sec. 32-748. - Special arrangements; surcharge.

No provision of this division shall be construed as preventing any special agreement or arrangement between the township and any user whereby sewage of unusual strength or character may be accepted by the township for treatment, subject to the consent of Leoni County and the payment of a user surcharge by the user and provided such sewage will not damage the system, the sewage treatment facility or the receiving water.

(Ord. No. 04-03, § 607, 12-14-2004)

Sec. 32-749. - Grease, oil and sand interceptors.

Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual user and at no cost to the other users of the system when determined by the township to be necessary for the proper handling of sewage containing ingredients described in section 32-744; provided that all restaurants shall install a grease interceptor within 90 days after the effective date of the date of the ordinance from which this division is derived. All interceptors shall be properly maintained on a regular basis by the individual user and shall be:

(1) Of the type and capacity prescribed by the township;

(2) Located so as to be readily and easily accessible for cleaning and inspection;

(3) Constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature; and

(4) Of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Interceptors shall not be required for private living quarters or dwelling units.

(Ord. No. 04-03, § 608, 12-14-2004)

Sec. 32-750. - Control manhole.

When required by the township, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole upstream from the connection to the public sewer system. The purpose of this control manhole shall be to enable observation, sampling, and measurements of the industrial wastes. The control manhole shall be at the property line or in a location approved by the township, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the township and the township's engineer. Installation of the control manhole, sampling equipment and other appurtenances required by the township shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the control manhole and appurtenances in a safe, accessible and operable manner at all times at the owner's expense.

(Ord. No. 04-03, § 609, 12-14-2004)

Sec. 32-751. - Testing of industrial wastes.

All measurements, tests, and analyses of characteristics of industrial wastes shall be conducted on samples obtained at the control manhole. Where no specific control manhole has been constructed, the control manhole shall be considered to be in the nearest downstream manhole in the public sewer system to the point at which the building sewer is connected. Costs incurred by the township for said testing may, at the discretion of the township, be charged to the user discharging the industrial wastes as a miscellaneous user fee.

(Ord. No. 04-03, § 610, 12-14-2004)

Sec. 32-752. - Test standards.

All measurements, tests, and analyses of sewage characteristics described in this division shall be determined in accordance with the current "Standard Methods for the Examination of Water and Sewage," as published by the A.P.H.A., A.W.W.A. and W.E.F. (or their successor entities). Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the system and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether samples should be taken.

(Ord. No. 04-03, § 611, 12-14-2004)

Secs. 32-753—32-772. - Reserved.

Subdivision VI. - Sewer Rates and Charges

Sec. 32-773. - Public utility basis; fiscal year.

The system shall be operated and maintained by the township on a public utility basis pursuant to state law under the supervision and control of the township board, subject to the terms of the contract. The public sewer system shall be operated on the same fiscal year as the township. The township shall annually, on or before April 1 of each year, submit for information a report to the county on the revenues and expenditures of the system, including a projected budget for the ensuing fiscal year and recommendations for the sewer rates and charges for such ensuing year.

(Ord. No. 04-03, § 701, 12-14-2004)

Sec. 32-774. - Connection fee.

The owner of all premises required or permitted by subdivision II of this division to connect to the system shall pay a connection fee.

(1) *Computation.* The connection fee shall be computed in the following manner:

a. For a direct connection to the public sewer system, the connection fee, which shall include an interceptor connection fee, shall be a rate per unit established by resolution of the township board from time to time.

b. For an indirect connection to the public sewer system, the connection fee, including the interceptor connection fee, shall be a rate per unit established by resolution of the township board from time to time.

c. The interceptor connection fee shall be established in accordance with the wastewater services agreement.

d. The connection fee may be set in different amounts for direct connections, indirect connections and interceptor connection fees for connections to the Vineyard Lake Sewage Disposal System, Sanitary Sewer Special Assessment District No. 1 or any special assessment district located within the sewer district, based upon the contract, the wastewater services agreement and/or the differences in cost attributable to each portion of the public sewer system.

(2) *Cost and expense of service connection.* In addition to the connection fee as computed in subsection (1) of this section, the owner of the premises shall be liable for the costs and expenses of acquiring from the township and installing the service connection pursuant to township specifications on file at the township. The township shall determine the type of service connection for each user on the basis of conformity to prior installations and the integrity of the public sewer system.

(3) *Credit for special assessments.* Those parcels located in a special assessment district and subject to a full special assessment on the special assessment roll shall be deemed to have paid the connection fee, if payments on the special assessment are current; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to a special assessment roll; provided further that a partial special assessment (levied for example, on a vacant lot) shall be offset against the connection fee and, if applicable, the cost of acquiring a service connection.

(4) *Multiple unit users.*

a. A single-family residential building which includes two or fewer dwelling units will be charged a connection fee based on one unit per dwelling unit. All other premises shall pay a connection fee based upon the number of units assigned to such premises by the table of unit factors as can be found in appendix III which is kept on file in the office of the township clerk, and the connection fee payable with respect to a premises so assigned more than one unit shall be subject to redetermination in the manner provided in subsection (4)b and c of this section.

b. Upon connection to the system, all users subject to redetermination shall have a water meter, of the size and type approved by the township, installed on the user's water supply. The cost of both the meter and the installation shall be paid for by the user with the installation to be made or approved by the township. The meter shall be read on a quarterly basis by the township.

c. After two years of meter readings have been obtained, the units assigned to the premises, in accordance with subsection (4)a of this section, shall be redetermined based on said meter readings using an equation, the numerator of which shall he the meter readings, in gallons, for the 24-month period and the denominator of which shall be 100,000 gallons. Meter readings shall be annualized for seasonal users, taking into account the months each year of seasonal use and non-use. The resulting number of units so redetermined, which shall not in any event be less than one, shall be multiplied by the requisite connection fee, direct or indirect, to determine the adjusted connection fee for the premises.

d. A user subject to redetermination and located in a special assessment district shall have the option to pay the connection fee, as originally determined pursuant to section (4)a of this section and/or redetermined pursuant to subsection (4)c of this section, to the extent not offset by a credit pursuant to subsection (3) of this section, in installments pursuant to the terms of a written agreement to be entered between the township and said user. This installment payment agreement shall provide for the payment of equal annual installment payments of principal to the township for a period of time not to extend beyond the term of the special assignments imposed for the construction of that component of the system, with interest on the unpaid balance at a rate not more than one percent higher than the average rate of interest on the bonds sold by the county for the initial construction of the applicable

component of the system. This agreement shall be executed and the first installment shall be payable as the case may be:

1. Prior to the issuance of a service connection permit pursuant to subdivision IV of this division; or

2. Within 30 days after the date of redetermination of the connection fee.

All subsequent installments plus interest shall be paid annually on or before June 1 of each year thereafter.

(5) *Additional fees.* Any additional connection fees required, based on the redetermination in subsection (4)c of this section, shall be immediately paid in cash by a user located outside of the special assessment district within 30 days after notice to the user, or, with respect to a user located within the special assessment district:

a. By installment payment in the manner provided by subsection (4)d of this section; or

b. With respect to a user already subject to an installment payment agreement, by an increase in the annual installment payments sufficient to amortize the additional principal amount ratably over the remaining term of the installment payment agreement provided by subsection (4)d of this section. Any reduction in connection fees resulting from said redetermination shall be credited towards payment of last installments coming due on the installment payment agreement, if any, and the balance shall be refunded (to the extent said connection fees were previously paid) to the user by the township within 30 days of notice of the redetermination, or, in the discretion of the township, credited against payment of user charges and debt service charges accruing or to accrue to the premises.

(6) *Installment payment.* A single-family residential building which includes two or fewer dwelling units required or electing to connect, for which an application for service connection permit is filed with the township prior to the expiration of the 12-month connection period provided by section 32-646 shall be entitled to pay the connection fee determined in accordance with subsection (1) of this section to the extent not offset by a credit for a special assessment in accordance with subsection (3) of this section), in equal annual installments of principal, plus interest on the unpaid balance, pursuant to the terms of a written agreement to be entered between the township and said user providing for annual installment payments to the township for a period of years at a specified rate of interest. The first installment shall be due and payable prior to the issuance of a permit for a service connection in accordance with section 32-703.

(7) *Cash payment.* Except as otherwise provided in subsection (5) of this section and to the extent not offset by a credit, the connection fee shall be paid in cash prior to the issuance by the township of a service connection permit to connect to the public sewer system pursuant to subdivision IV of this division.

(8) *Increased utilization of public sewer system.* In the event a change in use of a premises is proposed which will increase the utilization by that premises of the public sewer system, then the owner of the premises shall submit a new application for a service connection permit to the township. The township shall assign additional units to the premises to reflect such increased utilization and an additional connection fee and inspection and administration fee based on the additional assigned units. Such fees shall be payable in accordance with the procedures set forth in subdivision IV of this division for the issuance of a service connection permit. No refunds are given for a change in use which lessens the unit calculations and assignment.

(9) *Hardship deferment.* The owner or owners of a single-family residence, in which residence said owner or owners reside and upon which a connection fee has been imposed, may submit a hardship application to the township seeking a deferment in the partial or total payment of the connection fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:

a. The owners of the premises shall, under oath, complete a hardship application provided by the township board, and file said application, together with all other information and

documentation reasonably required by the township, with the township board not less than 60 days prior to the due date of the connection fee. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.

b. Hardship applications shall be reviewed by the township board, and after due deliberation of hardship applications, the township board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

c. An applicant aggrieved by the determination of the township board may request the opportunity to appear before the township board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the township board shall be final and conclusive.

d. In the event that the township board makes a finding of hardship, the township board shall fix the amount of partial or total deferment of the connection fee, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the clerk of the township so that a further review of the matter may be made by the township board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

   1. A change in the financial status of any applicant which removes the basis for financial hardship;

   2. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;

   3. A death of any of the applicants.

e. Upon a determination of the township board deferring all or part of the connection fee, the owners of the premises shall, within one month after such determination, execute and deliver to the township as the secured party a recordable security instrument covering the premises, guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this division.

(Ord. No. 04-03, § 702, 12-14-2004)

Sec. 32-775. - User charge; debt service charge.

(a) *Computation.* A user charge and debt service charge shall be charged in advance to each premises within the district connected to the public sewer system as currently established or as hereafter adopted by resolution of the township board from time to time.

(1) The units upon which the user charge and debt service charge shall be based shall be the units assigned to the premises in accordance with section 32-774 for purposes of the connection fee, and in the event the number of units assigned to the premises is redetermined in accordance with section 32-774(4)b and c, then the user shall be billed or credited, as appropriate, for the user charge and debt service charge from the accrual date established in accordance with subsection (d) of this section for the number of units so redetermined.

(2) The user charge and the debt service charge may be set in different amounts for users of the system, based upon the contract and the differences in cost attributable to each portion of the public sewer system.

(b) *Normal strength domestic sewage.* The user charges imposed pursuant to this section are applicable only to users who discharge normal strength domestic sewage. A user who discharges toxic pollutants or sewage into the system that does not qualify as normal strength domestic sewage shall also pay a user surcharge determined pursuant to section 32-776.

(c) *Industrial users.* As of the date of adoption of the ordinance from which this division is derived, it is determined that no users of the system are industrial users. Before the township permits any industrial user to connect to the system in the future, the township shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of industrial wastes.

(d) *Accrual date.* User charges and debt service charges shall begin to accrue with respect to an existing structure as of the date of the connection of the building sewer to the public sewer system in accordance with subdivision II of this division, and with respect to a new structure, upon the date of issuance of an occupancy permit. If appropriate, the billing of said charges for the initial billing period shall be prorated in arrears.

(e) *Responsibility of user to pay for service connection power.* In addition to the user charge, each user shall provide and pay for the electrical power necessary for the operation of their individual service connection, which is a grinder pump system as such electrical power is independently metered and billed.

(f) *Change in use.* After connection of a premises to the system, subsequent changes in the character of use or type of occupancy of the premises shall not abate the obligation of the user to pay user charges and debt service charges for the premises based upon the number of units originally allocated thereto, unless and until the township determines that the number of units allocated to such premises shall be increased or decreased based upon such changes in use or occupancy.

(g) *Unoccupied premises.* A user charge shall not be charged to a premises which is not used for a period of 12 consecutive months (which fact shall be established to the reasonable satisfaction of the township). The sewer service for such premises shall be turned off by the township and the appropriate miscellaneous user fee shall be paid by the user.

(Ord. No. 04-03, § 703, 12-14-2004; Res. of 7-9-2008; Res. of 5-11-2011; Res. of 2-11-2015)

Sec. 32-776. - User surcharge.

The user surcharge payable pursuant to section 32-775(b), shall be determined from time to time by resolution of the township board and shall be sufficient to provide for the proportional distribution of the increased expense of cost of operation and maintenance of the system. Factors such as sewage strength, volume, discharge flow rate characteristics and the increased expense of the system for the transportation and treatment of non-qualifying sewage shall be considered and included as a basis for determining the user surcharge.

(Ord. No. 04-03, § 704, 12-14-2004)

Sec. 32-777. - Miscellaneous user fee.

The township shall, from time to time, establish by resolution of the township board and impose on one or more users a miscellaneous user fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the system and incurred, without limitation, as a result of the intentional or negligent acts of such user or users, including for example, excessive inspection services not covered by the inspection fee, costs of repairing and/or replacing a damaged service connection, costs of abating a nuisance pursuant to section 32-911, and costs incurred by the township to shut off and turn on sewer service.

(Ord. No. 04-03, § 705, 12-14-2004)

Sec. 32-778. - Inspection and administration fee.

The inspection and administration fee shall be determined from time to time by resolution of the township board and shall be based upon the actual cost borne by the township for its inspectors.

(Ord. No. 04-03, § 706, 12-14-2004)

Sec. 32-779. - Billing of sewer rates and charges.

The township, or its designee, shall bill and collect all sewer rates and charges on a monthly basis. The township shall mail each user a bill on or before the first day of the month. The bill shall separately itemize the sewer rates and charges. All users will receive an annual notification either printed on the bill or enclosed in a separate fetter which will show the breakdown of the sewer bill in its components for operation, maintenance and replacement and for debt retirement. Payment of the bill which is rendered by the township is due and payable on or before the 15th day of the month. Payment of said bill shall be made at a location and in a manner designated by the township. As an alternative to mailing individual monthly billing statements to each user, the township may periodically mail to each user a coupon book with a series of consecutive monthly payment coupons, each of which shall specify the monthly due date. In the event the township utilizes such a coupon book, each user shall be required to detach the appropriate monthly coupon and pay the same on or before the 15th day of the month due.

(Ord. No. 04-03, § 707, 12-14-2004)

Sec. 32-780. - Unpaid sewer rates and charges; penalty.

If sewer rates and charges are not paid on or before the due date, then a penalty in the amount of ten percent shall be added to the balance due.

(Ord. No. 04-03, § 708, 12-14-2004)

Sec. 32-781. - Unpaid sewer rates and charges; remedies.

(a) If sewer rates and charges are not paid on or before the due date, the township, pursuant to Public Act No. 178 of 1939 (MCL 123.161 et seq.), may:

    (1) Discontinue the services provided by the system by disconnecting the building sewer from the service connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest and all expenses incurred by the township for shutting off and turning on the service, shall be paid to the township;

    (2) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

    (3) Enforce the lien created in section 32-782.

(b) These remedies shall be cumulative and shall be in addition to any other remedy provided in this division or now or hereafter existing at law or equity.

(c) Under no circumstances shall action taken by the township to collect unpaid sewer rates and charges and/or penalties and interest, invalidate or waive the lien created by section 32-782. Before disconnecting service, the township shall give 30-day written notice to the user at the last known address according to the township records and the township tax assessment roll. The notice shall

inform the user that the user may request an informal hearing to present reasons why service should not be disconnected.

(Ord. No. 04-03, § 709, 12-14-2004)

Sec. 32-782. - Lien.

The sewer rates and charges shall be a lien on the respective premises served by the system. Whenever sewer rates and charges shall be unpaid for six months or more, they shall be considered delinquent. The township shall certify all sewer rates and charges delinquent as of August 1 and penalties thereon, annually, on or before September 1, of each year, to the tax-assessing officer of the township, who shall enter the delinquent sewer rates and charges and interest and penalties, together with an additional penalty equal to 15 percent of the total, upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises.

(Ord. No. 04-03, § 710, 12-14-2004)

Sec. 32-783. - No free service.

No free service shall be furnished by the system to any person, public or private, or to any public agency or instrumentality.

(Ord. No. 04-03, § 711, 12-14-2004)

Sec. 32-784. - Rental properties.

A lien shall not attach for sewer rates and charges to a premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the premises or a dwelling unit thereon shall be liable for payment of sewer rates and charges, effective for services which accrue after the date an affidavit is filed by the landlord with the township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the township 30 days' written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the debt service charge and the user charge for the preceding four quarterly billing periods. Upon the failure of the tenant to pay the sewer rates and charges when due, the security deposit shall be applied by the township against the unpaid balance, including interest and penalties. The tenant shall immediately make sufficient payment to the township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten days of said advance, the penalties, rights and remedies set forth in sections 32-781 and 32-782 shall be applicable with respect to the unpaid sewer rates and charges, including time price differential, interest and penalties. The security deposit shall be held by the township without interest and shall be returned to the landlord upon proof of termination of the lease.

(Ord. No. 04-03, § 712, 12-14-2004)

Sec. 32-785. - Cancellation of permits; disconnection service.

Applications for connection permits may be canceled and/or sewer service disconnected by the township for any violation of any part of this division, including, without limitation, any of the following reasons:

(1) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the system.

(2) Nonpayment of sewer rates and charges.

(3) Failure to keep building sewers and control manholes in a suitable state of repair.

(4) Discharges in violation of this division.

(5) Damage to any part of the system.

(Ord. No. 04-03, § 713, 12-14-2004)

Sec. 32-786. - Security deposit.

If the sewer service supplied to a user has been discontinued for nonpayment of sewer rates and charges, service shall not be reestablished until all delinquent sewer rates and charges, interest and penalties, and the turn-on charge has been paid. The township may, as a condition to reconnecting said service, request that a sum equal to the debt service charge and the user charge for the preceding four quarterly billing periods be placed on deposit with the township, for the purpose of establishing or maintaining any user's credit. Said deposit shall not be considered in lieu of any future billing for sewer rates and charges. Upon the failure of the user to pay the sewer rates and charges when due, the security deposit shall be applied by the township against the unpaid balance, including interest and penalties. The user shall immediately make sufficient payment to the township to reinstate the amount of the security deposit so advanced. Upon the failure of the user to do so within ten days of said advance, the penalties, rights and remedies set forth in sections 32-781 and 32-782 shall be applicable with respect to any unpaid sewer rates and charges, including interest and penalties. The security deposit shall be held by the township without interest and shall be returned to the user upon continued timely payments by the user of all sewer rates and charges as and when due, for a minimum of four consecutive quarters.

(Ord. No. 04-03, § 714, 12-14-2004)

Sec. 32-787. - Billing address.

Bills and notices relating to the conduct of the business of the township will be mailed to the user at the address listed on the permit application filed pursuant to subdivision II of this division unless a change of address has been filed in writing at the business office of the township; and the township shall not otherwise be responsible for delivery of any bill or notice, nor will the user be excused from non-payment of a bill or from any performance required in said notice.

(Ord. No. 04-03, § 715, 12-14-2004)

Sec. 32-788. - Interruption of service; claims.

The township shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the system, all users affected by such interruption will be notified in advance whenever it is possible to do so. The township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

(Ord. No. 04-03, § 716, 12-14-2004)

Secs. 32-789—32-814. - Reserved.

Subdivision VII. - Revenues

Sec. 32-815. - Estimated rates; sufficiency.

The user charges hereby fixed are established to be sufficient to provide for the cost of operation and maintenance of the system as are necessary to preserve the same in good repair and working order. Such rates and the unit factors shall be fixed and revised by resolution of the township board from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on this audit, rates for sewage services shall be reviewed annually and revised as necessary to meet system expenses and to ensure that all user classes pay their proportionate share of the cost of operation and maintenance.

(Ord. No. 04-03, § 801, 12-14-2004)

Sec. 32-816. - Revenues; depository.

The revenues of the system shall be deposited as follows:

(1) *Common fund.* Revenues of the system derived from the Vineyard Lake Sewer System shall be deposited to the common fund in accordance with the contract.

(2) *Separate bank account.* All other revenues of the system, to the extent the handling of said revenues are not expressly provided for by the terms of subsection (1) of this section, shall be set aside, as collected, and deposited into a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated the Cambridge Township Sewer System Receiving Fund (the "receiving fund"), and said revenues so deposited shall be transferred from the receiving fund periodically in the manner and at the time herein specified.

a. *System operation and maintenance fund.* Out of the revenues in the receiving fund, there shall be first set aside quarterly into a separate account, a designated system operation and maintenance fund, a sum sufficient, to the extent not already provided for, to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order. Moneys deposit in the system operation and maintenance fund shall not be transferred out of this fund.

b. *System improvement fund.* There shall next be established and maintained a separate depositary account, designated system improvement fund, which shall be used for the purpose of making improvements in the efficiency of the system through the use of new technology and the replacement or repair of obsolete or inefficient components to prevent overburdening of or failures in the system. There shall be set aside into said fund, after provision has been made for the system operation and maintenance fund, such revenues derived from user charges as the township board shall deem necessary for this purpose. Moneys deposited in this fund shall not be transferred out of this fund.

c. *System extensions fund.* There shall next be established and maintained a system extension fund for the purpose of making extensions and enlargements to the system. Where the township has utilized system revenues for the enlargement or extension of the system to provide service to a new user of the system, the connection fee paid by the new user shall be deposited into the extension fund and used by the township to repay the costs for the enlargement or extension of the public sewer system to serve that user. To the extent that there are any unused funds derived from connection fees remaining in the extension fund after the costs for enlargement or expansion of the public sewer system have been paid, the unused funds shall be deposited in the system improvement fund.

d. *Surplus moneys.* Moneys remaining in the system receiving fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the township board, be transferred to the system improvement fund, or used in connection with any other project of the township reasonably related to purposes of the system.

e. *Bank accounts.* All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the township within this single bank account, in the manner set forth in this subsection.

(Ord. No. 04-03, § 802, 12-14-2004)

Sec. 32-817. - Transfer of funds.

In the event the moneys in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any moneys and/or securities in other funds of the system, except sums derived from special assessment collections or tax levies, shall be transferred to the operation and maintenance fund, to the extent of any deficit therein and these moneys shall be replaced in the next operating year. User charges shall then be adjusted to the extent that such transfers are not required.

(Ord. No. 04-03, § 803, 12-14-2004)

Sec. 32-818. - Investment of funds.

Moneys in any fund or account established by the provisions of this division may be invested in the manner and subject to the limitations provided in the township investment policy, subject to the limitations set forth in Public Act No. 94 of 1933 (MCL 141.101 et seq.). Income received from such investments shall be credited to the fund from which said investments were made.

(Ord. No. 04-03, § 804, 12-14-2004)

Secs. 32-819—32-844. - Reserved.

Subdivision VIII. - Administrative Appeals; Board of Appeals

Sec. 32-845. - Informal hearing.

In order that the provisions of this division may be reasonably applied and substantial justice done in instances where this division is misapplied or unnecessary financial hardship would result from carrying out the strict letter of this division, an informal hearing before the supervisor may be requested in writing by any person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within 30 days after the date thereof, stating the reasons therefor with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than 15 days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the township hall or at such place as designated by the supervisor. The supervisor shall issue a written statement of his decision within 15 business days after the informal hearing.

(Ord. No. 04-03, § 901, 12-14-2004)

Sec. 32-846. - Board of appeals.

In order that the provisions of this division may be reasonably applied and substantial justice done in instances where this division is misapplied or unnecessary hardship would result from carrying out the strict letter of this division, the township board shall serve as a wastewater board of appeals. The duty of

such board shall be to consider appeals from the decision of the supervisor and to determine, in particular cases, whether this division has been misapplied or any deviation from strict enforcement will violate the intent of the division or jeopardize the public health or safety. In all appeals, the appellant shall have the burden of proof.

(Ord. No. 04-03, § 902, 12-14-2004)

Sec. 32-847. - Appeals from informal hearing.

(a) Appeals from the written decisions of the supervisor may be made to the township board, acting as a board of appeals, within 30 days from the date of written decision of the supervisor. Such appeal may be taken by any person aggrieved. The appellant shall file a notice of appeal with the supervisor and with the board, specifying the ground therefor. Prior to a hearing, the supervisor shall transmit to the township board a summary report of all previous action taken. The township board may, at its discretion, call upon the supervisor to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reserving, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the township board must concur. The board of appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same board of appeals may reserve or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said township board shall be final.

(b) The board of appeals shall meet at such times as the board of appeals may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The board of appeals shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the board of appeals, and the vote of each member upon each question considered. The presence of four members shall be necessary to constitute a quorum.

(Ord. No. 04-03, § 903, 12-14-2004)

Sec. 32-848. - Payment of amounts outstanding.

All sewer rates and charges outstanding during any appeal process shall be due and payable to the township. Upon resolution of any appeal, the township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

(Ord. No. 04-03, § 904, 12-14-2004)

Sec. 32-849. - Effect of administrative action.

If any informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for immediate cease and desist order issued pursuant to this division.

(Ord. No. 04-03, § 905, 12-14-2004)

Sec. 32-850. - Appeal from board of appeals.

Appeals from the determinations of the board of appeals may be made to the circuit court for the county within 20 days as provided by law. Such appeals shall be governed procedurally be the Administrative Procedures Act of the State of Michigan, Public Act No. 306 of 1969 (MCL 24.201 et seq.). All findings of fact, if supported by the evidence, made by the board shall be conclusive upon the court.

(Ord. No. 04-03, § 906, 12-14-2004)

Secs. 32-851—32-878. - Reserved.

Subdivision IX. - Sewer Backup or Overflow Reporting Procedures

Sec. 32-879. - Notice and claim procedures applicable to overflow or backup of the public sewer system.

This section has been adopted in accordance with Public Act No. 222 of 2001 (MCL 691.1416 et seq.) ("Act 222") to set forth the notice and claim procedures applicable to an overflow or backup of the public sewer system, which, as defined in Act 222, shall be referred to for purposes of this section as a "sewage disposal system event." To afford property owners, individuals and the township greater efficiency, certainty and consistency in the provision of relief for damages or physical injuries caused by a sewage disposal system event, the township and any person making a claim for economic damages, which, as defined in Act 222, shall be referred to for purposes of this section as a "claimant," shall follow the following procedures:

(1) A claimant is not entitled to compensation unless the claimant notifies the township of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the claimant, or in the exercise of reasonable diligence should have been discovered by the claimant.

(2) The written notice under subsection (1) of this section shall contain the claimant's name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of the description of the claim, the claimant shall submit an explanation of the sewage disposal system event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.

(3) The written notice under subsection (1) of this section shall be sent to the township supervisor, who is hereby designated as the individual at the township to receive such notices pursuant to section 19 of Act 222.

(4) If a claimant who owns or occupies affected property notifies the township orally or in writing of a sewage disposal system event before providing a notice of a claim that complies with subsections (1) through (3) of this section, the township supervisor shall provide the claimant with a written explanation of the notice requirements of subsections (1) through (3) of this section sufficiently detailed to allow the claimant to comply with said requirements.

(5) If the township is notified of a claim under subsection (i) of this section and the township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the township shall notify the contacting agency of each additional or different governmental agency of that fact, in writing, within 15 business days after the date the township receives the claimant's notice under subsection (1) of this section.

(6) If the township receives a notice from a claimant or a different or additional governmental agency that complies with this section, the township may inspect the damaged property or investigate the physical injury. A claimant or the owner or occupant of affected property shall not unreasonably refuse to allow the township or its duly authorized representatives to inspect damaged property or investigate a physical injury.

(7) Prior to a determination of payment of compensation by the township, the claimant shall provide to the township additional documentation and proof that:

a. At the time of the sewage disposal system event, the township owned or operated, or directly or indirectly discharged into, that portion of the public sewer system that allegedly caused damage or physical injury;

b. The public sewer system had a defect;

c. The township knew, or in the exercise of reasonable diligence, should have known, about the defect in the public sewer system;

d. The township, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the public sewer system; and

e. The defect in the public sewer system was a proximate cause that was 50 percent or more of the cause of the sewage disposal system event and the property damage or physical injury.

(8) Prior to a determination of payment of compensation by the township, the claimant shall also provide to the township additional documentation and proof that neither of the following were a proximate cause that was 50 percent or more of the cause of the sewage disposal system event:

a. An obstruction in a service connection, a building sewer or building drain that was not caused by the township; or

b. A connection on the affected premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, unpolluted air-conditioning water or unpolluted industrial process waters to the public sewer system.

(9) If the township and a claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (1) of this section, the claimant may institute a civil action in accordance with Act 222.

(10) To facilitate compliance with this section, the township shall make available to the public information about the notice and claim procedures under this section.

(11) The notice and claim procedures set forth in this section shall be applicable to a sewage disposal system event involving the public sewer system.

(12) In the event of a conflict between the notice and claim procedures set forth in this section and the specific requirements of Act 222, the specific requirements of Act 222 shall control.

(13) As provided in section 19(7) of Act 222, the notice and claim procedures of this section do not apply to claims for non-economic damages (as defined in Act 222) arising out of a sewage disposal system event.

(14) Any word, term or phrase used in this section, if defined in Act 222, shall have the same meaning provided under Act 222.

(Ord. No. 04-03, § 1001, 12-14-2004)

Secs. 32-880—32-906. - Reserved.

Subdivision X. - Enforcement

Sec. 32-907. - Inspection by township.

The duly authorized representatives, employees or agents of the township and the county, including, but not limited to, the inspector, the township supervisor, the township's engineer, the Jackson County drain commissioner, the county drain commissioner, the health department and representatives of MDEQ bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties in the service district for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this division. Any person who applies for and receives sewer services from the township or owns real property in the service district shall be deemed to have given consent for all such activities including entrance upon that person's property.

(Ord. No. 04-03, § 1101, 12-14-2004)

Sec. 32-908. - Damage to system.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the public sewer system.

(Ord. No. 04-03, § 1102, 12-14-2004)

Sec. 32-909. - Notice to cease and desist.

Except for violations of section 32-908, any person found to be violating any provision of this division shall be served by the township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. No. 04-03, § 1103, 12-14-2004)

Sec. 32-910. - Civil infraction.

Any violation of section 32-908, or any violation beyond the time limit provided for in section 32-909, shall be a municipal civil infraction, for which the fine shall not be less than $100.00 nor more than $500.00 for the first offense and not less than $200.00 nor more than $2,500.00 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this division committed by the same person within 12 months of a previous violation of the division for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this division shall, in addition, become liable for any expense, including reasonable attorney fees, loss, or damage occasioned by reason of such violation. The supervisor is hereby authorized to issue, in the manner provided by law, citations for municipal civil infractions for violations of this division.

(Ord. No. 04-03, § 1104, 12-14-2004)

Sec. 32-911. - Nuisance; abatement.

Any nuisance or any violation of this division is deemed to be a nuisance per se. The township in the furtherance of the public health may enforce the requirements of this division by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action

necessitated by such nuisance or violation. The person who violated the division or permitted such nuisance or violation to occur shall be responsible to the township for the costs and expenses, including reasonable attorney fees, incurred by the township in making such repairs or taking such action as a miscellaneous user fee.

(Ord. No. 04-03, § 1105, 12-14-2004)

Sec. 32-912. - Liability for expenses.

Any person violating any of the provisions of this division shall become liable to the township and their authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the township by reason of such violation.

(Ord. No. 04-03, § 1106, 12-14-2004)

Sec. 32-913. - Remedies are cumulative.

The remedies provided by this division shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the township.

(Ord. No. 04-03, § 1107, 12-14-2004)

Chapter 34 - WATERWAYS

ARTICLE I. - IN GENERAL

Sec. 34-1. - Swimming in Killarney Lake Dam site a misdemeanor.

Swimming, bathing or wading within 200 feet of said Killarney Lake Dam site is hereby declared to be a misdemeanor; and such wading, bathing or swimming is absolutely prohibited.

(Ord. of 7-2-1969, § 1)

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

State Law reference— Penalty for ordinance violations, MCL 41.183.

Sec. 34-2. - Swimming east of Loch Erin Inlet a misdemeanor.

Swimming, bathing, wading or fishing within 300 feet to the west and 165 feet to the east of said Loch Erin Inlet site is hereby declared to be a misdemeanor.

(Ord. No. 85-2, § 1, 6-13-1985)

Cross reference— General penalty; continuing violations, § 1-7; Municipal ordinance violations bureau, Ch. 2, Art. VII.

State Law reference— Penalty for ordinance violations, MCL 41.183.

Secs. 34-3—34-22. - Reserved.

ARTICLE II. - WATERCRAFT REGULATIONS[1]

Footnotes:

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State Law reference— Watercraft and marine safety, MCL 324.80101 et seq.; local regulation, MCL 324.80111.

Sec. 34-23. - Definitions.

All words and phrases used in this article shall be construed and have the same meanings as those words and phrases defined in Part 801 of Public Act No. 451 of 1994 (MCL 324.80101 et seq.).

(Ord. of 8-13-1980, § 1)

Sec. 34-24. - Round Lake operating rules.

On the waters of Round Lake, in the township, no operator of any motorboat shall:

(1) Operate such vessel at high speed, which means a speed at or above which a motorboat reaches a planing condition; or

(2) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, surfboard or other similar contrivance.

Sec. 34-25. - Allens Lake, Kellys Lake, Wolf Lake, and Meadow Lake; night operations.

On the waters of Allens Lake, Kellys Lake, Wolf Lake, and Meadow Lake, in the township, no operator of any motorboat, during the period from 6:30 p.m. to 10:00 a.m. of the following day, shall:

(1) Operate such motorboat at high speed, which means a speed at or above which a motorboat reaches a planing condition; or

(2) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, surfboard or other similar contrivance.

Sec. 34-26. - Killarney Lake; high-speed boating and water skiing prohibited.

On the waters of Killarney Lake, in the township, no operator of any motorboat shall:

(1) Operate such motorboat at high speed, which means a speed at or above which a motorboat reaches a planing condition; or

(2) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, surfboard or other similar contrivance.

Sec. 34-27. - Connecting channels; controlled speed zones.

On the waters of the channels connecting Wolf Lake and Allens Lake, Allens Lake and Meadow Lake, Meadow Lake and Kellys Lake, and Kellys Lake and Killarney Lake, also known as the "River Shannon," no operator of any motorboat shall exceed a slow—no wake speed.

Sec. 34-28. - Deep Lake; night operations.

On the waters of Deep Lake, in the township, no operator of any motorboat, during the period from 6:30 p.m. to 10:00 a.m. of the following day, shall:

(1) Operate such motorboat at high speed, which means a speed at or above which a motorboat reaches a planing condition; or

(2) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, surfboard or other similar contrivance.

(Ord. of 8-2-1967, § 1)

Sec. 34-29. - Little Stoney Lake; high-speed boating and water skiing prohibited.

On the waters of Little Stoney Lake, in the township, no operator of any motorboat shall:

(1) Operate such motorboat at high speed, which means a speed at or above which a motorboat reaches a planing condition, or

(2) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, surfboard or other similar contrivance.

Sec. 34-30. - Dewey Lake; hours for high-speed boating and water skiing.

On the waters of Dewey Lake, Section 17, Town 5 South, Range 2 East in the township, no operator of any motorboat, during the period from 6:30 p.m. to 10:00 a.m. the following day, shall:

(1) Operate such motorboat at high speed, which means a speed at or above which a boat reaches a planing condition; or

(2) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, surfboard, or other similar contrivance.

(Ord. of 6-15-1970, § 1)

Sec. 34-31. - Marr Lake; hours for high-speed boating and water skiing.

On the waters of Marr Lake, Section 9, Town 5 South, Range 2 East, in the township, it is unlawful, between the hours of 6:30 p.m. and 10:00 a.m. of the following day, to:

(1) Operate a vessel at high speed.

(2) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, kite, surfboard, or other similar contrivance.

(Ord. of 8-13-1980, § 2)

Chapter 36 - ZONING[1]

Footnotes:

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State Law reference— Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

ARTICLE I. - IN GENERAL

Sec. 36-1. - Enacting clause.

The ordinance from which this chapter was derived was enacted pursuant to Public Act No. 184 of 1943, being the township zoning act (MCL 125.271 et seq.). The continued administration of this chapter, amendments to this chapter and all other matters concerning operation of this chapter shall be done pursuant to Public Act No. 110 of 2006, being the Michigan zoning enabling act (MCL 125.3101 et seq.), hereinafter referred to as the "zoning act."

(Ord. of 6-9-2010, § 1.1)

Sec. 36-2. - Title.

This chapter shall be known and may be cited as "The Zoning Ordinance of Cambridge Township." The zoning map referred to herein is entitled "Zoning Map, Cambridge Township."

(Ord. of 6-9-2010, § 1.2)

Sec. 36-3. - Purposes.

This chapter has been established for the purpose of:

(1) Promoting and protecting the public health, safety and general welfare;

(2) Protecting the character and stability of the agricultural, recreational, residential, commercial and industrial areas, and promoting the orderly and beneficial development of such areas;

(3) Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air and privacy to protect the public health;

(4) Lessening and avoiding congestion on public highways and streets;

(5) Providing for the needs of agriculture, recreation, residence, commerce and industry in future growth to conform with the most advantageous uses of land, resources and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building and population development as studied and recommended by the township board and planning commission;

(6) Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning district;

(7) Conserving the taxable value of land and structures;

(8) Conserving the expenditure of funds for public improvements and services;

(9) Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise vibration, radioactivity and other nuisances and hazards in the interest of the people; and

(10) Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

(Ord. of 6-9-2010, § 1.3)

Sec. 36-4. - Scope.

(a) Every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement

of or addition to an existing use, building or structure occurring after the effective date of the ordinance from which this chapter is derived shall be subject to all regulations of this chapter, which are applicable in the zoning district in which such building or structure or lot is located.

(b) To avoid practical difficultly, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter; provided that construction shall be completed within 365 days of such effective date and be subject thereafter to the provisions of article VIII of this chapter.

(c) The adoption of this chapter shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this chapter even though such building or structure does not conform to the provisions of this chapter; provided that work shall commence and be carried on within 30 days of obtaining such permit and be subject thereafter to the provisions of article VIII of this chapter.

(Ord. of 6-9-2010, § 2.1)

Sec. 36-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number; and the plural, the singular. The word "shall" is always mandatory and not merely (suggestive). The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied.

Accessory structure, building or use means a detached structure, building or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building or use.

Alley means a public or private way not more than 33 feet wide which affords only a secondary means of access to abutting property.

Alter means any structure change in the supporting or load-bearing member of a building; such as bearing walls, columns, beams, girders or floor joists.

Apartment means a dwelling unit in an apartment house arranged, designed or occupied as a residence by a single-family, individual or group of individuals.

Automobile service station means structures and premises used or designed to be used for the retail sale of fuels, lubricants or grease and other operating commodities for motor vehicles including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting or refinishing thereof.

Automobile wrecking means the dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Basement means a story of a building having more than one-half its height below grade.

Boardinghouse or *roominghouse* means a dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

Building means an enclosed structure having a roof supported by columns, walls or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

Building height means the vertical distance measured from grade to the highest point of the roof.

Building setback line means a line parallel to, or concentric with, the front property line delineating the minimum allowable distance between the front lot line and the front of any building.

Building site means that portion of a site condominium intended for separate ownership or exclusive use as opposed to "general common elements" as described in the master deed of the condominium project.

Central sanitary sewerage system means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

Central water system means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a central water system from a central location or plant.

Child care center or *day care center* means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" or "day care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term "child care center" or "day care center" does not include any of the following:

(1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.

(2) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.

(3) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

(4) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Communication tower means a radio, telephone, cellular telephone or television relay structure of skeleton framework or monopole attached directly to the ground or to another structure used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennas, aerials or similar reception, or transmission structures used for non-commercial purposes serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in article III, division 6 of this chapter.

Condominium subdivision (site condominium) means a method of subdivision where land ownership of sites is regulated by the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as opposed to the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). Condominium subdivision shall be equivalent to the term "subdivision" as used in this chapter and the township subdivision control ordinance.

District means a portion of Cambridge Township within which certain uniform regulations and requirements apply under the provisions of this chapter.

Drive-in establishment means a business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

Dwelling, commercial secondary means an independent, self-contained dwelling unit having separate direct access incidental and subordinate to and located within a commercial building or a separate residential dwelling incidental and subordinate to and located on the same lot as a commercial enterprise.

Dwelling, multiple-family, means a building designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.

Dwelling, residential secondary, means an area within a single family dwelling, within an accessory structure on a lot with a single-family dwelling, or a detached standalone building on a lot with a single family dwelling. It will have separate housekeeping and cooking facilities from those used for the single family dwelling.

Dwelling, single-family, means a detached building other than a mobile home designed for or occupied by one family and may include a residential secondary dwelling if regulations in section 36-260 are met.

Dwelling, two-family, means a detached building designed for or occupied by two families only with separate housekeeping and cooking facilities for each.

Dwelling unit means any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in single-family, two-family or multiple-family residential areas. In cases of mixed occupancy where a building is occupied part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof related to dwellings. In addition, a dwelling unit shall meet the following requirements:

(1) A minimum exterior width of 20 feet exclusive of areas not a part of the main living area (porches, architectural features, etc.). A residential secondary dwelling are exempt from this regulations.

(2) Firmly attached to a foundation constructed in accordance with the state residential building code and/or other applicable state or federal rules and regulations.

(3) No exposed wheels, towing mechanisms, undercarriage or chassis; no storage in crawl space or skirted area.

(4) Shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said shall be connected thereto.

(5) Shall contain storage areas in the basement, attic, closets or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles and exclusive of the crawl space of a dwelling not possessing a basement. Such storage shall be equal to ten percent of the interior living space.

(6) Shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes by having:

a. A roof pitch of three inches to one foot.

b. A roof overhang of not less than six inches along all sides of the dwelling.

c. Not less than two exterior doors with one being in either the rear or side of the unit.

d. A roof drainage system to avoid drainage along the sides of the dwelling.

(7) All additions shall be constructed with permanent foundation and compatible materials in similar quality of workmanship as the original structure.

(8) Compliance with pertinent building and fire codes and conformance with all applicable township building, plumbing, electrical and energy codes.

(9) The term "dwelling" includes earth sheltered homes constructed in conformance with the current state residential building code.

(10) Covered window sills with drip seals.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by the township, state or federal laws and regulations.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments, commissions or boards, of underground, surface or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience or welfare, but not including buildings, towers or maintenance depots.

Family means one or more persons living together in one dwelling unit and interrelated by bonds of marriage, blood or legal adoption (additionally may include persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit (sharing one kitchen facility for normal meal preparation—sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boardinghouse, club, fraternity or sorority house, or tourist home. Every additional person or group of two or more persons not related or included in the family as herein defined shall be considered a separate family for the purpose of this chapter.

Feedlot means any facility or enclosed area where farm animals are fed and maintained for more than four hours out of 24 hours at a density greater than four head per acre for cattle and horses, ten head per acre for smaller animals or more than 30 fowls per acre.

Fence means a barrier designed and/or intended to prevent escape or intrusion or to mark a boundary.

Funneling means the use of an inland waterfront property, parcel or lot as common open space to serve as waterfront access for a separate, multifamily development or property containing more than one parcel, lot or housing unit, which development or property is located away from the waterfront. More particularly, funneling is the use of a waterfront property, parcel or lot contiguous to a body of water by the owners, lessees, occupants or licensees of any of the following types of property, if such property contains more than one parcel or lot, or more than one dwelling unit:

(1) Non-waterfront property under a separate legal description on the county tax roll or property acquired under a separate deed on file with the county register of deeds.

(2) Non-riparian property, if such property contains more than one dwelling unit.

(3) Property separated from shoreline properties by a public road.

This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

Home occupation means an occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

Junk yard means a structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including auto wrecking yards, inoperative machines, used lumber yards, house wrecking and structural steel materials and equipment; and including establishments for sale, purchase or storage of salvaged machinery and the processing of used, discarded or salvaged materials for any 30 consecutive days.

Kennel means any lot or premises on which three or more dogs, four months old or more, are confined either permanently or temporarily for either boarding, breeding, sale or some other commercial purpose.

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, or contiguous portions of lots of record or a parcel of land described by metes and bounds.

Lot area means the area within the lot lines, but excluding that portion in a road or street right-of-way.

Lot corner means a parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

Lot line, front, means a line separating a lot from a street, road or private easement of access. In the case of a corner lot or double-frontage lot, a line separating a lot from the street, road or private easement of access which is obviously the front by reason of the prevailing custom of other buildings on the block or along the same street, road or easement of access. In instances where lots abut bodies of water, the front lot line shall be defined as the average high-water line which separates the lot from the body of water.

Lot of record means a lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the register of deeds of the county; or a lot described by metes and bounds, the deed to which has been recorded in said office.

Lot, through (double frontage), means an interior lot having frontage on two parallel or approximately parallel streets.

Marina means a facility, whether located on a waterfront or otherwise, with docks or other accommodation for in-season mooring or storage of recreational watercraft that may include attendant incidental sale of products and services, including minor mechanical repair. In the event petroleum products are to be sold or dispensed, the site shall comply with all environmental and safety regulations mandated by federal, state and/or local law or regulations and such further conditions as may be imposed by the township to promote the public health, safety and general welfare.

Mobile home means a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year round living as a single-family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Mobile home park means a tract of land prepared and approved according to the procedures in this chapter to accommodate mobile homes on rented or leased lots.

Mobile home subdivision means a legally platted residential subdivision accommodating mobile homes.

Motel means any establishment in which individual cabins, courts or similar structures or units are let or rented to transients for periods of less than 30 days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel or a mobile home park.

Motor home means a vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit capable of being operated under its own power.

Off-street parking means a facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

On-site wind energy system means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

Outdoor wood-fired hydronic heater means equipment, device or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel products (i.e., wood, corn) to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood-fired heater or outdoor wood-fired hydronic heater.

Parking space, area, lot means an off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not; or as an accommodation to clients, customers, visitors or employees.

Power craft means watercraft containing a mechanical power unit as its main source of power or as a secondary or auxiliary source of power.

Private home means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. The term "private home" includes a full-time foster family home, a full-time foster family group home, a group child care home or a family child care home, as follows:

Family child care home means a private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. The term "family child care home" does not include an individual providing babysitting services for another individual. As used in this definition, the term "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed $600.00 or an amount that would, according to the Internal Revenue Code of 1986, obligate the child's parent or guarding to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.

Foster family group home means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 (MCL 710.21 to 710.70), are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian or legal custodian.

Foster family home means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 (MCL 710.21 to 710.70), are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

Group child care home means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year and which meets all of the following requirements:

a. Is located not closer than 1,500 feet to any of the following:

    1. Another licensed group child care home;

    2. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 to 400.737);

3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the public health code, Public Act No. 368 of 1978 (MCL 333.6101 to 333.6523); or

4. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

b. Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

c. Maintains the property consistent with the visible characteristics of the neighborhood.

d. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10:00 p.m. and 6:00 a.m.

e. Meets regulations, if any, governing signs used by a group child care home to identify itself.

f. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his employees.

Medical marihuana facilities and *recreational marihuana establishments.* As used hereafter terms shall be as defined in MCL 333.27102 and MCL 333.27953 respectively or in the absence of statutory definitions the meanings usually and customarily ascribed to them.

Public warehouse means any building available to the public, operated for gain and which is used for storage of goods, wares, merchandise and/or personal property of any kind or nature whatsoever.

Quarry means any pit, excavation or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble or other non-metallic minerals in excess of 50 cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

Riding academy means any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Roadside stand means a structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrial and/or orbital based uses. This definition is meant to include, but not limited to, what are commonly referred to as satellite earth stations, TV, radio and satellite microwave antennas.

Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; except however, the following which shall not be included within this definition:

(1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;

(2) Legal notices, identification, information, or directional signs erected or required by governmental bodies;

(3) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;

(4) Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

Sign area means the area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of

the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

Sign, on-site, means a sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

Site plan review means a review by the planning commission of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns and on adjacent land usage.

State licensed residential facilities means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et. seq.), or child care organizations act, Public Act No. 116 of 1973 (MCL 722.111 et seq.), and provides residential services for six or fewer persons under 24-hour supervision or care.

Story means that portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Structure means anything constructed, erected or placed with a fixed location on the surface of the ground.

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

Television, radio and microwave tower means a structure intended to support a source of non-ionizing electromagnetic radiation and accessory equipment related to telecommunications. Antennas and supporting structures for telecommunications devices that only receive radio frequency signals shall not be considered, such as television towers, for the purposes of this chapter.

Travel trailer means a vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger vehicle.

Utility grid wind energy system means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses, such as, but not limited to, a SCADA tower, electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.

Yard, front, means an open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

Yard, front, lake, means a lot having frontage directly upon a lake, natural, or manmade river or other artificial impoundment of water in all districts. The portion adjacent to the water shall be designated the lake front yard of the lot and shall be measured from the high-water mark for the front yard setback.

Yard, rear, means an open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

Yard, side, means an open, unoccupied space on the same lot with the principal building between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard and, if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

Zoning act or *Act* means Public Act No. 110 of 2006, being Michigan zoning enabling act (MCL 125.3101 et seq.).

(Ord. of 6-9-2010, § 2.2; Ord. No. 11-01, § 1, 3-9-2011; Ord. No. 13-02, 4-10-2013; Ord. No. 16-0001, § 1, 3-9-2016; Ord. No. 18-02, Att. A, 7-11-2018; Ord. No. 18-04, § 1, 1-9-2019; Ord. No. 2020-03, § 1, 5-6-2020)

Sec. 36-6. - Undefined terms.

Any term not defined herein shall have the meaning of common or standard use.

(Ord. of 6-9-2010, § 2.3)

Sec. 36-7. - Application of regulations.

The regulations established by this chapter within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare and shall not preclude the establishment of higher or more restrictive standards, or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the planning commission to attain the purposes of this chapter.

(Ord. of 6-9-2010, § 2.4)

Sec. 36-8. - Conflict with other laws.

(a) Conflicting laws of a more restrictive nature are not affected or repealed by this chapter. The provisions of this chapter shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

(b) This chapter is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this chapter shall govern.

(Ord. of 6-9-2010, § 10.1)

Sec. 36-9. - Validity and severability clause.

If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure; such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

(Ord. of 6-9-2010, § 10.2)

Secs. 36-10—36-36. - Reserved.

ARTICLE II. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 36-37. - Establishment.

The township is hereby divided into the following zoning districts:

(1) AG-1: Agricultural District.

(2) RNF-1: Rural Non-Farm Residential District.

(3) RL-1: Lake Residential District.

(4) RS-1: Suburban Residential District.

(5) RM-1: Multiple-Family Residential District.

(6) RL-O: Lake District Overlay Zone.

(7) C-1: Local Commercial District.

(8) C-2: General Commercial District.

(9) C-3: Highway Service Commercial District.

(10) C-4: Commercial-Recreation District.

(11) I-1: Light Industrial District.

(Ord. of 6-9-2010, § 3.1)

Sec. 36-38. - Official zoning map.

(a) The zoning districts as provided in section 36-37 are bound and defined on a map entitled, "Official Zoning Map, Cambridge Township, Lenawee County, Michigan, dated January 8, 2003," which map with all explanatory matter thereon, is hereby adopted as a part of this chapter.

(b) The official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk. The official zoning map shall be located in the office of the township clerk and available for examination.

(Ord. of 6-9-2010, § 3.2)

Sec. 36-39. - Interpretation of district boundaries.

(a) Except where specifically designated on the official zoning map, the zoning district boundary lines are intended to follow lot lines; the center lines of streets or alleys; the center lines of creeks, streams or rivers; the center lines of streets or alleys projected; center lines of railroad right-of-way lines; section lines; one-quarter section lines; one-eighth section lines or a corporate limit line; all as they existed at the time of the enactment of the ordinance from which this article is derived, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the official zoning map.

(b) When the location of a district boundary is uncertain, the zoning board of appeals shall interpret the exact location of the district boundary.

(Ord. of 6-9-2010, § 3.3)

Sec. 36-40. - Interpretation of unspecified land uses.

It is recognized that it is neither possible nor practical to list all of the potential land uses indicated and intended for the individual zoning districts. Therefore, any other use that is determined by the township board, after hearing and recommendation by the township planning commission, to be of the same general character, compatibility and similarity as the indicated permitted or conditional use may be permitted provided the use is not mentioned or permitted within another zoning district. However,

notwithstanding, a use mentioned or permitted in another zoning district may be permitted under this chapter, after hearing, recommendation and approval, if it is of a less intense nature and otherwise compatible with the zoning district for which it is proposed.

(Ord. of 6-9-2010, § 3.4)

Secs. 36-41—36-68. - Reserved.

ARTICLE III. - ZONING DISTRICTS' REGULATIONS

DIVISION 1. - GENERALLY

Sec. 36-69. - Purpose.

The intent, permitted uses, conditional uses, height, area, density and sign regulations of each district are set forth in this article.

(Ord. of 6-9-2010, art. IV(intro.))

Sec. 36-70. - Open districts established for land protection.

Open districts are established to protect land best suited for open use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses and to retain land suited for open space and recreation use for the future.

(Ord. of 6-9-2010, § 4.1)

Secs. 36-71—36-98. - Reserved.

DIVISION 2. - AGRICULTURAL DISTRICTS

Sec. 36-99. - Agricultural District (AG-1).

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

(1) *Permitted uses.*

a. General and specialized farming and agricultural activities except feedlots; including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals and other farm animals, and plants, trees, shrubs and nursery stock.

b. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.

c. Single-family detached dwellings.

d. Home occupations only in accordance with the regulations specified in section 36-249.

e. Kennels.

f. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs and similar areas of low intensity use.

g. On-site signs, only in accordance with the regulations specified in section 36-284.

h. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in section 36-252.

i. Residential secondary dwelling, only in accordance with the regulations specified in section 36-260.

j. Accessory uses or structures.

k. State licensed residential facilities.

l. Family child care home.

(2) *Conditional uses.*

a. Quarries.

b. Golf courses.

c. Group or organized camps, camping grounds and general or specialized resorts.

d. Airports.

e. Group child care homes, primary or secondary non-profit schools, and colleges and universities.

f. Convalescent homes, nursing homes, hospitals, sanitariums and orphanages.

g. Riding academies and stables.

h. Churches and other buildings for religious worship.

i. Cemeteries.

j. Golf driving ranges.

k. Travel trailer parks.

l. Feedlots.

m. Animal hospitals.

n. Sanitary landfills.

o. Retail sale of specialty, novelty and gift items; including sale of food and beverage, in connection with the permitted sale of agricultural or horticultural products.

p. Ambulance service.

q. Special event parking.

r. Communication tower.

s. Open recreational vehicle storage.

t. Outdoor wood-fired hydronic heaters.

u. WECS and anemometers over 80 feet in height.

v. Solar farm facilities.

(3) *Area, yard, height and bulk requirements.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.1.1; Ord. No. 11-1, § 2, 3-9-2011; Ord. No. 16-0001, § 2, 3-9-2016; Ord. No. 18-02, Att. B, 7-11-2018; Ord. No. 18-03, § 1, 1-9-2019)

Secs. 36-100—36-126. - Reserved.

DIVISION 3. - RESIDENTIAL DISTRICTS

Sec. 36-127. - Description and purpose.

The Rural Non-Farm Residential District, Lake Residential District, Suburban Residential District and Multiple-Family Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired, potential nuisances and hazards which may cause unhealthy conditions, and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

(Ord. of 6-9-2010, § 4.2(intro.); Ord. No. 18-02, Att. B, 7-11-2018)

Sec. 36-128. - Rural Non-Farm Residential District (RNF-1).

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

(1) *Permitted uses.*

a. Single-family detached dwellings.

b. Home occupations, only in accordance with the regulations specified in section 36-249.

c. On-site signs, only in accordance with the regulations specified in section 36-285.

d. Essential services, only in accordance with the regulations specified in section 36-252.

e. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260.

f. Accessory uses or structures.

g. State licensed residential facilities.

h. Family child care homes.

(2) *Conditional uses.*

a. Planned unit residential developments.

b. Golf courses, but not including golf driving ranges.

c. Country clubs, public swimming pools, recreation centers, parks, playgrounds and playfields.

d. Churches and other buildings for religious worship.

e. Group child care homes, primary and secondary non-profit schools.

f. Essential services structures of a non-industrial character, but not including maintenance depots or warehouses.

g. Government- or community-owned buildings.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.2.1; Ord. No. 16-0001, § 3, 3-9-2016; Ord. No. 18-02, Att. B, 7-11-2018)

Sec. 36-129. - Lake Residential District (RL-1).

This district is designed to preserve and enhance areas which are suitable for lakefront residential development, principally single-family dwellings at moderate densities, with consideration to protecting the lake waters from potential pollutants.

(1) *Permitted uses.*

a. Single-family detached dwellings.

b. On-site signs, only in accordance with the regulations specified in section 36-285.

c. Essential services, only in accordance with the regulations specified in section 36-252.

d. Residential secondary dwelling, only in accordance with the regulations specified in section 36-260.

e. Accessory uses or structures.

f. Home occupations in accordance with the regulations specified in section 35-249.

g. State licensed residential facilities.

h. Family child care homes.

(2) *Conditional uses.*

a. Planned unit residential developments.

b. Parks and playfields.

c. Churches and other buildings for religious worship.

d. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

e. Group child care homes.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.2.2; Ord. No. 16-0001, § 4, 3-9-2016; Ord. No. 18-02, Att. B, 7-11-2018)

Sec. 36-130. - Suburban Residential District (RS-1).

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

(1) *Permitted uses.*

a. Single-family detached dwellings.

b. Home occupations, only in accordance with the regulations specified in section 36-249.

c. On-site signs, only in accordance with the regulations specified in section 36-285.

d. Essential services, only in accordance with the regulations specified in section 36-252.

e. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260.

f. Accessory uses or structures.

g. State licensed residential facilities.

h. Family child care homes.

(2) *Conditional uses.*

a. Planned unit residential developments.

b. Country clubs, recreation centers, public swimming pools, parks, playgrounds and playfields.

c. Churches and other buildings for religious worship.

d. Group child care homes, primary and secondary non-profit schools.

e. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

f. Government- or community-owned buildings.

g. Golf courses, but not including golf driving ranges.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.2.3; Ord. No. 16-0001, § 5, 3-9-2016; Ord. No. 18-02, Att. B, 7-11-2018)

Sec. 36-131. - Multiple-Family Residential District (RM-1).

This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system and which abut or are adjacent to such other uses or amenities which support, complement or serve such a density and intensity.

(1) *Permitted uses.*

a. Multiple-family dwellings.

b. Two-family dwellings.

c. On-site signs, only in accordance with the regulations specified in section 36-285.

d. Essential services, only in accordance with the regulations specified in section 36-252.

e. Accessory uses or structures.

f. Roominghouses and boardinghouses.

g. Home occupations, only in accordance with the regulations specified in section 36-249.

h. State licensed residential facilities.

i. Family child care homes.

(2) *Conditional uses.*

a. Planned unit residential developments.

b. Public swimming pools, recreation centers, parks, playgrounds and playfields.

c. Churches and other buildings for religious worship.

d. Group child care homes, primary and secondary non-profit schools, and colleges and universities.

e. Medical and dental clinics.

f. Hospitals, convalescent or nursing homes, sanitariums and orphanages.

g. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

h. Mobile home parks.

i. Mobile home subdivision in accordance with the requirements of single-family dwelling in section 36-130, RS-1 district.

j. Offices.

k. Government- or community-owned buildings.

l. Funeral establishments.

m. Single-family dwellings.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.2.4; Ord. No. 16-0001, §§ 6, 7, 3-9-2016)

Sec. 36-132. - Lake District Overlay Zone (RL-0).

(a) The township recognizes the special nature of certain lake residential districts that have evolved from subdivisions that were platted in the early decades of the 20th century and occupied by seasonal housing units, which have been converted into yearround residences. Initially these areas were subdivided into lots which tend to be significantly smaller than the standards established by this chapter. Dwellings and structures have been constructed on these lots that do not conform to current minimum yard and spacing requirements. It is the intent of this section to allow greater flexibility in site standards in these specific areas as described herein, to promote the improvement, renovation, or reconstruction of dwellings and accessory structures in a manner that conforms to the character of the existing development in the area and to continue the prevailing setbacks in such neighborhoods while protecting the public health, safety and general welfare.

(b) Permitted and special uses allowed in the lake district overlay zone shall be consistent with those authorized by the base zoning district, subject to the limitations placed thereon by this section.

(c) The Lake District Overlay Zone appears on the zoning map as an "overlay district" imposed on the top of the other base (or underlying) zoning districts created by this chapter. Development of properties in the lake district overlay zone must comply with all the regulations of the base district in which they are located except as specifically set forth or excepted in this section. When there is any conflict between the regulations of the lake district overlay zone and the regulations of the base district the conflict shall be reconciled by the zoning administrator in conference with the planning commission and all rights of appeal provided by this chapter shall be preserved.

(d) Permitted and special uses allowed in the lake district overlay zone shall be consistent with those authorized by the base zoning district, subject to the limitations placed thereon by this section.

(e) The standards of the Lake District Overlay Zone shall be applied only to structures located or proposed to be located on those parcels within the following plats:

(1) Wamplers Lake.

a. Irish Hills Beach.

b. Supervisors Plat #1 and #2.

c. The Ange Ral.

d. Harbor Point Beach.

e. Oak Shade Park, Oak Shade Park 1st, 2nd, 3rd, 4th, 5th, addition.

(2) Sand Lake.

a. Boardman Park.

b. Aylesworth Heights

c. Amended plat of lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and vacated portion of Ray's Drive, Aylesworth Heights.

d. Amended plat of lots 6, 7, 11 and Park B. Hoisington's subdivision of out lot A, Aylesworth Heights and vacated portions of Ray's Drive, Aylesworth Heights.

e. Assessor's Plat #1.

f. Supervisors Plat #3.

g. Killarney Park subdivision.

h. Irish Hills Village.

i. Supervisors Plat of Howell and Egan's Grove.

j. Ray Mar, addition to Ray Mar.

k. The Lyster Patent, The Lyster Patent #2.

l. Marsh property leased lands.

(3) Front yard setbacks.

a. Minimum required front yards may be reduced to the average established yard of all developed adjacent parcels in the subject plat within 300 feet on each side of the property provided that the reduction will not create a traffic safety hazard or encroach on any easement or right of way.

b. Parcels used in the setback averaging shall include only those as defined in subsection (e)(3)a of this section.

c. At no time shall the structure be located less than 20 feet from the traveled portion of the adjacent street.

(4) Rear yard setback. Rear yard setbacks shall be a minimum of 20 feet except for lots that front on the lake where subsections (e)(3)a through c of this section shall apply for the rear yard facing the street.

(5) Side yard setbacks. The minimum required side yards may be reduced to a dimension equal to ten percent of the lot width provided the resulting structure is no less than five feet from the property line and no less than ten feet from any structures on the adjacent lot.

(6) Rear and side yard setbacks accessory structures. The minimum required rear yard and side yard setback for an accessory structure may be reduced to a dimension equal to ten percent of the lot depth or width provided the resulting structure is no less than five feet from the property line and no less than ten feet from any structure on the adjacent lot, except for lots that front the water where subsections (e)(3)a through c of this section will apply for rear yard setback facing the street.

(7) Decks, porches, or other projections from the main structure shall be considered a part of the main structure and subject to the same setbacks as the structure except that eaves and overhangs may extend no more than 12 inches into the setback.

(8) The remainder of the area, height and bulk regulation shall be as specified in the schedule of regulations, division 6 of this article, Lake Residential District (RL-1), and Suburban Residential (RS-1).

(9) The application of these special standards shall be reviewed and approved by the township zoning administrator prior to issuance of a building permit.

a. Given the density of the lots in these plats: to adjacent neighbors; to the lake edge; to road right-of-way; and possible encroachments on adjacent property lines and right-of-way, as a requirement for evaluation for a building permit, the property owner will be required by the zoning administrator to provide a site plan and may be required to submit a detailed survey of the property including the dimensions of the proposed improvements.

b. A detailed survey and site plan is a requirement for any submission of these standards to the board of appeals for a variance request.

c. This survey and site plan shall be prepared by a registered surveyor and shall include, at a minimum, the following items:

1. Show on the plan and locate in the field all property lines, corners, easements, uses, right-of-way and the ordinary high-water mark including dimensions and angles correlated with the legal description of the property.
2. Locate and dimension all existing and proposed main structures and accessory structures on the site and the facing sides of existing structures on adjacent lots.
3. Indicate the property lines of subject and adjacent properties.
4. Locate all drives, patios, walks, and other paved areas.
5. Locate all poles, manholes and other utility transmission lines and services
6. Any additional information, as determined by the township zoning administrator, may be required due to the complexity of the proposed improvements.
7. Where two or more adjacent lots within a lake district overlay zone are under single ownership, as a condition to issuance of a building permit, these properties shall be permanently conjoined and enjoined by a building and use restriction, acceptable to the township that prevents future dividing of the property consistent with this chapter and the following additional standards. Should the resulting lot be 80 feet wide or greater, or a conforming lot, the side setbacks shall be as specified in the schedule of regulations for Lake Residential (RL-1), or Suburban Residential (RS-1) which ever applies.

(Ord. of 6-9-2010, § 4.2.5; Ord. No. 10-02, 6-9-2010; Ord. No. 13-01, 4-10-2013)

Secs. 36-133—36-162. - Reserved.

DIVISION 4. - COMMERCIAL DISTRICTS

Sec. 36-163. - Description and purpose.

The Local Commercial District, General Commercial District and Highway Service Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking and utility service, advance public safety and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each district; potential nuisances and hazards which may cause unsafe conditions and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential or industrial use and to streets and highways. The purpose of each commercial district is further stated below.

(Ord. of 6-9-2010, § 4.3(intro.))

Sec. 36-164. - Local Commercial District (C-1).

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

(1) *Permitted uses.*

a. Personal services including barber shops and beauty salons, medical and dental clinics, dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios and televisions.

b. Business services including banks, loan offices, real estate offices and insurance offices.

c. Offices of an executive, administrative or professional nature.

d. Retail sale of foods, drugs, hardware, notions, books and similar convenience goods.

e. On-site signs, only in accordance with the regulations as specified in section 36-286.

f. Essential services and structures of a non-industrial character.

g. Accessory uses or structures.

h. Commercial secondary dwelling as defined in section 36-5.

(2) *Conditional uses.*

a. Planned-commercial unit developments.

b. Churches and other buildings for religious worship.

c. Government- or community-owned buildings, but not including schools.

d. Eating and drinking establishments, but not including drive-in types.

e. Public warehouses.

f. Child care centers or day care centers.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.3.1; Ord. No. 13-03, 4-10-2013; Ord. No. 16-0001, § 9, 3-9-2016; Ord. No. 18-02, Att. B, 7-11-2018)

Sec. 36-165. - General Commercial District (C-2).

This district is intended to encourage planned and integrated groupings of retail, service and administrative establishments which will retail convenience and comparison goods, and provide personal and professional services for the entire area, and to accommodate commercial establishments which cannot be practically provided in a neighborhood commercial area.

(1) *Permitted uses.*

a. Any use permitted in the local commercial district.

b. Business schools; including dance schools, music schools and art schools.

c. Indoor retail sales establishments.

d. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.

e. Eating and drinking establishments, but not including drive-in types.

f. Clubs and lodges.

g. Funeral homes.

h. Printing establishments.

i. On-site signs, only in accordance with the regulations as specified in section 36-287.

j. Accessory uses or structures.

k. Essential services and structures of a non-industrial character.

l. Medical marihuana facilities and recreational marihuana establishments.

(2) *Conditional uses.*

a. Automobile service stations.

b. Hotels or motels.

c. Small animal clinics.

d. Drive-in business services.

e. Churches and other buildings for religious worship.

f. Government- or community-owned buildings, but not including schools.

g. Public warehouses.

h. Communication tower.

i. Open recreational vehicle storage.

j. Marina.

k. Child care centers or day care centers.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.3.2; Ord. No. 16-0001, § 9, 3-9-2016; Ord. No. 2020-03, § 2, 5-6-2020)

Sec. 36-166. - Highway Service Commercial District (C-3).

This district is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. These districts should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

(1) *Permitted uses.*

a. Automobile service stations.

b. Sales, rental and service of motor vehicles, trailers and boats.

c. Drive-in retail and service establishments, except drive-in theaters.

d. On-site and off-site signs, only in accordance with the regulations as specified in sections 36-287 and 36-288.

e. Motels and hotels.

f. Eating and drinking establishments.

g. Essential services and structures of a non-industrial character.

h. Accessory uses or structures.

i. Indoor and outdoor commercial amusements.

j. Any use permitted in the General Commercial District (C-2).

k. Medical marihuana facilities and recreational marihuana establishments.

(2) *Conditional uses.*

a. Automobile repair garages.

b. Drive-in theaters.

c. Ambulance service.

d. Communication tower.

e. Open recreational vehicle storage.

f. Any conditional use provided in the General Commercial District (C-2).

g. Child care centers or day care centers.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.3.3; Ord. No. 13-03, 4-10-2013; Ord. No. 16-0001, § 10, 3-9-2016; Ord. No. 2020-03, § 2, 5-6-2020)

Sec. 36-167. - Commercial Recreation District (C-4).

The intent of this district is to provide suitable areas for tourist-oriented commercial uses which are recreational in nature. Generally, these types of businesses are seasonal and require relatively large parcels of land. Because they encourage large volumes of vehicular traffic when in operation, they should be located on or within quick access of highway facilities.

(1) *Permitted uses.*

a. Golf courses.

b. Golf driving ranges.

c. Miniature golf courses.

d. General or specialized resorts.

e. Riding academies or stables.

f. Observation towers.

g. Ski resorts.

h. Commercial Secondary dwelling as defined in section 36-5.

(2) *Conditional uses.*

a. Commercially operated trails for use of dune buggies, snowmobiles and similar types of vehicles.

b. Amusement parks.

c. Racetracks.

d. Eating and drinking establishments.

e. Retail and/or wholesale sales of small goods and merchandise of a novelty, tourist or recreational nature such as souvenirs, hunting and fishing supplies, golf equipment, sportswear, etc., and light on-site assembly of same (e.g., assembly of craft items, sewing of sportswear, etc.).

f. Marina.

g. Offices of an executive, administrative or professional nature.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.3.4; Ord. No. 13-03, 4-10-2013; Ord. No. 18-02, Att. B, 7-11-2018)

Secs. 36-168—36-187. - Reserved.

DIVISION 5. - INDUSTRIAL DISTRICTS

Sec. 36-188. - Description and purpose.

It is recognized by this division that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the township. In order that this value may be maintained and this use encouraged, this division has established zoning districts designed to regulate the location of industrial uses according to a well-considered plan which reflects the types of such uses and the intensity of land, street and highway use in each such district, potential nuisances and hazards which may cause unsafe and unhealthy conditions, and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential or commercial use and to streets, highways and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of each industrial district is further stated below.

(Ord. of 6-9-2010, § 4.4(intro.))

Sec. 36-189. - Light Industrial District (I-1).

This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, and radioactive hazards and other harmful or obnoxious matter.

(1) *Permitted uses.*

a. Wholesale merchandising or storage warehouses.

b. Vehicle repair garages, but not including auto junk yards.

c. Trucking terminals.

d. Farm machinery and equipment sales and repair.

e. Contractor's yard.

f. Lumber yard.

g. Industrial office buildings.

h. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.

i. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.

j. Skilled trade services including plumbing, electric, heating, printing and painting establishments.

k. Research and testing laboratories.

l. Essential services and structures.

m. On-site and off-site signs, only in accordance with the regulations as specified in sections 36-287 and 36-288.

(2) *Conditional uses.*

a. Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with light industries of the type specifically permitted.

b. Communication tower.

c. Open recreational vehicle storage.

d. WECS and anemometers over 80 feet in height.

e. Solar farm facilities.

(3) *Area, yard, height and bulk regulations.* See division 6 of this article.

(Ord. of 6-9-2010, § 4.4.1; Ord. No. 18-03, § 1, 1-9-2019)

Secs. 36-190—36-216. - Reserved.

DIVISION 6. - DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS

Sec. 36-217. - Compliance with regulations.

(a) No building or structure shall hereafter be erected or altered to exceed the height, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards or other open spaces than prescribed for the district in which the building or structure is located.

(b) No yard or lot existing at the time of passage of the ordinance from which this division is derived shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of the ordinance from which this division is derived shall meet at least the minimum requirements established by the ordinance from which this division is derived.

(c) No part of a yard or other open space required for or in connection with any structure for the purpose of complying with the ordinance from which this division is derived, shall be included as part of a yard or open space similarly required for any other structure.

(Ord. of 6-9-2010, § 4.5.1)

Sec. 36-218. - Yard measurements.

(a) Lots that abut on more than one street shall provide the required front yards along every street. The figure indicated by an asterisk (*) in this division represents the front yard setback that shall also be maintained for the side yard abutting a street or road. The side yard that does not abut the street or road shall be maintained with a minimum setback equal to the minimum side yard setback for lots that are not located on a corner or that do not abut on more than one street or road. Nothing herein shall be construed to allow location of any structure in violation of section 36-246.

(b) All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three feet in length from the structure wall.

(Ord. of 6-9-2010, § 4.5.2)

Sec. 36-219. - Lot width.

Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured in a contiguous straight line (unbroken by intervening lot

lines) between side lot lines at their foremost points (where they intersect with the street line), except in the case of lots on the turning circle of cul-de-sacs, where the contiguous and unbroken line between the foremost points (at the street line), shall not be less than 40 percent of the required lot width.

(Ord. of 6-9-2010, § 4.5.3)

Sec. 36-220. - Height exceptions.

Exceptions to the maximum height regulations for each district specified in this division may be permitted subject to the following provisions:

(1) *Height limitations.* The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances: parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, water tanks and wind energy conversions systems (WECS).

(2) *Increased height.* Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side and rear yard depths are increased one foot for each additional one foot of height and provided that adequate fire protection can be demonstrated.

(Ord. of 6-9-2010, § 4.5.4; Ord. No. 12-02, 7-11-2012)

Sec. 36-221. - Accessory structures.

(a) No accessory buildings or structures shall be located in any required front yard, in any zoning district as defined in this chapter.

(b) Accessory buildings or structures may not be placed less than ten feet from any rear lot line or rear yard portions of any side lot line, except in lake overlay districts where overlay side and rear setbacks may apply, and, where no accessory building or structure shall exceed 25 feet in height.

(c) No detached accessory building or structure shall be located closer than ten feet to any other building or structure.

(d) No detached accessory buildings or structures shall be placed on any lot unless there is an existing principal building located upon such lot which conforms to the requirements of this chapter and the single state construction code, except as provided in subsection (e) of this section.

(e) Existing and new accessory buildings or structures are permitted while a principal structure is being replaced or built. These accessory buildings or structures are not permitted for more than 180 days before construction is commenced on the principal building. A bond (cash, surety or letter of credit) will be required to cover the cost of removing the accessory building or structure if the principal building is not replaced or built or does not receive an occupancy permit or does not have a current building permit. An approved zoning compliance permit is required.

(f) In the RL-1 (lake residential) zoning district, an accessory building or structure in a front yard as defined in section 36-5 is required to meet the setback requirements of this division as measured by 36-5 and shall not be greater than 12 feet in height and 144 square feet in area.

(Ord. of 6-9-2010, § 4.5.5; Ord. No. 12-03, 7-11-2012)

Sec. 36-222. - Distance between grouped buildings.

In addition to the required setback lines provided elsewhere in this division, in group dwellings (including semi-detached and multiple dwellings), the following minimum distances shall be required between each said dwelling:

(1) Where buildings are front to front or front to rear: three times the height of the taller building, but not less than 70) feet.

(2) Where buildings are side to side: one times the height of the taller building, but not less than 20 feet.

(3) Where buildings are front to side, rear to side, or rear to rear: two times the height of the taller building, but not less than 45 feet.

(Ord. of 6-9-2010, § 4.5.7)

Sec. 36-223. - Lot building relationship.

Hereafter, every building erected, altered or moved shall be located on a lot of record or unit, as described in the master deed of a site condominium project as defined in this division and, except in the case of mobile home parks or multiple family developments, in districts permitting such uses there shall be no more than one principal building or structure and its permitted accessory structures located on each lot or unit in all zoning districts. In the Agricultural (AG-1) District, only one residential structure and its permitted accessory structures shall be permitted on a lot of record or condominium unit. Notwithstanding anything herein to the contrary, a freestanding accessory structure may be erected or placed on lots or units with a minimum lot area of ten acres in the Agricultural (AG-1) Zoning District, without the necessity of a principal structure being located on such lot or unit, if said lots or units are otherwise in compliance with this division.

(Ord. of 6-9-2010, § 4.5.7)

Sec. 36-224. - Floor area requirements for dwelling units.

The floor area per dwelling unit and/or apartment erected on any lot or parcel shall be not less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Garages, carports, non-walled and non-roofed porches, and unfinished basements are to be excluded. In no instance shall the ground-level floor contain less than 540 square feet.

(1) Number of bedrooms, minimum floor area in each dwelling unit.

Number of bedrooms	Minimum floor area
1, 2	780 square feet
3	1,000 square feet
4	1,100 square feet
5	1,200 square feet

(2) Number of bedrooms, minimum floor area in each apartment unit.

Number of bedrooms	Minimum floor area
1	150 square feet
2	640 square feet
3	720 square feet

(3) In the event dwelling units or apartments wherein the number of bedrooms exceeds the number listed in the tables in subsections (1) and (2) of this section, the township building inspector shall determine the minimum floor area based upon a logical extension of the requirements found in the above table.

(Ord. of 6-9-2010, § 4.5.9)

Sec. 36-225. - Setbacks for nonconforming lots in agricultural and residential zoning districts.

On any lot in an agricultural or residential district that is nonconforming as to lot width and/or lot area, setbacks shall be as stated in this division or, in the alternative, the zoning inspector is authorized to issue a zoning compliance permit if a proposed ground floor construction or alteration, including porches and decks, are set back a distance corresponding to the more restrictive of the nonconforming setbacks to be found on the immediately neighboring lot or lots. However, this exception shall not authorize any building or construction within a public or private right-of-way or that would otherwise constitute a safety hazard.

(Ord. of 6-9-2010, § 4.5.10)

Sec. 36-226. - Schedules.

Setback Residential										
		Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements		
Zoning District	Zoning Symbol	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Front	Side	Rear	Principal	Accessory	
Agricultural	AG-1	1 acre	210'	10%	60'	30'	50'	2½ story	80'	Single-family detached dwelling units
		5 acres				60***		or 35'		All other uses

Rural Non-Farm Residential	RNF-1	1 acre	150'	20%	35'	20'	35'	2½ story	25'	Single-family detached dwelling units
		2 acres				35***		or 35'		All other uses
Lake Residential	RL-1	12,000 sq. ft.	80'			10'		2½ story		Sing-fam detached dwell units w/centr sewer & water systems
		15,000 sq. ft.	100'	30%	50'	25' total	35'	or 35'	25'	Sing-fam detached dwell units w/o cer sewer & water systems
		1 acre	120'			35***				All other uses
		12,000 sq. ft.	80'			10'		2½ story		Sing-fam detached dwell units w/centr sewer & water systems
Suburban Residential	RS-1	15,000 sq. ft.	100'	30%	35'	25' total	20'	or 35'	25'	Sing-fam detached dwell units w/o cer sewer & water systems
		1 acre	120'			35'***				All other uses
		10,000 sq. ft.	80'			10'				Sing-fam detached dwell units w/centr sewer & water systems
		15,000 sq. ft.	100'	30%	35'					Sing-fam detached dwell units w/o cer sewer & water systems
Multifamily Residential	RM-1	10,000 sq. ft.	80'			25' total	25'	2½ story	25'	Two-family dwelling units w/central sewerage & water systems
		15,000 sq. ft.	120'	25%	25'	35'***				Two-family dwelling units w/o central sewerage and water systems
		15,000 sq. ft.	120'							15,000 sq. ft. for 1st "3" dwell units plu 2,000 sq. ft. for ea add dwell unit
		½ acre	120'							All other uses

*** Corner lot
Accessory structure 10' rear residential only
Major hwy. 150' from center of road to build

Setback Commercial									
		Lot Requirements			Minimum Yard Requirement			Maximum Building Height	
Zoning District	Zoning Symbol	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Front	Side	Rear	Principal	Minimum Transition Strip Requirements
Local	C-1	10,000 sq'	75	25%	20'	35'	35'		15' wide & fence, wall or hedge 4'-6' high if abut res w/cer sewer & water systems
Commercial		15,000 sq'	100'		35'*				dist. 20' wide landscape strip if front a public street w/o ce sewer & water systems
General	C-2	10,000 sq'	75'	25%	35'	20'	20'	35'	15' wide & fence, wall or hedge 4'-6' high if abut res w/cer sewer & water systems
Commercial		15,000 sq'	100'			35'***			dist. 20' wide landscape strip if front a public street w/o ce sewer & water systems
Highway Service	C-3	15,000 sq'	100'	25%	35'	20'	20'	35'	15' wide & fence, wall or hedge 4'-6' high if abut res
Commercial						35'***			dist. 20' wide landscape strip if front a public street
Commercial	C-4	1 acre	150'	25%	35'	20'	20'	35'	15' wide & fence, wall or hedge 4'-6' high if abut res
Recreational						35'***			dist. 20' wide landscape strip if front a public street
Light	I-1	20,000 sq'	80'	25%	35'	20'	35'	35'	25' wide & fence 4' but 8' high if abut a res. or comm.
Industrial						35'***			dist. 20' wide landscape strip if front a public street

*** Corner Lot

(Ord. of 6-9-2010, § 4.5)

Secs. 36-227—36-243. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

DIVISION 1. - GENERALLY

Sec. 36-244. - Purpose.

It is the purpose of this article to provide regulations and requirements that supplement the provisions contained under the respective district regulations in article III and may or may not apply in all zoning districts.

(Ord. of 6-9-2010, § 5.1)

Sec. 36-245. - Storage of materials.

(a) The location or storage of abandoned, discarded, unused, unusable or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows:

(1) On any lot in any agricultural district, residential district or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.

(2) On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven feet in height and not less in height than the materials located or stored therein and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

(3) In any district, it shall be unlawful for any person to store, place or permit to be stored or placed, for a period of more than 15 days continuously, a dismantled, partially dismantled, improperly licensed or inoperable motor vehicle or any parts of a motor vehicle, on any parcel of land platted or unplatted, or any street adjacent thereto, unless either said motor vehicle or parts thereof shall be kept in a wholly enclosed garage or other wholly enclosed structure, or unless the owner or occupant of the said parcel of land is licensed as a secondhand dealer or junk dealer pursuant to the provisions of this chapter.

(4) Nothing in this article shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of an operable and licensed passenger vehicle on a driveway located on private property shall not be prohibited.

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

Dismantled or *partially dismantled motor vehicles* means motor vehicles from which some part or parts, which are ordinarily a component of such motor vehicle, has been removed or is missing.

Inoperable motor vehicles means motor vehicles which by reason of dismantling, lack of repair or other cause are incapable of being propelled under their own power.

Motor vehicles means any wheeled vehicles which are self-propelled or intended to be self-propelled.

(Ord. of 6-9-2010, § 5.9)

Sec. 36-246. - Visibility at intersections.

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation or planting shall be allowed to impede vision between a height of three feet and eight feet above the centerline grades within the triangular area formed by the intersecting street right-of-

way lines and a straight line joining the two street lines at points which are 30 feet distant from the point of intersection, measured along the street right-of-way line.

(Ord. of 6-9-2010, § 5.11)

Sec. 36-247. - Access to public streets.

(a) In all districts, every use, building and/or structure established hereafter shall be on a lot or parcel which adjoins a public street.

(b) Any use, building or structure located on a lot or parcel served by a nonconforming private road or access easement, may be improved, altered and/or replaced as otherwise allowed by this article, the single state construction code and other applicable ordinances without the necessity of dedication and acceptance of the private road or access easement by the public.

(Ord. of 6-9-2010, § 5.12)

Sec. 36-248. - Floodplains.

(a) Notwithstanding any other provisions of this article, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.

(b) The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps. of Engineers, or other official authority.

(Ord. of 6-9-2010, § 5.13)

State Law reference— Building and construction in floodplain, MCL 324.3108; soil conservation districts law, MCL 324.9301 et seq.; habitat protection, MCL 324.30101 et seq.; subdivision within or abutting floodplain, plat requirements, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.

Sec. 36-249. - Home occupation.

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

(1) Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.

(2) No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.

(3) There shall be no exterior storage of materials or equipment.

(4) No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapor, gases or matter at any time.

(Ord. of 6-9-2010, § 5.14)

State Law reference— Instruction in craft or fine art as home occupation in single-family residence, MCL 125.3204.

Sec. 36-250. - Fences.

All fence heights are measured from the surface of the ground below the fence to the highest part of the fence. Fences or fence designs which are not specifically required or specified under regulations for the individual zoning districts, or use, shall conform to the following requirements:

(1) Fences in Lake Residential (RL-1) zoning district shall not be located in the front yard as defined in section 36-5 and the required front yard as defined in article III, division 6 of this chapter. Fences in the side and rear yards of properties in the RL-1 zoning district shall not exceed four feet in height and shall be of open design (such as chain link, split rail, etc).

(2) Except as provided in subsection (1) of this section for RL-1 zoning districts, fences placed in the front of properties in any other zoning district shall not exceed four feet in height and shall be of open design. Fences in the rear and side yards of any zoning district shall not exceed six feet in height, may be of privacy type, and shall not extend into the front yard as defined in section 36-5 and the required front yard as defined in article III, division 6 of this chapter. Electrically charged perimeter fences shall only by allowed in agricultural districts and then only for the containment of farm animals. Fences in agricultural districts, when used to contain farm animals, shall conform to GAAMPS standards established for that purpose.

(3) Fences that are placed on a corner lot of any zoning district shall comply with the intersection restrictions of section 36-246 (Visibility at Intersections), shall not exceed four feet in height and shall be of open design within the required setback of both roads as defined in article III, division 6 of this chapter, where the fence is contiguous with the road. Fences placed on through lots of any zoning district shall not exceed four feet in height and shall be of open design, within the required setback of both roads, as defined in article III, division 6 of this chapter.

(4) Fences or any part thereof used for construction of a fence (such as anchoring devices, concrete, guy wires, etc.), shall not encroach on any adjacent property or road right-of-way. In all districts, all fences shall have the finished side of a fence facing to the outside, public side or adjacent property owner's side of the property.

(5) Fences enclosing the perimeter of a property may be placed no closer than three inches of side lot lines and three inches of rear lot lines. Fences may be placed on lot lines with the written consent of both property owners at the time the permit is issued and on file with the zoning inspector.

(6) A permit shall be obtained from the township zoning inspector prior to the construction or installation of a fence in any zoning district. The applicant shall provide a legal description of the property which shall be attached as part of the fence permit.

(Ord. of 6-9-2010, § 5.15; Ord. No. 12-04, 7-11-2012)

Sec. 36-251. - Licenses for temporary use required.

(a) Circuses, carnivals or other transient enterprises or individuals selling goods, wares, merchandise or tickets may not be permitted in any district without the written approval of the police administrator, zoning inspector or duly appointed official, based upon the findings that the location of such activity will not adversely affect the adjoining properties, not adversely affect public health, safety, morals and the general welfare and without first obtaining a license.

(b) Licenses shall be issued by the township upon forms provided by the clerk, upon compliance with the state and local health and safety codes. Licenses shall expire on December 31 of each year.

(c) Any license issued by the township may be revoked or suspended if it is unlawful, fraudulent in nature or contrary to public health, safety, morals and general welfare. Revocations may be appealed to the zoning board of appeals.

(Ord. of 6-9-2010, § 5.16)

Sec. 36-252. - Essential services.

(a) Nothing in this article shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this article.

(b) Nothing in this section shall be construed to permit the erection, construction or enlargement of any building, tower or maintenance depot for provision of an essential service except as otherwise permitted in this article.

(Ord. of 6-9-2010, § 5.17)

Sec. 36-253. - Curb cuts and driveways.

Curb cuts and driveways may be located only upon approval by the zoning inspector and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

(Ord. of 6-9-2010, § 5.18)

Sec. 36-254. - Setbacks on major roads.

No building or structure shall be located within 100 feet of the existing right-of-way line for the following major streets and highways: M-50 and US-12. Notwithstanding, signs and fences may be located within this 100 feet setback, provided such a sign or fence otherwise complies with setbacks and all other provisions of this chapter regulating signs and fences within the zoning district in which it is located, or otherwise generally regulating signs or fences, and further provided that a permit for such sign or fence has been issued by the Michigan Department of Transportation (MDOT) if required.

(Ord. of 6-9-2010, § 5.19)

Sec. 36-255. - Division of unplatted parcel.

The division of an unplatted parcel of land shall be accomplished only in accordance with the procedure set out in the land division act and the township land division ordinance. A private road, if allowed by variance or otherwise, which serves more than one separately held parcel, or more than one dwelling unit, or more than one commercial or industrial activity shall be constructed to county road commission standards. No building or occupancy permit shall be issued in such cases until the division has been approved and the owner has first secured approval of the county health department for lots intended for building purposes if said lots are not served by public water and sanitary sewer.

(Ord. of 6-9-2010, § 5.20)

Sec. 36-256. - Funneling.

Funneling, as defined in section 36-5, shall be permitted subject to the following restrictions:

(1) A lot or parcel used for funneling shall comply in size with the requirements of this chapter for the district in which it is located. (Lake residential district requires 100 feet of lake frontage and 150 feet depth minimum.)

(2) A minimum of 25 feet of waterfront frontage shall be provided for each dwelling unit, parcel or lot afforded waterfront access.

(3) Not more than five power craft shall be allowed for each 100 feet of waterfront approved for funneling. The limitation applies only to craft powered by engines and there is no limit on the number of row boats, dinghies, rubber boats, canoes or small boats, provided they are not powered by engines.

(4) Funneling shall not be construed as to apply to members of the immediate family or occasional guests of the riparian property owner.

(5) Wetlands shall not be utilized to calculate water frontage or the lot area of a common waterfront access site.

(6) On common waterfront sites with water frontage greater than 300 feet, vegetative buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.

(7) Overnight vehicle parking and the usage of camping tents, motor homes and trailers shall not be permitted within the boundaries of the common waterfront site. No facilities for launching power craft from the common waterfront site shall be permitted.

(8) The provisions of section 36-526, nonconforming uses of parcels or lots used for funneling at the date of adoption of this amendment, July 12, 1989, shall be permitted to be used for such purposes in accordance with the provisions of section 36-526.

(Ord. of 6-9-2010, § 5.21)

Sec. 36-257. - One-family site condominium option.

The intent of this section is to permit the development of single-family detached dwellings by site planning the layout of individual dwellings, streets and open space. To accomplish development under this option, the following conditions shall apply:

(1) In the one-family residential districts the site planning of individual single-family detached dwellings may be permitted after review of a site plan in accordance with the requirements set forth and regulated in in division 7 of this article (site plan review and approval). The planning commission in making its review shall find that the following minimum standards are fully met:

a. An area equal to the minimum land area requirements of the district shall be provided for each dwelling unit, including the building site.

b. Setbacks shall be provided for each building site equal to the minimum setback requirements of the district as set forth below:

1. Front setback shall be measured from the street right-of-way or from the similar line of a private street easement to the front of the building site.

2. Side setback shall be measured from building site to building site and shall be at least equal to the total minimum side yard setback requirement of the district between two single-family dwellings.

3. Rear setback shall be measured from the rear line of the building site to the rear property line or to the nearest common space area.

c. All streets shall be built to standards required of all subdivisions as provided in the township subdivision control ordinance.

d. All utilities shall be installed pursuant to the requirements set out for subdivisions in chapter 20.

e. The condominium subdivision plan shall include all necessary easements for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, and excavating and refilling ditches and trenches, necessary for the location of said structures. All utilities shall be installed in conformity with the requirements of chapter 20.

f. Topography and drainage features, including water and storm water run-off across, through and under the property, shall be in conformity with the specifications set out in chapter 20.

g. The maximum number of stories and building height restrictions of the district shall be met as shall the minimum floor area requirements of the district. Any detached accessory uses shall comply with the applicable standards of this article for such uses.

(2) Setbacks required for such uses shall be measured from the outer perimeter of the land area boundaries as required in this section for each individual single-family detached dwelling.

(Ord. of 6-9-2010, § 5.22)

State Law reference— Condominium act, MCL 559.101 et seq.; land division act, MCL 560.101 et seq.

Sec. 36-258. - Marina.

A marina, as defined in this section, shall not be permitted in any single-family residential district. A marina, as defined in this article, shall be allowed as conditional use in Commercial Recreation Districts (C-4) and General Commercial Districts (C-2), subject to the following restrictions:

(1) A lot used for a marina shall comply in size requirements with the requirements of this chapter for the zoning district in which it is located.

(2) A lot used for a marina shall have a minimum of 100 feet of waterfront frontage.

(3) Not more than five power craft and not more than ten non-power craft shall be launched, docked, moored or stored daily, in season, for each full 100 feet of waterfront approved for a marina.

(4) No storage, mooring or dockage of any watercraft shall be permitted except in season. In-season shall be from May 1 to September 30 each year.

(5) Wetlands or lands subject to utility, maintenance or other easement, shall not be utilized to calculate water frontage or lot area.

(6) Upon the request of adjacent property owners located within 300 feet of a marina, vegetative or other appropriate buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.

(7) A marina shall not operate before sunrise nor past sunset.

(8) Overnight vehicle parking, camping or boat docking or mooring shall not be permitted. Public bathing, swimming, or toilet facilities, restaurants, food preparation or serving, picnicking or retail establishments shall not be permitted.

(9) In the event petroleum products are to be sold, stored or dispensed, the site shall comply with the requirements for automobile service stations and all environmental and safety regulations mandated by federal, state and/or local laws, regulations or ordinances and such further conditions as may be imposed by the township to promote public health, safety and welfare. Petroleum products shall not be sold, stored or dispensed except in season.

(10) All federal and state laws, regulations and/or ordinances, including, but not limited to, MCL 324.30101 et seq., governing the location and operation of marinas and any permits required thereunder shall be obtained prior to the operation of a marina.

(11) A site plan shall be submitted to and approved the township planning commission in accordance with division 7 of this article.

(Ord. of 6-9-2010, § 5.23)

Sec. 36-259. - Animals.

(a) Unless otherwise provided below or in any other provision of this article, animals or domestic fowl, with the exception of dogs, cats, canaries or animals commonly classified as household pets, shall not be permitted in any zoning district, except as follows:

(1) In Agricultural (AG-1) and Rural Non-Farm (RNF-1) Zoning Districts, livestock and animals not customarily classified as household pets may be kept on a parcel of not less than five acres in area;

(2) No animal waste products shall be located within 100 feet of any residential structure located on any other parcel; and

(3) The keeping, location and care of livestock and animals not customarily classified as household pets shall comply with Generally Accepted Agricultural Management Practices (GAAMPS) adopted by the state.

(b) This section shall not be construed to nullify any additional or different requirements imposed under this article to regulate such uses as kennels, feeder lots, riding stables, etc.

(Ord. of 6-9-2010, § 5.23)

State Law reference— Michigan family farm development act, MCL 285.251 et seq.; Michigan right to farm act, MCL 286.471 et seq.; farmland and open space preservation, MCL 324.36101 et seq.

Sec. 36-260. - Residential secondary dwelling.

The intent of this section is to permit an attached or detached residential secondary dwelling on a parcel within the AG-1, RNF-1, RL-1 and RS-1 zoning districts where there is an existing single family dwelling. A residential secondary dwelling shall meet all applicable requirements of the township zoning ordinances in addition to the following regulations:

(1) *Number.* No more than one residential secondary dwelling shall be permitted on any one parcel.

(2) *Maximum structure size.* No residential secondary dwelling shall have a floor area of more than 50 percent of the floor area of the existing single family dwelling on the parcel or 900 square feet, whichever is less.

(3) *Ownership.* The primary single family dwelling and the residential secondary dwelling shall remain under common ownership, and shall be reflected in the parcel deed that stipulates the secondary dwelling may not be conveyed separately from the primary dwelling. The township board shall establish a declaration of restriction that shall be filled out and recorded with Lenawee County, by the owner of the property, prior to final inspection of the project. If a property with an existing residential secondary dwelling unit is sold or the ownership of the property is transferred to a new owner, the new owner has six month from the transfer of ownership to make the property their primary residence or remove the residential secondary dwelling unit.

(4) *Number of bedrooms.* Residential secondary dwellings shall have a maximum of two bedrooms.

(5) *Occupancy.* A residential secondary dwelling will have the following occupancy restrictions:

a. The residential secondary dwelling shall house a maximum of two people or two people per bedroom, whichever is greater.

b. The owner of the subject parcel must be the primary resident of either the single family dwelling or the residential secondary dwelling.

(6) *Leasing/rental.* If a residential secondary dwelling is leased or rented, the minimum duration of the lease or rental period shall be 30 days. Subletting a residential secondary dwelling is prohibited.

(7) *Construction.* A residential secondary dwelling, as long as all other regulations of the Township code are met, may be:

a. Attached to a single family dwelling as a new addition or internally located within a single family dwelling (basement, attic, or closing off a portion of the structure),

b. Detached from a single family dwelling as a standalone structure, or as a part of a detached garage or detached accessory structure.

c. Converted from an existing attached or detached accessory structure (example: garage or barn converted to a detached residential secondary dwelling). If an existing accessory structure is converted into a residential secondary dwelling the structure must meet all the requirements for the residential secondary dwelling.

(8) *Location.* A residential secondary dwelling shall:

a. Be located on the same parcel as a single family dwelling.

b. Meet the applicable zoning district regulations for the minimum yard requirements for a single family dwelling.

c. Be prohibited in the front yard.

d. Be prohibited on a property with any non-conforming structure on it.

(9) *Design.* A residential secondary dwelling shall have the following design elements in addition to all other design elements required in the ordinance:

a. A residential secondary dwelling shall maintain all architectural design, style, and appearance features of the single family dwelling unless the residential secondary dwelling is converting an existing accessory structure into the residential secondary dwelling, than the residential secondary dwelling unit can maintain the architectural design, style, and appearance features of the existing accessory structure.

b. An attached residential secondary dwelling shall either utilize the same entrance as the single family dwelling or the entrance shall be located off the side or rear of the structure.

c. A detached residential secondary dwelling shall not exceed the maximum height allowed for the single family dwelling or the actual height of the single family dwelling, whichever is less.

d. The address of both the residential secondary dwelling and the single family dwelling shall be clearly marked at entrance to the driveway.

(10) *Parking.* A parcel where a residential secondary dwelling is located shall:

a. Meet the off-street parking regulations for the single family dwelling in section 36-330 (two spaces).

b. Include a minimum of one additional off-street parking space dedicated to the residential secondary dwelling. This parking space shall not interfere with the parking spaces required for the single family dwelling.

(11) *Access.* The residential secondary dwelling shall share a common driveway with the single family dwelling.

(12) All residential secondary dwellings shall comply with all applicable zoning regulations, building codes and all applicable state and federal laws, regulations, and codes.

(13) Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(Ord. No. 18-02, Att. C, 7-11-2018)

Sec. 36-261—36-281. - Reserved.

DIVISION 2. - SIGN REGULATIONS

Sec. 36-282. - Purpose.

It is the purpose of this division to provide regulations and requirements that supplement the provisions contained under the respective district regulations in article III of this chapter and may or may not apply in all zoning districts.

(Ord. No. 16-03, § 5.2.1, 8-10-2016)

Sec. 36-283. - Intent and scope of division.

The intent and purpose of this division is to regulate on-site and outdoor advertising to protect the public health, safety and general welfare, to protect property values, to improve communication, and to protect the character of the various neighborhoods in the township. While this division recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to deterioration and blight of business or residential areas of the township, conflicts between different types of land use, and/or reduction in traffic safety for pedestrians and motorists.

(Ord. No. 16-03, § 5.2.1, 8-10-2016)

Sec. 36-284. - Definitions.

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

Animated sign or *changing message sign* means any sign which includes action, motion, the optical illusion of action or motion or color changes of all or parts of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere or a sign made up of a series of sections that turn and stop to show two or more pictures or messages in the copy area. An electronic message sign is one type of this sign.

Announcement bulletin means a changing message sign used by a church, civic organization, public building, or school, which may include an electronic message sign.

Billboard. See *Outdoor advertising sign.*

Business center means a group of two or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.

Canopy or *marquee sign* means any sign attached to or constructed within or on a canopy or marquee.

Community welcome sign means any sign that bears names, information, emblems of service clubs, places of worship, civic organizations, and quasi-public uses.

Directional signs means any sign which directs traffic movement onto or within a property and which do not contain any advertising copy or logo.

District. See article II of this chapter.

Electronic message sign means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

Animated and flashing sign means a sign that has moving, blinking, chasing, scrolling, or other animation effects with the exception of fading and dissolve, either inside or outside a building and which are visible from a public right-of-way.

Dissolve means a mode of message transition of an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.

Electronic message board or screen means a sign, or portion of a sign, that displays an electronic image or video, which may or may not include text and uses changing lights to form a message in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic process.

Fade means a mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases in intensity to the point of legibility.

Freestanding sign means a sign which is attached to, or is part of, a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.

Identification sign means a sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

Nonconforming sign means a sign which does not meet the requirements set forth in this division.

Off-site sign (off-premises sign) means a sign which advertises or identifies only goods, services, facilities, events or attractions at a site other than on the premises where the sign is located.

On-site sign (on-premises sign) means a sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where the sign is located.

Outdoor advertising sign means a sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

Portable sign means any sign not permanently attached to the ground or a building.

Sign means any structure or device, illuminated or otherwise, which displays any message, banner, emblem, insignia or other representation in the nature of an announcement, advertisement, direction, or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, designed to inform, or attract attention from outside the premises.

Sign area means the area of a sign or signs consisting of the entire surface of any regular geometric form or combination of regular geometric forms, comprising all of the display area of the signs or signs

and including all the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in the computation of such area.

Sign height means the vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

Temporary sign means a sign which is easily moveable, not permanently attached to the ground or a building and which is intended to be displayed for a limited period of time.

Variable message sign means a sign which, by electronic means or otherwise, alternately displays more than one image or message.

Wall sign means any sign that shall be affixed parallel or perpendicular to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this division, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

Window sign means a sign installed on or in a window for the purposes of viewing from outside the premises.

(Ord. No. 16-03, § 5.2.2, 8-10-2016)

Sec. 36-285. - Exempted signs.

The following types of signs are exempted from all provisions of this division.

(1) Signs not exceeding one square foot in area each, whether posted on a pole by itself or in tandem with others, and bearing only property numbers, post box number, names of occupants of premises, or other identification of premises not having commercial connotations.

(2) Flags and insignias of the United States, state and local governments, educational institutions, and unique/specialty flags, except when displayed in connection with commercial promotion.

(3) Signs of a non-commercial nature and in the public interest, erected on the order of a public officer or governmental office, such as directional signs, regulatory signs, warning signs, legal notices and informational signs.

(4) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(5) Integral decorative or architectural features of buildings, names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

(6) Political campaign signs installed no more than 60 days in advance of the election or primary and removed no later than five days following the election or primary.

(Ord. No. 16-03, § 5.2.3, 8-10-2016)

Sec. 36-286. - General sign regulations.

The following regulations shall apply to all signs in the township:

(1) No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.

(2) No sign shall be attached to trees or any landscaping features (such as landscaping blocks).

(3) All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.

(4) Illuminated signs.

a. Residential districts. Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.

b. Agricultural, commercial, and industrial districts. Indirectly or internally illuminated signs are permitted provided such signs are shielded to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.

c. Illuminated signs shall comply with the National Electrical Code provisions concerning signs and wiring.

(5) Measurement of sign area. The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising of the display area of the sign and including all the elements of the matter displayed as measured three inches in from the outside edge of the border of said geometric form or combination of forms.

(6) Height of sign. No freestanding sign shall exceed a height of 35 feet.

(7) Setback required for signs. All signs shall be set back from the adjacent road by a distance of not less than one-half of the setback required for a structure on said parcel as provided for in the setback requirements of this chapter except that in commercial and industrial districts where parcels adjoin a road right-of-way which is in excess of eighty feet, the setback shall not be less than one-fourth of the required setback for a structure on said property. The planning commission may, as part of a site plan review, allow a sign in the above-mentioned exception to be closer to the road right-of-way provided that no part of any sign extends beyond the subject parcel.

(8) Business flags. A flag that displays the company name and/or logo shall be permitted in commercial and industrial zoning districts, subject to the following regulations:

a. The flags shall be located on the same lot as the business building or use.

b. Notwithstanding any other provision of this division, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.

c. The area of each business flag shall not be included in the sign area that is permitted on a lot.

d. Not more than one business flag shall be permitted for each public road frontage of the lot on which located.

e. All business flags shall be set back from adjacent roads no less than one-half of the minimum setback required for a structure on said parcel as provided for in this chapter.

(Ord. No. 16-03, § 5.2.4, 8-10-2016)

Sec. 36-287. - Prohibited signs.

(a) *Banners.* Banners, pennants, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other forced air- or gas-filled figures are prohibited except as provided in section 36-294, temporary signs.

(b) *Animated and flashing signs.* An animated or flashing sign that by itself or by source of the illumination creates a hazard for persons using the public street or sidewalk or otherwise causes discomfort or interference to the occupants of neighboring property is prohibited.

(c) *Parking of advertising vehicles.* No person shall park any vehicle or trailer on a public right-of-way, public property, or on a private property so as to be visible from a public right-of-way, or which obstructs the view in any direction at a street or road intersection. Currently licensed vehicles and trailers that have painted on them in a permanent manner the name of the product which they deliver and/or the name and address of the owner or business, shall be excluded from this provision.

(d) *Flags.* Flags of any other nation when flown by itself, not accompanied by the American flag, shall be prohibited. All flags shall be flown as prescribed by Flag Etiquette—Standards of Respect. (See http://www.usflag.org/flagetiquette.html.)

(e) *Portable signs.* Portable signs, except any signs permitted by this article, are prohibited.

(f) *Unclassified signs.* The following signs are prohibited:

(1) Signs that imitate an official traffic sign or signal which contain the words stop, go, slow, caution, danger, warning, or similar words except as otherwise provided in this section.

(2) Signs that are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

(3) Signs that contain statements, words, or pictures of an obscene, pornographic, or immoral character.

(4) Signs that are painted on or attached to any fence or wall that is not a structural part of a building except to identify a residence as defined in section 36-285.

(5) Signs that emit audible sound, odor, or visible matter.

(6) Roof signs that extend above the peak of the roof.

(Ord. No. 16-03, § 5.2.5, 8-10-2016)

Sec. 36-288. - Signs permitted in all districts.

Subject to the other conditions of this article, the following signs shall be permitted anywhere within the township:

(1) *Community welcome signs.* Each sign shall not be more than 24 square feet in area, shall not exceed a height of eight feet, and shall be set back a minimum of ten feet from the property line. All signs shall be consolidated within a single frame, if more than one sign is placed at one location.

(2) *Directional signs.* Each sign shall not exceed eight square feet in area. Horizontal directional signs however, on and flush with paved area, may exceed eight square feet. Directional signs shall be located on the property on which they are directing traffic and shall be located behind the front right-of-way line.

(3) *Announcement bulletins.* One church, civic organization, public building, or school announcement bulletin shall be permitted on any site that contains said organization or building, regardless of the district in which it is located, provided said bulletin does not exceed 32 square feet in area where the speed limit is 45 miles per hour or less, and 60 square feet in area where the speed limit is 46 miles per hour or more and a height of 25 feet, and is set back from an adjacent road a minimum of one-half of the setback required for a structure on said parcel as provided for in this chapter. In such instances, said announcement bulletin may be incorporated within the identification sign for said organization or building.

(Ord. No. 16-03, § 5.2.6, 8-10-2016)

Sec. 36-289. - Signs allowed in residential districts (RNF-1, RL-1, RS-1, RM-1, RL-0).

(a) One identification sign shall be permitted for each public street frontage of a subdivision, multiple-family building development, or mobile home park. Each sign shall not exceed 32 square feet in area. One additional design advertising "For Rent" or "Vacancy" signs may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed four square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five feet from the right-of-way line of any public street, and shall not exceed four feet in height.

(b) One non-illuminated identification sign shall be permitted for a home occupation, a family day care home, or a group day care home. The sign shall not exceed four square feet and shall be attached to the front of the home or placed in the window.

(Ord. No. 16-03, § 5.2.7, 8-10-2016)

Sec. 36-290. - Signs allowed in Agricultural District (AG-1).

(a) One sign advertising the type of farm products grown on a farm premises shall be permitted in this district. Such sign shall not exceed 24 square feet in area.

(b) One identification sign shall be permitted for a home occupation, a family day care home, or a group day care home. The sign shall not exceed 24 square feet in area.

(c) One identification sign shall be permitted for an approved conditional use. The size and location of the sign shall be determined by the planning commission as a part of the review of the application for a conditional use permit.

(Ord. No. 16-03, § 5.2.8, 8-10-2016)

Sec. 36-291. - Signs allowed in Commercial and Industrial Districts (C-1, C-2, C-3, C-4, I-1).

On-site canopy or marquee signs, wall signs, and freestanding signs are permitted in all commercial and industrial districts subject to the following conditions:

(1) Signs are permitted for single buildings on developed lots or a group of lots developed as one lot, not in a business center subject to subsection (2) of this section.

a. *Area.* Each developed lot shall be permitted at least 80 square feet of sign for all exterior on-site signs. The area of exterior on-site signs permitted for each lot shall be determined as two square feet of sign area for each one linear foot of building length which faces one public street.

b. *Number.* Each developed lot shall be permitted two exterior on-site signs. For every developed lot that has frontage on two collector or arterial streets, three exterior on-site signs shall be permitted. Only one freestanding identification sign shall be permitted on any street frontage. All businesses without ground floor frontage shall be permitted one exterior wall sign, in addition to the number of signs allocated to the developed lot. The total area of all exterior signs shall not exceed the total sign area permitted in subsection (1)a of this section.

(2) Signs permitted for a shopping center, office park, industrial park, or other integrated groups of stores, commercial buildings, office buildings or industrial buildings, not subject to this section.

a. *Freestanding signs.* Each business center shall be permitted one freestanding identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one square foot for each one linear foot of building which faces one public street. The maximum area for each freestanding sign shall be 200 square feet. Tenants of a business center shall not permit individual freestanding identification signs.

b. *Wall signs.* A business center shall be permitted a total exterior wall sign area of one square foot for each one linear foot of building frontage for all ground floor tenants.

c. *Park signs.* A freestanding sign, identifying the primary tenants in an office park or industrial park, may be installed at the entrance to a park. Each parcel in a park will be allowed one available space on a park sign. Each space shall be no larger than eight inches by 48 inches. Park signs shall be no higher than six feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight feet long. All park signs shall be located no closer to an adjacent road than one half of the minimum setback required for a structure on said parcel as provided in this chapter.

(3) A time and temperature sign shall be permitted in addition to the above-permitted signs, provided that ownership identification or advertising copy does not exceed ten percent of the total sign and further provided that the total area of the sign does not exceed 30 square feet.

(4) No canopy or marquee sign shall extend into a public right-of-way. The sign shall not obstruct pedestrian or vehicular view; and the sign shall not create a hazard for pedestrian or vehicular traffic.

(5) Service station signs. In addition to the provisions of subsections (1) and (2) of this section, an automobile service station may have up to an additional 32 square feet of sign area within each of the allowed freestanding sign, for the purpose of advertising gasoline prices and other services provided on the premises. An identification or legend sign may also be placed on the canopy.

(Ord. No. 16-03, § 5.2.9, 8-10-2016)

Sec. 36-292. - Electronic message signs.

(a) Electronic message signs shall be allowed as a permitted use in C-1, C-2, C-3 and I-1 districts. The square footage of these signs shall be counted into the maximum sign area allowed for the district.

(b) Electronic message signs may be allowed as a conditional use for all announcement bulletins, to include schools, churches, civic organizations, and public buildings in any district.

(c) All electronic message signs shall be subject to the following limitations in all districts:

(1) Applications for electronic message signs shall contain a complete copy of the manufacturer's specifications, including, but not limited to, the maximum capable light output, information on automatic dimming features, and evidence that the electronic message board is UL listed.

(2) The size of the electronic message board or screen cannot exceed 25 square feet.

(3) Screen changes must be made as follows:

a. If the speed limit is less than or equal to 35 miles per hour, no less than 1.5 seconds.

b. If the speed limit is 36 miles per hour or more, no less than three seconds.

(4) The message must be changed using subtle transitions such as dissolve or fade. No scrolling, blinking, spinning, or slot machine type transitions are allowed.

(5) Electronic message signs must utilize automatic dimmer software and solar sensors or daylight harvesters, to control brightness for viewing at night or in cloudy conditions.

(Ord. No. 16-03, § 5.2.10, 8-10-2016)

Sec. 36-293. - Outdoor advertising signs (off-site signs).

Outdoor advertising signs shall be permitted only in accordance with the following regulations and are accompanied by an appropriate site plan review:

(1) Outdoor advertising signs shall be permitted in an agricultural district on state or federal highways, a commercial or industrial district, and shall be subject to the highway advertising act of 1972 (Public Act No. 1972 (MCL 252.301 et seq.) as amended by Public Act No. 533 of 1998). Seasonal agricultural signs are allowed in all districts except all residential districts for a period not to exceed 150 days in any 365-day period.

(2) Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated. Outdoor advertising signs shall not exceed 35 feet in height from ground level.

(3) Where two or more outdoor advertising signs are along the frontage of a single street or highway, they shall not be less than 1,000 feet apart. A double face (back-to-back) or a V-type structure shall be considered a single sign provided the interior angle of such signs does not exceed 20 degrees.

(4) The total surface area, facing in the same direction of any off-site sign, shall not exceed 300 square feet in area and be no less than 25 square feet in area.

(5) Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another sign.

(6) Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from any adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

(Ord. No. 16-03, § 5.2.11, 8-10-2016)

Sec. 36-294. - Temporary signs.

(a) In single-family and two-family districts, one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed 64 square feet in area. Each sign shall be removed within two years after it is erected or when 75 percent of all lots or units within the subdivision or development are sold, whichever first occurs.

(b) In multiple-family districts, one sign, not to exceed 64 square feet in area, shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale. When 70 percent of the dwelling units have been either rented or sold (within the initial development), the sign shall be removed within 60 days.

(c) One identification sign shall be permitted for all building contractors, one for all professional design firms, and one for all lending institutions on sites under construction, each sign not to exceed six square feet in area, with not more than a total of three such signs permitted on one site. If all building contractors, professional design firms, and lending institutions join together in one identification sign, such sign shall not exceed 32 square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten feet and shall be confined to the site of the construction, construction shed, or construction trailer and shall be removed within 14 days after the issuance of a certificate of occupancy.

(d) Temporary signs announcing any annual or semi-annual event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed 32 square feet. Signs shall be allowed not more than 30 days in a calendar year. If building-mounted, signs shall be flat wall signs and shall not project above the roof line. If ground-mounted, signs shall not exceed six feet in height. Signs shall be set back in accordance with section 36-244(7).

(e) Banners, pennants, searchlights, balloons, or other forced air- or gas-filled figures or objects shall be permitted at the opening of a new business or special event in a commercial or industrial district, for

the period not to exceed 14 consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe vehicular and/or aircraft traffic flow.

(f) Temporary direction signs, not exceeding four square feet in area and four in number, showing a directional arrow, shall be permitted on approach routes to the location, only for the days of the event. Signs shall not exceed four feet in height.

(g) In residential districts, one temporary real estate sign, located on the property and not exceeding four square feet in area or 24 square feet in area in all other districts shall be permitted. If the lot has frontage on multiple streets, one additional sign not exceeding four square feet in area in residential districts or 24 square feet in area in all other districts shall be permitted. Under no circumstances shall more than two such signs be permitted on a lot. Such signs shall be removed within 14 days following the advertised event. In no case shall a sign advertise an event not occurring on the property on which the sign is located.

(Ord. No. 16-03, § 5.2.12, 8-10-2016)

Sec. 36-295. - Nonconforming signs (except as allowed by section 36-294).

Nonconforming signs shall not:

(1) Be reestablished after the activity, business, or usage to which it relates has been discontinued for 60 days.

(2) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign, unless the sign is being structurally altered to conform with this division.

(3) Be reestablished after damage or destruction, if the estimated expense or reconstruction exceeds 50 percent of the replacement costs as determined by the township inspector.

(Ord. No. 16-03, § 5.2.13, 8-10-2016)

Sec. 36-296. - Removal of signs.

(a) The zoning administrator shall order the removal of any sign erected or maintained in violation of this division except for legal nonconforming signs. A 30-day notice, in writing, shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign. The township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the township shall be assessed to the owner of the property on which said sign is located and may be collected in the manner of an ordinary debt or in the manner of taxes and such charge will be a lien on the property.

(b) A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 180 days after the business which it advertises is no longer conducting business on the premises. If the owner or lessee fails to remove the sign, the township shall remove it in accordance with the provision stated in subsection (a) of this section. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business conducted on the premises and provided the signs comply with the other provisions of this article.

(Ord. No. 16-03, § 5.2.14, 8-10-2016)

Sec. 36-297. - Permits and fees.

A permit shall be required to erect or replace a sign that is regulated by this division. The application shall be made by the owner of the property, or authorized agent thereof, to the township office by submitting the required forms, proper sketches and dimensions, and fee as currently established or as hereafter adopted by resolution of the township board from time to time. As part of the permit process, within 15 days of sign completion, a legible photograph must be submitted to the township office for inclusion into the master township sign inventory record.

(Ord. No. 16-03, § 5.2.15, 8-10-2016)

State Law reference— Highway advertising act, MCL 252.301 et seq.

Secs. 36-298—36-327. - Reserved.

DIVISION 3. - OFF-STREET PARKING REQUIREMENTS

Sec. 36-328. - General provisions.

In all districts, there shall be provided at the time any building, structure or use is established, enlarged or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article.

(1) *Plans.* Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the zoning inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

(2) *Location of off-street parking areas.* Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof except that this distance shall not exceed 150 feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

(3) *Parking in residential districts.* Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

(4) *Off-street parking area design.*

a. Each off-street parking space for automobiles shall be not less than 200 square feet in area, exclusive of access drives or aisles and shall be of usable shape and condition.

b. There shall be provided a minimum access drive of ten feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

c. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:

1. For 90 degree or perpendicular parking, the aisle shall not be less than 22 feet in width.

2. For 60 degree parking, the aisle shall not be less than 18 feet in width.

3. For 45 degree parking, the aisle shall not be less than 13 feet in width.

4. For parallel parking, the aisle shall not be less than ten feet in width.

d. All off-street parking spaces shall not be closer than five feet to any property line; except where a wall, fence or compact planting strip exists as a parking barrier along the property line.

e. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

f. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

g. Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

h. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

(5) *Collective parking.* Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

(Ord. of 6-9-2010, §§ 5.3.1—5.3.5)

Sec. 36-329. - Determining requirements.

For the purposes of determining off-street parking requirements, the following units of measure shall apply:

(1) *Floor area.* In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area; except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

(2) *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(3) *Fractions.* When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(Ord. of 6-9-2010, § 5.3.6)

Sec. 36-330. - Off-street parking spaces.

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

Schedule of Off-Street Parking Spaces

Use	Parking Space Requirements

Automobile or machinery sales and service garages	One space for each 200 square feet of showroom floor area, plus two spaces for each service bay, plus one space for each two employees.
Bank, business, and professional offices	One space for each 200 square feet of gross floor area.
Barbershops and beauty parlors	One space for each chair, plus one space for each employee.
Bowling alleys	Seven spaces for each alley.
Churches, auditoriums stadiums, sports arenas, theaters, dance halls, assembly halls, other than schools	One space for each four seats.
Dwelling unit	Two spaces for each family or dwelling unit.
Funeral homes and mortuaries	Four spaces for each parlor or one space for each 50 square feet of floor area, plus one space for each fleet vehicle, whichever is greater.
Furniture, appliance stores, household equipment and furniture repair shops	One space for each 400 square feet of floor area.
Hospitals	One space for each bed excluding bassinets, plus one space for each two employees.
Hotels, motels, lodginghouses, boarding homes	One space for each living unit, plus one space for each two employees.
Automobile service stations	One space for each 800 square feet of floor area, plus one space for each four employees.
Manufacturing, fabricating, processing and bottling plants, research and testing laboratories	One space for each two employees on maximum shift.
Medical and dental clinics	One space for each 200 square feet of floor area, plus one space for each employee.

Restaurants, beer parlors, taverns and nightclubs	One space for each two patrons of maximum seating capacity, plus one space for each two employees.
Self-service laundry or dry cleaning stores	One space for each two washing and/or dry cleaning machines.
Elementary and junior high schools, private or public	One space for each employee normally engaged in or about the building or grounds, plus one space for each 30 students enrolled.
Senior high schools and institutions of higher learning, private or public	One space for each employee in or about the building or grounds, plus one space for each four students.
Supermarket, self-service food and discount stores	One space for each 200 square feet of floor area, plus one space for each two employees.
Wholesale establishments and warehouses	One space for each 400 square feet of floor area, plus one space for each two employees.

(Ord. of 6-9-2010, § 5.3.7)

Sec. 36-331. - Exception.

The parking requirements for all uses proposed on a lot shall be cumulative, unless the planning commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the planning commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

(Ord. of 6-9-2010, § 5.3.8)

Secs. 36-332—36-350. - Reserved.

DIVISION 4. - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Sec. 36-351. - Spaces provided; plans.

(a) In connection with every building, structure or use hereafter erected, except single-family and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by

vehicle, there shall be provided on the same lot with such buildings off-street loading and unloading space.

(b) Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the zoning inspector for review at the time of application for a zoning compliance permit.

(Ord. of 6-9-2010, §§ 5.4(intro.), 5.4.1)

Sec. 36-352. - Loading area design.

(a) Each off-street loading and unloading space shall not be less than ten feet in width and 55 feet in length with not less than 15 feet in height clearance.

(b) Any loading-unloading space shall not be closer than 50 feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six feet in height.

(c) All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

(Ord. of 6-9-2010, § 5.4.2)

Sec. 36-353. - Loading area space requirements.

(a) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading and unloading facilities shall be the sum of the various uses computed separately.

(b) All retail sales facilities having over 5,000 square feet of gross floor area shall be provided with at least one off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof, one additional loading-unloading space.

(c) All industrial and wholesale commercial land uses shall provide one loading space for each 10,000 square feet of floor space, with a minimum of not less than two loading spaces.

(Ord. of 6-9-2010, § 5.4.3)

Secs. 36-354—36-379. - Reserved.

DIVISION 5. - CONDITIONAL USES

Subdivision I. - In General

Sec. 36-380. - Purpose.

The formulation and enactment of this division is based upon the division of the township into districts in each of which may be permitted specific uses which are mutual, compatible and conditional uses. Conditional uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restrictions in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this division is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The standards for approval and requirements provided for under the provisions of this division shall be in addition to those required elsewhere in this chapter which are applicable to the conditional use under consideration.

(Ord. of 6-9-2010, § 5.5(intro.))

Sec. 36-381. - Authority to grant permits.

The planning commission, as hereinafter provided, shall have the authority to recommend to the township board the approval, denial or approval subject to condition as specified in section 36-386. The township board shall have the authority to approve, deny or approve with conditions as specified in division 7 of this article.

(Ord. of 6-9-2010, § 5.5.1)

Sec. 36-382. - Application and fee.

Application for any conditional use permit permissible under the provisions of this article shall be made to the planning commission through the township clerk by filing an official conditional use permit application form, submitting a site plan in accordance with division 7 of this article and payment of the required fee as established by resolution of the township board; except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

(Ord. of 6-9-2010, § 5.5.2)

Sec. 36-383. - Data, information and site plan application requirements.

An application for a conditional use permit shall include the applicant's name, address, e-mail address and telephone number in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved and a site plan as specified in and in accordance with division 7 of this article.

(Ord. of 6-9-2010, § 5.5.3)

Sec. 36-384. - Public hearings.

After a preliminary review of the site plan and an application for a conditional use permit, the planning commission shall hold a hearing on the site plan and conditional use request. Notice of the hearing shall be given in accordance with article V, division 3, of this chapter.

(Ord. of 6-9-2010, § 5.5.4)

Sec. 36-385. - Required standards and findings for making determinations.

The planning commission shall review the particular circumstances of the conditional use request under consideration in accordance with the requirements of division 7 of this article and shall recommend approval of a conditional use request to the township board only upon approval of the site plan and finding of compliance with the standards as included in article VII of this chapter and the standards for specific uses as specified in this article.

(Ord. of 6-9-2010, § 5.5.5)

Sec. 36-386. - Determination and imposition of conditions.

(a) A review of an application and site plan requesting a conditional use permit shall be made by the planning commission in accordance with the procedures and standards specified in this article. If a submitted application and site plan do not meet the requirements of the article, they shall not be recommended to the township board for approval. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the article, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it or these documents shall be resubmitted incorporating said changes.

(b) If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this article will apply to the proposed conditional use, the planning commission shall not recommend to the township board that said township board should grant a conditional use permit. The planning commission may recommend the imposition of conditions with the approval of a conditional use permit application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable ordinances and regulations. Such conditions, if imposed by the township board, shall be considered an integral part of the conditional use permit and approved site plan and shall be enforced by the zoning inspector.

(c) These conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner.

(Ord. of 6-9-2010, § 5.5.6)

Sec. 36-387. - Approval, approval with conditions, or denial.

(a) Upon holding a public hearing and the finding that the requirements of sections 36-382 through 36-386 have been satisfactorily met by the applicant, the planning commission shall within 30 days recommend approval, approval with conditions, or denial to the township board.

(b) The township board may approve the issuance of a conditional use permit, deny the issuance of a conditional use permit or approve issuance of a conditional use permit upon additional conditions or conditions modified from those originally recommended by the township planning commission. In the event the township board deems that development of additional evidence or factual material would be necessary or helpful in determining the application for conditional use permit, the township board may refer the matter back to the township planning commission for further factual development and/or evidentiary hearing. In such event, the township planning commission shall take necessary steps to further develop the facts and evidence and shall transmit this additional evidence and/or findings to the township board.

(c) Approval and issuance of a conditional use permit by the township board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this article. The site plan, as approved, and any statements of conditions and modifications shall become part of the conditional use permit and shall be enforceable as such.

(d) The decision to approve or deny a request for a conditional use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of findings and conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to ensure compliance with the article, and any conditions imposed with approval. Once a conditional use permit is issued, all site development and use of land on the property affected shall be consistent with the approved conditional land use permit, unless a change conforming to article requirements receives the mutual agreement of the landowner and the township board upon recommendation of the planning commission and is documented as such.

(e) When the township board gives final approval, a conditional use permit shall be issued to the applicant. The township board shall forward a copy of the permit to the applicant, clerk, zoning

inspector and planning commission. The zoning inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the township board.

(Ord. of 6-9-2010, § 5.5.7)

Sec. 36-388. - Performance guarantee.

In authorizing a conditional use permit, the township board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond be furnished by the developer to ensure compliance with an approved site plan and the conditional use permit requirements. Such guarantee shall be deposited with the township clerk at the time of the issuance of the conditional use permit. In fixing the amount of such performance guarantee, the township board shall limit it to reasonable improvements required to meet the standards of this article and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, including, but not limited to, roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.). The township board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the conditional use permit.

(Ord. of 6-9-2010, § 5.5.8)

Sec. 36-389. - Voiding of conditional use permit.

Any conditional use permit granted under this division shall become null and void and fees forfeited unless construction and/or use is commenced within 210 days and completed within 575 days of the date of issuance. A violation of a requirement, condition or safeguard shall be considered a violation of this article and grounds for the township board to terminate and cancel such conditional use permit.

(Ord. of 6-9-2010, § 5.5.9)

Secs. 36-390—36-408. - Reserved.

Subdivision II. - Additional Development Requirements for Certain Uses

Sec. 36-409. - General compliance with site development provisions.

A conditional use permit shall not be issued for the uses specified in this subdivision unless complying with the site development requirements as herein specified.

(Ord. of 6-9-2010, § 5.5.10(intro.))

Sec. 36-410. - Quarries.

The removal of soil, sand, gravel, stone and other earth materials shall be subject to the following conditions:

(1) There shall be not more than one entrance way from a public road to said lot for each 500 feet of front lot line.

(2) Such removal, processing, transportation and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.

(3) On said lot, no digging or excavating shall take place closer than 100 feet to any lot line.

(4) On said lot, all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved, piled, watered or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

(5) Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

(6) Such removal, processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse or body outside the lines of the lot on which such use shall be located.

(7) Such removal, processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property and that in the event that such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to ensure that no erosion or alteration of drainage patterns, as specified in this section, shall take place after the date of the cessation of operation.

(8) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, but that in the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth, but in no case less than 100 feet from any lot line.

(9) There shall be erected a fence not less than six feet in height around the periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top edge of any slope.

(10) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural.

(11) The operator shall file with the planning commission and the zoning inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the planning commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.

(12) The operator shall file with the township a performance bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the township. The bond shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.

(13) The permit or each renewal thereof shall be for a period of not more than five years and shall be renewable only upon reapplication, a redetermination by the planning commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this chapter for the issuance of a conditional use permit.

(Ord. of 6-9-2010, § 5.5.10(a))

Sec. 36-411. - Junkyards.

In addition to and as an integral part of development, the following provisions shall apply:

(1) It is recognized by this article that the location of such materials in an open area included in section 36-5 of the definition of "junkyard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven feet in height and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this chapter's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.

(2) All traffic ingress and egress shall be on major streets and there shall be not more than one entrance way to the lot on which a junkyard shall be operated from each public road on which said lot abuts.

(3) All roads, driveways, parking lots and loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

(Ord. of 6-9-2010, § 5.5.10(b))

Sec. 36-412. - Drive-in theaters.

In addition to and as an integral part of development, the following provisions shall apply:

(1) Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

(2) All fenced-in areas shall be set back at least 100 feet from any front street or property line.

(3) All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.

(Ord. of 6-9-2010, § 5.5.10(c))

Sec. 36-413. - Planned unit development.

The purpose of this section is to permit flexibility for residential, commercial and industrial development where large tracts of land are planned with integrated and harmonious design and where the overall design of such units is so outstanding as to warrant modification by the planning commission of the regulations. Any planned unit development to be eligible under this provision must comply with the following requirements:

(1) The tract of land to be developed shall have a minimum area of not less than ten acres.

(2) The owner of the property shall submit to the planning commission a plan for the use development of the total tract of land as a planned unit development in accordance with the provisions of division 7 of this article. In addition to the site plan data specified in division 7 of this article, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply

regulations and requirements differing from those ordinarily applicable under this article. The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of structures, accessory uses thereto and public facilities as may be necessary for the welfare of the planned unit development and not inconsistent with the best interests of the entire township.

(3) The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned unit development is located.

(4) The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.

(5) The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures and refuse disposal. These facilities may be provided by a governmental or private organization.

(6) The proposed unit shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence on any subsequent unit or development.

(7) The common open-space, common properties, individual properties and all other elements of the planned unit development shall be so planned that they will achieve a unified environmental scheme with open spaces and all other elements in appropriate locations, suitably related to each other, the site and surrounding land.

(8) The applicant may be required to dedicate land for street and park purposes by appropriate covenants to restricting areas perpetually for the duration of the planning development as open space for common use. The development as authorized shall be subject to all conditions so imposed and shall be exempt from other provisions of this chapter only to the extent specified in the authorization.

(Ord. of 6-9-2010, § 5.5.10(f))

Sec. 36-414. - Special event parking.

A conditional use permit for special event parking shall be subject to the following minimum conditions:

(1) The applicant shall submit and obtain approval of site plan as provided in division 7 of this article.

(2) No signs shall be posted except as otherwise provided in this chapter for signs located in agricultural zoning district and under no circumstances shall any such sign exceed 16 square feet nor shall any off-premises sign be allowed. In no event shall any sign be located in any road or public right-of-way or where it would otherwise create an obstruction of vision or hazard to traffic.

(3) No parking shall be allowed in any setback area required in this article.

(4) If the property proposed for this use adjoins or faces a residential lot or use, vehicle parking shall be effectively screened by a wall, fence or compact planting not less than four feet in height. Plantings shall be maintained in good condition and shall not encroach on adjoining property.

(5) The applicant shall comply with all applicable provisions of the Americans with Disabilities Act (ADA) and/or other federal and state regulations regulating the parking of motor vehicles.

(6) No permit shall be granted allowing such use in excess of three consecutive days and, cumulatively, in excess of 15 days in any one-year period. The recited limitations may be extended upon approval of the zoning inspector if the event in question is postponed due to weather or other conditions outside the control of the applicant.

(7) Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or aisles and shall be of usable shape and condition.

(8) There shall be provided a minimum access drive of ten feet in width and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

(9) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:

a. For 90 degree or perpendicular parking, the aisle shall not be less than 22 feet in width.

b. For 60 degree parking, the aisle shall not be less than 18 feet in width.

c. For 45 degree parking, the aisle shall not be less than 13 feet in width.

d. For parallel parking, the aisle shall not be less than ten feet in width.

(10) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

(11) All parking shall be arranged so that it is not necessary for vehicles to back out directly into a public or private street or roadway.

(12) The applicant shall provide a certificate of public liability and property damage insurance covering such parking activity with minimum liability limits of $100,000.00 for damages resulting to any one person and $300,000.00 per occurrence and property damage limits of $300,000.00 per occurrence.

(13) The township board shall from time to time establish an annual fee for such conditional use permits to reflect the anticipated cost of inspections and enforcement necessary to facilitate compliance and restoration of the premises to compliance with agricultural zoning district requirements between special event parking uses.

(Ord. of 6-9-2010, § 5.5.10(g))

Sec. 36-415. - Open recreational vehicle storage.

Notwithstanding section 36-245, open storage of recreational motor vehicles and watercraft may be allowed as a conditional use in the Agricultural (AG-1), General Commercial (C-2), Highway Service Commercial (C-3) and Light Industrial (I-1) Zoning Districts under the following minimum conditions:

(1) Storage shall be limited to operating and functional recreational motor vehicles and watercraft, specifically including snowmobiles and personal watercraft. No inoperable, dismantled and/or partially dismantled vehicles or watercraft shall be stored on the premises and no on-site mechanical repairs shall be permitted.

(2) No vehicle or watercraft shall be occupied during the period of storage and at no time shall such stored items be connected to sanitary sewer facilities or have fixed connection to electricity, water or gas utilities.

(3) The terms "recreational motor vehicle" and "watercraft" shall not include vehicles customarily categorized as passenger automobiles, motorcycles, pickup trucks, commercial vehicles of any type, airplanes, helicopters and/or tents. Camper shells and travel trailers designed to be towed by a motor vehicle shall be included in the term "recreational motor vehicle."

(4) The minimum area of the site shall be three acres. In the event other use is made of the property, a minimum of three acres shall be devoted solely to this use.

(5) The minimum street frontage shall be 210 feet and on a public street or highway and all ingress and egress shall be located on a public street or highway.

(6) Within a reasonable time, but not exceeding 90 days subsequent to issuance of a conditional use permit, an opaque fence, buffer wall or planting strip shall be provided sufficient in nature to screen the view of stored items from view of all neighboring properties and public and private streets and highways.

(7) Exterior lighting shall be installed in a manner that will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.

(8) Such storage shall comply with all federal, state and local environmental and health regulations, including appropriate measures to prevent leakage of fuel or other petroleum products and/or hazardous materials onto or into the soil and/or waterways.

(9) No item shall be stored within any required setback.

(Ord. of 6-9-2010, § 5.5.10(i))

Sec. 36-416. - Open space cluster development.

Notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this chapter, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws and rules, on not more than 50 percent of the land, if all of the following apply:

(1) Requirements.

a. The land is zoned at a density equivalent to two or fewer dwelling units per acre; or, if the land is served by a public sewer system, three or fewer dwelling units per acre.

b. Not less than 50 percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land.

c. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.

d. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

(2) The development of land under this section is subject to all other applicable ordinances, laws and rules, including, but not limited to:

a. The provisions of this chapter and chapter 20, subdivisions that are not in conflict with and preempted by Section 506 of the Zoning Act (MCL 125.3506).

b. The land division act (formerly the subdivision control act, MCL 560.101 et seq.).

c. Any ordinance regulating the division of land, the platting of land into subdivisions or the creation of a site condominium.

d. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.

e. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

(3) As used in this section, the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use, open space or a similar use of condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway or linear park.

(Ord. of 6-9-2010, § 5.5.10(j))

Sec. 36-417. - Outdoor wood-fired hydronic heaters.

(a) *Purpose and intent.* The purpose of this article is to adopt a code and rules governing installation and use of wood-fired hydronic heaters within the township. This section is intended to ensure that outdoor wood-fired heaters are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of township.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Outdoor wood-fired hydronic heater equipment, *device* or *apparatus* means that which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel products (i.e., wood, corn) to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood-fired heater or outdoor wood-fired hydronic heater.

(c) *General provisions.* An outdoor wood-fired hydronic heater may be installed and used in the township only in accordance with all of the following provisions:

(1) The outdoor wood-fired hydronic heater shall be installed and used only in the agricultural (AG-1) zoning district.

(2) All new outdoor wood-fired hydronic heaters shall be installed, constructed, established, operated and maintained in conformance with the manufacturer's instructions and specifications and the requirements of this article. In the event of a conflict, the requirements of this article apply unless the manufacturer's instructions are more stringent, in which case the manufacturer's instructions shall apply.

(3) The outdoor wood-fired hydronic heater shall not be used to burn pressure treated wood, painted wood, particleboard, household refuse, yard waste, or materials containing plastic, rubber or asphalt products.

(4) All outdoor wood-fired hydronic heaters installed after the effective date of the ordinance from which this article is derived shall meet all current emission standards required by the Environmental Protection Agency (EPA) and the Underwriters Laboratory (UL) listings. All wood-fired hydronic heaters shall be maintained and operated in compliance with all emissions and air quality standards promulgated by the EPA. The owner of any outdoor wood-fired hydronic heater shall make available the manufacturer's owner's manual or installation instructions to the appropriate department as deemed necessary.

(5) Outdoor wood-fired hydronic heaters that meet current EPA emission standards, or greater, shall not be located within 75 feet of any property line.

(6) A zoning compliance permit shall be obtained from township prior to installation of any outdoor wood-fired hydronic heater. For the purpose of this subsection, installation permits shall be obtained as required by the state uniform construction codes.

(d) *Particulate matter emission standards for newly installed units.*

(1) For the purpose of this section, the term "certified" shall mean the outdoor wood-fired hydronic heater that has been tested by an EPA accredited third party laboratory to verify that the unit meets Phase II emission standards, or greater.

(2) Phase II Emission Standard Units which have been certified to meet a particulate matter emission limit of 0.32 lb/MMBtu heat output must be installed according to the setback requirements listed in subsection (c)(5) of this section.

(e) *Nuisance conditions.* No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, toxic or deleterious

emission, either alone or in combination with others incident to the operation of a wood-fired hydronic heater.

(f) *Violations and penalties.* Anyone violating the provisions of this article shall be guilty of a misdemeanor upon conviction thereof be subject to a fine of not more than $500.00 and the costs of prosecution thereof, by imprisonment in the county jail for a period not to exceed 30 days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this article.

(Ord. of 6-9-2010, § 5.5.10(k); Ord. No. 11-01, § 3, 3-9-2011)

Sec. 36-418. - Wind energy conversion systems.

(a) *Purpose.* The purpose of this section is to set standards and procedures for the installation and operation of on-site use (small units) and utility grid (large units) wind energy conversion systems (WECS).

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Anemometer tower means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy system.

Ambient means the sound pressure level exceeded 90 percent of the time of L90.

ANSI means the American National Standards Institute.

dB(A) means the sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

IEC means the International Electro Technical Commission.

ISO means the International Organization for Standardization.

Lease unit boundary means boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road rights-of-way.

Nacelles means the structure that houses all of the generating components, gearbox, drive train, etc.

On-site wind energy system means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

Rotor means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Shadow flicker means alternating changes in light intensity caused the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as, but not limited to, a window at a dwelling.

Sound pressure means an average rate at which sound energy is transmitted through a unit area in a specified direction, the pressure of the sound measured at a receiver.

Sound pressure level means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility grid wind energy system means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses, such as, but not limited to, a SCADA tower,

electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.

Wind energy system means a land use for generating power by use of wind, utilizing use of a wind turbine generator and includes the turbine, blades and tower as well as related electrical equipment. This definition does not include wiring to connect the wind energy system to the grid. See also *On-site wind energy system* and *Utility grid wind energy system.*

Wind site assessment means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

(c) *Provisions.*

(1) *On-site use wind energy systems and anemometer tower.* An on-site use wind energy system shall be an accessory use subject to submission of a site plan as described in section 36-488 to the ordinance enforcement officer in AG-1, I-1, C-4 and all single-family residential districts and shall meet the following standards:

a. *Property setback.* The distance between an on-site wind energy system and the owner's property lines shall be one times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to one times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

b. *Sound pressure level.* On-site use wind energy systems shall not exceed 40 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or sever wind storms. If the ambient sound pressure level exceeds 40 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

c. *Construction codes, towers and interconnection standards.* On-site use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the airport zoning act, Public Act No. 23 of 1950 (MCL 259.431 et seq.), the tall structure act, Public Act No. 259 of 1959 (MCL 259.481 et seq.) and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with state public service commission and Federal Energy Regulatory Commission standards.

d. *Safety.* An on-site use wind energy system shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of a least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal or vertical axis rotor.

(2) *Utility grid wind energy system, on-site use wind energy system over 80 feet high and anemometer towers 80 feet high.* A utility grid wind energy system, on-site use wind energy system, on-site use wind energy system over 80 feet high and anemometer towers over 80 feet high shall be a conditional use in AG-1 and I-1 districts subject the general requirements of subdivision I of this division and section 36-488 in addition to all the following specific standards:

a. *Property setback.*

1. Anemometer tower setback shall be the greater distance of the following:

(i) The setback from property lines of the respective zoning district;

(ii) The setback from the road right-of-way; and

(iii) A distance equal to 1½ times the height of the tower from property lines or from the lease unit boundary, whichever is less.

2. Utility grid setback shall be a greater distance than the following:

(iv) The setback from property lines of the respective zoning district;

(v) The setback from the road right-of-way; and

(vi) A distance equal to 1½ times the height of the tower including the top of the blade in its vertical position from property lines or from the lease unity boundary, whichever is less.

(vii) Inhabited structures. Each wind turbines shall be set back from the nearest residence, school, hospital, church, or library a distance no less than the greater of two times the hub height or 1,000 feet.

3. An operations and maintenance office building, a sub-station or ancillary equipment shall comply with any property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.

b. *Sound pressure level.* The sound pressure level shall not exceed 40 dB(A) between the hours of 10:00 p.m. and 6:00 a.m. and 45 dB(A) between the hours of 6:00 a.m. and 10:00 p.m. measured at the property lines or the lease unit boundary, whichever is further from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 40 dB(A) or 45 dB(A) respectively, the standard shall be ambient dB(A) plus 5 dB(A).

c. *Safety.* All systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical or horizontal blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal or vertical axis rotor.

(d) *Post-construction permits.* Construction codes, towers and interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.

(e) *Pre-application permits.*

(1) *Utility infrastructure.* The systems including towers shall comply with Federal Aviation Administration (FAA) requirements, the airport zoning act, Public Act No. 23 of 1950 (MCL 259.431 et seq.), the tall structure act, (Public Act No. 259 of 1959 (MCL 259.481 et seq.) and local jurisdiction airport overlay zone regulations. The 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. The tower shaft shall not be illuminated unless required by the FAA. Utility grid wind energy systems shall comply with the applicable utility, the public service commission, and Federal Energy Regulatory Commission interconnection standards.

(2) *Environment.*

a. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment, including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the environmental analysis.

b. Plans shall comply with applicable parts of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.), including, but not limited to:

1. Part 31 Water Resources Protection (MCL 324.3101 et seq.);

2. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.);
3. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.);
4. Part 303 Wetlands (MCL 324.30301 et seq.);
5. Part 323 Shore Land Protection and Management (MCL 324.32301 et seq.);
6. Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.); and
7. Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.);

as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.

(f) *Performance security.* Performance security shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.

(g) *Utilities.* Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers or conductors should comply with avian power line interaction committee (APLIC) published standards to prevent avian mortality.

(h) *Standards.* The following standards apply only to utility grid wind energy systems:

(1) *Visual impact.* Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, nonreflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's plan.

(2) *Avian and wildlife impact* Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the avian and wildlife impact analysis.

(3) *Shadow flicker.* Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the shadow flicker impact analysis.

(4) *Decommissioning.* A planning commission approved decommissioning plan indicating:

a. The anticipated life of the project;

b. The estimated decommissioning costs net of salvage value in current dollars;

c. The method of ensuring that funds will be available for decommissioning and restoration; and

d. The anticipated manner in which the project will be decommissioned and the site restored.

(5) *Complaint resolution.* A planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.

(6) *Electromagnetic interference.* No utility grid wind energy system shall be installed in any location where its proximity to the existing fixed broadcast, retransmission or reception antennas for audio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

(i) *Removal, revocation, and abandonment.*

(1) WECS shall be removed if not operated for a period of time greater than 12 months or fails to be operable for 12 consecutive months or if it is determined by the township that a WECS is not in compliance with provisions of this section and a WECS permit.

(2) As a condition of approval for all WECS the owner and/or operator shall sign a "consent to removal" form. The "consent to removal" will state that the owner shall remove the WECS or allow the township to remove and assess the property for the cost to remove the WECS. Upon noncompliance the township shall send a notice to the property owner and/or WECS owner by certified mail identifying the options to correct the violations. If the corrective actions are not taken within 30 days of certified mailing date, a final notice will be sent to the owner in the same manner and he will be given 15 additional days to properly correct the violations. If the violations are not corrected, the WECS will be removed by the township and the property will be assessed for the cost of removal and disposal.

(3) A WECS permit may be revoked any time the WECS does not comply with the rules and regulations set forth in this section or a WECS permit. The revocation of the WECS permit requires the WECS to be physically removed with 90 days.

(4) At such time that a WECS is abandoned or discontinued, the property owner and or WECS owner will notify the township by certified First Class United States Mail of the proposed date of abandonment or discontinuation of operations and remove the tower within 90 days.

(5) Upon revocation, abandonment or discontinuation of WECS or failure to operate, maintain and keep in good working order, the tower owner and/or property owner shall physically remove the WECS according to the provisions of this section, conditions added to the WECS permit and/or the "consent to removal." The term "physically remove" shall include, but not be limited to:

a. Removal of the WECS including the turbine, tower/pole and related above grade structures.

b. Restoration of the location of the WECS to its natural condition, except that any landscaping, grading or below grade foundation may remain.

(Ord. of 6-9-2010, § 5.5.10(l); Ord. No. 11-01, § 3, 3-9-2011)

Sec. 36-419. - Solar farm facilities.

(a) *Purpose.* To provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities. This section is intended to:

(1) Protect township areas from any potentially adverse effects, such as visual or noise impacts, of solar farm facilities and related structures or devices so that the public health, safety and welfare will not be jeopardized.

(2) Provide for a land use that will provide an energy source with low associated environmental impacts.

(3) Provide for the removal of abandoned or noncompliant solar farm facilities, and related structures or devices.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

AC power (alternating current) means an electrical current whose magnitude and direction varies. It is considered the "standard" electrical power.

Attached system means a solar system in which solar panels are mounted directly on the building, typically the roof.

DC power (direct current) means an electrical current whose magnitude and direction stay constant. The photovoltaic cells on solar panels capture energy from sunlight in the form of DC and must be converted to AC by an inverter.

Detached system, also known as a ground mounted system or freestanding, means a solar system that is not attached directly to a building, but is supported by a structure that is built on the ground.

Distributed generation, as opposed to centralized generation, distributed generation refers to a number of small power-generating modules located at or near the point of energy consumption.

Gigawatt means a unit of power equal to one billion watts.

Grid means the infrastructure of power lines, transformers and substations that delivers electric power to buildings. The utility grid is owned and managed by electric utility companies.

Installer means a contractor that installs solar systems.

Interconnections means a link between utility company power distribution and local power generation that enables power to move in either direction.

Inverter means a device that converts DC power captured by the photovoltaic cells on solar panels into AC power.

Kilowatt means a unit of power equal to 1,000 watts.

Megawatt means a unit of power equal to 1,000,000 watts.

Net metering means a policy whereby utility customers with small-scale renewable power sources, including solar, receive credit from their utility provider for electricity generated in excess of their needs (also known as "net excess generation").

On/off grid system means a solar energy system that is interconnected with the utility grid is an on-grid or grid-tied system, while a system not interconnected is an off-grid system.

Permitting means the process by which a local unit of government allows for certain development, changes and activities in their jurisdiction.

Photovoltaic (PV) means a method of generating electrical power by converting solar radiation (sunlight) into direct current electricity using semiconductors.

Solar collection devices—General means solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

Solar collection devices—Small freestanding means an array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer's rating up to but not exceeding 20 kW.

Solar collection devices—Medium freestanding means an array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer's rating of greater than 20 kW, but do not occupy more than ten acres of land.

Solar collection devices—Large freestanding means an array of freestanding (not attached to a principal or accessory structure) of utility-scale solar collection materials that have a manufacturer's rating of greater than 20 kW and occupy more than ten acres of land.

Solar farms (large photovoltaic solar farm facilities) means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaic, or any other various solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Solar farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g. roof or ground mounted panels) that are used exclusively for private purposes

and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These installations are permitted as accessory structures or uses.

Solar photovoltaic system means the total components and subsystems that, in combination, convert solar energy suitable for connection to utilization load.

Time-of-use (TOU) rates means a utility billing system in which the price of electricity depends upon the hour of day at which it is used. Rates are higher during the afternoon when electric demand is at its peak. Rates are lower during the night when electric demand is off peak.

(c) *Requirements for development and design standards.*

(1) *Site plan.* In addition to those requirements of article IV, division 7, Site plan review and approval, of this chapter, and the site plan review application, all applications for a conditional use permit for a solar farm shall be subject to conditional use standards in agricultural (AG-1) and industrial (I-1) zoned areas.

(2) *Minimum lot size.* Large photovoltaic solar farm facilities shall not be constructed on parcels less than 20 acres in size.

(3) *Height restrictions.* All photovoltaic panels located in a solar farm shall be restricted to a height of 14 feet.

(4) *Setbacks.* All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of 15 feet from a side or rear property line and a minimum of 30 feet from any road or highway right-of-way.

(5) *Maximum lot coverage.* Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.

(6) *Safety/access.* A security fence (height and material to be established through the special land use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted.

(7) *Sound pressure level.* No large photovoltaic solar farm facilities shall exceed 60 dBA as measured at the property line.

(8) *Landscaping.* The perimeter of large photovoltaic solar farm facilities shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large photovoltaic solar farm facilities from any public street and/or adjacent residential structures, subject to the following requirements:

a. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within one year, or the next appropriate planting period, whichever occurs first.

b. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the township and the applicant is unable to plant during the installation period, the applicant will provide the township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the township shall return the financial guarantee.

c. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this section and any conditional use permit may be subject to revocation.

(9) *Local, state and federal permits.* Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Cambridge Township, and comply with standards of the State of Michigan adopted codes.

(10) *Electrical interconnections.* All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.

(11) *Signage.* No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the large photovoltaic solar farm facilities. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

(12) *Abandonment and decommissioning.* Following the operational life of the project, the applicant shall perform decommissioning and removal of the large photovoltaic solar farm facilities and all its components. The applicant shall prepare a decommissioning plan and submit it to the planning commission for review and approval prior to issuance of the conditional use permit.

The decommissioning plan shall state how the large photovoltaic solar farm facilities will be decommissioned, provide the estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources will be deposited. Any large photovoltaic solar farm facilities that are not operated for a continuous period of 12 months shall be considered abandoned and shall be removed under the decommissioning plan.

Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three feet below-grade shall be removed offsite for disposal. All access roads or driveways shall be removed, cleared, and graded by the applicant, unless the property owner(s) requests, in writing, a desire to maintain any access road or driveways. The township or county will not be assumed to take ownership of any access road or driveways. The ground must be restored to its original topography or mutually agreed variation of the original topography within 365 days of abandonment or decommissioning.

The decommissioning plan shall also include an agreement between the applicant and the township that:

a. Prior to the issuance of the permit, the applicant shall furnish to the township a performance guarantee in an amount equal to or greater than the estimated cost of decommissioning. The guarantee shall be in the form of either a surety bond or cash deposit into an escrow account with an escrow agent acceptable to the township.

b. The township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 365 days of the end of project life or facility abandonment.

c. The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

d. The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not exceed reasonable anticipated decommissioning costs.

(13) *Inspection.* The township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any large photovoltaic solar farm facilities is located. The township may hire one or more consultants, with approval from the applicant

(which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large photovoltaic solar farm facilities to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

(14) *Maintenance and repair.* Each large photovoltaic solar farm facility must be kept and maintained in good repair and condition at all times. If the township building official determines that a large photovoltaic solar farm facility fails to meet the requirements of this ordinance and the conditional use permit, or that it poses a safety hazard, the building official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven days), the safety hazards are not corrected, the applicant shall immediately shut down the large photovoltaic solar facility and not operate, start or restart the large photovoltaic solar facility until the issues have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the township's review within 48 hours of such request. Applicant shall keep all sites within the large photovoltaic solar farm facility neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

(15) *Roads.* Any material damages to a public road located within the township resulting from the construction, maintenance or operation of a large photovoltaic solar farm facility shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate state or county agency a description of the routes to be used by construction and delivery vehicles; and road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all state or county requirements regarding the use and/or repair of the roads.

(d) *Additional conditional use criteria.* The following topics shall be addressed in a conditional use application for such large photovoltaic solar farm facilities in addition to subsection (c), requirements for the development and design standards.

(1) *Project description and rationale.* Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possibly future expansions.

(2) *Analysis of onsite traffic.* Estimated construction jobs, estimated permanent jobs associated with the development.

(3) *Visual impacts.* Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements.

(4) *Wildlife.* Review potential impact on wildlife on the site.

(5) *Environmental analysis.* Identify impact analysis on the water quality and water supply in the area, and dust from project activities.

(6) *Waste.* Identify solid waste or hazardous waste generated by the project.

(7) *Lighting.* Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to 18 feet in height.

(8) *Transportation plan.* Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb driveway and parking lots used for occupied offices that are located on site.

(9) *Public safety.* Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.

(10) *Sound limitations and review.* Identify noise levels at the property line of the project boundary when completed.

(11) *Telecommunications interference.* Identify electromagnetic fields and communications interference generated by the project.

(Ord. No. 18-03, § 2, 1-9-2019)

Secs. 36-420—36-449. - Reserved.

DIVISION 6. - COMMUNICATION TOWERS

Sec. 36-450. - Purpose and intent.

(a) It is the purpose and intent of the township to regulate wireless communication facilities in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this division, the township is mindful that regulations may not unreasonably discriminate among providers, or prohibit the provision of the wireless communications services. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this division to:

(1) Provide for the administration of this division so as to preclude the necessity of having new, freestanding tower or pole structures in the township and so as to preclude the establishment of wireless communication facilities in residential neighborhoods or on or near public school properties.

(2) Facilitate adequate and efficient provision of sites for wireless communication facilities.

(3) Identify zoning districts considered best for the establishment of wireless communication facilities, as a conditional use subject to applicable standards and conditions.

(4) Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

(5) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.

(6) Promote the public health, safety and welfare.

(7) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.

(8) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

(9) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible and the use of structures which are designed for compatibility, including the use of existing structures and avoidance of new freestanding structures.

(b) The legislative body of the community finds that the presence of a tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance

and promotion of property values and further recognizing that this economic component is an important part of the public health, safety and welfare.

(c) Land within road rights-of-way shall be subject to regulation under this division.

(Ord. of 6-9-2010, § 5.5.10(h)(1))

Sec. 36-451. - Definitions.

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

Attached wireless communications facilities means wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Colocation means the location by two or more wireless communication providers of the wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Planning official means the township board upon recommendation of the township planning commission.

Wireless communication facilities means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, federally licensed amateur (ham) radio facilities, satellite dishes and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless communication support structures means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers or other structures which appear to be something other than a mere support structure.

(Ord. of 6-9-2010, § 5.5.10(h)(2))

Sec. 36-452. - Authorization.

Subject to the standards and conditions set forth in section 36-453, wireless communication facilities shall be conditional uses in the following circumstances, and in the following districts:

(1) Agricultural (AG-1).

(2) General Commercial (C-2).

(3) Highway Service Commercial (C-3).

(4) Light Industrial (I-1).

(Ord. of 6-9-2010, § 5.5.10(h)(3))

Sec. 36-453. - General regulations.

Standards and conditions applicable to all special/conditional land use facilities. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the planning official in the planning official's discretion.

(1) The following site and developmental requirements shall apply:

a. A minimum site of two acres and 275 feet of road frontage shall be required.

b. The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.

c. The base of the tower and guy wire supports shall be fenced with a minimum six-foot-high fence.

(2) The following special performance standards shall apply to communication towers:

a. Communication towers must be set back from all property lines a distance equal to its height plus 25 feet. Setback from all overhead electric power and other overhead utility lines shall equal the tower height and an additional ten feet. Notwithstanding setback requirements set out herein, no wireless communication facility shall be located closer than 1,000 feet to any residential dwelling.

b. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in article III, division 6 of this chapter.

c. Accessory structures shall not exceed 600 square feet of gross building area.

d. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.

e. The plans of the tower shall be certified by a registered structural engineer.

f. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

g. Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half mile of a helipad.

h. No part of any communication tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within 30 feet of a property line.

i. Metal towers shall be constructed of, or treated with, corrosive-resistant material.

j. Antennas and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.

k. Towers with antennae shall be designed to withstand a uniform wind loading in accordance with section 1611.9 of the current state construction codes.

l. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.

m. Towers shall be located so that they do not interfere with reception in nearby residential areas.

n. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.

o. The base of the tower shall occupy no more than 500 square feet.

p. Minimum spacing between tower locations, whether located within or outside the borders of the township, shall be two miles in order to prevent a concentration of towers in one area.

q. Height of the tower shall not exceed 200 feet from grade within a commercial zoning district, and 300 feet from grade within an industrial or agricultural zoning district. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things, as switching equipment, shall be limited to the maximum height for accessory structures with the respective district.

r. Towers shall not be artificially lighted except as required by the Federal Aviation Administration. Unless superseded by state or federal regulation such towers shall be equipped, for safety purposes, with a red strobe at its peak during non-daylight hours and a white strobe during daylight hours.

s. Existing on-site vegetation shall be preserved to the maximum extent practicable.

t. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

u. There shall be no employees located on the site on a permanent basis to service or maintain the communication tower. Occasional or temporary repair and service activities are excluded from this restriction.

v. Where the property adjoins any residentially zoned property or land use, the developer shall within a reasonable time, but no later than 90 days, plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten feet to any structure.

w. Facilities shall be located and designed to be harmonious with the surrounding areas. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities (i.e., to utilize attached wireless communication facilities).

x. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions as confirmed by submission of a certification of compliance by the applicant's licensed engineer.

y. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.

(3) The following additional standards shall be met:

a. The division of property for the purpose of locating a wireless communication facility is prohibited unless all requirements and conditions of the Michigan land division act are met.

b. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks. For colocation facilities served by an accessory building, there shall be a single, architecturally uniform accessory building for all providers.

c. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soil's report from a geotechnical engineer, licensed in the state. This soil's report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation

Administration, Federal Communication Commission and state aeronautics commission shall be noted.

d. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term continuous maintenance to a reasonably prudent standard.

e. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for 90 days. If, during a 90-day tentative approval period, final approval is granted to authorize a wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.

f. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.

(Ord. of 6-9-2010, § 5.5.10(h)(4))

Sec. 36-454. - Application requirements.

(a) A site plan prepared in accordance with division 7 of this article shall be submitted, showing the location, size, screening and design of all buildings and structures, and the location and size of outdoor equipment, and the location, number and species of proposed landscaping.

(b) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

(c) The application shall include a signed certification by a state licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized along with other criteria such as applicable regulations for the district in question in determining the appropriate setback to be required for the structure and other facilities.

(d) The application shall include a description of security to be posted with the township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed as provided in section 36-457. In this regard, the security, in an amount determined in the discretion of the township shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit or an agreement in a form approved by the township attorney and recordable at the office of the register of deeds establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the community in securing removal.

(e) The application shall include a map showing existing and known proposed wireless communication facilities within the township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information that is trade secret and/or other confidential commercial information which if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development

of governmental policy, MCL 15.243(1)(g). This division shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the township.

(f) The name, address, e-mail address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(g) The application fee in the amount specified by township board resolution.

(h) The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in the general regulations above.

(Ord. of 6-9-2010, § 5.5.10(h)(5))

Sec. 36-455. - Escrow of expenses.

(a) The fees for application are to be considered basic application fees which cover only consideration of the application at regularly scheduled planning commission, zoning board of appeals and/or township board meetings and publication and mailing of notice of hearing, as applicable.

(b) In addition to the basic application fee, applicants shall pay the costs of review of applications under this division. Such charges shall be in addition to the basic application fee, in an amount equal to the township's actual expenses incurred for reviewing the application, including, but not limited to, the cost of:

(1) Planning commission subcommittee meetings;

(2) Special meetings;

(3) Review by township attorney and preparation of appropriate approving resolutions, ordinances and/or other documentation;

(4) Review by township planner;

(5) Review by township engineer;

(6) Review by county drain commissioner;

(7) Review by county road commission;

(8) Additional notices of public hearing;

(9) Traffic studies;

(10) Environmental impact studies;

(11) Notice of additional hearings; and

(12) Similar services and expenses.

(c) The zoning inspector or planning commission shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least $500.00, commencing with an initial deposit of not less than $500.00. No application shall be processed prior to the required escrow fee having been deposited with the zoning inspector or planning commission for transmittal to the township treasurer. If an applicant objects to the amount of the escrow funds required to be deposited, it may appeal that determination to the township board within 30 days after the initial decision by the zoning inspector or planning commission.

(d) If funds in the escrow account are depleted, the applicant shall make an additional deposit sufficient to cover any deficit and to reestablish a balance of at least $500.00. The amount of additional deposit

sufficient to cover any deficit in the account shall be at least $500.00, or such greater amount as is determined by the zoning inspector or planning commission to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application until the escrow account has been reestablished to such appropriate level as determined by the zoning inspector or planning commission. The zoning inspector or planning commission shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds (from one or more applicants) shall be kept in a separate bank account or bank account category.

(e) Any excess funds remaining in the escrow account after the application has been fully processed, reviewed and the final decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the township, the township shall send the applicant a statement for such additional fees. Until the applicant pays such fees for the expenses of review, no further building permit or certificate of occupancy or other permit or approval for the project shall be issued, and if such expenses remain unpaid for a period of 14 days, the township zoning inspector or building official may issue appropriate stop work orders or take other action to halt work on the project. In addition, the township may take legal action to collect unpaid fees.

(Ord. of 6-9-2010, § 5.5.10(h)(6))

Sec. 36-456. - Colocation.

(a) *Statement of policy.* It is the policy of the township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in in section 36-450. Each licensed provider of a wireless communication facility must by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the township that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above and as stated in section 36-450. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled in direct violation of and in direct contradiction to the basic policy, intent and purpose of the township. The provisions of this section are designed to carry out and encourage conformity with the policy of the township.

(b) *Feasibility.* Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

(1) The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.

(2) The site on which colocation is being considered, taking into consideration reasonable modification of replacement of a facility, is able to provide structural support.

(3) The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas and the like.

(4) The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the township, taking into consideration the several standards contained in sections 36-453 and 36-455.

(c) *Design and construction requirements.*

(1) A special land use permit or conditional use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

(2) All new and modified wireless communication facilities shall be designed and constructed to accommodate colocation.

(3) The policy of the community is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.

(4) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the township and consequently such party shall take responsibility for the violation and shall be prohibited from receiving approval for new wireless communication support structures within the township for a period of five years from the date of the failure or refusal to permit colocation. Such a party may seek a variance from the zoning board of appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(d) *Incentive.* Review of an application for colocation shall be expedited by the township.

(Ord. of 6-9-2010, § 5.5.10(h)(7))

Sec. 36-457. - Removal.

(a) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

(1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

(2) Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure or with a support structure which is lower and/or less incompatible with the area.

(b) The situations in which removal of a facility is required, as set forth in subsection (a) of this section, may be applied and limited to portions of a facility.

(c) Upon the occurrence of one or more of the events requiring removal, specified in subsection (a) of this section, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the planning official.

(d) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline and after at least 30 days' written notice, the township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable

administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(e) The person who had used the facility shall immediately notify the township clerk in writing if and as soon as use of a facility ceases.

(Ord. of 6-9-2010, § 5.5.10(h)(8))

Sec. 36-458. - Effect of approval.

(a) Subject to subsection (b) of this section, final approval under this division shall be effective for a period of six months.

(b) If construction of a wireless communication facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six-month period of effectiveness, the approval for the facility that has not been commenced shall be void 30 days following notice from the township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

(Ord. of 6-9-2010, § 5.5.10(h)(9))

Secs. 36-459—36-484. - Reserved.

DIVISION 7. - SITE PLAN REVIEW AND APPROVAL

Sec. 36-485. - Purpose.

It is recognized by this division that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this division requires site plan review by the planning commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns and on adjacent land usage.

(Ord. of 6-9-2010, § 5.6(intro.))

Sec. 36-486. - Buildings, structures and uses requiring site plan.

The zoning inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section, unless a site plan has been reviewed and approved by the planning commission and such approval is in effect:

(1) Any conditional use.

(2) A multiple-family building containing six or more dwelling units.

(3) More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.

(4) A mobile home park.

(5) An office in any residential district.

(6) Any gasoline service station abutting a residential district.

(7) Commercial construction.

(8) Industrial construction.

(9) On-site use WECS and anemometers.

(10) Medical marihuana facilities and recreational marihuana establishments.

(Ord. of 6-9-2010, § 5.6.1; Ord. No. 2020-03, § 3, 5-6-2020)

Sec. 36-487. - Application and fee for site plan review.

(a) Any person may file a request for a site plan review by the planning commission by filing with the clerk the completed application upon the forms furnished by the township clerk and payment of a fee established by resolution of the township board.

(b) Fees applicable to site plan reviews for planned unit developments and conditional uses are waived in lieu of fees established by resolution of the township board for these purposes. As an integral part of said application, the applicant shall file at least four copies of a site plan.

(c) Planning commission review of site plan. Upon receipt of such application from the township clerk, the planning commission shall undertake a study of the same and shall, within 30 days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this article.

(Ord. of 6-9-2010, § 5.6.2)

Sec. 36-488. - Required data for detailed site plan.

Every site plan submitted to the planning commission shall be in accordance with the following requirements:

(1) Every site plan submitted, except site plans required for uses as prescribed in subsection (2) of this section, shall be drawn to a readable scale and shall include the following:

a. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;

b. All property boundaries and dimensions thereof, and the location and use of all existing and proposed structures;

c. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project; and

d. The current zoning classification on the subject property and all adjacent property.

(2) Site plans submitted for the following uses shall be subject to the requirements of subsection (3) of this section:

a. The following conditional uses:

1. Quarries.

2. Travel trailer parks.

3. Commercial feedlots.

4. Sanitary landfills.

5. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles and similar types of vehicles.

6. Amusement parks.
7. Planned unit residential and commercial developments.
8. Mobile home parks.
9. Automobile service stations.
10. Hotels or motels.
11. Drive-in businesses.
12. Automobile repair garages.
13. Drive-in theaters.
14. Junk yards.
15. Bulk oil storage.
16. Marinas.

b. A multiple-family building containing six or more dwelling units.

c. More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.

d. An office in any residential district.

e. Any gasoline service station abutting a residential district.

(3) Site plans submitted for the uses prescribed in subsection (2) of this section shall be submitted in accordance with the following requirements:

a. The site plan shall be of a scale not to be greater than one inch equals 20 feet nor less than one inch equals 100 feet, and of such accuracy that the planning commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.

b. The property shall be identified by lot lines and location, including dimensions, angles and size and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer and designer.

c. The site plan shall show the scale, north point, boundary dimensions, topography (at least two-foot contour intervals) and natural features, such as woodlots, streams, rivers, lakes, drains and similar features.

d. The site plan shall show existing manmade features, such as buildings, structures, high-tension towers, pipe lines and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains, and easements and shall identify adjacent properties and their existing uses.

e. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.

f. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.

g. The site plan shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography

and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

(Ord. of 6-9-2010, § 5.6.4)

Sec. 36-489. - Standards for site plan review.

In reviewing the site plan, the planning commission shall ascertain whether the proposed site plan is consistent with all regulations of this division and state and federal statutes. Further, in consideration of each site plan, the planning commission shall find that provisions of sections 36-487 and 36-488 as well as the provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving or conditionally approving a site plan shall be based upon requirements and standards contained in this division. A site plan shall be approved if it contains the information required in section 36-488 and is in compliance with this division, other applicable ordinances, and state and federal statutes. In addition, each of the following standards shall apply:

(1) The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

(2) The use shall not inappropriately change the essential character of the surrounding area.

(3) The use shall not interfere with the general enjoyment of adjacent property.

(4) The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be keeping with the natural environment of the site.

(5) The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare or dust.

(6) The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.

(7) The use shall not place demands on public services and facilities in excess of current capacity.

(8) The use shall be consistent with the intent and purpose of this division.

(Ord. of 6-9-2010, § 5.6.5)

Sec. 36-490. - Approval of site plan.

(a) Upon the planning commission's approval of a site plan, the applicant shall file with the township clerk, four copies thereof. The township clerk shall, within ten days, transmit to the zoning inspector one copy with the township clerk's certificate affixed thereto, certifying that:

(b) Said approved site plan conforms to the provisions of this division as determined. If the site plan is disapproved by the planning commission, notification of such disapproval shall be given to the applicant within ten days after such action. The zoning inspector shall not issue a zoning compliance permit and building permit until he has received a certified approved site plan.

(c) The site plan, as approved, shall become part of the record of approval and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is completed in accordance with section 36-491.

(Ord. of 6-9-2010, § 5.6.6)

Sec. 36-491. - Expiration of site plan certificate; amendment of site plan.

(a) The site plan certificate shall expire and be of no effect, 365 days after the date of issuance thereof, unless within such time the zoning inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

(b) Amendment, revision of site plan. A site plan and site plan certificate issued thereon may be amended by the planning commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in this division. Any fees paid in connection with such application may be waived or refunded at the discretion of the planning commission.

(Ord. of 6-9-2010, §§ 5.6.7, 5.6.8)

State Law reference— Submission and approval of site plan, MCL 125.3501.

Secs. 36-492—36-520. - Reserved.

DIVISION 8. - NONCONFORMITIES

Sec. 36-521. - Purpose.

Where, within the districts established by this division or by amendments, there exist lots, structures and uses of land and structures which were lawful before this division was adopted or amended and which would be prohibited, regulated or restricted under the terms of this division, or future amendment, it is the intent of this division to permit these nonconformities to continue until they are discontinued, damaged or removed but not to encourage their survival. These nonconformities are declared by this division to be incompatible with the lots, structures and uses permitted by this chapter in certain districts. It is further the intent of this division that such nonconformities shall not be enlarged, expanded or extended except as provided herein, nor to be used as ground for adding other lots, structures or uses prohibited elsewhere in the same district.

(Ord. of 6-9-2010, § 5.7(intro.))

Sec. 36-522. - Nonconforming uses of land.

Where, on the date of adoption or amendment of this division, a lawful use of land exists that is no longer permissible under the provisions of this division, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use of land shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this division and no accessory use or structure shall be established therewith.

(2) No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date or adoption or amendment of this division.

(3) If such nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this division for the district in which such land is located.

(Ord. of 6-9-2010, § 5.7.1)

Sec. 36-523. - Nonconforming structures.

Where, on the effective date of adoption or amendment of this division, a lawful structure exists that could not be built under the regulations of this division by reason or restrictions upon lot area, lot width, lot coverage, height, open spaces or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

(1) No structure shall be enlarged, expanded, extended or altered in a way which increases its nonconformance.

(2) Should any such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this division.

(3) Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(Ord. of 6-9-2010, § 5.7.2)

Sec. 36-524. - Nonconforming uses of structures.

Where, on the date of adoption or amendment of this division, a lawful use of a structure exists that is no longer permissible under the regulations of this division, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

(1) No nonconforming use of a structure shall be enlarged, expanded, extended or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.

(2) When a nonconforming use of a structure is discontinued or abandoned for more than 180 consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(3) Any structure devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed ten percent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of the ordinance from which this division is derived shall not be increased. Nothing in this division shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

(4) Should any structure containing a nonconforming use be moved, for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(5) Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

(6) Nonconformities regarding medical marihuana facilities and recreational marihuana establishments.

a. No marihuana facility or establishment operating or purporting to operate prior to adoption of this ordinance amendment, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility or establishment be deemed a legal nonconforming use under this zoning ordinance.

b. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this zoning ordinance or any amendment thereto.

c. Discontinuation of a state medical marihuana facility license or a state recreational marihuana establishment license shall constitute prima facie evidence that a nonconformity has been discontinued.

(Ord. of 6-9-2010, § 5.7.3; Ord. No. 2020-03, § 4, 5-6-2020)

Sec. 36-525. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of an existing nonconforming use, building or structure; provided there is no change in the nature or character of such nonconforming use, building or structure.

(Ord. of 6-9-2010, § 5.7.4)

Sec. 36-526. - Nonconforming lots.

(a) In any district where single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this division, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this division. Such lot shall be of separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this division. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

(b) For the purpose of clarity, the following illustration is offered to further describe the application of the provisions of this section. Subdivision Alpha, created prior to the effective date of the adoption or the ordinance from which this division is derived, contains five lots labeled a, b, c, d and e. Each of these lots has a lot width which is ten feet less than permitted in the residential zoning district in which they are located. Single-family dwellings are permitted in this district. Lots a and b are owned by separate owners, while lots c, d and e are owned by one owner. This section permits the erection of single-family dwellings on lots a and b provided that yard requirements and lot coverage requirements are met. A single-family dwelling may be erected on the areas of lots c, d and e combined as one lot through approval of a variance; or two single-family dwellings may be erected on two lots created out of the combined area of lots c, d and e, provided two legal lots are created from the combined area of these lots through approval of a variance. This section does not permit the development of a single-family dwelling on lot c, d or e with the sale of the remaining two lots nor does it permit the development and sale, or sale for the purpose of development of lots c, d or e individually. It is not the intent of this section to permit the erection of a single-family dwelling on a substandard lot in instances where it is possible to create conforming lots because of patterns of land ownership.

(Ord. of 6-9-2010, § 5.7.5)

Sec. 36-527. - Extension and substitution.

(a) There shall be a specific exemption from the preceding prohibitions, whether in sections of this division, against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a nonconforming use when such use is occupied as a dwelling place. In this case, the owner or tenant of said dwelling place shall make application to the zoning board of appeals requesting an exemption from the aforesaid prohibitions. If the zoning board of appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety or the well-being of the occupants that the request is proper, then the zoning board of appeals may authorize the tenant to rebuild, alter, replace, improve, enlarge, extend, substitute or modify said dwelling place. Prior to

granting any such request under this section, the zoning board of appeals specifically shall make the following findings of fact and apply the following standards:

(1) That the use was originally constructed as a dwelling place and has continuously been occupied as a dwelling place.

(2) That the use currently is occupied as a dwelling place by the owner or, if not occupied by the owner, then the premises shall not be leased or rented for monetary gain.

(3) That by reason of original construction, current condition or a part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this chapter and any applicable building codes.

(4) That by reason of original construction, current condition or proposed change, the use will meet the building code requirement set forth by this chapter and any building code applicable to the type of use and type of use district.

(5) That the use adequately is serviced by public utilities and private or public highways or roads.

(6) That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity with the provisions of this chapter and any building code.

(7) That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this chapter.

(b) Proceedings under this section shall follow the same procedure and be subject to the same application fee as set forth for applications to the zoning board of appeals on an appeal under section 36-643.

(c) All applications under this section shall be accompanied by complete plans and specifications of the proposed improvements to the existing dwelling or new unit if substitution of the dwelling is requested.

(d) All applications under this section shall be submitted on forms provided by the township.

(Ord. of 6-9-2010, § 5.7.6)

State Law reference— Nonconforming uses or structures, MCL 125.3208.

Secs. 36-528—36-547. - Reserved.

DIVISION 9. - PERFORMANCE STANDARDS

Sec. 36-548. - Requirements.

No lot, building or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

(1) *Noise.* Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

(2) *Vibration.* No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

(3) *Smoke.* Smoke shall not be emitted with a density greater than No. 1 on the Ringlemann Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten-minute duration of one per hour when a density of not more than No. 2 is permitted.

(4) *Odor.* No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

(5) *Air pollution.* No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation, or other property or which can cause excessive soiling.

(6) *Glare.* No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.

(7) *Erosion.* No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers or streams.

(Ord. of 6-9-2010, § 5.8.1)

Sec. 36-549. - Plans.

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process and products, and specifications for the mechanisms and techniques to be used in meeting the performance standards.

(Ord. of 6-9-2010, § 5.8.2)

Sec. 36-550. - Enforcement.

(a) The zoning inspector may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.

(b) The costs of such services shall be borne by the applicant and a copy of any report shall be furnished to the applicant and township.

(Ord. of 6-9-2010, § 5.8.3)

State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

Secs. 36-551—36-578. - Reserved.

DIVISION 10. - MOBILE HOMES, TRAVEL TRAILERS, MOTOR HOMES AND TENTS

Sec. 36-579. - Restrictions.

No person shall use, occupy or permit the use or occupancy of a mobile home as a dwelling within the township not designated as a mobile home park, unless:

(1) A permit for the placement of such mobile home has been obtained from the township clerk. All applications for said permit shall be accompanied by a non-refundable fee which shall equal the fees charged for building permits and electrical inspections for comparable site built structures, which fee shall be used to defray the cost of inspection as provided in this division;

(2) Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of this division relating to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is situated;

(3) Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile home shall be connected thereto;

(4) A mobile home shall be installed pursuant to the manufacturer's set-up instructions and shall have a foundation, of pile construction or otherwise, that meets the requirements of the single state construction code for mobile home installation and adequate for support of the maximum anticipated load. The mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the state mobile home commission. If installed without a foundation wall of the same perimeter dimensions of the mobile home, it shall be enclosed or skirted around the bottom with a material that shall match the exterior construction of the mobile home. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the single state construction code;

(5) Construction of, and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280) and as from time to time amended;

(6) Unless more stringent standards are or have been established by state or federal statute or rules and/or regulations promulgated by state or federal agencies governing mobile homes, all mobile homes under 70 feet in length shall be equipped with at least two smoke detection and/or alarm devices. Any mobile home over 70 feet in length shall be equipped with at least three such detection and/or alarm devices. The type of detection and/or alarm device or system and the placement of such devices within the mobile home shall be approved by the fire chief of the township fire department or by said fire chief's designated representative;

(7) If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings on-site within said zone; and

(8) Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

(Ord. of 6-9-2010, § 5.10.1)

Sec. 36-580. - Requirements.

The foregoing requirements in section 36-579 notwithstanding, the placement and use of a mobile home in any residential district within the township shall be aesthetically compatible with single-family dwellings in the district and, as a minimum, said mobile home shall:

(1) Be so placed and situated that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation; and

(2) Be placed upon the property in such a way that its appearance shall be compatible with single-family dwellings constructed on-site within said district.

(Ord. of 6-9-2010, § 5.10.2)

Sec. 36-581. - Inspection requirements.

The zoning inspector shall have authority to grant a permit for the temporary occupancy of a mobile home, motor home or travel trailer on any lot in an agricultural or residential district, excluding pickup campers, tent campers, and tents subject to the following conditions:

(1) During the period of construction of a new permanent dwelling, but not to exceed a period of 12 consecutive months, the owner of such permanent dwelling premises, and members of such

owner's immediate family shall be permitted to occupy as a temporary residence one mobile home, motor home or travel trailer situated at such construction site, provided such owner intends to occupy as a residence, such dwelling upon completion of its construction.

(2) Such mobile home, motor home or travel trailer shall not be located between the established setback line and the public right-of-way line of such premises.

(3) The mobile home, motor home or travel trailer shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.

(4) The sanitary facilities of the mobile home, motor home or travel trailer, for the disposal of sewage and waste, shall be properly connected to the central sewerage system available to such premises and in case such system is not available, then properly connected to the existing septic tank sewage disposal system which is approved by the Lenawee County Health Department for the permanent dwelling which is to be constructed at the premises.

(5) A mobile home, motor home or travel trailer may be used as a temporary field office provided it is certified as such by the zoning inspector.

(Ord. of 6-9-2010, § 5.10.3; Ord. No. 18-04, § 2, 1-9-2019)

Sec. 36-582. - Occupancy.

No person shall occupy any mobile home as a dwelling within the township until a certificate of approval shall be issued by the building official and/or zoning inspector, which permit shall indicate satisfactory compliance will all requirements of this chapter and the single state construction code. Whenever the requirements of this chapter, the single state construction code and/or United States Department of Housing and Urban Development's Mobile Home Construction and Safety Standards (24 CFR 3280) shall be applicable and shall be in conflict, the more stringent of the aforementioned codes or regulations shall apply.

(Ord. of 6-9-2010, § 5.10.4)

Sec. 36-583. - Creating pollution or health hazard prohibited.

Any use or structure other than those permitted in this division is prohibited. Motels, apartments and row houses are expressly prohibited as well as any use which would, by its nature, be likely to create a need for public utilities or services or which would be likely to create conditions of pollution or health hazard.

(Ord. of 6-9-2010, § 5.10.5)

Sec. 36-584. - Prohibited use or structure.

Any use or structure other than those permitted within this division is prohibited as well as any use prohibited in any residential district. Buildings for the sale or processing of farm products, seasonable farm employee dwellings, dairying, kennels, greenhouses and nurseries, multiple-family dwellings and motels are specifically prohibited.

(Ord. of 6-9-2010, § 5.10.6)

Sec. 36-585. - Compliance required.

(a) Any use or structure other than those permitted within this division as well as any use prohibited in any residential district, unless otherwise specifically permitted herein is prohibited. Any use or structure that may be specifically permitted within this division shall not relieve compliance with any other requirements specified for the particular zoning district in which said premises is situated.

(b) No travel trailer, tent or motor home shall be used as a permanent dwelling. A travel trailer, tent or motor home may be temporarily placed and occupied in a duly licensed travel trailer park or as a temporary dwelling, provided such travel trailer, tent or motor home is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer, tent or motor home occupants and certified by the zoning inspector; for a period not to exceed two weeks in any one calendar year.

(Ord. of 6-9-2010, §§ 5.10.7, 5.10.8)

State Law reference— Mobile home commission act, MCL 125.2301 et seq.

Sec. 36-586. - Mobile home park.

(a) All mobile home parks shall comply with the trailer coach park act, Public Act No. 243 of 1959 (MCL 125.1035 et seq.), the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), the single state construction code, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), all state rules associated with these acts and codes.

(b) Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.

(c) The land area of a mobile home park shall not be less than ten acres.

(d) Mobile home sites shall be at least 8,000 square feet in area.

(e) All mobile homes shall be manufactured by a member of the Mobile Home Manufacturers Association and carry the United States of America Standard Seal, or in lieu thereof, satisfactory evidence that said mobile home is built to the standards of the Mobile Home Manufacturers Association.

(f) Each mobile home shall have side yards with each such yard having a width of not less than ten feet and the aggregate width of both said yards not less than 30 feet.

(g) Each mobile home site shall have front and rear yards with each such yard not less than eight feet in depth and the aggregate depth of both yards not less than 20 feet.

(h) For purpose of this section, yard width shall be determined by measurement from the mobile home face or side to its site boundary, every point of which shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths. The front yard shall be defined as that portion of the yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard shall be the opposite end of the mobile home yard and the side yards shall be that portion of the yard at right angles to the ends.

(i) The following minimum distances shall be maintained from all mobile home sites:

(1) 30 feet to any boundary of the park which is not a public street.

(2) 50 feet to the right-of-way of any public street or highway.

(3) 30 feet to any street within said park which is not a public street.

(4) Eight feet to any common walkway of such park.

(5) 15 feet to any parking area other than for park residents.

(6) 50 feet to any service building located within such park.

(j) All mobile homes shall be placed on a solid concrete four-inch apron which shall be so constructed, upgraded and placed as to be adequate for support of maximum anticipated load.

(k) All mobile homes located within a mobile home park shall be at least ten feet wide and 50 feet long.

(l) Each mobile home shall be placed on a concrete pad as hereinbefore set forth and shall be enclosed or skirted around the bottom with material which shall match the exterior construction of the trailer.

(m) An all-weather, hard-surfaced outdoor patio area of not less than 120 square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.

(n) Each mobile home park shall include similarly designed enclosed storage structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space to be not less than 120 cubic feet for each mobile home. Such structures may be located on each mobile home site or in a common structure with individual space provided.

(o) Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited.

(p) Adequate central laundry facilities, including washers and dryers, shall be provided and maintained by the management of the mobile home park.

(q) All mobile homes within the park shall be suitably connected to sewer and water services provided at each mobile home site and shall meet the requirements of and be approved by the county health department.

(r) All sanitary sewerage facilities, including plumbing connections to each site, shall be constructed so that all facilities and lines are protected from freezing or from creating any nuisance or health hazard. Running water from a state-tested and approved water supply providing for a minimum flow of 200 gallons per day per mobile home site shall be piped to each trailer. Sewer connections shall not exceed ten feet in length above ground.

(s) Drainage facilities shall be constructed to protect those who will reside in the mobile home park as well as adjacent property owners.

(t) All trash and garbage shall be stored in conveniently located enclosed structures and the removal of trash and garbage shall take place not less than once a week.

(u) All electric, telephone and other lines to each mobile home site shall be underground and shall be of such voltage and such capacity to adequately serve all users. When separate meters are installed, they shall be located in a uniform manner.

(v) All fuel oil and gas storage shall be centrally located in underground tanks at a safe distance from any mobile home site and all fuel lines leading to mobile home sites shall be underground and so designed as to conform with the single state construction code and any state code that is found to be applicable. When separate meters are installed, each meter shall be located in a uniform manner.

(w) A buffer of trees and shrubs not less than 20 feet in depth shall be located and maintained along all boundaries of the park except at established entrances and exits serving the park. When necessary for health, safety and welfare, a fence shall be required by the township zoning board of appeals. No fence shall be higher than six feet in height to separate the park from adjacent property. No fence shall be constructed of plain board.

(x) A recreational area of at least 300 square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than 100 feet in its smallest dimension and its boundary no farther than 500 feet from any mobile home site served. Streets, parking areas and laundry rooms are not to be included as recreation space in computing the necessary area.

(y) All driveways, motor vehicle parking spaces and walkways within the park shall be hard-surfaced and adequately drained and lighted for safety and ease of movement.

(z) All roadways within the park shall be 22 feet in width and shall be kept clear of ice and snow and in good repair. No parking shall be permitted on said roadways.

(aa) Each mobile home site shall be provided with a carport for at least one motor vehicle, and no vehicle, boat, travel trailer, recreational vehicle or any other vehicle shall regularly be parked on the premises unless parked in said carport; centralized off-street parking shall be provided by the park management for the parking of any other vehicles consisting of one parking space per mobile home site.

(bb) No mobile home site shall be used for a commercial purpose of any kind and no animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; except that dogs, cats and other household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes.

(cc) Any awning or cabana room shall be made of or covered with aluminum or comparable siding which shall match the siding of the mobile home.

(dd) When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

(Ord. of 6-9-2010, § 5.5.10(d))

Sec. 36-587. - Mobile home subdivision.

(a) All mobile homes to be erected as permanent residences in mobile home subdivisions shall meet the requirements of the single state construction code and shall be approved by the zoning inspector prior to erection on the lots.

(b) All mobile homes shall be placed on a solid concrete four-inch apron which shall be so constructed, graded and placed as to be adequate for support of the maximum anticipated load.

(c) Each mobile home shall be placed on a concrete pad as hereinbefore set forth and shall be enclosed or skirted around the bottom with a material which shall match the exterior construction of the trailer.

(d) Lot areas where a mobile home is to be erected, altered or used as a single-family dwelling shall contain not less than 12,000 square feet of lot area if the lot is served by a central sanitary sewerage system. Where a lot is not so served, there shall be provided a minimum of 15,000 square feet of lot area for each mobile home.

(e) The minimum lot width for lots served with a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 100 feet.

(f) The maximum lot coverage shall not exceed 30 percent.

(g) Each lot in a mobile home subdivision shall have a front yard of not less than 35 feet.

(h) Each lot in a mobile home subdivision shall have two side yards and the least width of either yard shall not be less than ten feet, but the sum of the two side yards shall not be less than 25 feet.

(i) Each lot in a mobile home subdivision shall have a rear yard of not less than 20 feet.

(j) No building or structure or part thereof, shall be erected to a height exceeding 15 feet.

(k) All mobile homes to be erected and used in a mobile home subdivision shall contain a gross floor area of not less than 500 square feet.

(Ord. of 6-9-2010, § 5.5.10(e))

Secs. 36-588—36-603. - Reserved.

ARTICLE V. - ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 36-604. - Purpose.

It is the purpose of this article to provide the procedures for the administration of this chapter, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this chapter and amendments thereto.

(Ord. of 6-9-2010, § 6.1)

Sec. 36-605. - Zoning inspector to enforce chapter.

Except when herein otherwise stated, the provisions of this chapter shall be administered by the zoning inspector or by such deputies of his department as the township board may designate to enforce the provisions of this chapter.

(Ord. of 6-9-2010, § 6.2)

Sec. 36-606. - Duties of zoning inspector.

(a) The zoning inspector shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the zoning inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter, nor shall the zoning inspector vary or change any terms of this chapter.

(b) If the zoning inspector shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures, removal of illegal structures or of illegal additions, alterations or structural changes, discontinuance of any illegal work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(c) The zoning inspector shall submit to the planning commission and the township board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this chapter; and the type and nature of nonconforming uses, buildings and structures. The zoning inspector shall maintain a record of all zoning compliance permits and certificates of occupancy.

(Ord. of 6-9-2010, § 6.3)

Sec. 36-607. - Zoning compliance permits.

(a) *Issuance.*

(1) No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved, nor shall any change be made in the use of any building, structure or land without a zoning compliance permit having been obtained from the zoning inspector for such building, structure or land. A zoning compliance application shall be filled out and submitted to the zoning inspector.

(2) The zoning inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate drawn to scale, showing the following information:

a. The actual dimensions and shape of the lot to be built upon;

b. The exact size and location of existing structures on the lot, if any; and

c. The location and dimensions of the proposed structure or alteration.

(3) One copy of the plans shall be returned to the applicant by the zoning inspector after such copy has been approved or disapproved, and attested to same by the zoning inspector's signature on such copy. The zoning inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures and uses as set forth in the application are in conformity with the provisions of this chapter, the zoning inspector shall issue the applicant a zoning compliance permit within ten days of the filing thereof. Where action of the zoning board of appeals or the planning commission is required in any case, as set forth in this article, the zoning inspector shall issue such permit promptly following such action.

(b) *Voiding of permit.* Any zoning compliance permit granted under this chapter shall become null and void and fees forfeited unless construction and/or use is completed within 545 days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

(Ord. of 6-9-2010, § 6.4)

Sec. 36-608. - Certificate of occupancy.

(a) *Issuance of certificate; final inspection.*

(1) No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this chapter unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the building inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

(2) A certificate of occupancy shall be issued by the building inspector within five days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this chapter.

(b) *Voiding of certificate.* Any certificate of occupancy granted under this chapter shall become null and void if such use, buildings or structure for which said certificate was issued is found by the zoning inspector to be in violation of this chapter. The zoning inspector, upon finding such violation, shall immediately notify the township board of said violation and void the certificate of occupancy.

(Ord. of 6-9-2010, § 6.5)

Sec. 36-609. - Fees, charges and expenses.

The township board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to such charges. The schedule of fees shall be posted in the office of the zoning inspector, and may be altered or amended only by the township board. No permit, certificate, conditional use on approval or variance shall be issued unless or until such costs, charges, fees or expenses listed in this chapter have been paid in full; nor shall any action be taken on proceedings before the zoning board of appeals, unless or until preliminary charges and fees have been paid in full.

(Ord. of 6-9-2010, § 6.6)

State Law reference— Zoning permits and fees, MCL 125.3406.

Sec. 36-610. - Violation; penalty.

Uses of land and dwellings, buildings or structures including tents and trailer coaches used, erected, altered, razed or converted in violation of any provision of this chapter are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged responsible for maintaining a nuisance per se the fines and penalties for which are as follows:

(1) Violation of this chapter is a municipal civil infraction, for which the fine shall be not less than $50.00 nor more than $500.00 for the first offense and not less than $100.00 nor more than $2,500.00 for subsequent offenses, in the discretion of the court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this chapter committed by the same person for the same property within 12 months of a previous violation of the same provision of this chapter for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

(2) In addition to pursuing a municipal civil infraction proceeding pursuant to subsection (1) hereof, the township may also instate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this chapter or any provision of the chapter.

(3) All remedies available to the township under this chapter and Michigan law shall be deemed to be cumulative and not exclusive.

(4) Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, place, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this chapter is also hereby declared to be a nuisance per se.

(5) Each and every day during which a violation of this chapter shall exist shall be deemed to be a separate offense.

(6) Any person, firm or entity that assists with or enables the violation of this chapter shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this chapter involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this chapter shall be deemed a violation of the provision of this chapter involved as if the violation had been successful or completed.

(Ord. of 6-9-2010, § 6.7; Ord. No. 19-10, 11-13-2019)

State Law reference— Certain violations as nuisance per se, MCL 125.3407.

Secs. 36-611—36-638. - Reserved.

DIVISION 2. - ZONING BOARD OF APPEALS[2]

Footnotes:

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State Law reference— Zoning board of appeals, MCL 125.3601 et seq.

Sec. 36-639. - Established.

There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in this chapter in such a way that the spirit of this chapter shall be observed, the public health and safety secured, general welfare ensured and substantial justice done.

(Ord. of 6-9-2010, § 7.1)

Sec. 36-640. - Duties.

The zoning board of appeals shall hear and decide only such matters as the zoning board of appeals is specifically authorized to pass on as provided in this article. The zoning board of appeals shall not have the power to alter or change the zoning districts' classification of any property, nor to make any changes in the terms of this chapter; but does have the power to authorize a variance as defined in this chapter, to act on those matters where this chapter may require an interpretation and to issue a temporary use permit when authorized by this chapter. In addition, the zoning board of appeals shall hear and decide any appeals from the township board on any application for a conditional use permit.

(Ord. of 6-9-2010, § 7.2)

Sec. 36-641. - Variance.

(a) The zoning board of appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or contour of a specific tract of land at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

(b) A variance from the terms of this chapter shall not be granted by the zoning board of appeals unless and until:

(1) A written application for a variance is submitted, demonstrating practical difficulty by showing the following:

a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

c. That the special conditions and circumstances do not result from the actions of the applicant.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

e. That no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) The zoning board of appeals shall determine that the requirements of the chapter have been met by the applicant for a variance.

(3) The zoning board of appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

(4) The zoning board of appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this chapter, so that public health and safety are secured, general welfare is ensured and substantial justice is done.

(5) In granting any variance, the zoning board of appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) Each variance granted under the provisions of this article shall become null and void unless:

a. The construction authorized by such variance or permit has been commenced within 180 days after the granting of such variance and pursued diligently to completion; or

b. The occupancy of land or buildings authorized by such variance has taken place within 180 days after the granting of such variance.

(7) No application for a variance which has been denied wholly or in part by the zoning board of appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the zoning board of appeals to be valid.

(Ord. of 6-9-2010, § 7.3)

Sec. 36-642. - Interpretation of chapter.

The zoning board of appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision or refusal made by the zoning inspector or any other administrative official in carrying out or enforcing any provisions of this chapter including interpretations of the zoning map.

(Ord. of 6-9-2010, § 7.4)

Sec. 36-643. - Appeals process.

(a) *Appeals, how taken.* Appeal from the ruling of the zoning inspector, the planning commission or the township board concerning the enforcement of the provisions of this chapter may be made to the zoning board of appeals within such time as shall be prescribed by the zoning board of appeals by general rule, by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed was taken.

(b) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved or by any officer, department, board, agency or bureau of the township, village, city, county or state.

(c) *Fee for appeal.* A fee prescribed by the township board shall be paid to the zoning board of appeals at the time of filing the notice of appeal which the zoning board of appeals shall pay over within 30 days after deciding any appeal, to the general fund of the township.

(d) *Effect of appeal; restraining order.* An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by restraining order which may be granted by the zoning board of appeals or by the circuit court, on application of notice to the officer from whom the appeal is taken and on due cause shown.

(e) *Notice of hearing.* When a request for an appeal has been filed in proper form with the zoning board of appeals, the zoning board of appeals' secretary or the township clerk shall immediately place the

said request for appeal upon the calendar for hearing, and cause notice to be given according to the requirements of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and division 3 of this article.

(f) *Representation at hearing.* Upon the hearing, any party or parties may appear in person or by agent or by attorney.

(g) *Decisions of the zoning board of appeals and appeals to the circuit court.* The zoning board of appeals shall decide upon all matters within a reasonable time. If the demand for appeal is for a variance, the zoning board of appeals shall grant, grant with conditions or deny the application. The zoning board appeals may reverse or affirm, wholly or partly or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the zoning board of appeals is necessary to grant a variance and rule on an interpretation of this chapter. The decision shall be in writing and reflect the reasons for the decision.

(1) At a minimum, the record of the decision shall include:

a. Formal determination of the facts;

b. The conclusions derived from the facts (reasons for the decision);

c. The decision.

(2) Within eight days of the decision, the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator and other parties.

(3) Any person aggrieved by such decision shall have a right to appeal to the circuit court within 30 days of the certified decision of the zoning board of appeals, as provided by law.

(Ord. of 6-9-2010, § 7.5)

Secs. 36-644—36-674. - Reserved.

DIVISION 3. - PUBLIC NOTICE

Sec. 36-675. - Notification to comply with state law and article provisions.

All applications for development approval requiring a public hearing shall comply with the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and the other provisions of this article with regard to public notification.

(1) *Responsibility.* When the provisions of this article or the Michigan zoning enabling act require that notice be published, the township clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the township and mailed or delivered as provided in this section.

(2) *Content.* All mail, personal and newspaper notices for public hearings shall:

a. Describe the nature of the request. Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

b. Location. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for a zoning amendment, or rezoning or when the request is for an ordinance interpretation not involving a specific property.

c. When and where the request will be considered. Indicate the date, time and place of the public hearing.

d. Written comments. Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

(3) *Personal and mailed notice.*

a. *Generally.* When the provisions of the ordinance from which this article is derived or state law require that personal or mailed notice be provided, notice shall be provided to:

1. The owners of property for which approval is being considered and the applicant, if different than the owner of the property.

2. Except for a zoning amendment, or rezoning, requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property, to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to section 36-676.

4. Other governmental units or infrastructure agencies within one mile of the property involved in the application.

b. *Notice by mail/affidavit.* Notice shall be deemed mailed by its deposit in the First Class United States mail, properly addressed, postage paid. The township clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

(4) *Timing of notice.* Unless otherwise provided in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), or this article where applicable, notice of a public hearing shall be provided as follows:

a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal or ordinance interpretation: not less than 15 days before the date the application will be considered for approval.

b. For any other public hearing required by this article: not less than five days before said hearing.

(Ord. of 6-9-2010, § 8.1)

Sec. 36-676. - Registration to receive notice by mail.

(a) *Generally.* Any neighborhood organization, public utility company, railroad or any other person may register with the township clerk to receive written notice of all applications for development approval pursuant to section 36-675(3) or written notice of all applications for development approval within the zoning district in which they are located. The township clerk shall be responsible for providing this

notification. Fees may be assessed for the provision of this notice, as established by the township board.

(b) *Requirements.* The requesting party must provide the township clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this section.

(Ord. of 6-9-2010, § 8.2)

Secs. 36-677—36-695. - Reserved.

DIVISION 4. - AMENDMENT PROCEDURES

Sec. 36-696. - Initiating amendments; fees.

The township board may, from time to time, on recommendation from the planning commission or on its own motion amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established so that public health and safety are secured, general welfare is ensured and substantial justice is done. Said amendment may be initiated by resolution of the township board, the planning commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the township board or the planning commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the township board, no part of which shall be returnable to the petitioner.

(Ord. of 6-9-2010, § 9.1)

Sec. 36-697. - Amendments to conform to chapter.

The procedure for making amendments to this division shall be in accordance with this chapter.

(Ord. of 6-9-2010, § 9.2)

Sec. 36-698. - Conformance to court decree.

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the township board and the amendments published without referring the same to any other board or agency.

(Ord. of 6-9-2010, § 9.3)

CODE COMPARATIVE TABLE - LEGISLATION

This is a chronological listing of the ordinances and other legislation of Cambridge Township, Michigan, used in this Code. Repealed or superseded laws at the time of the Codification and any omitted materials are not reflected in the table.

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