

**CODIFIED ORDINANCES**  
**OF THE**  
**CHARTER TOWNSHIP OF CLINTON**  
**MICHIGAN**

Local legislation current through August 30, 2021



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**CERTIFICATION**

We, Robert J. Cannon, Supervisor, and Kim Meltzer, Clerk, of the Charter Township of Clinton, hereby certify that the general and permanent legislation of the Township, as revised, arranged, compiled, numbered, codified and printed herewith in component codes, is correctly set forth and constitutes the Codified Ordinances of the Charter Township of Clinton, Michigan, complete to August 30, 2021.

/s/ Robert J. Cannon

Supervisor

/s/ Kim Meltzer

Clerk

**DIRECTORY OF OFFICIALS**

**(2021)**

TOWNSHIP BOARD

Robert J. Cannon, Supervisor

Kim Meltzer, Clerk

Paul Gielegem, Treasurer

Laura Cardamone, Trustee

Mike Keys, Trustee

Tammy T. Patton, Trustee

Jenifer West, Trustee

OFFICIALS

OFFICIALS

Township Attorneys

Charles R. Towner, Esq.

John A. Dolan, Esq.

Assessor

James H. Elrod

Finance Director

Mary Hein

Police Chief	Dina Caringi
Fire Chief	Tim Duncan
Building Department Superintendent	Barry Miller
Parks and Recreation Director	Brian Kay
Department of Public Services Director	Mary Bednar
Planning Director	Bruce Thompson
Senior Citizens Coordinator	Matthew Makowski

## PRELIMINARY UNIT

## ADOPTING ORDINANCES

### CHARTER TOWNSHIP OF CLINTON

### MACOMB COUNTY, MICHIGAN

### ORDINANCE NO. 310

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CODIFIED ORDINANCES OF THE CHARTER TOWNSHIP OF CLINTON, 1991, INCLUDING THE 1993, 1993-A and 1995 REPLACEMENT PAGES THEREFOR; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO APPROVE, ADOPT AND ENACT NEW MATTER THEREIN.

THE CHARTER TOWNSHIP OF CLINTON ORDAINS:

**Section 1.** The Charter Township Act (Act 359, Public Acts of 1947, as amended) and all general and permanent legislation of the Township Board enacted since 1940, as revised, codified, arranged, edited and consolidated into component codes, titles, chapters and sections, are hereby approved, adopted and enacted as and entitled the "Codified Ordinances of the Charter Township of Clinton, Michigan", published by the Justinian Publishing Company, 1991, including the 1993, 1993A and 1995 replacement pages, complete to June 25, 1995.

One book-form copy of the Codified Ordinances shall be certified as correct by the Supervisor and the Clerk and filed with the permanent records of the Charter Township of Clinton, Michigan. A copy of the book of Codified Ordinances and this ordinance shall be kept at the Charter Township of Clinton's Clerk's office for review during normal Township business hours.

**Section 2.** All ordinances and resolutions or parts thereof enacted prior to June 25, 1995, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this ordinance, except as follows:

(a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect a prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(b) The repeal provided above shall not affect:

- (1) The grant or creation of a franchise, license, right, easement or privilege;
- (2) The purchase, sale, lease or transfer of property;
- (3) The appropriation or expenditure of money or promise or guarantee of payment;
- (4) The assumption of any contract or obligation;
- (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- (6) The levy or imposition of taxes, assessment or charges;
- (7) The establishment, naming, vacating or grade level of any street or public way;
- (8) The dedication of property or plat approval;
- (9) The annexation or detachment of territory;
- (10) Any legislation enacted subsequent to June 25, 1995.

**Section 3.** All sections and subsections of the Codified Ordinances with the words "Adopting Ordinance" or with no history at the end thereof are or contain new matter in the Codified Ordinances and such new matter is hereby approved, adopted and enacted, the same having been found to be necessary additions to, or modifications of, existing legislation, in the course of preparing the Codified Ordinances, in order to render the existing legislation internally consistent and consistent with State law, as well as to update technical codes adopted by the Township. A list of the titles of such sections and subsections is attached to original Ordinance No. 310 as Exhibit A.

**Section 4.** This ordinance and each of the various parts, sections, subsections, sentences, phrases and clauses thereof are declared to be severable and if any such part is declared invalid, the remaining portions of this ordinance shall be in full force and effect.

**Section 5.** This ordinance shall be deemed effective thirty (30) days after publication.

AYE: MEMBERS Hornung, Contesti, Steiner, Sinnamon, Tomlinson.

NAY: MEMBERS None.

ABSENT: MEMBERS Cannon, Dedenbach.

**ORDINANCE DECLARED ADOPTED.**

**INTRODUCED: AUGUST 7, 1995**

**ADOPTED: AUGUST 21, 1995**

**FIRST PUBLICATION: AUGUST 14, 1995**

**SECOND PUBLICATION: AUGUST 28, 1995**

/s/ Dennis C. Tomlinson

DENNIS C. TOMLINSON, CLERK

CHARTER TOWNSHIP OF CLINTON

**CERTIFICATION**

I, DENNIS C. TOMLINSON, hereby certify that the foregoing Ordinance No. 310 was duly introduced at a regular meeting of the Board of Trustees of the Charter Township of Clinton on August 7, 1995, and subsequently adopted by the Charter Township of Clinton Board of Trustees at a regular meeting held on August 21, 1995, by the following vote:

AYE: MEMBERS CANNON, HORNUNG, STEINER, DEDEDNBACH,

CONTESTI, SINNAMON, TOMLINSON.

NAY: NONE.

ABSENT: NONE.

I further certify that Ordinance No. 310 was duly published in the Macomb Daily, a newspaper of general circulation in and about the Township of Clinton, Macomb County, Michigan, on August 14, 1995, and August 28, 1995.

/s/ Dennis C. Tomlinson

DENNIS C. TOMLINSON

Clinton Township Clerk

**COMPARATIVE SECTION TABLE**

EDITOR'S NOTE: The 1991 Codified Ordinances of the Charter Township of Clinton comprise ordinances and resolutions enacted by the Township Board or new matter ordained by the Adopting Ordinance. Sections and subsections of the 1991 Codified Ordinances without a history or with the words "Adopting Ordinance" at the end thereof are new matter ordained by the Adopting Ordinance, i.e. the ordinance that approves, adopts and enacts these Codified Ordinances. In the following table the disposition of all source material in the 1991 Codified Ordinances of the Charter Township of Clinton is indicated.

<b>Ord. No.</b>	<b>Date</b>	<b>C.O. Section</b>
8	08-28-50	676.04
10	06-27-51	1042.01 to 1042.03, 1042.05 to 1042.08
22	05-12-54	866.01 to 866.07
29	11-24-54	676.02(a) 676.06, 1040.06, 1040.07, 1040.18, 1040.20
49	06-25-56	1040.01 to 1040.05(a) to (e),(g),(i), 1040.08(a) to (c), 1040.09 to 1040.11(a),(c) to (e), 1040.12(a),(c), 1040.13 to 1040.16
56	11-28-56	1040.11(f)
63	08-28-57	1040.05(f)
79	02-25-59	1040.05(h), 1040.08(d), 1040.11(b)
92	02-24-60	804.460(a)
92-A-1	02-28-68	804.06(b), 804.07

102	07-27-60	694.01(b),(h) to (j)
102-A-1	03-10-65	694.01(a),(c), (d),(f)
102-A-2	07-25-73	694.01(e)
117	04-26-61	610.01, 610.02, 610.05, 610.08, 610.09, 610.33 to 610.35, 610.50
127-A-1	04-16-79	1442.03 to 1442.10 (repealed)
128	12-13-61	282.01
133	04-11-62	656.01 to 656.06
137	08-12-62	1492.01 to 1492.12, 1492.99
169	01-29-64	1468.01 to 1468.06, 1468.99
174	09-24-90	1610.05
174-A-2	09-24-90	1610.01, 1610.99
174-A-3	4-29-91	1610.05(BOCA F- 105.2.2)
174-A-4	01-24-94	1610.01, 1610.05 (BOCA F-318.0), 1610.99
182	07-29-64	886.01 to 886.04, 886.06, 886.09
183	07-29-64	838.01 to 838.08
184	08-31-64	664.07, 676.02(b), 676.03 (repealed), 676.05, 676.07
188	10-28-64	818.01 to 818.05, 818.07, 818.08
188-A-2	12-28-66	818.09
192	12-30-64	860.01 to 860.04, 860.06, 860.07
193	09-22-65	806.01 to 806.06
195-A-2	05-07-90	1022.01, 1022.02(a), 1022.03 to 1022.10, 1022.12 to 1022.16
195-A-3	09-30-91	1022.02(b), 1022.11
197-B	07-10-78	1042.04(a)(1), (2),(4),(6), (b)(2),(3),(5) to (c)(4)
197-B-7	06-18-90	1042.04(b)(1)
197-C-1	05-22-89	1042.04(a)(3)
197-C-2	07-17-89	1042.04(a)(5), (b)(4)
200-A-204	08-13-90	1250.07(70),(71)
202	01-31-68	236.01, 236.03 to 236.06
202-A-1	05-09-77	236.02
211A	07-02-90	890.08
218-A-1	04-24-78	410.01
222	07-08-70	886.15 to 886.18, 886.20, 886.23
222-A-6	12-10-84	608.01
223	07-08-70	828.01 to 828.06
224-A	11-11-70	270.01 to 270.20
227-A-4	02-23-81	606.01, 606.02, 608.02, 630.01 to 630.03, 658.01, 660.01, 660.02, 660.06, 664.01, 664.04 to 664.06, 676.08, 680.10, 696.02, 696.03(a), 696.04
227-A-5	09-08-82	606.03, 664.02, 664.03
227-A-6	12-10-84	608.99
227-A-7	10-28-86	620.01 to 620.03
227-A-8	06-20-88	696.03(b)
230	06-28-72	1060.01 to 1060.05, 1060.08 to 1060.09(b), 1060.11(a),(b),(d),(f), 1060.12 to 1060.14, 1060.99
230-A-2	12-05-77	1060.09(c) to (f)
230-A-3	11-13-78	1060.04, 1060.06, 1060.07, 1060.10
230-A-4	03-30-87	1060.11(c)
230-A-5	08-13-90	1060.11(e)
235	06-11-74	430.01(b) to 430.05
237	7-22-74	680.01 to 680.09
239	11-12-74	292.01 to 292.07
240	02-24-75	676.09

241	05-09-77	880.01 to 880.06, 880.08 to 880.19 (Repealed)
242	06-06-77	804.01 to 804.05 (Repealed)
246	01-26-76	1048.01 to 1048.06(b), 1048.07, 1048.08
248	07-12-76	440.01 to 440.03
249	08-23-76	1472.01, 1472.04
250	10-04-76	1044.01 to 1044.04
253	10-24-77	660.05
254	03-27-78	276.01 to 276.56
257	10-16-78	1474.01 to 1474.07
258	04-02-79	204.01
260	07-09-79	1250.01 to 1250.07(1)l.,(2), (6) to (18),(20) to (23),(27) to (29), (31),(34),(35), (37) to (46), (48),(49),(51),(52), (55),(59) to (63), (67) to (69),(72), (74) to (87),(91) to (104),(112), (114), (116) to (121),(124) to (126),(128) to (131), (133),(134), (137), 1252.01, 1252.02, 1252.04, 1252.99, 1254.01 to 1254.08, 1256.01 to 1256.04, 1260.01 to 1260.04, 1262.01, 1262.02, 1262.03(b), 1262.04, 1264.02 to 1264.04, 1266.01 to 1266.06, 1284.01 to 1284.06, 1286.01 to 1286.03, 1288.01 to 1288.05, 1292.01 to 1292.03, 1294.01 to 1294.07, 1296.01 to 1296.03, 1298.01, 1298.03 to 1298.10, 1299.01(a) to (d), (f) to (j)
260-A-1	08-27-90	1488.02(o)
260-A-22	07-14-80	1250.07(3) to (5), (24),(37) to (46),(105), (122), (123), 1252.03, 1266.04, 1292.01, 1296.01
260-A-31	05-04-81	1250.07(1)J., (88),(89),(138), 1254.03 to 1254.05
260-A-33	09-08-81	1250.07(30), 1286.02, 1288.03, 1292.01, 1296.01
260-A-37	02-08-82	1256.01, 1264.01 to 1264.03, 1292.01, 1296.01, 1296.02, 1298.10
260-A-45	11-22-82	1292.01
Res. Unno.	01-10-83	814.03
260-A-58	08-22-83	1258.01 to 1258.03(c), 1258.04, 1262.03(a), 1268.01 to 1268.05, 1274.01 to 1274.05, 1276.01 to 1276.04(d), 1276.05, 1278.01 to 1278.05, 1280.01 to 1280.03(a),(c) to 1280.05, 1282.01 to 1282.05, 1292.01, 1298.02(a)(1) to (19), 1298.02(b) to (e), 1299.01(l), (n)
260-A-61	10-17-83	1299.01(m)
260-A-80	11-13-84	1250.07(1)K., 1268.02, 1274.02, 1278.02
260-A-107	12-09-85	1250.07(25),(47), 1299.01(k)
260-A-119	05-27-86	1250.07(113), (115),(132), 1276.04(e), 1298.01, 1298.02(a)(20), 1299.01(o)
260-A-122	07-07-86	1250.07(105), 1276.04(f), 1296.01, 1298.02(a)(21)A. to D., 1299.01(e), (m)
260-A-137	03-02-87	1298.02(a)(20), (21)E., F.
260-A-163	06-06-88	1256.01, 1270.01 to 1270.05, 1272.01 to 1272.05, 1280.03(b), 1292.01
260-A-187	06-19-89	1292.01
260-A-204	08-13-90	1250.07(19),(26), (29a),(32),(33), (36),(50), (53),(54), (56) to (58),(64) to (66),(73),(90), (106) to (111), (127),(135),(136), 1258.03(d), 1290.01 to 1290.11, 1292.01, 1296.01, 1296.02, 1298.02(a)(22), 1298.10
261-A-1	02-11-80	1472.01 to 1472.03, 1472.05 to 1472.07
263	10-29-79	850.01 to 850.22 (Repealed)
264-A-3	01-16-89	284.01 to 284.03

266	11-17-89	658.02, 658.99
268	07-27-81	1220.01 to 1220.06, 1222.01 to 1222.03, 1222.99, 1224.01 to 1224.04, 1226.01 to 1226.07, 1228.01 to 1228.04, 1230.01, 1230.02
269	01-10-83	814.01 to 814.08
270	05-02-83	882.01 to 882.02(b)(1),(3)to 882.03, 882.05 to 882.08
270-A-1	06-13-83	882.01, 882.02(b)(2), 882.03, 882.04
270-A-2	05-27-86	882.03
271	06-27-83	1062.01 to 1062.06
273	04-15-85	420.01, 420.02 (Repealed), 420.03to 420.11, 420.99
275	03-17-86	886.10 to 886.14
276	05-12-86	1446.01(a),(c) to 1446.03, 1446.04(b) to 1446.10(d),(f) to 1446.12
Res. Unno.	12-18-89	1440.01
276-A-2	07-30-90	1426.01(a),(b), (d),(e), 1446.01(b), 1446.04(a), 1446.10(e)
276-A-3	09-10-90	1426.01(c), 1426.05
278	03-14-88	1488.01 to 1488.02(n),(p) to 1488.03, 1488.04(b),(c), 1488.05
278-A-1	08-27-90	1488.02(p) to 1488.04(a),(d)
280	06-12-89	610.06
281	10-02-89	1240.01 to 1240.07, 1242.01 to 1242.03, 1242.99, 1244.01 to 1244.08, 1246.01, 1246.02, 1248.01 to 1248.04(e)(1)B., (2),(3), 1248.05 to 1248.09
281-A-1	07-08-91	1248.04(e)(1)C.
283	02-15-90	268.01 to 268.05
284	07-02-90	1046.01 to 1046.13
285	07-30-90	890.01 to 890.07
Res. Unno.	12-17-90	1442.01, 1442.02
286	01-07-91	1422.04
287	03-04-91	1424.03, 1444.01
290	05-29-91	1470.01 to 1470.14
Adopting Ordinance		202.01 to 202.08, 202.99, 410.03, 410.04 (UTC Secs. 5.15 to 5.15g, 5.82 to 9.3), 420.12, 430.01(a), 430.06, 430.99, 610.02(f), 654.01 to 654.07, 660.03, 660.04, 676.01, 694.01(g), 694.02, 696.01, 818.06, 860.05, 880.07 (Repealed), 886.05, 886.07, 886.08, 886.19, 886.21, 886.22, 886.24, 1020.01, 1040.12 (b), (d) to 1040.13(c), 1040.17, 1040.19, 1042.04(c) (5), 1048.06(c), 1060.11(g), 1420.01 to 1420.05, 1422.01 to 1422.03, 1422.05, 1424.01, 1424.02, 1424.04, 1426.02 to 1426.04, 1610.02 to 1610.04
195-A-4	11-23-92	1022.02(b)
260-A-217	5-13-91	1278.02, 1278.04, 1292.01, 1296.01, 1296.02
260-A-221	1-20-92	1250.07(69), 1256.01, 1258.02(i), 1258.03(e), 1260.05, 1262.03(c), 1268.04(b), 1274.02, 1274.04(b), 1276.02, 1276.04(e), (g), 1278.02, 1278.04, 1280.04, 1283.01 to 1283.04, Ed. Note, Ch. 1288, 1292.01, 1298.02(a)(22) to (25)
260-A-239	8-23-93	1280.04, 1292.01, 1296.01, 1298.02(a)(22), (26), 1298.10
260-A-242	10-18-93	1276.04(h), 1298.02(a)(27)

260-A-249	8-22-94	1250.07(29a), (53), 1274.04(a), 1276.04(i), 1278.02(f), 1278.04, 1290.02, 1296.01, 1296.02, 1298.02(a)(28), (29), (d), 1298.10
290-A	2-18-92	1470.05(d), 1470.11, 1470.13, 1470.15
291	11-12-91	856.01 to 856.03, 856.08 to 856.11
291-A	11-9-92	856.04 to 856.07
Adopting Ordinance		410.04(UTC Sec. 9.3)
294	6-1-93	804.08
290-A-1	7-26-93	1470.03, 1470.06, 1470.065, 1470.15
295	9-7-93	1420.03 to 1420.05
297	10-18-93	1050.01 to 1050.06
298	12-29-93	1488.01 to 1488.05
298-A-1	10-3-94	1488.02, 1488.06
299	11-29-93	1052.01 to 1052.09
300	2-7-94	812.01 to 812.22
301	4-4-94	804.09
302	6-13-94	658.03, 658.99(b)
303	7-25-94	450.01 to 450.03
304	9-6-94	680.11, Ed. Note, Ch. 856
305	9-19-94	658.04, 658.99(c)
306	9-19-94	208.01 to 208.04 (Repealed)
307	12-12-94	1426.01, 1426.05, 1446.01 to 1446.03(a), 1446.04 to 1446.20
Res. Unno.	12-12-94	1446.03(b)
308	3-20-95	882.01 to 882.09
260-A-265	9-7-95	1250.07(44) to (46), 1256.01, 1258.01, 1258.02, 1262.01 to 1262.03, 1264.01 to 1264.03, 1282.04, 1283.01(a), 1283.02(l), 1292.01, 1298.01, 1298.02(a)(1) to (10), (12), 1298.10
260-A-277	9-30-96	1250.07(1A) to (1C), (4) to (5), (37) to (46), (89), (96A), (98A), (98B), (104A) to (104C), (115A), (116A), (116B), (122), (123), (130A)
311	9-18-95	624.01 to 624.06
312	2-20-96	1420.01, 1420.03, to 1420.05, 1496.05(BOCA PM-303.6)
Res. Unno.	2-20-96	1440.01
313	6-10-96	1610.01, 1610.03, to 1610.05
314	10-15-96	607.01 to 607.06
315	10-15-96	Ed. Note, Ch. 284, 284.01 to 284.03
316	3-3-97	1024.01 to 1024.12
290-A-2	4-14-97	1470.075
317	4-14-97	634.01 to 634.11, 634.99
260-A-292	8-18-97	1250.07(29), (75), 1258.02(p), 1268.02(n), 1268.04(a), 1274.02(j), 1274.03, 1280.02, 1282.02(j), 1292.01, 1296.01, 1298.01, 1298.02(a)(5), (11A)E., (11B)E., (20), 1298.09(a)(2)
318	9-15-97	283.01 to 283.06
Unno.	9-29-97	1488.02, 1488.045, 1488.05
Unno.	10-14-97	1426.05
Unno.	11-24-97	620.01(a), (c)
Res. Unno.	11-24-97	208.05 (Repealed)

319	12-22-97	209.01 to 209.07, 209.09, 209.11 to 209.13, 209.15, 209.16, 607.01 to 607.07, 620.01(f) (4)B., 654.03(b), 676.09, 804.04, 806.05, 880.11(b), 880.15 (Repealed), 1040.01 to 1040.22, 1042.01 to 1042.07, Ed. Note, Ch. 1044, 1048.01 to 1048.04, 1048.06 to 1048.09, Ed. Note, Ch. 1050, Ed. Note, Ch. 1052, 1226.02(h), 1246.02(c)(4)A.3., 1248.04(a), 1420.01, 1422.01, 1422.04, 1424.01, 1424.04, 1424.05, 1426.01, 1470.03(d)(9), 1470.06, 1470.065, 1470.15, 1610.05
Adopting Ordinance		814.03(h), 1048.05
320	1-26-98	690.01 to 690.03, 690.99 (Repealed)
260-A-305	3-23-98	1256.01, 1279.01 to 1279.05, 1292.01, 1298.02(a)(27)
321	3-23-98	Ed. Note, Ch. 1046, 1046.01 to 1046.13, Ch. 1046, Appx. A. (Repealed)
Res. Unno.	4-20-98	209.15, 1048.01
322	4-20-98	Ed. Note, Ch. 1230, 1230.01 to 1230.08
260-A-311	6-15-98	1298.09(a)(2)
260-A-314	8-10-98	1250.07(5A), (47), (53), (116B)J., 1278.02, 1280.01(a), 1280.02, 1280.03(d), (e), 1280.04, 1282.02(a) to (i), 1286.02, 1286.03(d), (e), 1290.02, 1292.01, 1296.01, 1296.02, 1298.02(a)(12), 1298.10, 1299.01(h), (k)(2)G.
324	1-25-99	1420.01, 1420.03 to 1420.05, 1496.05(BOCA PM-303.6)
325	1-25-99	Ed. Note, Ch. 1424, 1424.01, 1424.03 to 1424.05
326	2-22-99	Ed. Note, Ch. 1060, 1060.01 to 1060.16
Res. Unno.	3-8-99	209.09
327	3-22-99	1214.01 to 1214.03, 1214.99
260-A-327	3-22-99	1296.01, 1298.02(a)(11)
Res. Unno.	4-19-99	209.15(a), (b), 1048.01
328	5-18-99	Ed. Note, Ch. 1422, 1422.01, 1422.03 to 1422.05
330	10-18-99	1494.01 to 1494.16 (Repealed)
331	11-1-99	1610.01, 1610.03 to 1610.05
Res. Unno.	12-13-99	209.10
Adopting Ordinance		1422.02, 1424.02
Res. Unno.	4-17-00	209.10
260-A-340	12-4-00	1262.01, 1264.01, 1264.02, 1274.04(a), 1292.01
332	1-10-00	606.99, 658.99(b)(3)(c)(8), 660.99
335	7-24-00	298.01
Res. Unno.	1-3-01	1060.13
Ord. Unno.	4-23-01	1226.02(h)
Ord. Unno.	5-21-01	209.07, 1426.01, 1446.03, Repeals 1426.05, 1446.11 to 1446.18
Res. Unno.	6-25-01	209.10
Ord. Unno.	7-16-01	1610.05(BOCA F- 403.4, F-403.5, F- 403.8.2)
Ord. Unno.	7-16-01	607.06
Res. Unno.	7-16-01	209.15(g)
Res. Unno.	7-30-01	209.07(17)
Res. Unno.	7-30-01	209.09
Ord. Unno.	8-27-01	1488.02
Res. Unno.	10-22-01	209.09
260-A-361	1-28-02	1278.02, 1278.04, 1280.04, 1292.01, 1298.02
Res. Unno	2-11-02	209.1113



Res. Unno	3-25-02	209.13, 209.15(f), 1470.13
338	7-29-02	274.01 to 274.08
Ord. Unno	9-9-02	882.02(b), 882.03(b), 882.99
260-A-372	10-7-02	1298.10(h)
Ord. Unno	12-2-02	1060.05 to 1060.17
Ord. Unno	12-16-02	1488.02
Ord. Unno	1-2-03	209.12, 804.01 to 804.03 , 804.05 to 804.07, 804.99
Ord. Unno	4-7-03	1040.19
340	5-19-03	Repeals Ch. 1494
341	6-20-03	209.09, 209.15
342	6-30-03	1040.03
343	6-30-03	1042.02
344	6-30-03	1048.01 to 1048.08
345	6-30-03	1242.02
346	6-30-03	1022.02, 1022.11
Ord. Unno.	9-8-03	1060.04
Ord. Unno.	9-22-03	410.01, 410.99, 412.01, 412.99
260-A-381	10-6-03	1250.07, 1292.01, 1298.01, 1299.01
260-A-393	6-1-04	1254.09, 1274.02, 1280.02
349	6-1-04	888.01 to 888.08, 888.99
350	6-28-04	209.09
351	6-28-04	1242.01
352	6-28-04	1246.01, 1246.02
353	6-28-04	1248.01, 1248.04, 1248.08
355	7-26-04	209.06, 209.09, 209.10
Ord. Unno.	8-23-04	860.07
Ord. Unno.	8-23-04	1492.04
260-A-399	10-4-04	1278.02, 1286.02, 1292.01
260-A-402	12-20-04	1250.07, 1280.02, 1298.02
Res. Unno.	4-11-05	209.07, 209.09
Res. Unno.	4-11-05	209.09
Res. Unno.	4-25-05	209.07
356	4-25-05	1244.01, 1246.02, 1248.01, 1248.08, 1470.05
Res. Unno.	5-23-05	209.07
Ord. Unno.	8-1-05	882.02, 882.03
Res. Unno.	9-12-05	290.07
357	9-12-05	1498.01 to 1498.20, 1498.99
358	10-24-05	1060.18
260-A-412	10-24-05	1286.02, 1292.01, 1292.04
260-A-414	11-7-05	1280.02
Ord. Unno.	11-21-05	1488.02, 1488.03
260-A-415	12-5-05	1268.02, 1299.01
Res. Unno.	3-13-06	209.07
360	2-27-06	890.10 to 890.18
361	3-27-06	1299.01
362	3-27-06	460.01, 460.99
363	6-5-06	664.07
365	9-11-06	1310.01 to 1310.03
Res. Unno.	9-11-06	1310.04, 1310.05
367	11-27-06	1470.05
369	5-14-07	1022.06, 1060.04, 1224.03, 1228.04, 1244.02, 1248.04, 1298.10
260-A-431	6-25-07	1258.02
371	8-20-07	209.06

Res. Unno.	1-14-08	209.15
Res. Unno.	1-14-08	209.15
374	1-28-08	1040.06, 1040.07
375	1-28-08	1046.01 to 1046.13, Ch. 1046, Appx. A, B, and C
376	6-16-08	850.01 to 850.20, 850.99
377	1-28-08	1042.02
260-A-436	3-10-08	1292.01
378	3-10-08	694.01
379	4-1-08	1470.10, 1470.11, 1470.13
Res. Unno.	4-1-08	209.13
Res. Unno.	6-16-08	209.16
381	7-28-08	1470.11
260-A-438	10-6-08	1274.04, 1276.04, 1278.04, 1298.02
260-A-440	7-13-09	1274.04, 1276.04, 1278.04
260-A-441	8-10-09	1258.02
383	1-12-09	1040.19
384	2-23-09	850.09, 850.10
386	6-1-09	882.01
387	7-27-09	1499.01 - 1499.13
388	8-24-09	209.15
389	8-24-09	1042.02
390	12-14-09	202.09, 202.10
391	7-19-10	882.04
392	9-27-10	660.07
393	7-11-11	1040.03
394	7-25-11	1420.01 - 1420.05, 1422.05, 1424.01, 1424.03, 1426.01, 1446.03, 1446.05, 1446.06, 1446.09, 1472.03, 1472.05, 1492.05, 1492.08, 1492.11, 1496.01 - 1496.06
395	10-03-11	664.08
396	4-9-12	858.01 to 858.26
397	5-7-12	862.01 to 862.14
398	5-7-12	1040.17
400	7-14-12	620.04
401	12-3-12	1310.03
402	1-28-13	1610.01 to 1610.04, 1610.99
403	3-11-13	1062.01 to 1062.39, 1062.99
260-A-448	5-13-13	1299.01
405	8-26-13	1620.01, 1620.02, 1620.21, 1620.25 to 1620.27, 1620.31 to 1620.35, 1620.99
406	9-9-13	676.02, repeals 676.03
407	2-10-14	209A.01 to 209A.06, repeals 676.03
202	6-30-14	202.09
409	12-15-14	610.01 to 610.12, 610.20 to 610.23, 610.30 to 610.38, 610.50, 610.99
410	1-5-15	1472.03
411	1-26-15	838.01 to 838.08
412	1-26-15	880.01 to 880.19 (Repealed)
413	2-9-15	254.01 to 254.09
414	3-9-15	1298.09
260-A-450	5-4-15	1250.07, 1298.09
417	10-5-15	620.05
418	11-30-15	209.05
419	12-14-15	1022.03
260-A-453	1-11-16	1299.01

260-A-454	1-11-16	1250.07, 1278.02, 1279.04, 1280.02, 1282.02, 1298.11
420	1-25-16	1496.01
421	1-25-16	1042.02
422	5-31-16	1060.01 to 1060.13, 1060.99
423	6-13-16	850.01 to 850.16, 850.99
425	9-6-16	1610.01, 1610.02, 1610.04
426	3-13-17	1496.05
427	3-13-17	864.01 to 864.10
428	3-13-17	1040.18
429	3-13-17	1621.01 to 1621.03, 1621.99
Res. Unno.	3-27-17	209.07
430	3-27-17	Repeals Ch. 880
260-A-462	4-10-17	1299.01
431	4-24-17	1488.01 to 1488.06
432	4-24-17	1610.01, 1610.02, 1610.04
434	5-30-17	690.01 to 690.07
435	6-26-17	882.01 to 882.04
436	7-24-17	266.02 to 266.06
260-A-467	9-25-17	1226.02, 1258.02, 1298.01, 1299.01
437	10-30-17	1492.01 to 1492.12, 1492.99
438	11-27-17	608.01
440	2-5-18	814.01 to 814.03
Res. Unno.	3-19-18	209.07
441	3-19-18	1469.01 to 1469.08, 1469.99
Res. Unno.	4-30-18	209.13
441	6-11-18	1040.13
445	10-1-18	1610.05
446	11-26-18	622.01 to 622.06
447	1-14-19	209.16 , 806.02 , 814.03 , 858.09 , 862.06 , 866.03 , 866.04
448	2-4-19	202.99
449	2-4-19	804.01 to 804.05 , repeals 804.04
Res. Unno.	4-22-19	209.10
452	5-13-19	655.01 to 655.06 , 655.99
453	5-13-19	620.02
454	4-22-19	420.02
455	4-22-19	805.01 to 805.03 , 805.99
456	4-28-19	275.01 to 275.05
260-A-476	5-28-19	App. II
260-A-477	6-17-19	1298.12
Res. Unno.	7-15-19	209.07
457	7-15-19	610.13
458	8-26-19	1620.01 , 1620.25 , 1620.36
459	9-9-19	1472.06
460	9-30-19	1042.02
461	9-30-19	1040.13 , 1048.09
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Unno. Res	9-30-19	209.15
462	10-28-19	886.03 , 886.04 , 886.06 , 886.07 , 886.17 , 886.18 , 886.21
260-A-479	11-12-19	App. II
260-A-480	3-16-20	App. II
260-A-481	3-16-20	App. II
260-A-482	3-16-20	App. II

466	6-15-20	828.01 to 828.04, 828.99
260-A-483	6-15-20	1278.02, 1280.02, 1280.04, 1282.02
467	6-29-20	1468.04
260-A-484	6-29-20	App. II
260-A-485	10-13-20	App. II
468	12-21-20	209.05
469	12-21-20	1310.03, 1310.05
469	12-21-20	1420.03
Res. Unno.	Eff. 4-1-21	209.13, 1060.13
471	4-26-21	1498.03, 1498.05, 1498.08 to 1498.12, 1498.21 to 1498.24
260-A-489	8-30-21	App. II

## CHARTER TOWNSHIP ACT 359

EDITOR'S NOTE: The full text of the Charter Township Act (Act 359) can be found on the State of Michigan Legislature website at [www.legislature.mi.gov](http://www.legislature.mi.gov).

## PART TWO – ADMINISTRATION CODE

### TITLE TWO - General Provisions

- Chap. 202. Codified Ordinances.
- Chap. 204. Official Standards.
- Chap. 206. Township Boundaries.
- Chap. 207. Emergency Management.
- Chap. 208. Civil Reimbursement. (Repealed)
- Chap. 209. General Fee Schedule.
- Chap. 209A. Sale of Surplus Property.

### TITLE FOUR - Legislation

- Chap. 210. Township Board.
- Chap. 212. Ordinances and Resolutions.

### TITLE SIX - Administration

- Chap. 220. Township Supervisor.
- Chap. 222. Township Superintendent.
- Chap. 224. Township Clerk.
- Chap. 226. Township Treasurer.
- Chap. 228. Township Attorneys.
- Chap. 230. Emergency Services Coordinator.
- Chap. 232. Assessing Department.
- Chap. 234. Accounting Department.
- Chap. 236. Police Department.
- Chap. 238. Fire Department.
- Chap. 240. Building Department.
- Chap. 242. Department of Parks and Recreation.
- Chap. 244. Department of Public Works.
- Chap. 246. Department of Water and Sewers.

Chap. 248. Planning and Community Development Department.

Chap. 250. Senior Citizens Department.

Chap. 252. Employees Civil Service Department.

**TITLE EIGHT - Boards, Commissions, Corporations, Committees and Authorities**

Chap. 260. Planning Commission.

Chap. 262. Zoning Board of Appeals.

Chap. 264. Election Board.

Chap. 266. Local Officials Compensation Commission.

Chap. 268. Historical Commission.

Chap. 270. Employees Civil Service Commission.

Chap. 272. Police and Fire Civil Service Commission.

Chap. 274. Downtown Development Authority.

Chap. 275. 2019 Downtown Development and Tax Increment Financing Plan.

Chap. 276. Economic Development Corporation.

Chap. 278. Building Authority.

Chap. 280. Board of Review.

Chap. 282. Housing Commission.

Chap. 283. Communication Committee.

Chap. 284. Cable Television Committee. (Repealed)

Chap. 286. Parks and Recreation Committee.

Chap. 288. Electrical Examining and Licensing Board.

**TITLE TEN - Employment Provisions**

Chap. 290. Employes Generally.

Chap. 292. Clinton Township Elected Officials Pension Plan.

Chap. 294. Firemen's and Policemen's Retirement System.

**TITLE TWELVE - Judiciary**

Chap. 298. District Court and Circuit Court.

## **TITLE TWO - General Provisions**

Chap. 202. Codified Ordinances.

Chap. 204. Official Standards.

Chap. 206. Township Boundaries.

Chap. 207. Emergency Management.

Chap. 208. Civil Reimbursement. (Repealed)

Chap. 209. General Fee Schedule.

Chap. 209A. Sale of Surplus Property.

### **CHAPTER 202**

#### **Codified Ordinances**

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202.01 Designation; citation; headings.

202.02 Amendments and supplements; numbering.

202.03 Definitions and interpretation.

202.04 Notices.

- 202.05 Appearance tickets.
- 202.06 Liberal construction; separability.
- 202.07 Sections and ordinances repealed.
- 202.08 Exemptions from repeal.
- 202.09 Approval disallowed for non payment.
- 202.10 Use of funds on deposit with the Township for other liabilities.
- 202.99 General Code penalty; complicity.

### **CROSS REFERENCES**

Codification; adoption of technical codes - see Michigan Charter Township Act (Act 359 of 1947)

Publication of codes of municipal ordinances - see M.C.L.A. Sec. 117.5b

Ordinances and resolutions - see ADM. Ch. 212

### **202.01 DESIGNATION; CITATION; HEADINGS.**

(a) This volume consists of all ordinances of a general and permanent nature of the Township, as revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated as the Codified Ordinances of the Charter Township of Clinton, Michigan, 1991, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 202.01."

### **202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING.**

(a) The Codified Ordinances of the Charter Township of Clinton may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of the Township Board to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of the Charter Township of Clinton, Michigan, 1991, and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles and/or chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying Code 2, and the two figures "02" before the decimal signifying the chapter within the Code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the Code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

### **202.03 DEFINITIONS AND INTERPRETATION.**

In the construction of these Codified Ordinances, or any provision thereof, the following rules and definitions shall control, except those which are inconsistent with the manifest intent of the Township Board as disclosed in a particular provision, section or chapter:

(1) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the Municipality adopting the Codified Ordinances of the Charter Township of Clinton in conformity with law.

(2) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy, subordinate or designee, unless contrary to law or to the clear intent of any such particular provision.

(3) Calendar-Computation of Time. The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday or a legal holiday, in which case it shall be excluded. If time is expressed in hours, the whole of Sunday or a legal holiday shall be excluded.

(4) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.

(5) County. "County" means the County of Macomb, Michigan.

(6) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.

(7) General Rules. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

(8) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other

persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.

(9) Keeper and Proprietor. "Keeper" and "proprietor" mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

(10) Land and Real Estate. "Land" and "real estate" include rights and easements of an incorporeal nature.

(11) Law. "Law" means all applicable laws of the United States of America, the State of Michigan and the Clinton Township, Michigan.

(12) Michigan Compiled Laws. "Michigan Compiled Laws Annotated (M.C.L.A.);" means the statutory law of the State as classified and arranged in the Official Michigan Compiled Laws of 1948, being Act 242 of the Public Acts of 1943, as amended.

(13) Municipality or Township. "Municipality" or "Township" means the Charter Township of Clinton, Michigan.

(14) Number. Words in the plural include the singular and words in the singular include the plural number.

(15) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An affirmation shall have the same force and effect as an oath.

(16) Ordinance. "Ordinance" means and includes any ordinance of the Municipality, including any provision of these Codified Ordinances.

(17) Owner. "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.

(18) Person. "Person" includes any individual, copartnership, corporation, association, club, joint venture, estate, trust and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(19) Premises. "Premises," when used as applicable to property, extends to and includes land and buildings.

(20) Property. "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property: "real property" includes lands, tenements and hereditaments.

(21) Public Place. "Public place" means any place to or upon which the public resorts or travels, whether such place is owned or controlled by the Township or any agency of the State or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied.

(22) Publish. "Publish" means to print in a newspaper of general circulation in the Municipality the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for inspection.

(23) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or the giving of such notice.

(24) Residence. "Residence" means an abode in which a person permanently resides.

(25) Shall and May. "Shall" is mandatory; "may" is permissive.

(26) Sidewalk. "Sidewalk" means that portion of a street between the curb lines or lateral lines and the right-of-way lines, or, where easements beyond the right-of-way lines have been procured by the Township, then between the curb lines or lateral lines and the outer boundary of such easements, which is intended for the use of pedestrians.

(27) State. "State" means the State of Michigan.

(28) Street, Highway and Alley. "Street," "highway" and "alley" mean the entire width subject to an easement for public right of way, or owned in fee by the Township, County or State, of 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 word "alley" means any such way or place providing a secondary means of ingress and egress from a property.

(29) Tenant and Occupant. "Tenant" and "occupant," as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.

(30) Tenses. The use of any verb in the present tense includes the future.

(31) Time. Whenever any time established in the Codified Ordinances for the taking of any action expires on a Sunday or a legal holiday, such time shall not expire on such day but shall expire on the next week day.

(32) Township Board. "Township Board" means the legislative authority of the Township.

#### **202.04 NOTICES.**

(a) Notice regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the Township may be assessed against the premises under the provisions of these Codified Ordinances, shall be served:

(1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion; or

(2) By mailing such notice by certified or registered mail to such owner at his or her last known address; or

(3) If the owner is unknown, by posting such notice in some conspicuous place on the premises for five days before the act or action concerning which the notice is given.

(b) No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Township officer unless permission is given by such officer to remove such notice or placard.

#### **202.05 ENFORCEMENT; APPEARANCE TICKETS.**

(a) If a police officer has arrested a person without a warrant for a violation of any of the provisions of these Codified Ordinances, instead of taking the person before the District Court and promptly filing a complaint stating the charge against the person arrested, the officer may issue to and serve upon the person an appearance ticket as defined in subsection (c) hereof.

(b) A public servant, as defined in subsection (d) hereof, is specifically authorized to issue and serve appearance tickets with respect to those offenses which violate the Codified Ordinances if the public servant has reasonable cause to believe that a person has committed such an offense.

(c) As used in subsections (a) and (b) hereof, an appearance ticket means a complaint or written notice issued and subscribed by a police officer or other public servant authorized by these Codified Ordinances to issue it, directing a designated person to appear in the District Court at a designated future time in connection with his or her alleged commission of a violation of these Codified Ordinances for which the maximum permissible penalty does not exceed ninety days in jail and/or a fine of five hundred dollars (\$500.00). The appearance ticket shall be numbered consecutively, be in such form as determined by the State Attorney General, the State Court Administrator and the Director of the State Department of State Police and shall consist of the following parts:

- (1) The original, which shall be a complaint or notice to appear made by the officer or public servant and filed with the Court;
- (2) The first copy, which shall be the abstract of the Court record;
- (3) The second copy, which shall be retained by the Township department enforcing the violation; and
- (4) The third copy, which shall be delivered to the alleged violator.

(d) "Public servant" means an employee of the Township identified as follows: police officers; the Fire Chief, the Fire Marshall or their designates; the Superintendent of Public Works, or his or her designates; the Superintendent of Water and Sewers or his or her designates; the Superintendent of the Building Department (i.e. the head of the Building Department) or his or her designates; the Animal Control Officer; any Code Enforcement Officer or his or her designates.

#### **202.06 LIBERAL CONSTRUCTION; SEPARABILITY.**

It is the legislative intent of the Township Board in adopting these Codified Ordinances that all provisions and sections of these Codified Ordinances be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Township. Should any provision or section of these Codified Ordinances be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that these Codified Ordinances shall stand, notwithstanding the invalidity of any provision or section thereof.

The provisions of this section shall apply to the amendment of any section of these Codified Ordinances, whether or not the wording of this section is set forth in the amendatory ordinance.

#### **202.07 SECTIONS AND ORDINANCES REPEALED.**

All ordinances, resolutions, rules and regulations of the Municipality, and parts of the same, in conflict with any of the provisions of these Codified Ordinances, are hereby repealed.

#### **202.08 EXEMPTIONS FROM REPEAL.**

The repeal provided for in Section 202.07 shall not affect:

(a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the adoption of these Codified Ordinances;

(b) Any ordinance or resolution promising or guaranteeing the payment of money by or to the Municipality, or authorizing the issuance of any bonds of the Municipality, or any evidence of the Municipality's indebtedness, or any contract or obligation assumed by the Municipality;

(c) The administrative ordinances and resolutions of the Township Board not in conflict or inconsistent with any provision of these Codified Ordinances;

(d) Any right, license or franchise conferred by any ordinance or resolution of the Township Board on any person;

(e) Any ordinance or resolution establishing, naming, relocating or vacating any street or other public way;

(f) Any ordinance or resolution or part thereof providing for the establishment of positions, for salaries or compensation;

(g) Any prosecution, suit or other proceeding pending, or any judgment rendered, on or prior to the adoption of these Codified Ordinances;

(h) Any ordinance or resolution levying or imposing taxes or assessments;

(i) Any ordinance or resolution establishing or changing the boundaries of the Municipality; or



(j) Any ordinance or resolution adopted by Township Board after the adoption of these Codified Ordinances.

#### **202.09 APPROVAL DISALLOWED FOR NON PAYMENT.**

(a) The Township shall not approve any license, permit, variance, rezoning requests, or take any other municipal action of approval, unless the person or entity so requesting and any affiliated entities do not have any outstanding overdue payments to the Township. Excluded as an affiliated entity is any landlord or lessor from whom a tenant or lessee is renting, unless the tenant or lessee, or a shareholder, director, member, partner, employee, or their immediate family member, meaning father, mother, brother, sister or child is a shareholder, director, member, partner, or employee of the landlord or lessor.

(b) Overdue payments defined. Over due payments shall mean monies whether disputed or otherwise which are determined by the Township to be over due and owing including by way of illustration only real and personal property taxes, jeopardy assessments, permit fees, charges, contract balances, required deposits, required bonds, inspection fees or any other outstanding financial obligation. A payment will not be considered having been made, if made by check or other instrument until the payment is cleared after negotiation from the instrument of payment by the Township.

(c) Township defined. The term Township shall mean the Township, Zoning Board of Appeals, Planning Commission, Police, Fire, Civil Service Commission, General Civil Service Commission, all committees, commissions, boards, departments and employees.

(d) Appeal. A person aggrieved by a determination pursuant to this provision may appeal by furnishing within seven days an appeal in writing to the Treasurer's office. The non payment Appeal Board consisting of the Treasurer, Clerk and Supervisor, or each of their designees, shall make a determination on such appeal as to whether an issue of non payment exists within forty-five days after receipt of such materials or any hearing, if requested by the person aggrieved.

(Ord. 390. Passed 12-14-09; Ord. 202. Passed 6-30-14.)

#### **202.10 USE OF FUNDS ON DEPOSIT WITH THE TOWNSHIP FOR OTHER LIABILITIES.**

The Township is permitted to retain and use funds deposited, including but not limited to bonds, contract retainage, deposits and other money to make over due payments. Over due payments shall mean monies whether disputed or otherwise which are determined by the Township to be over due and owing including by way of illustration only, real and personal property taxes, jeopardy assessments, permit fees, charges, contract balances, required deposits, required bonds, inspection fees or any and other outstanding financial obligation. Such funds may be applied against the obligation of the same entity or individual or any other entity in which the person or individual owing the obligation has any ownership interest or appears as an officer, director, member or resident agent based on the most recent available information from the State of Michigan or other governmental entities at the time the money is applied.

(Ord. 390. Passed 12-14-09.)

#### **202.99 GENERAL CODE PENALTY; COMPLICITY.**

(a) General Penalty. Whenever, in these Codified Ordinances, or in any technical or other code adopted by reference in these Codified Ordinances, or in any rule, regulation or order promulgated or made under the authority of any provision of these Codified Ordinances, or under the authority of any technical or other code adopted by reference in these Codified Ordinances, or under the authority of State law, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety-three (93) days, or both, for each such offense, except for a violation of MCL 257.625(1)(c) which the Township adopts by reference in Section 412.01 of the Charter Township of Clinton Code of Ordinance in conformity with the Michigan Vehicle Code ("MVC"), Public Act 300 of 1949, as amended, and which shall constitute a misdemeanor punishable by one or more of the following:

- (1) Community service for not more than three hundred sixty (360) hours.
- (2) Imprisonment for not more than one hundred eighty (180) days.
- (3) A fine of not less than two hundred dollars (\$200.00) or more than seven hundred dollars (\$700.00).

A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(b) Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, or provided by State law, including the enforced removal of prohibited conditions.

(c) Complicity. Every person concerned in the commission of an offense under these Codified Ordinance, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried and on conviction shall be punished as if he or she had directly committed such offense.

(Ord. 448. Passed 2-4-19.)

## CHAPTER 204

### Official Standards

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204.01 Fiscal year.

#### **CROSS REFERENCES**

State Seal - see Mich. Const. Art. 3, Sec. 3; M.C.L.A. Secs. 2.41 et seq.

Seal of municipal sewage disposal authority - see M.C.L.A. Sec. 124.284

Seal of municipal water supply authority - see M.C.L.A. Sec. 124.284

Weights and measures - see M.C.L.A. Secs. 290.601 et seq., 750.561 et seq.

National categorical pretreatment standards - see S.U. & P.S. 1046.05(c)

#### **204.01 FISCAL YEAR.**

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

(Ord. 258. Passed 4-2-79.)

## CHAPTER 206

### Township Boundaries

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EDITOR'S NOTE: There are no sections in Chapter 206. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Equal representation - see M.C.L.A. Sec. 117.3

Incorporated city or village annexed to home rule city - see M.C.L.A. Sec. 117.13

Apportionment - see M.C.L.A. Sec. 117.27a

Zoning district boundaries - see P. & Z. 1256.02

## CHAPTER 207

### Emergency Management

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207.01 Purpose.

207.02 Short title.

207.03 Definitions.

207.04 Emergency Management Office.

207.05 Emergency Management Coordinator; appointment; successors; duties.

207.06 Duties and responsibilities of Township Supervisor.

207.07 Declaration by Governor.

207.08 Duties of Township departments; Emergency Management Liaison.

207.09 Emergency Management Advisory Council; establishment and function.

207.10 Disaster Contingency Fund.

207.11 Volunteers; reimbursement for expenses.

207.12 Disaster relief force rights and immunities.

207.13 Relocation of government offices.

207.14 Limitation of liability.

## **CROSS REFERENCES**

Reimbursement for emergency responses – see ADM. Ch. 208

Emergency Services Coordinator – see ADM. Ch. 230

Emergency water shortages – see S.U. & P.S. 1040.19

### **207.01 PURPOSE.**

The purpose of this chapter is to provide for the mitigation of, preparedness for, response to and recovery from natural and human-made disasters within the Charter Township of Clinton; to establish an emergency management office and prescribe its powers and duties; to provide for the coordination and utilization of all resources in the Municipality in the event of a disaster; to provide for the discharge and exercise of authority by the Township Board of responsibilities vested pursuant to Public Act 390 of the Public Acts of 1976, as amended; to provide for immunities and liabilities; to provide for an advisory council, liaison functions and a contingency fund; and to provide for severability, repeal and review.

(Ord. 279-A. Passed 6-8-92.)

### **207.02 SHORT TITLE.**

This chapter shall be known and may be cited as the “Emergency Management Ordinance of the Charter Township of Clinton.”

(Ord. 279-A. Passed 6-8-92.)

### **207.03 DEFINITIONS.**

For purposes of this chapter, the following definitions shall apply, unless otherwise indicated:

(a) “Act” means the Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended, or any subsequent Act or Acts passed which are intended to replace, in whole or in part, Public Act 390 of the Public Acts of 1976, as amended, regulating disaster control.

(b) “Disaster” means an occurrence or threat of widespread or severe damage, or loss of life or property, resulting from a natural or human-made cause, including, but not limited to: fire, flood, snow storm, ice storm, tornado, wind storm, wave action, earthquake, oil spill, water contamination, utility failure, hazardous peace-time radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots or civil disorders.

(c) “Disaster Coordinator” means the Michigan Department of State Police Emergency Management District Division Coordinator, as appointed and authorized pursuant to the Act.

(d) “Disaster relief forces” means all agencies of the Charter Township of Clinton, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Emergency Operations Plan of the Charter Township of Clinton as having duties to perform, or all other persons or groups of persons called into duty or working at the direction of a party identified in the plan to perform a specific disaster-related task during a local state of emergency.

(e) “Emergency Management Coordinator” means the person appointed pursuant to the Act to coordinate all matters pertaining to emergency management within the Charter Township of Clinton.

(f) “Emergency Management Program” shall mean the program established by the Charter Township of Clinton which meets the program standards and requirements enacted by the Department of State Police Emergency Management Division, including appointment of an Emergency Management Coordinator for such program established to coordinate mitigation preparedness, response and recovery activities for all disastrous situations within the Charter Township of Clinton.

(g) “Emergency Operations Plan” shall mean the plan developed and maintained by the Charter Township of Clinton pursuant to the Act for the purpose of responding to disastrous situations.

(h) “Governor’s State of Disaster” shall mean an executive order or proclamation of the Governor that implements the disaster or emergency response and recovery aspect of the Michigan Emergency Management Plan and applicable local plans of the County or municipal programs affected.

(i) “Governor’s State of Emergency” shall mean an executive order or proclamation by the Governor that implements the disaster or emergency response and recovery aspect of the Michigan Emergency Management Plan and applicable local plans of the County or municipal programs affected.

(j) “Local State of Emergency” shall mean a declaration by the Township Supervisor pursuant to the Act and the provisions of this chapter implementing the response and recovery aspects of the Charter Township of Clinton Emergency Operations Plan authorizing other action as described in this chapter.

(k) “Vital Records” shall mean those records containing information required to continue the effective functioning of the government and/or required for the protection of the rights and interests of persons in the event of a disaster or local state of emergency.

(Ord. 279-A. Passed 6-8-92.)

### **207.04 EMERGENCY MANAGEMENT OFFICE.**

There is hereby established the Office of Emergency Management within the Charter Township of Clinton for the purpose of implementing the emergency management program.

(Ord. 279-A. Passed 6-8-92.)

#### **207.05 EMERGENCY MANAGEMENT COORDINATOR; APPOINT-MENT; SUCCESORS; DUTIES.**

- (a) An Emergency Management Coordinator shall be appointed by the Township Supervisor as provided in the Act.
- (b) In addition to the Emergency Management Coordinator, the Township Supervisor shall appoint a minimum of two persons as successors who shall be named in the Emergency Operations Plan.
- (c) The Emergency Management Coordinator shall comply with standards and requirements set forth in the Act and as established by the Department of State Police Emergency Management Division pursuant to the Act.
- (d) In addition to the duties outlined above, the Emergency Management Coordinator shall perform the following functions, so long as not in conflict with the Act or requirements established by the Department of State Police Emergency Management Division:
  - (1) Coordinate and direct the development of the Charter Township of Clinton Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan;
  - (2) Identify and specify departments or agencies required to provide an annex to the plan or otherwise cooperate in its development;
  - (3) Identify and specify departments or agencies to be included in the Emergency Operations Plan as the disaster relief force;
  - (4) Develop and maintain a township resource manual;
  - (5) Coordinate the recruitment and utilization of volunteer personnel;
  - (6) Ensure that the Emergency Management Program meets all eligibility requirements for State and Federal aid;
  - (7) Coordinate and/or conduct training and exercise programs for the disaster relief force within the Township in order to test the adequacy of the Emergency Operations Plan;
  - (8) Coordinate and provide public information programs designed to educate the population with regard to necessary action for the protection of life and property in the event of a disaster;
  - (9) Assist in the development of mutual aid agreements;
  - (10) Oversee the implementation of necessary functions during an emergency or disaster in accordance with the Emergency Operations Plan and the Act;
  - (11) Coordinate Township emergency activities with those of the County, State and adjacent jurisdictions;
  - (12) Coordinate all emergency preparedness activities including maintaining primary and alternate emergency operations centers; and
  - (13) Identify mitigation opportunities within the Township and encourage departments and agencies to implement mitigation measures.

(Ord. 279-A. Passed 6-8-92.)

#### **207.06 DUTIES AND RESPONSIBILITIES OF TOWNSHIP SUPERVISOR.**

- (a) The Township Supervisor shall supervise the activities of the emergency management office on a continuous basis and with the approval of the Township Board shall formulate, review and approve policy and operational guidelines for the emergency management office, as needed.
- (b) On an annual basis, the Township Supervisor shall review the eligibility and performance of the Emergency Management Coordinator and make recommendations to the Township Board based on such review.
- (c) At least once every two years, the Township Supervisor shall review the Emergency Operations Plan in order to determine the adequacy of the Plan.
- (d) When circumstances arise within the Township indicating the likely occurrence or threat of occurrence of a disaster, the Township Supervisor may declare a local state of emergency pursuant to the Act. Such declaration shall be promptly filed with the Department of State Police Emergency Management Division and shall not be continued or renewed for a period of in excess of seven days except with the consent of the Township Board.
- (e) Upon declaring a state of emergency, the Township Supervisor, as soon as reasonably expedient, shall convene the Township Board for one or more emergency meetings in accordance with the provisions of the Open Meetings Act in Michigan, as amended, to perform its normal legislative and administrative duties, as the situation demands reporting to that body relative to emergency activities. Provisions of this chapter shall not be construed as abridging or modifying the authority and powers of the Township Board unless specifically provided herein.
- (f) In the event of a local state of emergency, the Township Supervisor may do one or more of the following:
  - (1) Direct the Emergency Management Coordinator to implement the Emergency Operations Plan.

- (2) Issue directives restricting travel on local roads within the Municipality.
- (3) Relieve Township employees of normal duties and temporarily reassign them to other duties.
- (4) Activate mutual aid agreements.
- (5) Direct the overall disaster relief effort, including the disaster relief force, in accordance with the Emergency Operations Plan.
- (6) Notify the public and recommend in place shelter or evacuation protective measures.
- (7) Request a state of disaster, emergency declaration or other order or directive from the Governor as described and provided in the Act.
- (8) When obtaining emergency approval from the Township Board would result in further injury or damage, the Township Supervisor may, until the Township Board convenes, and in no event beyond a period of seven days without Township Board approval, engage in the following:
  - A. For up to seven days, direct the deployment of the disaster relief force and resources to the aid of other communities as provided by mutual aid agreements.
  - B. Appropriate and expend funds from the disaster contingency fund not exceeding an aggregate sum of seven thousand, five hundred dollars (\$7,500).
  - C. Make contracts not exceeding seven days in duration.
  - D. Employ temporary workers, obtain and distribute equipment, materials and supplies for disaster purposes complying with the restrictions of paragraphs (f)(8)A. to C. hereof.
  - E. Issue emergency directives, temporarily abridging or rescinding ordinances, resolutions or rules necessary for implementation of the emergency management program not to exceed seven days. Such directives and orders shall be supplementary to any rule, order or directive issued by the Governor or State agency exercising a power delegated to it by the Governor. Upon the declaration by the Governor that a state of disaster or state of emergency is terminated, any previously issued directives or orders shall be deemed terminated and shall no longer be in effect.
- (g) In the event a state of disaster or emergency is declared by the Governor, the Township Supervisor shall assign and make available for duty employees, property or equipment of the Township within or without the physical limits of the Township as ordered by the Governor or Director of the Michigan Department of State Police, in accordance with the Act.

(Ord. 279-A. Passed 6-8-92.)

#### **207.07 DECLARATION BY GOVERNOR**

In the event the Township Supervisor determines that an existing or imminent disaster is beyond the control of the Municipality and such disaster has not yet been declared to be a state of disaster or state of emergency by the Governor, a request may be made to the Governor to declare a state of disaster or state of emergency within the Township. The Emergency Management Coordinator shall immediately contact the District Coordinator and advise him or her of the request. The District Coordinator, in conjunction with the Emergency Management Coordinator, shall assess the nature and scope of the disaster or emergency and shall recommend State personnel services and equipment required for its prevention, mitigation or relief.

(Ord. 279-A. Passed 6-8-92.)

#### **207.08 DUTIES OF TOWNSHIP DEPARTMENTS; EMERGENCY MANAGEMENT LIAISON.**

(a) Each department and/or agency of the Township identified by the Emergency Management Coordinator in the Emergency Management Plan shall appoint an Emergency Management Liaison who shall coordinate the emergency management activities of the department and/or agency and act as liaison between the department or agency and the emergency management office on all matters relating to emergency management.

(b) Each department identified shall appoint a minimum of two persons to serve as successors who shall be listed in the appropriate annex to the Emergency Operations Plan.

(c) Each department liaison shall be responsible for the following duties or other duties as determined by the Emergency Management Coordinator:

(1) Prepare and update continuously an annex to the Emergency Operations Plan providing for the delivery of emergency management activities by that agency or department. The annex shall be in a form prescribed by the Emergency Management Coordinator.

(2) Recruit, appoint and organize private volunteers and other personnel for the disaster relief force to perform duties as outlined and assigned in the Emergency Operations Plan.

(3) Coordinate the department or agency's emergency management efforts with those of other Township departments or agencies.

(4) Attend as approved by the Township Board training courses relevant to the function of the agency or department and provide training for department personnel as approved by the Township Board.

(5) Participate in periodic exercises to review and enhance the adequacy of the department or agency's response capability.

(6) Develop internal standard operating procedures to accomplish duties required pursuant to the Emergency Operations Plan.

(7) Provide a list of personnel and resources available within the department or agency and a list of those which may be required by the department during times of emergency to the Emergency Management Coordinator. Identify and provide for the protection of vital records.

(8) Implement the directives of the Township Supervisor or designee under a local state of emergency.

(Ord. 279-A. Passed 6-8-92.)

#### **207.09 EMERGENCY MANAGEMENT ADVISORY COUNCIL; ESTABLISHMENT AND FUNCTION.**

(a) The Charter Township of Clinton Emergency Management Advisory Council is herewith established, consisting of not more than four members. The Advisory Council shall advise the Township Supervisor and Emergency Management Coordinator on matters pertaining to emergency management, including, but not limited to, plan development.

(b) The Advisory Council shall be appointed by the Township Board upon recommendation of the Supervisor. The Emergency Management Coordinator shall act ex-officio to the Advisory Council and as Chairman of meetings. The duration of appointment shall be as determined by the Township Board. Persons eligible for appointment shall reveal information relating to experience and familiarity with emergency management operations and functions.

(Ord. 279-A. Passed 6-8-92.)

#### **207.10 DISASTER CONTINGENCY FUND.**

A Disaster Contingency Fund is hereby established within the budget of not less than seven thousand, five hundred dollars (\$7,500). Money may be expended from the Fund when a local state of emergency has been declared for the purpose of paying the disaster relief force, purchase of supplies, repairs costs or other needs required specifically for the mitigation of the effects of or in response to the emergency or disaster as otherwise provided in the Act and this chapter.

(Ord. 279-A. Passed 6-8-92.)

#### **207.11 VOLUNTEERS; REIMBURSEMENT FOR EXPENSES.**

Each department, commission, board or other agency of the Township is authorized to appoint volunteers to augment its personnel in time of emergency to implement assigned functions in the Emergency Operations Plan. Such appointed individuals are part of the disaster relief force and shall be subject to the rules and operational control of the Township. Reimbursement for out-of-pocket expenses in connection with the activity, including actual and necessary travel and subsistence expenses, shall be provided upon review and approval by the Township Board.

(Ord. 279-A. Passed 6-8-92.)

#### **207.12 DISASTER RELIEF FORCE RIGHTS AND IMMUNITIES.**

Disaster relief force personnel, while on duty, in accordance with the Act, shall:

(a) If employees of the Township or other governmental entities, have the powers, duties, rights, privileges, and immunities incidental to their employment and receive compensation incidental to their employment or any applicable mutual aid pact.

(b) If not employees of the Township or other governmental entities, be entitled to the same rights and immunities as are provided by law for employees of the State, and to reimbursement for out-of-pocket expenses in connection with the activity, including all actual and necessary travel and subsistence expenses, as approved by the Township Board.

(Ord. 279-A. Passed 6-8-92.)

#### **207.13 RELOCATION OF GOVERNMENT OFFICES.**

The Township Board or, in the event of an emergency requiring earlier action, as provided in Section 207.06, the Township Supervisor, shall provide for the temporary movement and re-establishment of central government offices in the event existing facilities cannot adequately be used.

(Ord. 279-A. Passed 6-8-92.)

#### **207.14 LIMITATION OF LIABILITY.**

Limitations of liability as provided in the Act shall apply to the fullest extent.

(Ord. 279-A. Passed 6-8-92.)

## **CHAPTER 208**

### **Civil Reimbursement (Repealed)**

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responders. This chapter was subsequently repealed by Ord. 446, passed November 26, 2018. Ord. 446 similarly established civil liability for expense of emergency responders, and has been codified as Chapter 622.

## **CHAPTER 209**

### **General Fee Schedule**

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- 209.01 Schedule established.
- 209.02 Preservation of fees and charges not covered.
- 209.03 Annual report.
- 209.04 File copies; distribution.
- 209.05 Dishonored checks and/or failed payment.
- 209.06 Assessing Department fees.
- 209.07 Building Department fees.
- 209.08 Administrative fees. (Reserved for future legislation.)
- 209.09 Engineering Plan Review fees; fees for inspection of construction.
- 209.10 Fire Department fees.
- 209.11 Planning and Community Development Department fees.
- 209.12 Police Department fees.
- 209.13 Public Works Department fees.
- 209.14 Treasurer's Office fees. (Reserved for future legislation.)
- 209.15 Water and Sewers Department fees.
- 209.16 Miscellaneous fees.

#### **CROSS REFERENCES**

- Sidewalk permit fees - see S.U. & P.S.1022.05
- Fees for industrial users of the POTW - see S.U. & P.S. 1046.06
- Fees relating to water and sewers - see S.U. & P.S.Ch. 1048
- Fees relating to drainage debt service districts - see S.U. & P.S.Ch. 1050
- Garbage and rubbish collection and disposal fees - see S.U. & P.S.1060.13 et seq.
- Subdivision Regulations fees - see P. & Z.1222.01
- Land Development Regulations fees - see P. & Z1242.02
- Drainage fees generally - see B. & H.1470.10, 1470.13
- Sign removal fee - see B. & H.1488.04(d)(1)
- Property maintenance fees - see B. & H. 1496.04
- BOCA National Fire Prevention Code fees - see F. & P.1610.04

#### **209.01 SCHEDULE ESTABLISHED.**

Fees for licenses, permits, certificates, inspections and services provided by the Township, as well as the amount of any bond required to be posted or insurance required to be carried in order to obtain any license or permit required by the Township, as set forth in these Codified Ordinances, are hereby consolidated into a schedule which shall be known as the General Fee Schedule of the Charter Township of Clinton, which schedule shall supersede any fees or costs previously set forth in these Codified Ordinances and which schedule may be amended from time to time by interlineation after a resolution by the Township Board has been adopted approving the same, without the necessity of re-enacting the schedule in its entirety.

(Ord. 319. Passed 12-22-97.)

#### **209.02 PRESERVATION OF FEES AND CHARGES NOT COVERED.**

Any and all fees and charges authorized and directed to be collected pursuant to these Codified Ordinances, resolutions and authorized directives, as well as by State statute, which are not expressly included in this General Fee Schedule, are declared to continue in existence and remain in full force and effect unless otherwise in conflict with this chapter.

(Ord. 319. Passed 12-22-97.)

### **209.03 ANNUAL REPORT.**

The Township department heads shall annually review this Schedule of Fees in October and any recommended changes therein shall be reported to the Township Board on or before its first meeting in November.

(Ord. 319. Passed 12-22-97.)

### **209.04 FILE COPIES; DISTRIBUTION.**

The Clerk of the Township shall maintain for public inspection in the office of the Clerk a copy of the Schedule of Fees most recently adopted by the Township Board.

(Ord. 319. Passed 12-22-97.)

### **209.05 DISHONORED CHECKS AND/OR FAILED PAYMENT.**

(a) The person or entity who makes any payment to the Township by tendering a check or order for electronic payment of money upon a financial institution that refuses to honor the check or order for payment of money for any reason, including but not limited to, lack of funds, a closed account, a stop payment placed on the check or payment, or inaccurate banking information provided by the payee at the time of electronic submission for payment, shall be liable for the amount of the dishonored check, or order for attempted payment, plus a processing fee of twenty-five dollars (\$25.00). Upon a failed payment, payment is to be made in cash within seven (7) business days of the mailing date of the written notification from the Township. Additional fees actually incurred associated with collection and a civil action may be brought against the person or entity who fails to make the payment in full as a further cumulative remedy.

(b) The Township's Treasurer shall have the discretion to waive the processing fee of twenty-five dollars (\$25.00) under the following circumstances:

(1) If the original payment attempt was by electronic check, and the payment failure is determined by the Treasurer's office to be the result of an inputting error of banking information, a request for waiver can be made by the person or entity to the Treasurer's office within seven (7) business days of the mailing date of the written notification from the Township as provided above. Additionally, no previous requests for a fee waiver have been granted to the requester by the Treasurer's office.

(2) Emergency orders have been enacted and are in place to require or encourage social distancing by any of the following: Clinton Township; Macomb County; State of Michigan; or any corresponding health agency of such entity.

(3) Approval of the waiver is contingent upon the delivery of the original payment amount, plus any fees which otherwise apply.

(Ord. 319. Passed 12-22-97; Ord. 418. Passed 11-30-15; Ord. 468. Passed 12-21-20.)

### **209.06 ASSESSING DEPARTMENT FEES.**

The fees of the Assessing Department shall be as follows:

(a) Industrial Development District filing fee \$1,100.00

(b) Industrial facilities exemption certificate filing fee, new or transfer 1,500.00

(c) Land divisions, combinations and boundary adjustments:

(1) Recorded platted lot.

Residential-Homeowner - \$150.00 plus \$10.00 for each newly created parcel

Residential Builder/Developer - \$300.00 plus \$20.00 for each newly created parcel

Commercial/Industrial - \$300.00 plus \$20.00 for each newly created parcel

If a redivision, combination, or adjustment request is made within one calendar year involving previously divided, combined, or adjusted property, the above schedule will apply, plus one-half.

(2) Metes and bounds.

Residential - Homeowner - \$200.00 plus \$20.00 for each newly created parcel

Residential Builder/Developer - \$350.00 plus \$30.00 for each newly created parcel

Commercial/Industrial - \$350.00 plus \$30.00 for each newly created parcel

If a redivision, combination, or adjustment request is made within one calendar year involving previously divided, combined, or adjusted property, the above schedule will apply, plus one-half.

(3) New platted subdivision, new phase; new or amended condominium

Up to 10 acres and portion thereof: \$100.00 per acre + \$10.00 per lot/unit

11 acres to 25 acres and portion thereof: \$60.00 per acre + \$10.00 per lot/unit



26 acres to 50 acres and portion thereof: \$50.00 per acre + \$5.00 per lot/unit

51 acres +: \$40.00 per acre + \$5.00 per lot/unit

All division, combination, or boundary adjustment fees shall be paid upon initial application. Payment shall be made to the Department of Assessing.

All new subdivision, new phase, new and amended condominium fees shall be paid within thirty days of final approval of the plan by the Township Board of Trustees. Payment shall be made to the Department of Assessing.

Checks shall be made payable to the Clinton Township Treasurer.

(d) Address preparation and assignment:

(1) Individual address required as a result of a property split: \$25.00

(2) Individual address for any existing parcel of land for any reason (including but not limited to change of address, additional, temporary, utility, or reference address): \$25.00

(3) New condo or subdivision addresses: \$80.00 for the first, \$10.50 for each additional

All addressing fees shall be payable through the Assessing Department at the time of address application.

Checks shall be made payable to the Clinton Township Treasurer.

(e) Fees for requests for resolutions providing for tax exemption upon renaissance zone designation. Fees payable to the Township for requests for resolutions providing for tax exemption in accordance with the Public Act, payable to the

Township shall be one thousand five hundred dollars (\$1,500.00). In the event the applicant does not qualify for exemption for any reason, the applicant may be refunded, upon written request, within sixty days of denial, one-third (five hundred dollars (\$500.00)) of the application fee.

(Ord. 319. Passed 12-22-97; Ord. 355. Passed 7-26-04; Ord. 371. Passed 8-20-07; Revised 6-2019.)

#### **209.07 BUILDING DEPARTMENT FEES.**

(a) Construction Costs.

(1) Building permit fees are based on project construction cost unless specifically noted. The current Square Foot Construction Cost Table established by the International Code Council, Inc., including any Cost Table updates thereafter, is used for construction cost verification and is incorporated by reference as though fully stated herein. All fees are rounded to the nearest dollar.

(2) Square foot construction cost not covered in the referenced Square Foot Construction Cost Table such as additions, alterations, interior build-outs, rehabilitation projects and block grants are as follows:

- A. Commercial/Industrial \$35.00/sq ft
- B. Residential \$30.00/sq ft
- C. Separate Residential Rough \$20.00/sq ft
- D. Separate Residential Finish \$20.00/sq ft
- E. Attached Garage \$14.00/sq ft
- F. Detached Garage \$12.00/sq ft
- G. Carport-One & Two Family \$10.00/sq ft
- H. Carport-Multiple Unit Structure \$700.00 each parking unit
- I. Sheds and similar structures \$11.00/sq ft
- J. Picnic type Shelters \$11.00/sq ft
- K. Decks \$10.00/sq ft
- L. Pool Houses \$25.00/sq ft
- M. Above Ground Swimming Pools \$10.00/sq ft
- N. In-Ground Swimming Pools \$20.00/sq ft
- O. Miscellaneous Determined by The Building Department

(b) Administrative Fees.

(1) Building Contractor Registration \$15.00

(2) Plan Examination Application \$100.00

(For new homes and commercial / industrial projects or as determined by the Building Official.)

(3) Refunding Cancelled Permits. Requests for permit cancellation must be made in writing stating the reason for request. Seventy five percent of the permit fee shall be refunded provided no inspections have occurred. Twenty five percent shall be

retained for administrative service.

(4) Abandoned Projects. All fees and bonds for abandoned projects are not refundable. Abandoned projects are projects where work has not occurred or scheduled within 180 days. Bonds are refundable upon permit renewal.

(5) Additional Inspection/Re-inspection Fees. A fee of fifty dollars (\$50.00) may be charged when, in the opinion of the Building Official or his designee, the job was not accessible or ready for inspection as scheduled, work was performed in phases, the permit holder schedules an inspection without completion of a previous violation notice or work is started prior to obtaining necessary permits as required by the applicable code.

(6) Fees That Are Not Refundable. Application, Plan Review and Minimum Permit Fees.

(7) Minimum Permit and Inspection Fee A fee of fifty dollars (\$50.00) is the minimum for all trades unless noted otherwise.

(c) Plan Review Fees-Residential. Unless specifically stated elsewhere in this schedule, plan review fees are as follows:

CONSTRUCTION COST      BUILDING PLAN REVIEW FEE

(1) \$0 - \$1,000.00      \$50.00 minimum.

(2) \$1,000.00 - \$10,000.00      \$50.00 plus \$10.00/\$1,000.00 or part thereof over \$1,000.00.

(3) \$10,000.00 - \$100,000.00      \$140.00 plus \$3.00/\$1,000.00 or part thereof over \$10,000.00.

(4) \$100,000.00 - \$500,000.00      \$410.00 plus \$3.00/\$1,000.00 or part thereof over \$500,000.00.

(5) over \$500,000.00      \$1,610.00 plus \$3.00/\$1,000.00 or part thereof over \$500,000.00.

(6) Mechanical, Electrical and Plumbing plan review shall be twenty-five percent of the Building plan review for each trade when required.

(d) Plan Review Fees-Commercial/Industrial. Unless specifically stated elsewhere in this schedule, plan review fees are as follows:

CONSTRUCTION COST      BUILDING PLAN REVIEW FEE

(1) \$0.00 - \$500,000.00      \$0.0013 of construction cost but not less than \$100.00.

(2) over \$500,000.00      \$650.00 plus 0.0003 of construction cost over \$500,000.00.

(3) Mechanical, Electrical and Plumbing Plan Review Fee shall be twenty five percent of the Building Plan Review fee for each trade.

(e) Building Permit Fees.

(1) Residential-New One and Two Family.

CONSTRUCTION COST      BUILDING PERMIT FEE

A. \$0.00 - \$ 10,000.00      \$300.00 minimum

B. Over \$10,000.00      \$300.00 plus \$4.00/\$1000.00 or part thereof over \$10,000.00

(2) Residential - New Multiple Family.

CONSTRUCTION COST      BUILDING PERMIT FEE

A. \$0.00 - \$ 10,000.00      \$300.00 minimum

B. Over \$10,000.00      \$300.00 plus \$3.00/\$1000.00 or part thereof over \$10,000.00

C. Multiple Family: Construction cost to be divided by the number of units. Minimum \$300.00 fee applies to each unit.

(3) Residential - Additions, Alterations, Block Grants and Rehabilitation Projects

CONSTRUCTION COST      BUILDING PERMIT FEE

A. \$0.00 - \$ 1,000.00      \$100.00 minimum

B. Over \$1,000.00      \$100.00 plus \$4.00/\$1,000.00 or part thereof over \$1,000.00

(4) Residential Accessory Structures.

BUILDING PERMIT FEE      PLAN REVIEW FEE

A. Garages/Sheds & similar structures.

up to 600 sq. ft.      \$80.00      \$50.00

over 600 sq. ft.      \$100.00      \$50.00

B. Pool House      \$100.00      \$50.00

C. Decks, Gazebos & Arbors      \$100.00      \$50.00

D. Chicken Permit & Enclosures



M. Minimum Building

Permit Fee for unlisted projects \$50.00 determined at review

(9) Commercial/Industrial - New Stand-Alone Structures Including Communication Towers

CONSTRUCTION COST    BUILDING PERMIT FEE

- A. \$0.00 - \$ 10,000.00    \$300.00 minimum
- B. \$10,001.00 - \$25M    \$300.00 plus \$3.00/\$1,000.00 or part thereof over \$10,000.00
- C. Over \$25M    \$75,270.00 plus \$1.50 /\$1,000.00 or part thereof over \$25M
- D. Multiple Units. Construction cost to be divided by the number of units. Minimum \$300.00 fee applies to each unit.

(10) Commercial/Industrial - Additions, Alterations and Interior Build-Outs.

CONSTRUCTION COST    BUILDING PERMIT FEE

- A. \$0.00 - \$10,000.00    \$300.00 minimum
- B. \$10,001.00 - \$25M    \$300.00 plus \$3.00/\$1,000.00 or part thereof over \$25M
- C. Over \$25M    \$75,270.00 plus \$1.50/\$1,000.00 or part thereof over \$25M

(11) Commercial/Industrial - Miscellaneous.

BUILDING PERMIT FEE    PLAN REVIEW FEE

- A. Antennas    \$100.00    none  
(signed/sealed drawings required)
- B. Awnings    \$3.00/sq. ft. or \$150.00 max. calculated from plan view    none  
(signed/sealed drawing required for awnings over 10 sq. ft.)
- C. Concrete - minor miscellaneous    \$100.00    none
- D. Concrete - screen wall    \$150.00    \$50.00
- E. Demolition    \$300.00    none
- F. Fence    \$50.00    none
- G. Flag Poles    \$100.00    none  
(signed/sealed drawing required)
- H. Re-Roof    \$150.00    none  
(signed/sealed drawing/specs, may be required)
- I. Temporary Structure    \$50.00 + \$50.00 app. fee    none  
180 days (Limited to one 180 day renewal at \$50.00. Township Board approval required thereafter.)
- J. Township Certification    \$200.00    none  
(Includes all trades and required Township Departments.)
- K. Minimum Building Permit Fee  
unlisted projects    \$100.00 + Determined at review

(12) Signs.

BUILDING PERMIT FEE    PLAN REVIEW FEE

- A. Permanent    \$100.00    none
- B. Sign Foundation    \$50.00    none  
(Signed/sealed drawings required for pylon and lawn sign foundation.)
- C. Real Estate Development    \$100.00    none
- D. Temporary/Special Event    \$50.00    none

(f) Cash Deposits/Bonds.

(1) With the exception of fences, sidewalks, approaches, temporary structures and Township certifications building permit bonds are required for all permits as follows:

- A. Residential - One and Two Family. \$300.00 per unit. Ten percent shall be retained per unit for administrative service.
- B. Residential - Multiple Family. \$300.00 per unit. Not to exceed \$1,000.00 per building. Ten percent shall be retained per

unit or building, if applicable, for administrative service.

C. Residential - Additions/Alterations. \$50.00.

D. Residential - Temporary Certificate of Occupancy. \$1,000.00. Ten percent shall be retained for administrative service.

E. All other residential building permits require a \$50.00 bond except as noted in item (1). No fees shall be retained provided all project requirements are met prior to permit expiration and all required inspections are requested by the permit holder.

F. Commercial - New Stand-Alone Structures. \$1,000.00 per structure/building. Ten percent shall be retained for administrative service.

G. Industrial - New Stand-Alone Structures. \$2,000.00 per structure/building. Ten percent shall be retained for administrative service.

H. Commercial/Industrial Additions. \$300.00. Ten percent shall be retained for administrative service.

I. All other commercial/industrial building permits require a \$50.00 bond except as noted in item (1). No fees shall be retained provided all project requirements are met prior to permit expiration and all required inspections are requested by the permit holder.

J. Signs.

1. Permanent. \$50.00. No fees shall be retained provided final inspection is obtained prior to permit expiration.

2. Sign Foundation. \$50.00. No fees shall be retained provided final inspection is obtained prior to permit expiration.

3. Real Estate Development. \$500.00. No fees shall be retained provided sign is removed prior to permit expiration.

4. Temporary/Special Event. \$200.00. \$100.00 forfeited if sign is not removed within 24 hours of permit expiration. \$200.00 forfeited if sign is not removed after 24 hours.

K. Additional fees or bonds may be required by other Township Departments or under other ordinances.

L. Bonds are released to the permit holder of record upon written request and satisfactory project completion as determined by the Building Department. Expiration of permit and inability of permit holder to obtain required inspections may result in bond forfeiture as determined by the Building Official. Failure to provide written request for bond release within 180 days after issuance of a clear Certificate of Occupancy, if applicable, or final Building Department inspection/approval may result in bond forfeiture.

(g) Electrical Permit Fees.

(1) Contractor Registration/License Renewal \$20.00

(2) Application Fee (non refundable) \$50.00

(3) Service

A. 200 amps, or less \$15.00

B. 200 to 600 amps \$25.00

C. 600 to 800 amps \$30.00

D. 800 to 1200 amps \$35.00

E. over 1200 amps \$50.00

F. Temporary Service \$30.00\*

(4) Circuits \$5.00\*

(5) Lighting Fixtures/Ceiling Fans 1 to 25 - \$25.00 min. + \$4.00 ea. additional 25 or part thereof\*

(6) Swimming Pools fees for subsections (2),(4) and (15)\*

(7) Hot Tubs-may need #20 fees for subsections (2),(4) and (15)\*

(8) Data/Telecommunication Outlets

A. 1 - 19 devices \$5/each

B. 20 - 300 devices \$100

C. Over 300 devices \$300

(9) Heating and Air Conditioning

A. HVAC Unit-residential/commercial \$45.00!

B. Furnace-residential/commercial \$45.00!

C. Air conditioning-residential/commercial \$45.00!

D. Baseboard heater or similar unit-each baseboard or unit \$4.00!

(10) Power Outlets-water heaters, ranges, dryers etc. \$10.00\*

(11) Signs

- A. Each sign and separate symbol/logo \$20.00
- B. Neon-each 25 feet or part thereof \$20.00

(12) Feeders-Bus Ducts, etc.

- A. First 50 feet \$10.00
- B. Each additional 50 feet or fraction thereof \$4.00

(13) Motor Units

- A. Up to 20 H.P. or K.V.A. \$12.00 first mtr. \$6.00 ea. add. mtr.
- B. 21 to 50 H.P. or K.V.A. \$14.00 first mtr. \$10.00 ea. add. mtr.
- C. Over 50 H.P. or K.V.A. \$20.00 first mtr. \$12.00 ea. add. mtr.

(14) Fire Alarms

- A. up to 10 devices \$50.00
- B. 11 to 20 devices \$100.00
- C. over 20 devices \$100 plus \$5.00 ea.

(15) Underground Conduit Cable, etc. \$45.00\*

(16) X-Ray Unit \$25.00\*

(17) Generator/Solar Panel Install \$40.00

(18) Mobile/Pre-manufactured Home (see subsection (22)) \$50.00

(19) Information/Special Inspection/Violation Repairs \$50.00

(20) Additional/Re-inspection \$50.00

(21) Mobile/Pre-manufactured Home Unit Site

A. When installing a site service in a park, the permit application must include the application fee, service, plus the number of park sites.

B. When setting a HUD mobile home in a park, a permit must include the application fee and a mobile/premanufactured home install (subsections (2) and (19)). This shall be done by a licensed electrical contractor.

C. When setting a HUD mobile home or pre-manufactured home on private property, a permit must include the application fee, service and feeder and any new circuits. (subsections (2), (3), (4) & (12))

! - Additional inspection fee required for commercial units only

(22) Final Inspection \$50.00

! - Final inspection fee required for new units only, NOT replacements

\* - Requires final inspection fee (Building Official may require a final inspection for items without \*)

(h) Mechanical Permit Fees.

(1) Contractor Registration \$20.00

(2) Application Fee (non refundable) \$50.00

(3) Residential

- A. Heating System (new structures only) Includes ductwork \$65.00\*
- B. Replacement Furnace, HWC or AC with electrical reconnection \$65.00
- C. Gas Burner (including water heater, pool heater\*, generator\*) \$35.00
- D. Dryer Vent \$5.00
- E. Ductwork Alteration \$25.00\*
- F. Boiler - includes electrical reconnection

Private residences and apartments with less than

6 families \$60.00

All other shall be installed by a licensed boiler installer \$60.00

G. Hydronic Piping \$30.00\*

H. Solid Fuel/Gas Logs etc. \$30.00\*

- I. Chimney-Factory Built/Vent Kit \$25.00
- J. Gas Piping: each unit \$25.00\*
- K. Gas piping-each opening \$5.00\*
- L. AirConditioner/HVAC \$60.00
- M. Heat Pumps/Mini Split \$60.00
- N. Bath/Kitchen Air Exhaust \$30.00\*
- O. Humidifier/Electronic air cleaner \$15.00
- P. Fire Suppression System \$40.00

(4) Commercial/Industrial

- A. Heating System (new structures only) Includes ductwork \$75.00\*
- B. Furnace, HWC or Roof-Top HVAC unit replacement,  
includes electrical reconnection \$75.00
- C. Ductwork Alteration \$35.00\*
- D. Fire Dampers 1 to 5 \$25.00 + \$5.00 ea. additional\*
- E. Unit Heaters/Tube Heaters \$30.00
- F. Restroom Exhaust Fans \$30.00\*
- G. Boiler  
This shall be installed by a licensed boiler installer \$35.00
- H. Hydronic Piping \$35.00\*
- I. Hood Exhaust \$30.00\*
- J. Make-up Air Unit \$45.00\*
- K. VAV (variable air valve)Boxes/Reheat Coil 1 to 5 \$25 + \$ 5 ea.\*
- L. Refrigeration \$35.00
- M. Chiller \$35.00
- N. Cooling Towers \$65.00
- O. Fire Suppression System \$40.00
- P. Gas Piping: each unit \$25.00\*
- Q. Gas Piping: each opening \$5.00\*

(5) Mobile/Pre-manufactured Home \$50.00

(6) Information/Special Inspection \$50.00

(7) Additional/Re-inspection \$50.00

(8) Final Inspection \$50.00

\* Requires final inspection fee (Building Official may require a final inspection for items without \*)

(i) Plumbing Permit Fees.

(1) Contractor Registration \$20.00

(2) Application Fee (non refundable) \$50.00

(3) Fixtures, floor drains, special drains, water connected appliances, domestic water treatment and filtering equipment only (see list of fixtures below) \$5.00 each\*

(4) Stacks

(soil, waste, vent and conductor revent/mechanical unit) \$5.00 each\*

(5) Sewage Ejectors, Sumps, Sub-soil drains \$20.00\*

(6) Water Service

A. Less than 2" \$5.00\*

B. 2" to 6" \$25.00\*

C. Over 6" \$50.00\*

- (7) Vacuum Breakers \$5.00
- (8) Sewers (sanitary, storm or combined)
  - A. Less than 6" \$5.00\*
  - B. 6" and over \$25.00\*
- (9) Traps, Interceptors/Separators \$30.00 each\*
- (10) Water Distributing Pipe System
  - A. 3/4" water distribution pipe \$5.00\*
  - B. 1" water distribution pipe \$10.00\*
  - C. 1 1/4" water distribution pipe \$15.00\*
  - D. 1 1/2" water distribution pipe \$20.00\*
  - E. 2" water distribution pipe \$25.00\*
  - F. Over 2" water distribution pipe \$30.00\*
- (11) Reduced pressure zone back-flow preventer
  - Special fixture-Second water meter \$40.00
- (12) Medical Gas System \$45.00\*
  - Applicant must also complete subsection (18) for estimated additional inspections
- (13) Water Heater \$5.00\*
- (14) Swimming Pools
  - A. Hose bib vacuum breaker \$5.00
- (15) Repiping \$40.00\*
- (16) Mobile/Pre-manufactured Home \$50.00
- (17) Information/Special Inspection \$50.00
- (18) Additional/Re-inspection \$50.00
- (19) Final Inspection \$50.00
- (20) Fixtures, Drains, and Water Connected Appliances. each item \$5.00\*

More specifically, but not exclusively, described as the following:

- Acid Waste Drain
- Autopsy
- Bathtub
- Bed Pan Washer
- Bidet
- Carbonated Beverage Dispenser- Water Connection
- Condensate Drain
- Dental Chair Water Connection
- Dishwasher
- Drinking Fountain
- Embalming Table
- Emergency Eye-Wash
- Emergency Shower
- Floor Drain
- Garbage Grinder
- Hose Bib
- Humidifier
- Lavatories



Laundry Tray  
 Roof Drain  
 Safe Waste  
 Shower Trap  
 Sink (all types)  
 Slop Sink  
 Special Fixture  
 Sprinkler Irrigation System Connection  
 Sterilizer-Water Connected  
 Urinal  
 Washing Machine  
 Water Closet  
 Water Heater / Water Softener  
 Water Outlet or Connection to Filters  
 Water Outlet or Connection to Heating System  
 Water Outlet or Connection to any Make-up Water Tank

\* - Requires final inspection fee (Building Official may require a final inspection for items without \*)

(j) Residential Rental Registration and Inspection.

- (1) Single-Family-includes registration and inspection \$100.00/house
- (2) Duplex (two-family) - includes registration and inspection \$200.00/building

If owner occupies one dwelling of a two-family unit, property is registered as a single-family unit.

If duplex is located on two separate parcels, property is registered as two single-family units.

(3) Multiple Units as follows:

<b>Number of Dwelling Units in Building</b>	<b>Registration Fee Per Building</b>	<b>Number of Units to be Inspected</b>	<b>Inspection Fee</b>	<b>Total Fees</b>
1-5	\$100.00	1	\$50.00	\$150.00
6-10	\$100.00	2	\$100.00	\$200.00
11-15	\$100.00	3	\$150.00	\$250.00
16-20	\$100.00	4	\$200.00	\$300.00
21-25	\$100.00	5	\$250.00	\$350.00
26-30	\$100.00	6	\$300.00	\$400.00
31-35	\$100.00	7	\$350.00	\$450.00
36-40	\$100.00	8	\$400.00	\$500.00
41-45	\$100.00	9	\$450.00	\$550.00
46-50	\$100.00	10	\$500.00	\$600.00
51-55	\$100.00	11	\$550.00	\$650.00
56-60	\$100.00	12	\$600.00	\$700.00
61-65	\$100.00	13	\$650.00	\$750.00
66-70	\$100.00	14	\$700.00	\$800.00
71-75	\$100.00	15	\$750.00	\$850.00
76-80	\$100.00	16	\$800.00	\$900.00
81-85	\$100.00	17	\$850.00	\$950.00
86-90	\$100.00	18	\$900.00	\$1,000.00
91-95	\$100.00	19	\$950.00	\$1,050.00
96-100	\$100.00	20	\$1,000.00	\$1,100.00

Buildings with more than 100 dwelling units shall have twenty percent of the total inspected and be calculated as such.

(4) All dwelling units to be inspected shall be selected by the Code Official.

(5) Violations discovered, by the Building Code Official, during the inspection in a particular building may necessitate additional dwelling units inspections. This is at the sole discretion of the Building Official.

(6) Re-inspection fees for all units are \$50. A fee of \$50 may be charged when, in the opinion of the Building Official or his designee, the job was not accessible, the job was not ready for inspection as scheduled or the owner or representative schedules an inspection without completion of a previous violation notice.

(7) Failure to apply to re-register an expired rental license within 45 days of expiration may result in a \$50 administrative fee.

(Res. Unno. Passed 12-12-94; Ord. Unno. Passed 5-21-01; Res. Unno. Passed 7-30-01; Res. Unno. Passed 4-11-05; Res. Unno. Passed 4-25-05; Res. Unno. Passed 5-23-05; Res. Unno. Passed 9-12-05; Res. Unno. Passed 3-13-06; Res. Unno. Passed 1-26-09; Res. Unno. Passed 7-13-09; Res. Unno. Passed 3-27-17; Unno. Res. Passed 3-19-18. Revised 6-2019; Res. Unno. Passed 7-15-19.)

**209.08 ADMINISTRATIVE FEES. (Reserved for future legislation.)**

**209.09 ENGINEERING PLAN REVIEW FEES; FEES FOR INSPECTION OF CONSTRUCTION.**

**(a) Engineering Plan Reviews and Record Drawing Insertion**

The fee shall be 1.75 percent of the proposed construction costs for water main, sanitary sewer, storm sewer, paving, and grading. Proposed construction costs shall be submitted by the engineer for the owner or developer, and shall be approved by the department head of the Township Engineering Department prior to approval of the engineering plan. Minimum review fee is six hundred dollars (\$600.00).

For public utilities owned by other public entities, or entities regulated by the Michigan Public Service Commission, the minimum review fee shall be one hundred twenty-five dollars (\$125.00) plus five (.05) cents per lineal foot for each improvement as depicted on plans submitted.

**(b) Fees for Inspection of Underground Construction**

(1) On projects which the Township will furnish inspection, the inspection fee shall be an amount equal to six percent of the construction costs for all sanitary sewer, water main, and storm sewer improvements, which inspection fee shall be no less than fifty dollars (\$50.00).

(2) The construction costs shall be based upon the actual contract to perform work or an estimate as reviewed and approved by the Township.

(3) This inspection fee is payable to the Clinton Township Water and Sewer Department.

**(c) Fees for Inspection of Paving and Related Improvements**

(1)

Paving Construction Cost	Inspection Fee
\$0.00 to \$10,000	8 percent
\$10,001 to \$50,000	\$800 plus 5 percent above \$10,000
\$50,001 to \$100,000	\$2,800 plus 4 percent above \$50,000
Over \$100,000	\$4,800 plus 3 percent above \$100,000

(2) Under the terms of this section, the Township shall have the right to inspect such construction whether situated in a public right-of-way or on private property. Related improvements include, but are not limited to the resurfacing of pavement surfaces, whether of the same material existing, or different material.

(3) This inspection fee is to be paid to the Clinton Township Department of Public Works.

(d) Site Plan Review. The fee for site plan review shall be ten dollars (\$10.00) per acre (one hundred eighty dollars (\$180.00) minimum).

(e) Easement Review. The fee for easement review is one hundred ten dollars (\$110.00). If more than three (3) reviews are required, additional review fees on an hourly basis shall be charged to the extent the engineer's internal costs exceed the original review fee.

(f) Drainage Review Fees. Drainage review fees, also known as plot plan review fees shall be collected through the Engineering Department or otherwise as directed by the Township Board. Fees are set at the amount of four hundred dollars (\$400.00). If more than three reviews are required, an additional review fee of one hundred twenty-five dollars (\$125.00) per review exceeding three reviews shall be charged.

(g) Flood Plain Revision Review. The fee for flood plain revision review shall be two thousand two hundred dollars (\$2,200.00) for a letter of map revisions, one thousand one hundred dollars (\$1,100.00) for a conditional letter of map revisions, nine hundred ninety dollars (\$990.00) for a letter of map amendment, four hundred forty dollars (\$440.00) for a single lot, nine hundred ninety dollars (\$990.00) for multiple lots or acreage.

(Res. Unno. Passed 3-8-99; Res. Unno. Passed 7-30-01; Res. Unno. Passed 10-22-01; Ord. 341. Passed 6-20-03; Ord. 350.

**209.10 FIRE DEPARTMENT FEES.**

(a) There is hereby adopted the following schedule of fees for plan reviews and inspections required under the terms of the Fire Prevention Code.

(1) Sprinkler plan review.\*

Pipe and Hanger Inspection and Hydrostatic Test

Final Sprinkler Inspection/Flow Alarm

- A. 1 to 20 heads                 \$ 150.00
- B. 21 to 100 heads                 200.00
- C. 101 to 200 heads                 250.00
- D. 201 to 300 heads                 300.00
- E. More than 300 heads                 350.00
- F. Each additional re-inspection                 70.00

(2) Other required suppression tests.\*

- A. Kitchen suppression plan review and acceptance test                 \$ 100.00
- B. Spray booth suppression plan review and acceptance test                 100.00
- C. Re-inspection fee                 70.00

(3) Fire protective signaling system.\*

- A. Plan review and acceptance test     \$ 100.00
- B. Each additional re-inspection                 70.00
- C. 1 to 25 devices                 \$ 100.00
- D. 26 to 50 devices                 150.00
- E. 51 to 75 devices                 200.00
- F. 76 to 100 devices                 250.00
- G. 101 to 125 devices                 300.00
- H. More than 125 devices                 350.00

- (4) Annual fire inspection.                 \$ 75.00
- Any further re-inspections\*                 \$ 120.00

\* No work to begin prior to approval. The Fire Marshal or the Fire Marshal's designee, on the submission of reasonable cause, shall have the discretion to waive all or part of a re-inspection fee.

(5) Cause and origin cost recovery

The Charter Township of Clinton as administered by the Fire Department may impose and recover fees associated with cause and origin investigation by others. Cause and origin shall include, in addition to cause and origin related work, presence for purpose of maintaining a chain of evidence and scene integrity until a determination of cause and origin is made.

- A. If involving a structure                 \$ 750.00  
Such fees shall not exceed \$750.00 or the limit of any applicable insurance policy whichever is less.
- B. If involving a vehicle                 \$ 500.00  
Such fee shall not exceed \$500.00 or the limit of any applicable insurance policy whichever is less.

- (6) Open burning permit fee.                 \$ 125.00

(b) In the event of a failure to pay, within thirty days, any statement for fees incurred as a result of any provision of this section, the Township shall be permitted to collect such fees imposed upon any owner of premises (including lessors) in the same manner as ad valorem real property taxes are collected. Such fees may be added to and made a part of subsequent real property tax bills and separately noted on such bill, for purposes of collection. A ten dollar (\$10.00) collection fee shall be imposed upon the owner of the premises where a re-inspection occurred.

(c) Notice is hereby given that printed copies of the revised schedule of fees for plan reviews and inspections are kept and

maintained in the office of the Township Clerk and are available for inspection by and distribution to the public.

(d) Fees for addressing recorded plats and site condominiums. A fee for establishing addresses for each parcel of land in a plat being recorded or a site condominium development being recorded is established at the rate of eighty dollars (\$80.00) for the first parcel and ten dollars and fifty cents (\$10.50) for each parcel thereafter in each plat or site condominium project. Such fees shall be payable to the Assessing Department and credited within the funds of the Fire Department.

(Res. Unno. Passed 4-17-00; Res. Unno. Passed 6-25-01; Ord. 355. Passed 7-26-04; Res. Unno. Passed 4-22-19; Revised 6-2019.)

### **209.11 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT FEES.**

(a) Site Plan Review

- (1) New Site Plan Review \$600.00 plus Preliminary Engineering Review
- (2) Revised Site Plan Review \$600.00 plus Preliminary Engineering Review
- (3) Administrative Site Plan Review \$200.00

(b) Zoning/Map Amendment (Rezoning) \$1,200.00

(c) Zoning/Text Amendment \$1,200.00

(d) Special Land Use & Site Plan \$1,200.00 plus Preliminary Engineering Review

(e) Special Land Use 1,200.00

(f) Board of Appeals

- (1) Residential 75.00
- (2) Nonresidential 300.00

(g) Plat Approval 1,500.00 plus \$20.00 per lot

(h) Site Plan Performance Bond

- (1) Residential 200.00 per unit (\$5,000.00 minimum)
- (2) Industrial .50 per sq. ft. of principal bldg. (\$5,000.00 minimum)
- (3) All other 1.00 per sq. ft. of principal bldg. (\$5,000.00 minimum)

\* Note: Preliminary Engineering Fee of \$10.00/acre (minimum \$180.00) is required for Site Plan, Revised Site Plan, Plot and Special Land Use/Site Plan approval.

(Ord. 319. Passed 12-22-97. Revised 6-2019.)

### **209.12 POLICE DEPARTMENT FEES.**

(a) Taxicab License Fees. Taxicab license fees shall be as follows:

(1) Twenty-five dollars (\$25.00) per year for the right to engage in the taxicab business and for the first vehicle to be used therein, with seating capacity up to five passengers; and

(2) Ten dollars (\$10.00) per year for each additional vehicle used in the operation of a taxicab business with seating capacity up to five passengers, plus two dollars (\$2.00) for each additional passenger capacity of a vehicle, over five passengers.

No license shall be issued or continued unless there is in full force and effect an insurance policy for each taxicab in an amount of not less than one hundred thousand dollars (\$100,000.00) for bodily injury to any one person, and not less than three hundred thousand dollars (\$300,000.00) for bodily injuries to more than one person, and not less than fifty thousand dollars (\$50,000.00) property damage in any one accident. Copies of insurance policies shall be filed in the office of the Township Clerk. The insurance policies shall be issued by an insurance company authorized to do business in the State of Michigan.

(b) Application for Alcoholic Beverage License Fees. The following fees are hereby established to cover the costs of investigation and review by the Township of Clinton prior to approval or rejection of any application subject to Chapter 804 of these Codified Ordinances. Each of these fees are payable upon application in full and is non-refundable. The initial application fee is hereby established at three hundred dollars (\$300.00). This schedule may be modified from time to time by appropriate resolution of the Clinton Township Board.

- (1) Class "B", Class "C", Tavern, Private Club \$1,850.00 per application
- (2) SDD license 500.00 per application
- (3) SDM license 500.00 per application
- (4) Drop/add space 150.00 per application
- (5) Drop/add names. Immediate family, meaning mother, father, natural or adopted child, sister or brother 150.00 per application
- (6) Dance/entertainment 150.00 per application

(7) Fees for escrow, transfer, or addition or deletion of persons or entities to a license, change of names shall be the same amount as provided for transfer.

(8) The fee for relocation of an existing license to a new site shall be pursuant to the fee set forth herein.

(9) Outdoor use Class "C" License \$ 300.00 per application

(c) Precious Metals Dealers; Pawnbrokers.

(1) Gold dealers \$ 50.00

(2) Reseller's license 50.00

(3) Pawnbroker's license 500.00

(plus \$65.00 per registered employee for each company)

(d) False Alarm Fees.

(1) Fees for false alarms requiring Police Department response (automobile, residential, business and commercial fire alarms) shall be as follows:

A. Second false alarm 50.00

B. Third false alarm 75.00

C. Fourth or subsequent false alarms 100.00

(2) Fees for false alarms requiring Fire Department response shall be as follows:

A. For a standard response (requiring a minimum of equipment and manpower):

1. Second false alarm \$300.00

2. Third false alarm 400.00

3. Fourth or subsequent false alarm 500.00

B. For optimal response (requiring significant deployment of manpower and equipment due to the nature of the building for which the alarm is given, including maximum response uses as set forth in the Fire Prevention Code, NFPA sections and other fire prevention ordinances adopted by the Charter Township of Clinton, such as, but not limited to, multifamily residential dwelling units with more than twelve units, institutions, high-hazard industries and places of assembly of more than 100 persons):

1. Second false alarm \$500.00

2. Third false alarm 700.00

3. Fourth or subsequent false alarms 1,000.00

(3) Where a false alarm is responded to by both the Police Department and the Fire Department, both applicable fees shall be charged.

(4) False alarm fees shall not apply in the case of the first two false alarms during the two-week period following installation of a new alarm or the upgrading of an existing alarm system, upon proper notice to the Police Department and the Fire Department of the installation or change. Notice shall be provided telephonically and in writing to each Department. False alarm fees shall be imposed only where false alarms are actually responded to by police and/or fire personnel and/or equipment.

(5) False alarm fees shall not apply where an alarm system malfunction occurs, if corrective measures have been undertaken within ten days after the false alarm and a copy of the repair order documenting such completed repair by a licensed alarm system contractor is furnished within thirty days of the false alarm to the records bureau of the Police Department. Notwithstanding the provisions of this paragraph, in any calendar year period, this procedure shall excuse no more than three false alarms. The fourth false alarm shall result in a penalty as prescribed for fourth or subsequent false alarms.

(6) No person shall willfully give, assist in giving, countenance, request or cause to be given any false alarm in any manner; provided that this paragraph shall not apply to members of the Fire Department. The provisions of this paragraph shall apply to the first, as well as all subsequent, willful false alarms.

(7) In the event of a failure to pay, within thirty days, any statement for fees incurred as a result of provisions of this chapter or Chapter 607 of the General Offenses Code, the Charter Township of Clinton shall be permitted to collect such fees imposed upon any owner of premises (including lessors) in the same manner as ad valorem real property taxes are collected. Such fees may be added to and made a part of subsequent real property tax bills and separately noted on such bill, for purposes of collection. A ten dollar (\$10.00) collection fee shall be imposed upon the owner of the premises where such false alarm occurred.

(Ord. 314. Passed 10-15-96; Ord. Unno. Passed 1-2-03.)

(e) Data Processing and Records Bureau Fees.

(1) General incident reports. \$ .10 per page

(2) Public roadway accident reports. \$15.00

(3) Private property accident reports. No charge

(4) Photographs.

8 x 10 color print (each) \$ 15.00

Polaroid print (each) 5.00

(5) Record check and letters of contact with Clinton Township Police Department

Each \$10.00

(6) Fingerprint cards.

Up to 3 cards \$10.00

(7) Freedom of information requests.

Search lowest hourly wage of person who can conduct search

Per page (computer report) \$.10

Incident reports (1 or 2 pages) \$.10

Each additional page \$.10

(8) Charge to sign off waivers for civil infraction tickets

Nonresident with non-41-B ticket No charge

(f) CCW/handgun permit.

Handgun permit fee \$10.00

(Ord. 319. Passed 12-22-97. Revised 6-2019.)

### **209.13 PUBLIC WORKS DEPARTMENT FEES.**

Fees of the Public Works Department shall be as follows:

(a) Sidewalk Replacement. The fee for sidewalk replacement shall be the same as the cost to the Township for such replacement, per square foot.

(b) Recycle Bins. The fee to replace a recycle bin shall be ten dollars (\$10.00) per replacement.

(c) Filling of Swimming Pools. There shall be a labor fee of thirty-three dollars (\$33.00) per hour for each department worker required for the filling of swimming pools.

(d) Rear Yard Drain Installation. The fee for a rear yard drain installation shall be equal to the cost to the Township of the materials for the installation and one dollar (\$1.00) per linear foot.

(e) Boarding of Abandoned Buildings. There shall be a labor fee of thirty-three dollars (\$33.00) per hour for each department worker required for boarding an abandoned building, plus the costs of materials.

(f) Sump Pump Inspection. The fee for inspections of sump pumps shall be fifty dollars (\$50.00) per sump pump.

(g) Graffiti. For the removal of graffiti, there shall be a labor fee of thirty-three dollars per hour for each department worker required, plus the cost of materials.

(h) Tree Trimming. There shall be a fee of fifteen dollars (\$15.00) per tree trimmed.

(i) There shall be a mowing fee of one hundred fifty dollars (\$150.00) for property less than one acre, and three hundred dollars (\$300.00) per acre for property of one acre or more.

(j) Pavilion Reservations.

(1) George George Memorial Park pavilion rental fees:

Clinton Township Resident: \$250.00 Monday - Thursday plus \$250.00 security deposit

Non-Resident: \$350.00 Monday - Thursday plus \$250.00 security deposit

Clinton Township Resident: \$750.00 Friday or Saturday plus \$250.00 security deposit

Non-Resident: \$1,000.00 Friday or Saturday plus \$250.00 security deposit

Clinton Township Resident: \$850.00 Sunday plus \$250.00 security deposit

Non-Resident: \$1,100.00 Sunday plus \$250.00 security deposit

(2) Civic Center Gazebo rental fees:

Clinton Township Resident: \$100.00 per day plus \$100.00 security deposit

Non-Resident: \$200.00 per day plus \$100.00 security deposit

(3) Other park pavilion rental fees:

Clinton Township Resident: \$100.00 per day

Non-Resident: \$200.00 per day

(k) Drainage System Development Fee. Drainage system development fees are as follows:

- (1) For a single-family residential development, other than a condominium development, drainage fees shall be calculated at ten cents (\$.10) per square foot.
- (2) For residential condominiums and residential multiple dwellings, five cents (\$.05) per square foot.
- (3) For all other developments, seven cents (\$.07) per square foot.
- (4) The drainage system development fee for redevelopment (development requiring the submittal of a site plan) shall be one-third of the amount as otherwise would be calculated under the applicable preceding paragraphs for all proposed development and any existing development unless expansion of the parking surfaces or buildings exceeds fifty percent, in which case the same fees apply as above.

(l) Special Lateral Drain, Front Yard Lateral Drain and Rear Yard Lateral Drain Benefit Fees Fee shall be charged on the basis of a linear foot or fraction thereof, utilizing the average width of the parcel and calculated as follows:

6 inches	-	\$15/lineal foot
8 inches	-	\$18/lineal foot
12 inches	-	\$32/lineal foot
15 inches	-	\$36/lineal foot
18 inches	-	\$40/lineal foot
24 inches	-	\$46/lineal foot
30 inches	-	\$54/lineal foot
36 inches	-	\$64/lineal foot
42 inches	-	\$84/lineal foot
Over 42 inches	-	\$120/lineal foot

(m) Park Activity Fees. The following are fees as provided under Ord. 1062.36:

(1) Use of any park facility by any organized athletic league, or any team from such organized athletic league. Organized athletic league refers to any organization which charges persons for participation, participates in league play, or regularly participates in games and practices under the direction of a coach.

(a) All fees and requirements will remain the same for soccer travel teams and independent leagues. A fee of five hundred dollars (\$500.00) a season for the year which includes spring and fall soccer for AYSO Region 125 for the Spring and Fall Registration effective April 2011.

(b) All fields use: This will apply to all field usage by anyone. Additionally, effective March 22, 2011, all travel teams, stand-alone tournaments and independent leagues will need to provide current rosters, completed application forms and proof of valid insurance through the duration of their season or use. In addition, one will have to pay thirty dollars (\$30.00) a game for field use for teams that have fifty percent or more Clinton Township residents and sixty dollars (\$60.00) a game for teams that have less than fifty percent Clinton Township residents.

(c) In-house leagues (as determined by the Board) will be assessed a new fee effective January 3, 2012, amounting to a cost of no more than three dollars (\$3.00) a player per season. The fee was determined by the number of fields needed and the level of service for those fields. The following leagues, including but not limited to, will be assessed:

Clinton Valley Little League

Clinton Valley Youth Baseball

\* In-house leagues are designated by the Township Board through a process which begins by contacting the Public Services Department. In-house leagues pay only the three dollars (\$3.00) a player cost which may be adjusted from time-to-time.

(2) Classes or activities where a fee is charged or paid, or donations received.

Two hundred fifty dollars (\$250.00) per calendar year with a maximum two hour time slot per day. For additional time slots on a given day the fee is one hundred dollars (\$100.00) per two hour slot per day. Park usage is to be arranged by the Department of Public Services.

(n) Civic Center 5K Races. Races of five kilometers in duration may be scheduled as permitted by the Director of the Department of Public Works with fees to be paid of four hundred dollars (\$400.00), Monday through Saturday, and five hundred dollars (\$500.00) on Sunday. Deposits in all instances of one thousand dollars (\$1,000.00) in addition to the minimum fee is required. As calculated by the Department of Public Works, additional fees may be charged against the deposit or otherwise over and above the deposit based on time and effort expended. In all cases, a best A-rated insurance policy naming, as an additional insured primary and noncontributory, the Charter Township of Clinton and its employees is required to be furnished prior to the event, and shall not be subject to cancellation without prior notice to the Township.

(o) Refuse Rates. See Section 1016.13(c) Fee Schedule for current refuse rates.

(Ord. 319. Passed 12-22-97; Res. Unno. Passed 2-11-02; Res. Unno. Passed 3-25-02; Res. Unno. Passed 4-1-08; Res.

**209.14 TREASURER'S OFFICE FEES.** (Reserved for future legislation.)

**209.15 WATER AND SEWERS DEPARTMENT FEES.**

(a) Water and Sewage Disposal Service Charges Water and sewage disposal service furnished by the Department of Water and Sewers is subject to the following charges based on the consumption of water that is normally measured by a meter installed and controlled by the Department, and a monthly Readiness to Serve Charge based on meter size. The consumption of water is measured in units or fractions thereof. One unit is defined as the volume of 100 cubic feet of water. The monthly charges shall be as follows:

(1) Water Supply Rates.

- A. Usage Charge: \$3.33/unit
- B. Readiness to Serve Charge: \$7.89/month\*

\* multiplied by the following meter equivalent ratios for every meter set in place except when used as a deduct meter see below the table:

<b>Meter Size</b>	<b>Meter Ratio</b>	<b>Monthly Charge</b>
5/8" displacement	1.00	\$ 7.89
1" displacement	2.50	19.73
1-1/2" displacement	5.00	39.45
2" displacement	8.00	63.12
3" compound	16.00	126.24
3" turbine	17.50	138.08
4" compound	25.00	197.25
4" turbine	31.50	248.54
6" compound	67.50	532.58
6" turbine	65.00	512.85
6" compound P3	80.00	631.20
8" compound	80.00	631.20
8" turbine	140.00	1,104.60
10" compound P3	220.00	1,735.80

A. Meter rate calculations are derived using American Water Works Association specifications which will be applied for any other type of meter if approved by the Superintendent of Clinton Township Water & Sewer Department. For billing purposes, the Meter Equivalent Ratio is calculated using as a standard the safe maximum operating capacity for that meter divided by the standard maximum meter-flow for the 5/8" displacement meter (20 gpm).

(2) Sewer Disposal Rates.

- A. Usage Charge: \$6.49/unit
- B. Readiness to Serve Charge:  
\$5.79/month per family unit for residential customers

\$5.79/month multiplied by the following meter equivalent ratios, see below, for non-residential customers:

<b>Meter Size</b>	<b>Meter Ratio</b>	<b>Monthly Charge</b>
5/8" displacement	1.00	\$ 5.79
1" displacement	2.50	14.48
1-1/2" displacement	5.00	28.95
2" displacement	8.00	46.32
3" compound	16.00	92.64
3" turbine	17.50	101.33
4" compound	25.00	144.75
4" turbine	31.50	182.39
6" compound	67.50	390.83



6" turbine	65.00	376.35
6" compound P3	80.00	463.20
8" compound	80.00	463.20
8" turbine	140.00	810.60
10" compound P3	220.00	1,273.80

A. Meter rate calculations are derived using American Water Works Association specifications which will be applied for any other type of meter if approved by the Superintendent of Clinton Township Water and Sewer Department. For billing purposes, the Meter Equivalent Ratio is calculated using as a standard the safe maximum operating capacity for that meter divided by the standard maximum meter-flow for the 5/8" displacement meter (20 gpm).

B. Charges recognize that the volume of water received is more than the volume of water discharged into the sewer system.

C. Where sewer usage only is occurring, customer shall pay the Readiness to Serve Charge, plus five units of usage charge.

(3) Security Deposit (water and/or sewer service). Residents and/or non-residents filing proper paperwork for the Affidavit of Lessor for Exemption of Premises from Municipal Water and Sewage System Lien Pursuant to M.C.L.A. 161, et seq, charges shall be as follows:

1" or less	\$200.00
1 1/2"	\$250.00
2"	\$300.00
3"	\$350.00
4"	\$400.00
6"	\$450.00
8"	\$500.00
10"	\$550.00

(b) Sanitary Sewer Clean-Out and Inspection Fees. All facilities furnishing food services, including by illustration but not limitation, restaurants, clubs, senior facilities, schools and other businesses furnishing for consumption to the public cooked food products within the Charter Township of Clinton shall pay an annual sanitary clean-out and inspection fee of two hundred forty dollars (\$240.00) due and payable monthly at the rate of twenty dollars (\$20.00) per month which shall be added to and included as part of Sanitary Sewer and Water Service charges on the monthly Water and Sewer bill. In addition, if more than one annual sewer clean-out is required as determined by the Department of Public Works, the owner of the property and occupant shall jointly and severally be liable for a sanitary sewer clean-out fee of three hundred dollars (\$300.00) for the next clean-out and four hundred dollars (\$400.00) for any clean-out thereafter. If more than an annual inspection of the system is required, the owner and the occupant shall jointly and severally be liable for the payment of an additional inspection fee in the amount of one hundred ten dollars (\$110.00) for the next inspection and one hundred fifty dollars (\$150.00) for any inspections thereafter. Charges for such additional clean-out inspection and associated work shall be included as part of the bill for Sanitary Sewer and Water Service and shall be collected as part of the Water and Sewer charges. The Township further reserves the right to pursue the collection of any and all such fees due and owing in any other manner as permitted or provided by law. Upon the completion of any such clean-out or inspection, fees and charges shall be added to the next monthly bill. The clean-out involves the portion of the sanitary sewer under public ownership at a location in the vicinity of where the facility's sewer line connects to the public system.

(c) Water Connection Fees. The fee for a water connection includes the tapping of the main, the curb stop and box, and the service pipe from the main to the curb stop. The fee will be based on time and materials for the installation, but the fee shall not be less than the following:

1" service	\$1,000.00
1 1/2" service	\$1,200.00
2" service	\$1,300.00
A service larger than 2"	\$1,200.00*

\* Plus fifty percent (50%) of the meter price as currently charged at the time of connection.

(d) Meter Charges.

(1) For the initial installation or for replacements, when necessary:

<b>Meter Size</b>	<b>Monthly Charge*</b>
5/8" displacement	\$259.00
1" displacement	\$399.00

1-1/2" displacement	\$753.00
2" displacement	\$920.00
3" compound	\$3,846.00
4" compound	\$5,289.00
6" compound	\$8,543.00

Automatic Reading Box: \$103.00

\*All other meter(s) and meter assembly parts per the manufacturer's representative's current product charge.

(2) Meter tests for in-house up to 2" meter size or per the manufacturer's current product charge: \$25.00

(3) Meter reinstallations: \$50.00

(e) Water and Sewer Systems Development Fees. The water and sewer systems development fees shall be based on the Table of Water and Sewer Capacity Unit Factors set forth in Section 1042.02. The current fees are as follows:

(1) Water system development fee per capacity unit \$200.00

(2) Sewer system development fee per capacity unit 400.00

(f) Water and Sewer Debt Service Charges.

(1) Water.

For the first 60 feet \$4,800.00

For each additional foot 80.00

(2) Sewer.

For the first 60 feet (same side of street) \$7,200.00

For the first 60 feet (opposite side w/lead) 7,200.00

For the first 60 feet (opposite side w/o lead) 4,800.00

For each additional foot 120.00

(3) Interest rates for installment payments on water and sewer debt service installment agreements are hereby established at seven percent per annum.

(Res. Unno. Passed 3-25-02; Res. Unno. Passed 1-14-08.)

(g) Site Protection and Completion Deposit. Inspection charge. A deposit of one thousand dollars (\$1,000) shall be made. From this charge, there shall be deducted a twenty-five dollar (\$25.00) inspection charge. If reinspection is required a further twenty-five dollar (\$25.00) charge will be provided.

(Res. Unno. Passed 7-16-01; Res. Unno. Passed 1-14-08.)

(h) Deposit for Special Water Use. When water is requested for other than use in a building, the Department may provide such water, with or without a meter. This service shall be called a "special water use." To get such special water use, the user must pay for the amount of water to be used. Before getting the supply of water, the applicant for the same is subject to a deposit (previously called a "Gatewell Deposit"), to be applied toward the payment for the special water use, in an amount ranging from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00) based upon the projected use as determined by the Superintendent of the Department.

(i) Special Service Charges. In the event that a user of water and/or sewage disposal services is delinquent in paying for services rendered, that user will be subject to the special service charge listed hereinafter. A use will be considered delinquent when said user does not pay his or her bill when due or when said user submits a bad check when paying his or her bill.

Whenever a user is so delinquent, the Department may turn off the water to the user's building (with or without a written notice). If a written notice is given, it will give a proposed shut-off date.

The special service charge shall be \$50.00 per "incident." An "incident" is defined as any one of the following:

(1) A visit to the building's site with the intent to shut off the water, but not doing so based on the user's promises; and/or

(2) A visit to the building's site with the intent to shut off the water and doing so. The subsequent visit to turn on the water is considered a part of this "incident."

If a nondelinquent user requests the Department either to turn off or to turn on his or her water during normal business hours, the visits to do so will not be subject to a special service charge. However, if either a nondelinquent user or a delinquent user requests the Department to turn on his or her water at times other than normal Department business hours, said user will be subject to double the special service charge.

(j) Contractor License Fees and Renewals.

(1) Contractor License Fee

(effective for one year) \$25.00

(2) Contractor License Renewal Fee

(effective for one year) \$10.00

(k) Capacity unit factor for determining water and/or sewer system development fees

(1) To determine the total amount of water and/or sewer system development fee for other than residential use, the following table of water and/or sewer capacity unit factor shall be used. The total fee shall be the capacity unit factor times the current rate per capacity unit.

<b>OCCUPATIONAL USE</b>	<b>CAPACITY UNIT FACTORS</b>
<b>OCCUPATIONAL USE</b>	<b>CAPACITY UNIT FACTORS</b>
All other uses not specifically listed	1.0 per 2,000 sf
Apartm ents	1.0 per living unit
Auto Dealers	0.3 per stall plus office space, etc. at their respective units
Bagel Shop	4.0
Bakery	3.0
Banks	1 per 2,000 sf
Barber/ Beauty Shop	1.0 per shop; plus 0.10 per chair
Bath House	5.0 per 1,000 sf
Bowling Alley	1.0 plus .20 per alley plus office space, restaurant, bar, etc. at their respective unit factors
Cafeteria	1.0 per 10 seats
Car Wash - Attendant Operated	12.0 per lane
Car Wash - Coin Operated	1.0 per stall
Car Wash - Semi-automatic (drivers remain in car)	4.0 per stall
Churches	1.0 plus 1.0 per 10,000 sf
Cleaners - In house	1.5 per 1,000 sf plus 2.0 per press
Cleaners - Pick up station	1.0
Condominiums	1.0 per living unit
Convalescent Home	.22 per bed plus kitchen, laundry, office, etc. at their respective unit factors
Convents	.20 per bedroom plus office space, laundry, kitchen, etc. at their respective unit factors
Country Clubs, Fraternal Organizations, Halls, etc.	1.0 per assembly room plus office, restaurant, bar, pool, etc. at their respective unit factors
Department Stores	1.0 per 2,000 sf
Dialysis Center	30.0
Factories and Warehouses	1.0 per 10,000 sf plus office space, cafeteria, etc. at their respective unit factors
Funeral Home	2.0
Furniture Store	1.0 per 4,000 sf
Grocery Stores	1.0 per 1,000 sf
Gymboree	1.0
Hospital	1.09 per bed plus office space, cafeteria, laundry, etc. at their respective unit factors
Hotels or Motels	.25 per bedroom plus office space, restaurant, bar, swimming pool, etc. at their respective unit factors
Laundromat - Self Service	1.0 per every 2 washers
Meat Market	2.5 per 1,000 sf
Mobile Home Parks	1.0 per trailer space
Office Building	1.0 per 2,000 sf
Party Stores	1.0 per 1,000 sf
Pools	2.0 per 1,000 sf of pool area
Print Shop	1.0 per 1,000 sf
Produce Store	2.5 per 1,000 sf

Restaurants or Bars - Full Service	5.0 per 1,000 sf
Restaurants - pizza parlor, chicken, ice cream parlors, sub shops, etc. without dishes or carry out	2.0
Restaurants - pizza parlor, chicken, ice cream parlors, sub shops, etc. with dishes and/or seating	1.0 plus 1 per 10 chairs
Retail Stores	1.0 per 2,000 sf
Schools	.67 per classroom plus office space, cafeteria, pool, etc. at their respective unit factors
Service Stations	2.0
Tanning Salon	1.0
Theaters	.02 per seat (1 per every 50 seats)
Video Store	1.0 per 2,000 sf
Weight Loss Clinic	1.0

(2) When the unit factor in the above table refers to 1,000 square feet, it shall mean the gross floor area of the building measured from outside of wall to outside of wall on each floor of the building, including the basement area, if used for any use except as a storage room, furnace room or air conditioning equipment room. The water and/or sewer system development fee is also chargeable for any additions to a Building. Said fee shall be paid upon application for a building permit for the addition.

(3) The total number of units assigned to a particular usage on a single premises (defined as a single use by a single lessee or owner) as computed from the above table shall be a whole number and any fractional portion thereof equal to 0.5 of one unit or more shall be considered the next higher whole number.

(4) The Township reserves the right to review and adjust the total amount of water and/or sewer development fees as computed at any time and shall review said fees upon receipt of the applicant's demand in writing within two years after the date of payment of the water and/or sewer system development fee as computed under the terms of this section, the basis for the Township's review of the original water and/or sewer system development fee shall be as follow: The total recorded metered water use (in cubic feet) of each of the applicant's premises for a minimum period of twelve consecutive months after full occupancy and full projected use shall be divided by 7,200 cubic feet (defined in this section as one unit) to determine the number of adjusted units (rounded off to the nearest whole number) which when multiplied by the water and/or sewer system development fee per unit as specified elsewhere herein produces the total adjusted water/or sewer development fee for that premises. The Township shall be the sole judge of the time when full occupancy and full projected use has begun.

(5) On the above review basis, the Township shall refund the amount of the original water and/or sewer system development fee which is in excess of 125 percent of the adjusted water and/or sewer system development fee. The Township shall not be required to review the amount of any original water and/or sewer system development fee unless the applicant's demand in writing is received by the Township within two years of the date of payment of the original water and/or sewer system development fee.

(Ord. 319. Passed 12-22-97; Ord. 341. Passed 6-20-03; Ord. 388. Passed 8-24-09. Revised 6-2019; Revised 9-2019.)

#### **209.16 MISCELLANEOUS FEES.**

The following miscellaneous fees are hereby established:

(a)	Car wash licenses	\$25.00
(b)	Used car sales lot	25.00
(c)	Motor vehicle sales lot	25.00
(d)	Mobile home sales lot	25.00
(e)	Pool rooms	25.00
(f)	Coin operated devices (5 or less)	25.00
(g)	Coin operated devices (6 or more)	250.00
(h)	Carnivals (amusement rides)	400.00 + \$1,000 bond
(i)	Festivals (no amusement rides)	200.00 + \$500 bond
(j)	Christmas trees:	
	(1) Basic fee	\$110.00
	(2) Each employee	35.00
	(3) Added locat ion	20.00
	(4) Bond	100.00
(k)	90-day peddler, vendor; outdoor	150.00 basic fee
	shop keeper	100.00 per employee
(l)	Coin operated amusement device	
	(1) Arcades	250.00
	(2) All other licenses	75.00

(m)	Notarization of documents	\$10.00
(n)	International pension forms	\$10.00

(o) Drive-in Restaurants. The annual license fee for a drive-in restaurant shall be fifty dollars (\$50.00), provided that if the licensee has been previously granted a restaurant license during the current year, the fee shall be forty dollars (\$40.00), and provided, further, that in case a license is issued after September 1, the fee shall be twenty-five (\$25.00), or in the case of a licensee holding a restaurant license, twenty dollars (\$20.00). In the case of a drive-in restaurant serving dairy products and soft drinks only, the license fee shall be twenty dollars (\$20.00), provided that if the licensee has been previously granted a restaurant license during the current year, the fee shall be twenty dollars (\$20.00), and provided, further, that in case a license is issued after September 1, the fee shall be twelve dollars and fifty cents (\$12.50), or, in the case of a licensee holding a restaurant license, ten dollars (\$10.00). If the application for a license is rejected, the applicant shall be entitled to a refund of his or her deposit, less a service fee of five dollars (\$5.00). Every license issued hereunder shall be limited to the location for which such license was issued. Transfer of ownership of a license may be made by application to the Township Clerk and payment of a license transfer fee of five dollars (\$5.00).

(p) Junk Yards. An annual license fee in the amount of twenty-five dollars (\$25.00) is hereby established. After approval by the Township Board and upon payment of said fee, the Clerk shall be authorized to issue a license for the operation of junk yards and/or automobile wrecking yards. All licenses issued hereunder shall expire on March 31 of the year following issuance and shall be renewable upon application to the Township Board. Licenses shall be nontransferable and good only for one site. In the event of a sale or transfer of a junk yard or automobile wrecking yard, the new owner shall apply for and be granted a license before entering into the operation of said business.

(q) Massage establishment licenses                      \$200.00  
Each renewal    75.00

(r) Pawnbrokers. An annual license fee of five hundred dollars (\$500.00) shall be paid, and a prepaid, irrevocable bond shall be furnished to the Township in the penal sum of three thousand dollars (\$3,000), with at least one corporate surety, to be approved by the Township, for the faithful performance of the duties and obligations pertaining to the said business and for payment of all costs and damages incurred.

(s) Pool Rooms and Billiard Halls. The applicant for a pool room and/or a billiard hall permit shall pay into the Treasury of the Township a fee of twenty-five dollars (\$25.00) for the use of the Township.

(t) Removal or Sale of Sand and Earth. Actual out-of-pocket engineering expenses as determined by the Township in order to review the proposal. An additional cash and/or surety bond as established based on the nature and extent of the proposed removal.

(Ord. 319. Passed 12-22-97; Res. Unno. Passed 6-16-08; Ord. 447. Passed 1-14-19; Revised 6-2019.)

## CHAPTER 209A

### Sale of Surplus Property

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- 209A.01 Purpose.
- 209A.02 Assessment for reuser scrap.
- 209A.03 Lot or item splitting prohibited.
- 209A.04 Expected sale price less than ten thousand dollars (\$10,000.00).
- 209A.05 Expected sale price greater than ten thousand dollars (\$10,000.00).
- 209A.06 Exceptional conditions.

#### **CROSS REFERENCES**

Township Board - ADM. Ch. 210

Township Supervisor - ADM. Ch. 220

#### **209A.01 PURPOSE.**

The purpose of this chapter is to achieve the wide and reasonable distribution of notice for the sale of property, obtain the highest reasonable price from a responsible bidder for the sale of property and achieve and complete sale within a reasonable period of time. Additionally, identifying whether the property is subject to reuse upon sale, or should be categorized as being sold for scrap.

(Ord. 407. Passed 2-10-14.)

#### **209A.02 ASSESSMENT FOR REUSER SCRAP.**

Prior to the sale of any property, the department head shall make a determination of whether the subject property is subject to reuse or should be sold for scrap. If it is determined that the property should be sold for scrap, a written report shall be presented to the supervisor, identifying the property as being sold for scrap. Consultation and utilization of proper resources shall occur to determine whether property is salable for reuse or as scrap, including vendors of similar materials, new or used and resellers of property. More than a single resource, where feasible, should be used to assist in such determination.

(Ord. 407. Passed 2-10-14.)

#### **209A.03 LOT OR ITEM SPLITTING PROHIBITED.**

Splitting items or components of items, or splitting lots of items, in order to reduce the aggregate resale price below the requirements of this chapter to avoid utilizing processes under this chapter is prohibited.

(Ord. 407. Passed 2-10-14.)

#### **209A.04 EXPECTED SALE PRICE LESS THAN TEN THOUSAND DOLLARS (\$10,000.00).**

Where the expected return on the sale of any lot or items is below ten thousand dollars (\$10,000.00) the following process shall be followed:

(a) The department head shall obtain in writing the approval from the Supervisor for the sale of such lot or item and shall identify to the Supervisor the proposed manner of resale.

(b) Permitted manners of resale, include utilizing websites such as EBay, Repocast, MITN, or other widely utilized websites for disposal of used or surplus property. The nature of such property shall be utilized as a factor in determining the website selected. If a website manner of sale is not selected, trade journals, newspaper advertising and other processes shall be followed, intended to generate multiple bids. Where appropriate, sealed bids shall be received. Upon completion of the sale, in electronic form, a report of the sale including the manner in which sold and identification of the items and the sale price received shall be furnished in electronic form to the Supervisor which shall be stored in electronic form with a separate electronic folder for each department from which a sale has been made.

(Ord. 407. Passed 2-10-14.)

#### **209A.05 EXPECTED SALE PROCEEDS GREATER THAN TEN THOUSAND DOLLARS (\$10,000.00).**

In the case of sales of items or lots of items where the expected sale price will exceed ten thousand dollars (\$10,000.00), a request in writing and approved by the Township Board shall be obtained. The department head shall furnish a description of the item, expected range of return, proposed manner of sale and an explanation of why such manner was selected. Upon completion of the sale, a report in electronic form shall be furnished to the Supervisor and copied to each Board member which shall be stored electronically by department, describing the items sold, price received and manner in which it was sold.

(Ord. 407. Passed 2-10-14.)

#### **209A.06 EXCEPTIONAL CONDITIONS.**

The Township Board may at anytime waive the manner of sale where exceptional conditions exist that make compliance with this chapter impractical.

(Ord. 407. Passed 2-10-14.)

## **TITLE FOUR - Legislation**

Chap. 210. Township Board.

Chap. 212. Ordinances and Resolutions.

### **CHAPTER 210**

#### **Township Board**

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EDITOR'S NOTE: There are no sections in Chapter 210. This chapter has been established to provide a place for cross references and any future legislation.

##### **CROSS REFERENCES**

Duties re incorporation; Township Board; adoption of budget - see Michigan Charter Township Act (Act 359 of 1947)

Authority re nuisances - see GEN. OFF.654.06(c), 654.07

Review of subdivision plats - see P. & Z.1224.03(a)(6), (b)

Authority re Land Development Regulations - see P. & Z.1242.01

## CHAPTER 212

### Ordinances and Resolutions

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EDITOR'S NOTE: There are no sections in Chapter 212. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Publication; scope; records; continuation and repeal; ordinances and resolutions generally; effective date; interpretation - see Michigan Charter Township Act (Act 359 of 1947)

Codified Ordinances - see ADM. Ch. 202

## TITLE SIX - Administration

- Chap. 220. Township Supervisor.
- Chap. 222. Township Superintendent.
- Chap. 224. Township Clerk.
- Chap. 226. Township Treasurer.
- Chap. 228. Township Attorneys.
- Chap. 230. Emergency Services Coordinator.
- Chap. 232. Assessing Department.
- Chap. 234. Accounting Department.
- Chap. 236. Police Department.
- Chap. 238. Fire Department.
- Chap. 240. Building Department.
- Chap. 242. Department of Parks and Recreation.
- Chap. 244. Department of Public Works.
- Chap. 246. Department of Water and Sewers.
- Chap. 248. Planning and Community Development Department.
- Chap. 250. Senior Citizens Department.
- Chap. 252. Employees Civil Service Department.
- Chap. 254. Responsible Contractor Requirements.

## CHAPTER 220

### Township Supervisor

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EDITOR'S NOTE: There are no sections in Chapter 220. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Elected constitutional officers for townships - see Mich. Const. Art. 7, Sec. 18

Township Supervisor - see Michigan Charter Township Act (Act 359 of 1947)

Duties re emergency management - see ADM.207.06

Authority re fair housing complaints - see GEN. OFF.624.06

## CHAPTER 222

### Township Superintendent

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EDITOR'S NOTE: There are no sections in Chapter 222. This chapter has been established to provide a place for cross

references and any future legislation.

**CROSS REFERENCES**

Creation of other administrative offices by charter townships; appointment, powers and duties; qualifications; residence - see Michigan Charter Township Act (Act 359 of 1947)

**CHAPTER 224**

**Township Clerk**

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EDITOR'S NOTE: There are no sections in Chapter 224. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Elected constitutional officers for townships - see Mich. Const. Art. 7, Sec. 18

Duties re incorporation; Township Clerk - see Michigan Charter Township Act (Act 359 of 1947)

**CHAPTER 226**

**Township Treasurer**

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EDITOR'S NOTE: There are no sections in Chapter 226. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Elected constitutional officers for townships - see Mich. Const. Art. 7, Sec. 18

Bonded indebtedness; budgeting; finance generally; expenditure restrictions; transfer of funds; successor to debts or liabilities - see Michigan Charter Township Act (Act 359 of 1947)

**CHAPTER 228**

**Township Attorneys**

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EDITOR'S NOTE: There are no sections in Chapter 228. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Creation of other administrative offices by charter townships; suits or prosecutions involving township - see Michigan Charter Township Act (Act 359 of 1947)

District Court and Circuit Court - see ADM.Ch. 298

**CHAPTER 230**

**Emergency Services Coordinator**

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EDITOR'S NOTE: There are no sections in Chapter 230. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Creation of other administrative offices by charter townships - see Michigan Charter Township Act (Act 359 of 1947)

Emergency Management - see ADM. Ch. 207

Police Department - see ADM. Ch. 236

Fire Department - see ADM. Ch. 238

Water shortages - see S.U. & P.S. 1040.19

Sewer discharge emergencies - see S.U. & P.S. 1046.12(c)



Collection and disposal of hazardous materials - see S.U. & P.S.1060.01(c)

Explosive hazards - see P. & Z. 1298.03(i)

Emergency measures; recovery of costs - see F.P.1610.05(BOCA F-112.5)

## **CHAPTER 232**

### **Assessing Department**

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EDITOR'S NOTE: There are no sections in Chapter 232. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Special assessments - see Mich. Const. Art. 9, Sec. 6

Special assessments for public improvements; uncollected assessments - see Michigan Charter Township Act (Act 359 of 1947)

Assessing Department fees - see ADM.209.06

Procedure for creation of special assessment districts and special street lighting districts - see S.U. & P.S.1020.01

## **CHAPTER 234**

### **Accounting Department**

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EDITOR'S NOTE: There are no sections in Chapter 234. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Bonded indebtedness; budgeting; finance generally; expenditure restrictions; transfer of funds; accounts, annual audit, filing results public inspection; annual reports; succession to debts or liabilities - see Michigan Charter Township Act (Act 359 of 1947)

Township Treasurer - see ADM. Ch. 226

## **CHAPTER 236**

### **Police Department**

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236.01 Establishment of full-time Department.

236.02 Appointments; reserve officers.

236.03 Powers and duties of personnel.

236.04 Establishment of rules and regulations.

236.05 Acquisition and maintenance of police vehicles, equipment, buildings and property, and funds for payment thereof.

236.06 Delegation of powers.

#### **CROSS REFERENCES**

Police force established; appointment of Marshal; appropriations for Police Department - see Michigan Charter Township Act (Act 359 of 1947)

Fees of the Police Department - see ADM.209.12

Police and Fire Civil Service Commission - see ADM.Ch. 272

Resisting, obstructing or assaulting police officers - see GEN. OFF.606.02, 606.03

Interference with Police Department communications systems - see GEN. OFF.607.07

#### **236.01 ESTABLISHMENT OF FULL-TIME DEPARTMENT.**

The Township of Clinton hereby establishes a full-time Police Department to provide police protection for the unincorporated

portions of the Township.

(Ord. 202. Passed 1-31-68.)

#### **236.02 APPOINTMENTS; RESERVE OFFICERS.**

The Township Board is hereby authorized and directed to appoint a Chief of Police and such other police officers, detectives, and employees of the Police Department as it shall deem necessary and appropriate for the proper and efficient operation and maintenance of the Police Department and proper law enforcement. Reserve officers shall be authorized and appointed by the Chief of Police.

(Ord. 202-A-1. Passed 5-9-77.)

#### **236.03 POWERS AND DUTIES OF PERSONNEL.**

The Chief of Police, detectives and all officers of the Police Department shall have the powers and duties as may be prescribed now or hereafter by law, to enforce all Township ordinances and State laws, and these personnel and other employees of the Police Department shall have such other powers and duties as may be lawfully prescribed by the Township Board from time to time.

(Ord. 202. Passed 1-31-68.)

#### **236.04 ESTABLISHMENT OF RULES AND REGULATIONS.**

The Township Board is hereby authorized and directed to make and establish rules and regulations for the government of the full-time Police Department, its Chief of Police, detectives, officers, and employees, and for the care and management of the motor vehicles, equipment, property and buildings pertaining to the Department.

(Ord. 202. Passed 1-31-68.)

#### **236.05 ACQUISITION AND MAINTENANCE OF POLICE VEHICLES, EQUIPMENT, BUILDINGS AND PROPERTY, AND FUNDS FOR PAYMENT THEREOF.**

(a) Acquisition of Vehicles, Equipment, Property and Buildings The Township Board is hereby authorized and directed to acquire and maintain such police vehicles, equipment, property and buildings as it may deem necessary, at its discretion, for the proper and efficient enforcement of law within the Township of Clinton.

(b) Funds for Payment The Township Board is hereby authorized and directed to appropriate such sums of money from the General Fund or the Contingent Fund of the Township, or by special assessment procedures prescribed by law, as it may deem necessary for payment of the cost of acquisition and maintenance of police vehicles, equipment, property and buildings and for the cost of maintenance and operation of the Police Department.

(Ord. 202. Passed 1-31-68.)

#### **236.06 DELEGATION OF POWERS.**

The Township Board is hereby authorized to delegate any or all of the foregoing powers given to it under this chapter to such police and/or police and fire administrative board as it may hereafter create in accordance with the law, in its discretion.

(Ord. 202. Passed 1-31-68.)

## **CHAPTER 238**

### **Fire Department**

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EDITOR'S NOTE: There are no sections in Chapter 238. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Establishment of Fire Department and office of Fire Chief; refusal of persons to aid at fire; appropriations for Fire Department - see Michigan Charter Township Act (Act 359 of 1947)

Police and Fire Civil Service Commission - see ADM.Ch. 272

Firemen's and Policemen's Retirement System - see ADM.Ch. 294

False alarms - see GEN. OFF.607.06

Interference with Fire Department communications systems - see GEN. OFF.607.07

Enforcement of Fire Prevention Code - see F.P.1610.03

Interference with fire suppression efforts - see F.P.1610.05(BOCA F-106.9)

Access to construction sites - see F.P.1610.05(BOCA F-315.2)

Fireworks detail - see F.P. 1610.05(BOCA F-3103.2.1)

## **CHAPTER 240**

### **Building Department**

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EDITOR'S NOTE: There are no sections in Chapter 240. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Building Department fees - see ADM.209.07

Building Authority - see ADM.Ch. 278

Enforcement of Zoning Code - see P. & Z.1252.01

Adoption of BOCA National Building Code - see B. & H.1420.01

Administration of building regulations - see B. & H.Ch. 1440

Administration of plumbing regulations - see B. & H.Ch. 1442

Administration of mechanical regulations - see B. & H.Ch. 1444

## **CHAPTER 242**

### **Department of Parks and Recreation**

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EDITOR'S NOTE: There are no sections in Chapter 242. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Parks generally - see Mich. Const. Art. 7, Sec. 23

Misapplication of park funds - see M.C.L.A. Sec. 123.67

Parks and Recreation Committee - see ADM.Ch. 286

Parks generally - see S.U. & P.S.Ch. 1062

Alcoholic beverages in parks - see S.U. & P.S.1062.05(a)

## **CHAPTER 244**

### **Department of Public Works**

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EDITOR'S NOTE: There are no sections in Chapter 244. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Acquisition of property and operation of public buildings, parks and facilities by charter townships; public improvements; determination of necessity of improvements - see Michigan Charter Township Act (Act 359 of 1947)

Approval of public works projects by Planning Commission - see M.C.L.A. Secs. 125.39, 125.40

Department of Public Works fees - see ADM.209.13

Water and sewers generally - see S.U. & P.S.Ch. 1040

## **CHAPTER 246**

### **Department of Water and Sewers**

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EDITOR'S NOTE: There are no sections in Chapter 246. This chapter has been established to provide a place for cross

references and any future legislation.

**CROSS REFERENCES**

Department of Water and Sewers fees - see ADM.209.15

Water and sewers generally - see S.U. & P.S.Ch. 1040

Water and sewer rates, charges and fees - see S.U. & P.S.Ch. 1042

Water supply cross-connection control - see S.U. & P.S.Ch. 1044

Industrial wastewater pretreatment - see S.U. & P.S.Ch. 1046

Authority of Superintendent of Water and Sewers re Land Development Regulations - see P. & Z.1242.01

## **CHAPTER 248**

### **Planning and Community Development Department**

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EDITOR'S NOTE: There are no sections in Chapter 248. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Planning and Community Development Department fees - see ADM.209.11

Planning Commission - see P. & Z. Ch. 1210

Master Plan for Future Land Use - see P. & Z.Ch. 1212

Subdivision Regulations - see P. & Z.Ch. 1220 et seq.

Review of subdivision plats - see P. & Z.1224.04(b)

Subdivision open space plan - see P. & Z.1226.05, 1292.03

Land Development Regulations - see P. & Z.Ch. 1240 et seq.

## **CHAPTER 250**

### **Senior Citizens Department**

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EDITOR'S NOTE: There are no sections in Chapter 250. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Discrimination generally - see Mich. Const. Art. 1, Sec. 2; M.C.L.A. Sec. 37.1 et seq., 423.301 et seq., 750.146 et seq.

Inspection of motor vehicles used by senior citizen centers - see M.C.L.A. Sec. 257.715a

Commissions on services to the aging - see M.C.L.A. Secs. 400.583, 400.584

Bingo conducted by senior citizens organizations - see M.C.L.A. Secs. 432.101 et seq.

## **CHAPTER 252**

### **Employees Civil Service Department**

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EDITOR'S NOTE: There are no sections in Chapter 252. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Powers and duties of officers - see Michigan Charter Township Act (Act 359 of 1947)

Employees Civil Service Commission - see ADM.Ch. 270

Unclassified service - see ADM. 270.06

Classified service - see ADM. 270.06, 270.09

Police and Fire Civil Service Commission - see ADM.Ch. 272

Employees generally - see ADM.Ch. 290

## CHAPTER 254

### Responsible Contractor Requirements

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254.01 Short title.

254.02 Responsible contractor requirements.

254.03 Contractor responsibility certifications.

254.04 Notice of intent to award contract.

254.05 Subcontractor lists, subcontractor responsibility certifications.

254.06 Contractor responsibility review and determination.

254.07 Subcontractor responsibility review requirements.

254.08 Public review process.

254.09 Severability, effective date.

#### CROSS REFERENCES

Acquisition of property and operation of public buildings, parks and facilities by charter townships; public improvements; determination of necessity of improvements - see Michigan Charter Township Act (Act 359 of 1947)

Approval of public works projects by Planning Commission - see M.C.L.A. Secs. 125.39, 125.40

#### 254.01 SHORT TITLE.

This chapter shall be referred to as the Responsible Contractor Requirements Ordinance.

(Ord. 413. Passed 2-9-15.)

#### 254.02 RESPONSIBLE CONTRACTOR REQUIREMENTS.

(a) All contractors and subcontractors of any tier that perform work valued at over fifty thousand dollars (\$50,000.00) on any public facility or public works project, except for work involving the installation, repair, or replacement of sanitary sewers, waterlines and related improvements, including construction, demolition, alteration, renovation, repair and contract service or contract maintenance work, shall meet the requirements of this chapter.

(b) All firms engaged in contracts covered by this chapter shall be qualified, responsible contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts upon which they are engaged, including but not limited to necessary experience, equipment, technical skills and qualifications, financial and personnel resources. The firms bidding on public contracts shall be required to have a satisfactory past performance record and a satisfactory record of compliance with law, integrity and business ethics.

(Ord. 413. Passed 2-9-15.)

#### 254.03 CONTRACTOR RESPONSIBILITY CERTIFICATIONS.

(a) A general contractor, construction manager or other lead or prime contractors seeking award of a contract shall submit a contractor responsibility certification at the time it submits its bid for a contract, as a condition to perform work proposed.

(b) The contractor responsibility certification shall be completed on a form provided by the Director of Public Services, or the Director's designee and shall reference the project for which it is being submitted by name and contractor project number.

(c) In the contractor responsibility certification the construction manager, general contractor, or other lead or prime contractor shall confirm the following facts regarding its past performance, work history and its current qualifications and performance capabilities:

(1) The firm and its employees have all valid and currently effective licenses, registrations or certificates required by federal, state, county, or local law, including, but not limited to, licenses, registrations or certificates to: (a) do business in the designated locale; and (b) perform contract work it seeks to perform. These shall include, but not be limited to, licenses, registrations or certificates for any type of construction or maintenance trade work or specialty work which the firm proposes to self-perform.

(2) The firm meets bonding requirements for the contract as required by applicable law, or contract specifications and any insurance requirements as required by applicable law or contract specifications, including general liability insurance, completed operations insurance, workers compensation insurance and unemployment insurance.

(3) The firm has not been debarred or suspended by any federal, state or local government agency or authority in the past three (3) years.

(4) The firm has not defaulted on any project in the past five (5) years.

(5) The firm has not had any type of business contracting or trade license, registration, or other certification revoked or suspended in the past five (5) years.

(6) The firm and its owners have not been convicted of any crime relating to the contracting business in the past ten (10) years.

(7) The firm has not within the past five (5) years been found in violation of any law applicable to its contracting business, including, but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage law, environmental laws or others, where the result of such violation was the payment of a fine, back wage damages or any other type of penalty in the amount of one thousand dollars (\$1,000.00) or more.

(8) The firm has in place, maintains and operates a drug and alcohol screening program which meets or exceeds the requirements and standards set forth in the management union serving together, drug and alcohol screening program, last revised June 1, 1014.

(9) All craft labor for the project has completed at least the OSHA ten (10) hour training course for safety established by the United States Department of Labor, Occupational Safety & Health Administration.

(10) The firm will employ craft employees in all classifications and individual trades required to successfully perform work related to the project.

(11) The firm has participated in a Class A Apprenticeship Program for the past three (3) years, at a minimum, for each separate trade or classification in which it employs craft employees and shall continue to participate in such programs for the duration of the project. Class A Apprenticeship Program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor, or a state apprenticeship agency and has graduated apprentices to journey person status for at least three (3) of the past five (5) years. A role setting forth the trade and classification of craft employees with their names and addresses will be furnished in order to verify participation in a Class A Apprenticeship Program.

(12) The firm has technical qualifications and resources, including equipment, personnel and financial resources to perform the referenced contract, or will obtain the same through the use of qualified, responsible subcontractors.

(13) The firm will maintain all qualifications, resources and capabilities referenced in this certification throughout the duration of the project.

(14) The firm shall notify the Director of Public Services or the Director's designee within seven (7) days of any material changes to all matters attested to in this certification.

(15) The firm understands and agrees that the Contractor Responsibility Certification required by this section shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

(d) Execution of the certification required by this chapter shall not establish a presumption of contractor responsibility and the Charter Township of Clinton may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including but not limited to, technical qualifications, financial capacity or other resources and performance capabilities.

(e) The submitting firm shall stipulate in the contractor responsibility certification that, if it received a notice of intent to award, it will provide a subcontractor list and required subcontractor information as specified within this chapter.

(f) If the submitting firm has ever operated under another name or controls, is controlled by another company or business entity or in the past five (5) years controlled or was controlled by another company or business entity, whether as a parent company, subsidiary or in any other business relation, it shall attach a separate statement to its contractor responsibility certification that explains in detail the nature of any such relationship. Additional information may be required from such an entity by the Township.

(g) Failure to provide a contractor responsibility certification required by this section shall result in disqualification from bidding. No action of any nature shall lie against the Township, its agents, or employees because its refusal to accept a bid for failing to furnish information required by this section.

(Ord. 413. Passed 2-9-15.)

#### **254.04 NOTICE OF INTENT TO AWARD CONTRACT.**

(a) After it has received bids for a project, the Township shall issue a notice of intent to award contract to the firm accepted by the Township.

(b) Such notice shall be issued stipulating that contract award is conditioned on the issuance of complete and accurate contractor responsibility determinations by the firm and subcontractors as required under this chapter.

(Ord. 413. Passed 2-9-15.)

#### **254.05 SUBCONTRACTOR LISTS, SUBCONTRACTOR RESPONSIBILITY CERTIFICATIONS.**

(a) Within seven (7) days from the date of notice of intent to award contract, a prospective awardee shall submit to the Township through the Director of Public Services, or the Director's designee, a subcontractor list containing the names of subcontractors that will be used for the project, their addresses and a description of the work each listed subcontractor will perform on the project.

(b) Upon submittal of the subcontractor list, the firm shall also submit subcontractor responsibility certification for all listed

subcontractors to the Township through the Director of the Department of Public Services or the Director's designee. Subcontractor responsibility certification shall be executed by respective subcontractors on forms prepared by the Township and shall contain the same information as required in contractor responsibility certifications under Section 254.03.

(c) Subcontractor responsibility certifications shall be executed by persons having sufficient knowledge to address all matters in the certification and shall include an attestation stating, under penalty of perjury, that all information submitted is true, complete and accurate.

(Ord. 413. Passed 2-9-15.)

#### **254.06 CONTRACTOR RESPONSIBILITY REVIEW AND DETERMINATION.**

(a) After a notice of intent to award contract has been issued, the Township shall undertake a review process to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this chapter and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract.

(b) As part of this review process, the Township with full cooperation from the contractor, shall review responsibility certifications by the contractor and subcontractors to determine that information is correct and they have been properly executed.

(c) The Township may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to perform the contract and that information furnished is accurate and complete.

(d) If upon the conclusion of a review, the Township determines that all responsibility certifications have been properly completed and executed, it shall issue written notice to the contractor verifying the same. In the event a firm is determined to be non-responsible, the Township shall advise the firm of its finding in writing. A determination of compliance or non-compliance shall be made within thirty (30) days from identification as a prospective awardee. In the event of a determination that the prospective awardee is not responsible, the awardee shall be entitled to appeal to the Township Board, in writing, setting forth the reasons for such appeal, with such appeal to be filed within seven (7) days. The Township Board shall hear and consider the appeal filed within thirty (30) days and shall render a decision on completion of the hearing in writing, setting forth the reasons for its decision to the prospective awardee within seven (7) days.

(e) The responsibility determination may be revoked or revised at any time if the Township obtains relevant information warranting any such revocation or revision. The same appeal process as for finding of non-responsibility shall apply under such circumstances.

(Ord. 413. Passed 2-9-15.)

#### **254.07 SUBCONTRACTOR RESPONSIBILITY REVIEW REQUIREMENTS.**

(a) A construction manager, general contractor or other lead or prime contractor shall not be permitted to use a subcontractor on any work performed for the Township unless it has identified the subcontractor on its subcontractor list and provided a subcontractor responsibility certification in accordance with the requirements of Section 254.05.

(b) A subcontractor listed on a firm's subcontractor's list shall not be substituted unless written authorization is obtained from the Director of Public Services, or the Director's designee of the Township and a subcontractor responsibility certification is provided for the substitute subcontractor.

(c) In the event that the Township determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this section, it may, after informing the prospective awardee, exercise one of the following options:

(1) Permit the awardee to substitute a qualified, responsible, subcontractor in accordance with the requirements of this section;

(2) Require the awardee to self-perform the work in question if the firm has the required experience, licenses and other qualifications to perform the work in question at no additional cost; or

(3) Disqualify the prospective awardee.

(d) In the event that a subcontractor is disqualified under this chapter, the general contractor, construction manager or other lead or prime contractor shall not be permitted to make any type of contractual claim against the Township, its agents or employees on the basis of a subcontractor disqualification.

(Ord. 413. Passed 2-9-15.)

#### **254.08 PUBLIC REVIEW PROCESS.**

(a) The contractor responsibility certification for a firm identified in a notice of intent to award contract, subcontractor lists and subcontractor responsibility certifications shall be made available for public inspection.

(b) During the public review period, any person may present information relating to the qualifications of a contractor or subcontractor for failing to meet requirements of this chapter, or any other relevant grounds to the Township.

(c) If the Township determines that a contractor or subcontractor responsibility certification contains false or misleading material information, the Township as a remedy may prohibit the contractor or subcontractor from performing work for the Township for a period of three (3) years and shall be subject to other penalties and sanctions including contract termination. A contract terminated under such circumstances shall entitle the Township to withhold payment of monies as damages, as a cumulative remedy.

(d) A procurement contract subject to this chapter shall not be executed until all requirements of this chapter have been fulfilled and until contractor and subcontractor responsibility certifications and subcontractor lists have been made available for public inspection for at least ten (10) days.

(Ord. 413. Passed 2-9-15.)

#### **254.09 SEVERABILITY, EFFECTIVE DATE.**

(a) If any provision of this chapter shall be held to be invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate any other provision of this chapter, being the intent that remaining provisions shall be fully severable and remain in full force and effect.

(b) This chapter shall become effective twenty (20) days following adoption and publication.

(c) The requirements of this chapter shall not apply to contracts executed prior to the effective date of this chapter except that the exercise of an option on a contract covered by this chapter shall be deemed to create a new contract for purposes of this chapter to which this chapter shall apply.

(Ord. 413. Passed 2-9-15.)

## **TITLE EIGHT - Boards, Commissions, Corporations, Committees and Authorities**

Chap. 260. Planning Commission.

Chap. 262. Zoning Board of Appeals.

Chap. 264. Election Board.

Chap. 266. Local Officials Compensation Commission.

Chap. 268. Historical Commission.

Chap. 270. Employees Civil Service Commission.

Chap. 272. Police and Fire Civil Service Commission.

Chap. 275. 2019 Downtown Development and Tax Increment Financing Plan.

Chap. 274. Downtown Development Authority.

Chap. 276. Economic Development Corporation.

Chap. 278. Building Authority.

Chap. 280. Board of Review.

Chap. 282. Housing Commission.

Chap. 283. Communication Committee.

Chap. 284. Cable Television Committee. (Repealed)

Chap. 286. Parks and Recreation Committee.

Chap. 288. Electrical Examining and Licensing Board.

### **CHAPTER 260**

#### **Planning Commission**

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EDITOR'S NOTE: Provisions relating to the Planning Commission are codified in Chapter 1210 of Part Twelve - the Planning and Zoning Code.

### **CHAPTER 262**

#### **Zoning Board of Appeals**

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EDITOR'S NOTE: Provisions relating to the Zoning Board of Appeals are codified in Chapter 1254 of Part Twelve - the Planning and Zoning Code.

### **CHAPTER 264**



## Election Board

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EDITOR'S NOTE: There are no sections in Chapter 264. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Duties of Election Board regarding incorporation; Township Board elections - see Michigan Charter Township Act (Act 359 of 1947)

Voting places - see P. & Z. 1299.01(d)

## CHAPTER 266

### Local Officials Compensation Commission

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266.01 Creation.

266.02 Definition.

266.03 Commission membership and appointment.

266.04 Commission duties.

266.05 Commission meetings.

266.06 Compliance with Open Meetings Act.

### **CROSS REFERENCES**

Compensation for elected officials - see Michigan Charter Township Act (Act 359 of 1947)

Reduction in compensation - see ADM.270.12

Approval of payrolls - see ADM.270.14

#### **266.01 CREATION.**

A Local Officials Compensation Commission is hereby created.

(Ord. 436. Passed 7-24-17.)

#### **266.02 DEFINITION.**

As used in this chapter, the term "Commission" shall refer to the Local Officials Compensation Commission for the Charter Township of Clinton.

(Ord. 436. Passed 7-24-17.)

#### **266.03 COMMISSION MEMBERSHIP AND APPOINTMENT.**

The Commission shall consist of five members who are registered electors of the Township, appointed by the Supervisor subject to confirmation by a majority of the members elected and serving on the Township Board. The terms of office shall be five years, except that the members first appointed, (one each) shall be appointed for terms of 1, 2, 3, 4, and 5 years. All first members shall be appointed not more than thirty days after the effective date of the ordinance. Members other than the first members shall be appointed before October 1st of the year of appointment. Vacancy shall be filled for the remainder of an unexpired term. An officer or employee of a governmental agency, or a unit, or a member of the immediate family of that officer or employee, shall not be appointed to the Commission.

(Ord. 436. Passed 7-24-17.)

#### **266.04 COMMISSION DUTIES.**

The Commission shall determine the salary of each Township elected official which determination shall be the salary unless the Township Board by resolution adopted by two thirds of the members elected to and serving on the Board rejects the determination. A determination of the Commission shall be effective thirty days following its filing with the Township Clerk unless rejected by the Township Board. If a determination is rejected, the existing salary shall prevail. An expense allowance or reimbursement paid to an elected official in addition to salary, shall be for expenses incurred in the course of Township business and accounted for to the Township.

(Ord. 436. Passed 7-24-17.)

#### **266.05 COMMISSION MEETINGS.**

The Commission shall meet not more than fifteen session days in each odd number year and shall make a determination within forty-five calendar days of the first meeting. The majority of the members of the Commission constitutes a quorum for conducting the business of the Commission. The Commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the Commission. The Commission shall elect a chairperson from among the Commission members. As used in this section, "session days" means a calendar day on which the Commission meets and a quorum is present. The members of the Commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(Ord. 436. Passed 7-24-17.)

#### **266.06 COMPLIANCE WITH OPEN MEETINGS ACT.**

Business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with Act number 267 of the Public Acts of 1976 as amended, being M.C.L.A. §§ 15.261 to 15.275 of the Michigan Compiled Laws or any subsequent enacted applicable law.

(Ord. 436. Passed 7-24-17.)

## **CHAPTER 268**

### **Historical Commission**

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268.01 Commission established; duties and powers.

268.02 Membership.

268.03 Organization.

268.04 Funds.

268.05 Appropriation of facilities, equipment and personnel.

#### **CROSS REFERENCES**

Power of Township to acquire property - see Michigan Charter Township Act (Act 359 of 1947)

Historic districts - see M.C.L.A. Secs. 399.201 et seq.

Power to establish - see M.C.L.A. Sec. 399.204

Powers and duties - see M.C.L.A. Secs. 399.205 et seq.

#### **268.01 COMMISSION ESTABLISHED; DUTIES AND POWERS.**

There is hereby created and established a Charter Township of Clinton Historical Commission which shall be responsible for the general administration of the Township historical site and any and all other historical properties, subject to the provisions hereinafter specified. The Commission shall acquire, collect and exhibit in the name of the Township all necessary historical documents, materials, equipment and other things necessary for the effective operation of the Township's historical sites. The acceptance and acquisition of personal property of historical significance or value shall be subject to recommendation by the Commission and approval of the Township Board. Disposal of personal property of historical significance or value shall be subject to recommendation of the Commission and approval of the Township Board. Acceptance, acquisition, disposal or lease of real property shall be subject to recommendation by the Supervisor and approval by the Township Board. Any property, real or personal, received in trust which is accepted by the Township Board shall be held in the name of the Township but in conformity with the terms of the trust.

(Ord. 283. Passed 2-15-90.)

#### **268.02 MEMBERSHIP.**

The Historical Commission shall consist of nine members who shall be residents, landowners or business owners within the Charter Township of Clinton and recommended for appointment by the Supervisor with the approval of the Township Board. Each member shall serve for a term of three years, except that the first Board appointed shall consist of three members appointed for a term of one year, three members appointed for a term of two years, and three members appointed for a term of three years.

(Ord. 283. Passed 2-15-90.)

#### **268.03 ORGANIZATION.**

The Historical Commission shall organize by annually electing a Chairperson, Vice-Chairperson, Secretary, Auditor and Curator from its membership. It shall adopt its own by-laws and rules of procedure as it may deem necessary and proper, subject to the approval of the Township Board. It shall hold such meetings, regular or special, as it deems necessary to carry on its work.

(Ord. 283. Passed 2-15-90.)

## **268.04 FUNDS.**

All monies collected or received by the Historical Commission from any source shall be paid forthwith to the Township Clerk, and such monies shall be used to offset and defray the expenses of the historical site and Historical Commission in accordance with the annual budget. All monies received by the Commission shall be held for the exclusive use of the Commission.

(Ord. 283. Passed 2-15-90.)

## **268.05 APPROPRIATION OF FACILITIES, EQUIPMENT AND PERSONNEL.**

The Township Board shall provide for such facilities, equipment and personnel as it deems necessary for the proper management and operation of the Historical Commission and the historical properties.

(Ord. 283. Passed 2-15-90.)

# **CHAPTER 270**

## **Employees Civil Service Commission**

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- 270.01 Adoption of Act 246 of the Public Acts of 1965, as amended.
- 270.02 Civil service system and Commission established.
- 270.03 Selection of members; terms of office; filling vacancies; quorum; removal from office.
- 270.04 Compensation and expenses.
- 270.05 Personnel Director; compensation of Director and assistants; contract for use of other facilities; rules and regulations; photographs; nondiscrimination.
- 270.06 Classified service; unclassified service.
- 270.07 Meetings.
- 270.08 Powers and duties.
- 270.09 Filling positions in classified service; procedure.
- 270.10 Necessity for taking examination.
- 270.11 Filling vacancies by promotion; procedure.
- 270.12 Removal, suspension, reduction in rank or compensation; procedure.
- 270.13 Annual report.
- 270.14 Approval of payrolls.
- 270.15 Political contributions; violation; removal from office.
- 270.16 Refusal to appear or testify; witness fees; attendance of witnesses; production of books and papers; giving of testimony; false swearing.
- 270.17 Violations; refusal, neglect, omission, or nonperformance of duty.
- 270.18 Prohibition of discrimination; membership in subversive organizations.
- 270.19 Offices and accommodations.
- 270.20 Appropriations.
- 270.99 Penalty.

### **CROSS REFERENCES**

Powers and duties of officers - see Michigan Charter Township Act (Act 359 of 1947)

Employees Civil Service Department - see ADM.Ch. 252

Police and Fire Civil Service Commission - see ADM.Ch. 272

Employees generally - see ADM.Ch. 290

## **270.01 ADOPTION OF ACT 246 OF THE PUBLIC ACTS OF 1965, AS AMENDED.**

At a regular meeting of the Clinton Township Board held on September 9, 1970, the provisions of Act 246 of Public Acts of 1965, as amended, were adopted for the Township of Clinton, and at the general election held on November 3, 1970, in said Township, a majority of the electors voting thereon approved the adoption of said Act 246.

(Ord. 224-A. Passed 11-11-70.)

## **270.02 CIVIL SERVICE SYSTEM AND COMMISSION ESTABLISHED.**

There is hereby established a system of civil service for the classified employees for the Township of Clinton, Macomb County, Michigan, as defined hereinafter and there is hereby established a Township Civil Service Commission.

(Ord. 224-A. Passed 11-11-70.)

## **270.03 SELECTION OF MEMBERS; TERMS OF OFFICE; FILLING VACANCIES; QUORUM; REMOVAL FROM OFFICE.**

The Clinton Township Board, at its next regular session after the approval of this Act by the electorate on November 3, 1970, shall appoint by a majority vote of the members-elect, three electors of the Township as members of the Civil Service Commission, to take office as soon as appointed and qualified, and who shall serve for the following terms as designated in the resolution of appointment: one member for a term expiring two years from December 31 of that year, one member for a term expiring four years from December 31 of that year and one member for a term expiring six years from December 31 of that year. Biennially thereafter, the Township Board shall appoint by majority vote one Civil Service Commissioner for a term of six years to take office on January 1 of the next year and succeed the Commissioner whose term shall next expire. The Commissioner whose term shall next expire shall serve as Chairperson of the Commission. Any vacancy occurring on the Commission shall be filled for the unexpired term by the Township Board by a majority vote of the members elect. Each Commissioner shall serve until his or her successor is appointed and qualified. Not more than two of the Commissioners so appointed shall be members of the same political party. Two members of the Commission constitute a quorum thereof. The Township Board, by a two-thirds vote of all the members-elect, may remove a Commissioner during his or her term of office, but only after serving the Commissioner with a statement in writing of the reasons for such removal, and allowing him or her an opportunity to be represented and publicly heard in his or her defense. Any appointment of such Commission as may have been effected by the Township Board heretofore shall be and hereby is ratified and confirmed as compliance with this section.

(Ord. 224-A. Passed 11-11-70.)

## **270.04 COMPENSATION AND EXPENSES.**

Each Commissioner shall receive ten dollars (\$10.00) compensation for each day's service for not to exceed twenty-five days in any one year, and such necessary traveling expenses and mileage as may be incurred in the actual performance of his or her duties. Such compensation and expenses shall be fixed by the Township Board. For the first two years after the adoption of the civil service system, compensation may be paid for not to exceed fifty days service in any one year.

(Ord. 224-A. Passed 11-11-70.)

## **270.05 PERSONNEL DIRECTOR; COMPENSATION OF DIRECTOR AND ASSISTANTS; CONTRACT FOR USE OF OTHER FACILITIES; RULES AND REGULATIONS; PHOTOGRAPHS; NONDISCRIMINATION.**

The Commission shall choose by competitive examination a Personnel Director upon the basis of education, technical knowledge of personnel work, and knowledge of township government and its operation, and such other assistants and employees as may be necessary. The compensation of the Personnel Director and other assistants and employees shall be fixed by the Commission subject to the approval of the Township Board. The Personnel Director shall act as Secretary of the Commission. The civil service commission of any township, if authorized by the Township Board and subject to its approval, may contract with a county, city or another township for the use and services of its examiners, clerks and offices and all the facilities of the civil service system. The Civil Service Commission shall provide by regulation for the hours and conditions of service, for the length and period of vacations, and for the regulation of sick leaves in the Township service, and for such other matters pertaining to the carrying out of the provisions of this chapter. No applicant shall be required by any rule or regulation of the Commission to submit photographs for the purpose of identification, nor shall any such applicant be discriminated against by reason of race, color, creed or political affiliation.

(Ord. 224-A. Passed 11-11-70.)

## **270.06 CLASSIFIED SERVICE; UNCLASSIFIED SERVICE.**

The civil service of the Township is hereby divided into the unclassified and classified services.

(a) The unclassified service shall include officers elected by popular vote and persons appointed to fill vacancies in such elective offices, one deputy or assistant each for the Supervisor, Clerk and Treasurer, and heads of departments.

(b) The classified service shall comprise all positions not specifically included by this section in the unclassified service.

(Ord. 224-A. Passed 11-11-70.)

## **270.07 MEETINGS.**

The Commission shall hold regular meetings at least once a month and shall designate the time and place thereof. It shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings and records of the Commission shall be public, except as herein otherwise provided.

(Ord. 224-A. Passed 11-11-70.)

## **270.08 POWERS AND DUTIES.**

The Commission shall:

(a) Classify all the offices and positions of employment within the classified service. The classification shall be subdivided into groups and shall be based upon and graded according to the duties and responsibilities of the positions, and shall be so arranged as to permit the filling of the higher grades through promotion. All salaries shall be uniform for like service in each grade of the classified service as the same shall be classified and standardized by the Commission. The classification and standardization of salaries shall not be final until approved by the Township Board, and salaries shall not be paid except in accordance with the classification and standardization.

(b) From time to time make, in accordance with the provisions of this chapter, adopt rules to carry out the purposes of this chapter, not inconsistent with its provisions for the examination and selection of persons to fill the offices and positions in the classified service which are required to be filled by appointment, and for the selection of persons to be employed in the service of the Township.

(c) Supervise the administration of the civil service rules, hold examinations thereunder from time to time, giving notice thereof, prepare and keep an eligible list of persons passing such examinations and certify the names of persons thereon to the appointing officers of the several departments.

(d) By itself or otherwise, investigate the enforcement of the provisions of this chapter, of its own rules and of the action of appointees in the classified service. In the course of such investigation, the Commission or its authorized representative may administer oaths, and the Commission by its subpoena may secure both the attendance and testimony of witnesses and the production of books and papers relevant to the investigation.

(e) Provide, through the Township, all needed supplies for the use of the Commission.

(f) Have such other powers and perform such other duties as may be necessary to carry out the provisions of this chapter.

(g) Prepare and hold open competitive examinations in order to test the relative fitness of all applicants for appointment to the classified service. At least two weeks notice shall be given of all examinations.

(h) Cause to be kept in each department and division thereof, records of the service of each employee, known as "service records." These records shall contain fact statements on all matters relating to the character and quality of the work done and the attitude of the individual to his or her work.

(i) Keep a roster of the employees of the Township, together with a record of service, military or naval experience, and such other matters as may have a bearing on promotion, transfer or discharge. All such "service records" and employees' records shall be confidential and not open for public inspection.

(Ord. 224-A. Passed 11-11-70.)

#### **270.09 FILLING POSITIONS IN CLASSIFIED SERVICE; PROCEDURE.**

Whenever a position in the competitive classified civil service is to be filled, the appointing authority shall notify the Commission of that fact, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which the position belongs, and the appointing authority shall forthwith appoint to the position one of the three persons so certified. The appointment shall be for a probationary period to be fixed by the rules, but not to exceed six months. At or before the expiration of the probationary period, the appointing officer, by presenting specific reasons for such action in writing, may discharge a probational appointee, or, with the approval of the Civil Service Commission, transfer him or her to another department. If not discharged prior to the expiration of the period of probation and if no complaint has been made as to the service rendered, the appointment shall be deemed complete. To prevent the stoppage of business or to meet extraordinary conditions or emergencies, the head of any department or office, with the approval of the Commission, may make a temporary appointment to remain for a period not exceeding sixty days, and only until regular appointment under the provisions of this chapter can be made.

(Ord. 224-A. Passed 11-11-70.)

#### **270.10 NECESSITY FOR TAKING EXAMINATION.**

All appointive officers and employees of the Township or any department thereof at the time this chapter takes effect, and who have been such for more than two years prior thereto, whose positions are included in the classified civil service, shall hold their positions without examination until discharged, reduced, promoted or transferred, in accordance with the provisions of this chapter. All appointive officers and employees of the Township or any department thereof included in the classified civil service by this chapter, who shall have been so employed for more than one year and less than two years prior to the time this chapter takes effect, shall be required to take qualifying examinations, and all such appointive officers and employees who shall have been so employed for less than one year prior to the effective date of this chapter shall be required to take competitive examinations. All employees now authorized by law to be employed in any Township office or department for seasonal or temporary employment, who have been in such employment of the Township for two successive seasons immediately prior to the time this chapter takes effect, shall be included in the classified civil service and be eligible for appointment to such seasonal or temporary occupation without examination.

(Ord. 224-A. Passed 11-11-70.)

#### **270.11 FILLING VACANCIES BY PROMOTION; PROCEDURE.**

Wherever possible, vacancies shall be filled by promotion. Promotion shall be made from among employees, in the grades nearest below the grade in which the vacancy exists, qualified by training and experience to fill the vacancy and whose length of service in such lower grade entitles them to consideration. The Commission, for the purpose of promotion, shall rate the qualified employees in the lower grades on the basis of their service record, experience in the work involved in the vacant position, training

and qualification for such work, seniority and war service ratings. Seniority shall be controlling only when other factors are equal.

(Ord. 224-A. Passed 11-11-70.)

#### **270.12 REMOVAL, SUSPENSION, REDUCTION IN RANK OR COMPENSATION; PROCEDURE.**

Any officer or employee in the classified civil service may be removed, suspended or reduced in rank or compensation by the appointing authority after appointment or promotion is complete by an order in writing, stating specifically the reasons therefor. The order shall be filed with the Civil Service Commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. The employee may reply in writing to the order within five days from the date of filing it with the Civil Service Commission. Any person removed, suspended or reduced in rank or compensation, within ten days after presentation to him or her of the order of removal, suspension or reduction, may appeal to the Civil Service Commission. The Commission, within two weeks from the filing of the appeal, shall commence the hearing thereon, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him or her, but under no condition shall the employee be removed, suspended or reduced in rank until the finding and decision of the Commission are so certified.

(Ord. 224-A. Passed 11-11-70.)

#### **270.13 ANNUAL REPORT.**

The Commission shall make an annual report to the Township Board at its annual meeting each year, or at any other time as may be required by the Township Board.

(Ord. 224-A. Passed 11-11-70.)

#### **270.14 APPROVAL OF PAYROLLS.**

All payrolls shall be approved by the Civil Service Commission, or by its Secretary when authorized by the Commission before payment.

(Ord. 224-A. Passed 11-11-70.)

#### **270.15 POLITICAL CONTRIBUTIONS; VIOLATION; REMOVAL FROM OFFICE.**

No officer or employee of the Township in the classified civil service, directly or indirectly, shall make, solicit or receive, or be in any manner concerned in making, soliciting or receiving, any assessment, subscription or contribution for any political party or any political purpose whatsoever. Any employee violating the provisions of this section may be removed from office.

(Ord. 224-A. Passed 11-11-70.)

#### **270.16 REFUSAL TO APPEAR OR TESTIFY; WITNESS FEES; ATTENDANCE OF WITNESSES; PRODUCTION OF BOOKS AND PAPERS; GIVING OF TESTIMONY; FALSE SWEARING.**

Any person who is served with a subpoena to appear and testify, or to produce books and papers issued by the Commission in the course of the investigation conducted under the provisions of this chapter, and who refuses or neglects to appear or to testify as commanded in the subpoena, is guilty of a misdemeanor. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses in the circuit court for the county in which the Township is situated, and shall be paid from the appropriation for the expenses of the Commission. The judge of the circuit court, either in term or vacation, upon application of the Commission, shall compel the attendance of witnesses, the production of books and papers and the giving of testimony before the Commission by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before the court. Every person who, having taken an oath or made affirmation in a proceeding, swears or affirms willfully, corruptly or falsely, is guilty of a misdemeanor.

(Ord. 224-A. Passed 11-11-70.)

#### **270.17 VIOLATIONS; REFUSAL, NEGLECT, OMISSION, OR NONPERFORMANCE OF DUTY.**

Any person who knowingly violates any of the provisions of this chapter, and any person who neglects or refuses to perform any duty enjoined upon him or her by this chapter, is guilty of a misdemeanor. When, by this chapter, any act or duty is required to be done by or under the supervision or authority of any officer, and such act or duty is not done or performed, then the officer who has willfully neglected to perform such duty or act, is guilty of a misdemeanor. Any person convicted of any of the acts or omissions which are by this chapter declared to be misdemeanors shall be subject to the penalty provided in Section 280.99.

(Ord. 224-A. Passed 11-11-70.)

#### **270.18 PROHIBITION OF DISCRIMINATION; MEMBERSHIP IN SUBVERSIVE ORGANIZATIONS.**

No person in the classified civil service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against, because of his or her political, racial or religious opinions or affiliations, except for membership in any organization which has advocated or does advocate disloyalty to the government of the United States or any subdivision thereof.

(Ord. 224-A. Passed 11-11-70.)

## **270.19 OFFICES AND ACCOMMODATIONS.**

The Commission shall be provided with suitable offices, examination rooms, and accommodations for itself and staff, as may be required to suit the public convenience and carry on the work of the Commission.

(Ord. 224-A. Passed 11-11-70.)

## **270.20 APPROPRIATIONS.**

The Township Board shall provide the necessary appropriations to carry out the provisions of this chapter.

(Ord. 224-A. Passed 11-11-70.)

## **270.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

# **CHAPTER 272**

## **Police and Fire Civil Service Commission**

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EDITOR'S NOTE: There are no sections in Chapter 272. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Police Department - see ADM. Ch. 236

Fire Department - see ADM. Ch. 238

Employees Civil Service Department - see ADM. Ch. 252

Employees Civil Service Commission - see ADM. Ch. 270

Employees generally - see ADM. Ch. 290

# **CHAPTER 274**

## **Downtown Development Authority**

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274.01 Title.

274.02 Definitions.

274.03 Determination of necessity.

274.04 Creation of Authority.

274.05 Description of Downtown District.

274.06 Board of Directors.

274.07 Powers of the Authority.

274.08 Fiscal year; adoption of budget.

### **CROSS REFERENCES**

Economic development corporation - see ADM. Ch. 276

## **274.01 TITLE.**

This chapter shall be known and may be cited as the "Downtown Development Authority Ordinance."

(Ord. 338. Passed 7-29-02.)

## **274.02 DEFINITIONS.**

The terms used in this chapter shall have the same meanings as given to them in Act 197 or hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this chapter:

- (a) "Act 197" means Act No. 197 of the Public Acts of Michigan of 1975, as now in effect or hereinafter amended.
- (b) "Authority" means the Downtown Development Authority of the Township of Clinton created by this chapter.

- (c) "Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.
- (d) "Chief Executive Officer" means the Supervisor of the Township.
- (e) "Downtown District" means the Downtown District designated by this chapter as now existing or hereinafter amended.
- (f) "Township" means the Charter Township of Clinton, Macomb County, Michigan.
- (g) "Township Board" means the Township Board of Trustees of the Charter Township of Clinton.

(Ord. 338. Passed 7-29-02.)

#### **274.03 DETERMINATION OF NECESSITY.**

The Township Board hereby determines that it is necessary for the best interest of the Township to halt property value deterioration and increase property tax valuation where possible in the business district of the Township, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority pursuant to Act 197.

(Ord. 338. Passed 7-29-02.)

#### **274.04 CREATION OF AUTHORITY.**

There is hereby created, pursuant to Act 197, a Downtown Development Authority for the Township. The Authority shall be a public body corporate and shall be known and exercise its power under the title of "Downtown Development Authority of the Charter Township of Clinton". The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all the powers necessary to carry out the purpose of its incorporation as provided by this chapter and Act 197. The enumeration of a power in this chapter or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

(Ord. 338. Passed 7-29-02.)

#### **274.05 DESCRIPTION OF DOWNTOWN DISTRICT.**

The Downtown District in which the Authority shall exercise its powers as provided by Act 197 shall consist of the described territory in the Township, subject to this chapter and Act 197, as set forth in Exhibit A attached to original Ordinance 338, passed July 29, 2002, and incorporated herein by reference as if fully set forth in these Codified Ordinances.

(Ord. 338. Passed 7-29-02.)

#### **274.06 BOARD OF DIRECTORS.**

The Authority shall be under the supervision and control of the Board of Directors consisting of the Chief Executive Officer of the Township and not less than eight or more than 12 members as determined by the Township Board. The members shall be appointed by the Chief Executive Officer of the Township, subject to the approval by the Township Board. Not less than a majority of the members shall be persons having interest in the property located in the Downtown District. Not less than one of the members shall be a resident of the District, if the Downtown District has 100 or more persons residing within it.

(Ord. 338. Passed 7-29-02.)

#### **274.07 POWERS OF THE AUTHORITY.**

The Authority shall have all powers enumerated or implied by law in Act 197.

(Ord. 338. Passed 7-29-02.)

#### **274.08 FISCAL YEAR; ADOPTION OF BUDGET.**

(a) The fiscal year of the Authority shall begin on April 1 of each year and end on March 31 of the following calendar year, or such other fiscal year as may hereafter be adopted by the Township.

(b) The Board shall annually prepare a budget and shall submit it to the Township Board on the same date that the proposed budget for the Township is required by law to be submitted to the Township Board. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Township Board. The Board may, however, temporarily adopt a budget in connection with the operation of an improvement which has been financed by the revenue bonds where required to do so by the ordinance authorizing the revenue bonds.

(c) (1) The Authority shall submit financial reports to the Township Board at the same time and on the same basis as departments of the Township are required to submit reports.

(2) The Authority shall be audited annually by the same independent auditors auditing the Township and copies of the audit report shall be filed with the Township Board.

(Ord. 338. Passed 7-29-02.)



## 2019 Downtown Development and Tax Increment Financing Plan

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- 275.01 Title.
- 275.02 Definitions.
- 275.03 Determination of public purpose.
- 275.04 Approval of plan.
- 275.05 Findings by the Township Board.

### **275.01 TITLE.**

This chapter shall be known and may be cited as the “2019 Downtown Development and Tax Increment Financing Plan.”  
(Ord. 456. Passed 5-28-19.)

### **275.02 DEFINITIONS.**

The following terms as used in this chapter are defined as provided herein and otherwise shall have the meaning as furnished pursuant to Act 57 of the Michigan Public Acts of 2018.

- (a) “Act 57” means Act 57 of the Michigan Public Acts of 2018 now in effect or as hereinafter amended.
- (b) “Authority” refers to the Downtown Development Authority for the Charter Township of Clinton established pursuant to Ordinance No. 338, effective August 8, 2002.
- (c) “Board” shall mean the Board of Directors of the Downtown Development Authority.
- (d) “Chief Executive Officer” shall mean Supervisor of the Township.
- (e) “Downtown District” shall mean the Downtown District designated pursuant to Ordinance No. 338 as now existing or hereinafter amended.
- (f) “Township” shall mean the Charter Township of Clinton, Macomb County, Michigan.
- (g) “Township Board” shall mean the Board of Trustees of the Charter Township of Clinton.

(Ord. 456. Passed 5-28-19.)

### **275.03 DETERMINATION OF PUBLIC PURPOSE.**

The Township Board determines that the Downtown Development Authority Development Plan and Tax Increment Financing Plan for 2019 incorporated and referenced herein which is currently on file and available for inspection at the Charter Township of Clinton, Department of Community Planning and Development and Clerk’s Office constitutes a public purpose.

(Ord. 456. Passed 5-28-19.)

### **275.04 APPROVAL OF PLAN.**

The Downtown Development Plan of 2019 and Tax Increment Finance Plan of 2019 are hereby approved based on findings set forth within this chapter.

(Ord. 456. Passed 5-28-19.)

### **275.05 FINDINGS BY THE TOWNSHIP BOARD.**

The following are the findings by the Township Board on behalf of the Township relating to the Downtown Development Plan of 2019 and Tax Increment Finance Plan of 2019 by the Township through the Township Board under Act 57:

- (a) The Downtown Development Plan of 2019 and Tax Increment Finance Plan of 2019 meet the requirements set forth in Section 217(2) of Act 57.
- (b) The proposed method of financing the Downtown Development Plan pursuant to the Tax Increment Finance Plan is feasible and the Authority has the ability to arrange the financing.
- (c) The development contemplated thereunder, the Downtown Development Plan of 2019 and the Tax Increment Finance Plan of 2019 are reasonable and necessary to carry out the purposes of Act 57 and the plan.
- (d) Land, if any, to be acquired within the development area is reasonably necessary to carry out the purposes of the plan in an efficient and economically satisfactory manner.
- (e) The Downtown Development Plan is in reasonable accord with the Master Plan of the Township.
- (f) Public Services, including fire, police, sewer, water and waste disposal and any other utilities furnished by the Township are or will be adequate to service the Downtown Development District area.
- (g) The plan does not set forth any current changes in zoning streets, street levels, intersections and utilities.

(h) Amendments to the proposed Downtown Development Plan of 2019 and Tax Increment Financial Plan of 2019 in the future shall be submitted by the Authority through the Township Board for approval or rejection.

(i) Any proposed amendments to the Downtown Development Plan to incorporate a catalyst development project plan shall be submitted by the Authority to the Michigan Strategic Fund for approval or rejection of that part of the plan relating to the catalyst development project.

(Ord. 456. Passed 5-28-19.)

## **CHAPTER 276**

### **Economic Development Corporation**

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- 276.01 Short title.
- 276.02 Purposes.
- 276.03 Definitions.
- 276.04 Management by Board of Directors.
- 276.05 Composition of Board; terms; project plan; compensation; expenses; meetings.
- 276.06 Appointment of Board.
- 276.07 Subsequent Directors.
- 276.08 Removal of Directors.
- 276.09 Expiration of term of Directors.
- 276.10 Conflict of interest of Directors.
- 276.11 Officers; instruments.
- 276.12 Election and term of officers.
- 276.13 Removal of officers.
- 276.14 Vacancies.
- 276.15 President.
- 276.16 Vice-Presidents.
- 276.17 Secretary.
- 276.18 Treasurer.
- 276.19 Delegation of duties of officers.
- 276.20 Salaries of officers.
- 276.21 Incorporation; name; time limitation.
- 276.22 Amendment of Articles.
- 276.23 Number of corporations limited.
- 276.24 Powers and duties of the Corporation.
- 276.25 Designation of project area.
- 276.26 Preparation and approval of project plan.
- 276.27 Contents of project plan.
- 276.28 Corporation as instrumentality of political subdivisions.
- 276.29 Notice to vacate.
- 276.30 Corporation as lessor.
- 276.31 Issuance of obligations.
- 276.32 Certification of project plan approval.
- 276.33 Standards for project plans.
- 276.34 Submission of findings and recommendations regarding project plans.
- 276.35 Determination of public purpose of project plan.

- 276.36 Amendments to project plan.
- 276.37 Establishment of project district area boundaries and project citizens district council.
- 276.38 Project citizens district council membership.
- 276.39 Residency of majority of project citizens district council members.
- 276.40 Project citizens district council as advisory body.
- 276.41 Consultation between the Corporation and the project citizens district council.
- 276.42 Meetings of the project citizens district council.
- 276.43 Request for information and assistance by project citizen district council.
- 276.44 Failure of project citizens district council to consult or advise.
- 276.45 Authorization of existing project citizens district council.
- 276.46 Public hearing as condition to approval of project plan; notice; record.
- 276.47 Notice of findings and recommendations of project citizens district council.
- 276.48 Revision of boundaries of project district area.
- 276.49 Situations not requiring project citizens district council.
- 276.50 Remedies at law and equity.
- 276.51 Appropriation and transfer of private property to the Corporation.
- 276.52 Bonds and notes.
- 276.53 Nonprofit status of Corporation; disposition of earnings.
- 276.54 Corporation exempt from taxation.
- 276.55 Dissolution; disposition of property and assets.
- 276.56 Powers and duties of the Township of Clinton, its agencies and departments.

**CROSS REFERENCES**

- Business area redevelopment projects - see M.C.L.A. Secs. 125.981 et seq.
- Department of Economic Expansion - see M.C.L.A. Secs. 125.1201 et seq.
- Economic Expansion Council - see M.C.L.A. Sec. 125.1207
- Regional economic development commission - see M.C.L.A. Secs. 125.1231 et seq.
- Economic development corporations - see M.C.L.A. Secs. 125.1601 et seq.
- Tax Increment Finance Authority Act - see M.C.L.A. Secs. 125.1801 et seq.
- Economic and Social Opportunity Act - see M.C.L.A. Secs. 400.1101 et seq.
- Planning and Community Development Department - see ADM. Ch. 248

**276.01 SHORT TITLE.**

This chapter shall be known and may be designated as the "Economic Development Corporation of the Township of Clinton Chapter."

(Ord. 254. Passed 3-27-78.)

**276.02 PURPOSES.**

The purposes of this chapter are to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises, to strengthen and revitalize the economy of the Township of Clinton, to provide means and methods for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping, and expanding in the Township of Clinton, to encourage the location and expansion of commercial enterprises in the Township of Clinton, and to more conveniently provide needed services and facilities of the commercial enterprises to the Township of Clinton and its residents. Therefore, the powers granted in this chapter constitute the performance of essential public purposes and functions for the Township of Clinton.

(Ord. 254. Passed 3-27-78.)

**276.03 DEFINITIONS.**

As used in this chapter:

- (a) "Corporation" means the Economic Development Corporation of the Township of Clinton organized pursuant to Act 338 of

the Public Acts of 1974, as amended.

(b) "Governing body," for all purposes of this chapter, means the Clinton Township Board of Trustees, except when a project area is not located entirely within the geographic boundaries of the Township of Clinton, in which case governing body shall refer to the governing bodies or the municipalities wherein a part of any project area lies, and shall mean the body in which the legislative powers of that municipality are vested.

(c) "Local public agency" means the Planning Department for the Township of Clinton, Macomb County, Michigan.

(d) "Municipality" means the Township of Clinton, a municipal corporation and subdivision of the State of Michigan, located in Macomb County, with its principal offices at 40700 Romeo Plank Road, Mount Clemens, Michigan.

(e) "Project" means land and existing or planned improvements suitable for use by any industrial or commercial enterprise or a replacement housing project incidental thereto, except a public utility, including all necessary buildings or structures suitable for and intended for or incidental to use as an industrial or commercial enterprise, including a replacement housing project incidental thereto, and all necessary machinery, furnishings, and equipment necessary, suitable, intended for or incidental to a commercial, industrial, or residential use in connection with the buildings or structures.

(f) "Project area" means that land area which will be acquired in the implementation of a project.

(g) "Project citizens district council" means a project citizens district council established pursuant to this chapter.

(h) "Project district area" means that portion of a municipality as determined by its governing body which contains a project area and the surrounding territory that will be significantly affected by a project.

(i) "Project plan" means that information and those requirements for a project set forth in Sections 276.25 to 276.31.

(Ord. 254. Passed 3-27-78.)

#### **276.04 MANAGEMENT BY BOARD OF DIRECTORS.**

The business and affairs of the Corporation shall be managed by its board of Directors, except as otherwise provided by statute, by the Articles of Incorporation or by the by-laws.

(Ord. 254. Passed 3-27-78.)

#### **276.05 COMPOSITION OF BOARD; TERMS; PROJECT PLAN; COMPENSATION; EXPENSES; MEETINGS.**

The Board of Directors of the Corporation shall consist of not less than nine persons, not more than three of whom shall be an officer or employee of the Township of Clinton. The Supervisor and any member of the Clinton Township Board may serve on the Board of Directors. The Directors shall be appointed for terms of six years, except that of the Directors first appointed, four shall be appointed for six years, one for five years, one for four years, one for three years, one for two years, and one for one year. The Corporation shall notify the Supervisor of the Township in writing, of the Corporation's intention to commence preparation of a project plan, and there shall be appointed promptly after such notice two additional Directors of the Corporation who shall be representative of neighborhood residents likely to be affected by each such project proposed by the Corporation and who shall cease to serve when the project for which they are appointed is either abandoned, or, if undertaken, is completed in accordance with the project plan. Directors shall serve without salary, but may be reimbursed their actual expenses incurred in the performance of their official duties, and may receive a per diem of not more than fifty dollars (\$50.00). The meetings of the Board of Directors shall be public.

(Ord. 254. Passed 3-27-78.)

#### **276.06 APPOINTMENT OF BOARD.**

The Township Supervisor, with the advice and consent of the Township Board, shall appoint the members of the Board of Directors.

(Ord. 254. Passed 3-27-78.)

#### **276.07 SUBSEQUENT DIRECTORS.**

Subsequent Directors shall be appointed in the same manner as original appointments at the expiration of each Director's term of office.

(Ord. 254. Passed 3-27-78.)

#### **276.08 REMOVAL OF DIRECTORS.**

A Director may be removed from office for inefficiency, neglect of duty, misconduct or malfeasance, by a majority vote of the governing body.

(Ord. 254. Passed 3-27-78.)

#### **276.09 EXPIRATION OF TERM OF DIRECTORS.**

A Director whose term of office has expired shall continue to hold office until his or her successor has been appointed with the advice and consent of the governing body. A Director may be reappointed with the advice and consent of the governing body to

serve additional terms. If a vacancy is created by death or resignation, a successor shall be appointed with the advice and consent of the governing body within thirty days to hold office for the remainder of the term of office so vacated.

(Ord. 254. Passed 3-27-78.)

#### **276.10 CONFLICT OF INTEREST OF DIRECTORS.**

A Director who has a direct interest in any matter before the Corporation shall disclose his or her interest prior to the Corporation taking any action with respect to the matter, which disclosure shall become a part of the record of the Corporation's official proceedings.

(Ord. 254. Passed 3-27-78.)

#### **276.11 OFFICERS; INSTRUMENTS.**

The officers of the Corporation shall consist of a President, Secretary, Treasurer, and, if desired, one or more Vice-Presidents, and such other officers as may from time to time be determined by the Board of Directors, each of whom shall be elected by the Directors. Two or more offices may be held by the same person, but an officer shall not execute, acknowledge or verify an instrument in more than one capacity, if the instrument is required by law or the Articles or by-laws to be executed, acknowledged or verified by two or more officers.

(Ord. 254. Passed 3-27-78.)

#### **276.12 ELECTION AND TERM OF OFFICERS.**

The officers of the Corporation shall be elected annually by the Board of Directors. If the election of officers shall not be held or made at such meeting, such election shall be held or made as soon thereafter as is convenient. Each officer so elected shall hold office for the term of which he or she is elected and until his or her successor is elected and qualified, or until his or her resignation or removal.

(Ord. 254. Passed 3-27-78.)

#### **276.13 REMOVAL OF OFFICERS.**

Any officer elected by the Board of Directors may be removed by the Board or Directors with or without cause whenever, in its judgment, the best interests of the Corporation would be served thereby.

(Ord. 254. Passed 3-27-78.)

#### **276.14 VACANCIES.**

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled at any meeting of the Board of Directors for the unexpired portion of the term of such office.

(Ord. 254. Passed 3-27-78.)

#### **276.15 PRESIDENT.**

The President shall be the chief executive officer of the Corporation, but he or she may from time to time delegate all or any part of his or her duties to an Executive Vice-President, if one is elected, or to any Vice-President. He or she shall preside at all meetings of the Directors; he or she shall have general and active management of the business of the corporation, and shall see that all orders and resolutions of the Board are carried into effect. He or she shall execute all bonds, mortgages, conveyances and other instruments entered into pursuant to the powers of the Corporation as set forth in the Articles of Incorporation with the approval and authority of the Board of Directors. He or she shall be ex-officio a member of all standing committees.

(Ord. 254. Passed 3-27-78.)

#### **276.16 VICE-PRESIDENTS.**

The Vice-President shall perform such duties as are delegated to him or her by the President, and he or she and the other vice-presidents, in order of their seniority, shall, in the absence or in the event of the disability of the President, perform the duties and exercise the powers of the President, and shall perform such other duties as the Board of Directors shall prescribe.

(Ord. 254. Passed 3-27-78.)

#### **276.17 SECRETARY.**

The Secretary shall attend all meetings of the Board and record all votes and the minutes of all proceedings in a book to be kept for that purpose, and shall perform like duties for the standing committees when required. He or she shall give, or cause to be given, notice of all meetings of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors under whose supervision he or she shall be. He or she shall keep in safe custody the seal of the Corporation, and when authorized by the Board, affix the same to any instrument requiring it, and when so affixed it shall be attested by his or her signature or by the signature of the Treasurer. He or she shall be sworn to the faithful discharge of his or her duties. The Assistant Secretary, if one is elected, shall perform the duties and exercise the power of the Secretary in his or her absence or in the event of his or her disability.

(Ord. 254. Passed 3-27-78.)

#### **276.18 TREASURER.**

The Treasurer shall have the custody of the corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and shall deposit all monies, and other valuable effects, in the name and to the credit of the Corporation in such depositories as may be designated by the Board of Directors. He or she shall disburse the funds of the Corporation as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Director, at the regular meetings of the Board, or whenever they may require, an account of all his or her transactions as Treasurer and of the financial condition of the Corporation. He or she shall give the Corporation a bond, if required by the Board of Directors, in a sum, and with one or more sureties satisfactory to the Board, for the faithful performance of the duties of his or her office, and for the restoration to the Corporation, in case of his or her death, resignation, retirement or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his or her possession or under his or her control belonging to the Corporation. The Assistant Treasurer, if one is elected, shall perform the duties and exercise the power of the Treasurer in his or her absence or in the event of his or her disability.

(Ord. 254. Passed 3-27-78.)

#### **276.19 DELEGATION OF DUTIES OF OFFICERS.**

In the absence of any officer of the Corporation, or for any other reason that the Board may deem sufficient, the Board may delegate, from time to time and for such time as it may deem appropriate, the powers or duties, or any of them, of such officer to any other officer, or to any Director, provided a majority of the Board then in office concurs therein.

(Ord. 254. Passed 3-27-78.)

#### **276.20 SALARIES OF OFFICERS.**

The officers of the Corporation shall serve without salary, provided, however, that nothing herein contained shall be construed to preclude any officer from serving the Corporation in any other capacity and receiving compensation therefor as may be permitted by law.

(Ord. 254. Passed 3-27-78.)

#### **276.21 INCORPORATION; NAME; TIME LIMITATION.**

After the governing body approves the incorporation of the Economic Development Corporation by ordinance, and the ordinance is in effect and is filed with the Corporation Division of the Department of Treasury, the applicants shall incorporate the Economic Development Corporation as a nonprofit corporation pursuant to Act 327 of the Public Acts of 1931, as amended, being M.C.L.A. 450.62 to 450.192, as amended. The name of the corporation shall be the Economic Development Corporation of the Township of Clinton. If incorporation is not accomplished within ninety days after the effective date of this ordinance, this ordinance is void.

(Ord. 254. Passed 3-27-78.)

#### **276.22 AMENDMENT OF ARTICLES.**

The Articles of Incorporation of the Economic Development Corporation may be amended by ordinance, which ordinance shall be filed with the Corporation Division of the Department of Treasury. Amendments shall be made in accordance with Act 327 of the Public Acts of 1931, as amended.

(Ord. 254. Passed 3-27-78.)

#### **276.23 NUMBER OF CORPORATIONS LIMITED.**

Not more than one corporation shall be organized under this chapter for the Township of Clinton.

(Ord. 254. Passed 3-27-78.)

#### **276.24 POWERS AND DUTIES OF THE CORPORATION.**

The Economic Development Corporation shall:

(a) Construct, acquire by gift or purchase, reconstruct, improve, maintain, or repair projects and acquire the necessary lands for the site therefor.

(b) Acquire by gift or purchase the necessary machinery, furnishings, and equipment for a project.

(c) Borrow money and issue its bonds or notes to finance part or all of the cost of the acquisition, purchase, construction, reconstruction, or improvement of a project or any part thereof, the cost of the acquisition and improvement of the necessary sites therefor, the acquisition of machinery, furnishings, and equipment therefor, and the costs necessary or incidental to the borrowing of money and issuing of bonds or notes for such purpose.

(d) Enter into leases, lease purchase agreements, or installment sales contracts with any person, firm or corporation for the use or sale of the project.

(e) Mortgage the project in favor of any lender of money to the Corporation.

- (f) Sell and convey the project or any part thereof for a price and at a time as the Corporation determines.
- (g) Lend, grant, transfer, or convey funds, received pursuant to Section 27 of Act 338 of the Public Acts of 1974, as amended, as permitted by law, but subject to applicable restrictions affecting the use of those funds.
- (h) Assist and participate in the designation of the land area which will be acquired in the implementation of a project.
- (i) Prepare, assist and aid in the preparation of plans, services, studies and recommendations relative to the public purposes of the Corporation and secure approval of the same by the affected municipalities.
- (j) Encourage citizen participation and assistance in industrial and commercial enterprises, housing and community improvements and disseminate information to the general public concerning the purposes and objectives of the Corporation.
- (k) Aid, assist and participate in the acquisition, rehabilitation or construction of industrial and commercial improvements, dwelling units or other structures or matters incidental thereto.
- (l) Hold, demolish, repair, alter and improve or otherwise develop, clear, and dispose of real property.
- (m) Enter into agreements and contracts with and accept grants from any State or Federal agency or department, its political subdivisions and agencies or departments thereof, or any other official public body and any individual, corporation or other organization in connection with the purpose of the Corporation, subject to applicable laws and regulations.
- (n) Accept, hold, own and acquire by bequest, devise, gift, purchase or lease any property, real or mixed, whether tangible or intangible, without limitation as to kind, amount or value.
- (o) Sell, convey, lease, rent, and mortgage any such property, or any interest therein or proceeds therefrom, and invest and reinvest the principal thereof and receipts therefrom, if any, subject to applicable laws and regulations.
- (p) In general, and subject to such limitations and conditions as are or may be prescribed by law, exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized pursuant to Act 338 of the Public Acts of 1974, as amended, and for the foregoing purposes.

(Ord. 254. Passed 3-27-78.)

#### **276.25 DESIGNATION OF PROJECT AREA.**

The Corporation shall designate the project area to the local public agency and the Clinton Township Board of Trustees, and to the local public agency and governing body of each city, village, or township in which all or part of a project is located. The Clinton Township Board of Trustees and other affected governing bodies may certify their approval of the designation of a project area by resolution after a public hearing with notice thereof given in accordance with Section 276.46 and with notice given to the last known owners of each parcel of real property in the proposed project area in the same manner as provided in Section 276.46(b), for the purpose of the preparation of a project plan for the project area.

(Ord. 254. Passed 3-27-78.)

#### **276.26 PREPARATION AND APPROVAL OF PROJECT PLAN.**

Before acquiring property or incurring obligations for a specific project, other than the acquisition of an option, the Corporation shall prepare a project plan and secure the approval of the local public agency and the Clinton Township Board of Trustees and the local public agency and governing body of each city, village or township in which all or part of the project is located.

(Ord. 254. Passed 3-27-78.)

#### **276.27 CONTENTS OF PROJECT PLAN.**

The project plan shall contain:

- (a) The location and extent of existing streets and other public facilities within the development area and shall designate the location, character, and extent of the categories of public and private land uses then existing and proposed for the project area, including residential, recreational, commercial, industrial, educational, and other uses and shall include a legal description of the project area.
- (b) A description of existing improvements in the project area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.
- (c) The location, extent, character, and estimated cost of the improvements, including rehabilitation contemplated for the project area and an estimate of the time required for completion.
- (d) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.
- (e) A description of any parts of the project area to be left as open space, and the use contemplated for the space.
- (f) A description of any portions of the project area which the Corporation desires to sell, donate, exchange, or lease to or from the municipality, and the proposed terms.
- (g) A description of desired zoning changes and changes in streets, street levels, intersections, and utilities.
- (h) A statement of the proposed methods of financing the project and the ability of the Corporation to arrange the financing.
- (i) A list of persons who will manage or be associated with the management of the project for a period of not less than one year

from the date of approval of the project plan.

(j) Designation of the person or persons, natural or corporate, to whom the project is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the Corporation.

(k) If there is no express or implied agreement between the Corporation and persons, natural or corporate, that the project will be leased, sold, or conveyed in any manner to those persons, the procedures for bidding for the leasing, purchasing or conveying in any manner of the project upon its completion.

(l) Estimates of the number of persons residing in the project area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the Corporation, a project plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.

(m) A plan for establishing priority for the relocation of persons displaced by the project in any new housing in the project area.

(n) Provision for the costs of relocating persons displaced by the project and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, being Public Law 91-646, 42 USC Sections 4601, et seq.

(o) A plan for compliance with Act 227 of the Public Acts of 1972, as amended, being M.C.L.A. 213.321 to 213.332, as amended.

(p) Such other material as the Corporation, local public agency, or governing body deems pertinent.

(Ord. 254. Passed 3-27-78.)

#### **276.28 CORPORATION AS INSTRUMENTALITY OF POLITICAL SUBDIVISIONS.**

The Corporation shall be deemed an instrumentality of a political subdivision for purposes of Act 227 of the Public Acts of 1972, as amended.

(Ord. 254. Passed 3-27-78.)

#### **276.29 NOTICE TO VACATE.**

A person shall be given not less than ninety days written notice to vacate unless modified by court order for good cause.

(Ord. 254. Passed 3-27-78.)

#### **276.30 CORPORATION AS LESSOR.**

The Corporation shall not operate a project or any enterprise therein other than as lessor.

(Ord. 254. Passed 3-27-78.)

#### **276.31 ISSUANCE OF OBLIGATIONS.**

The governing body may utilize the Corporation to issue obligations to accomplish the public purposes of the Municipality set forth in Section 276.02, and for that purpose may by resolution direct the Corporation to take appropriate action as set forth in Sections 276.26 and 276.27 with respect to a proposed project.

(Ord. 254. Passed 3-27-78.)

#### **276.32 CERTIFICATION OF PROJECT PLAN APPROVAL.**

The local public agency may certify to the Clinton Township Board of Trustees its approval of the project plan after the project citizens district council is consulted and advised as provided in Section 276.41 and after a public hearing with notice thereof given in accordance with Section 276.46 if it determines from the application that:

(a) The project plan has been submitted to the proposed citizens district council for its findings and recommendations.

(b) The project plan meets all the requirements set forth in Sections 276.25 through 276.31.

(c) The land included within the project area to be acquired is reasonably necessary to carry out the purpose of the plan and this chapter in an efficient and economically satisfactory manner.

(d) The project plan is in reasonable accord with the master plan of the Municipality.

(e) The project plan and size are practicable and in the public interest.

(f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

(g) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the Municipality.



(Ord. 254. Passed 3-27-78.)

### **276.33 STANDARDS FOR PROJECT PLANS.**

The local public agency shall publish general standards for project plans within the provisions of Section 276.32 and this section.

(Ord. 254. Passed 3-27-78.)

### **276.34 SUBMISSION OF FINDINGS AND RECOMMENDATIONS REGARDING PROJECT PLANS.**

The local public agency shall submit its findings and recommendations for approval or rejection of the project plan, with any recommendations for modification, to the Clinton Township Board of Trustees.

(Ord. 254. Passed 3-27-78.)

### **276.35 DETERMINATION OF PUBLIC PURPOSE OF PROJECT PLAN.**

The Clinton Township Board of Trustees, after a public hearing on the project plan with notice thereof given in accordance with Section 276.46, shall determine whether the project plan constitutes a public purpose. If it determines that the project plan constitutes a public purpose, it shall then approve or reject the plan, or approve it with modification, based upon the following considerations:

- (a) The findings and recommendations of the Clinton Township Planning and Community Development Department or other local agency.
- (b) The findings and recommendations of the project citizens advisory council.
- (c) The plan meets the requirements set forth in Sections 276.25 through 276.31.
- (d) The persons who will be active in the management of the project for not less than one year after the approval of the project plan have sufficient ability and experience to manage the plan properly.
- (e) The proposed method of financing the project is feasible and the Corporation has the ability to arrange the financing.
- (f) The project is reasonable and necessary to carry out the purposes of this chapter.

(Ord. 254. Passed 3-27-78.)

### **276.36 AMENDMENTS TO PROJECT PLAN.**

The Clinton Township Board of Trustees, after a public hearing with notice thereof given in accordance with Section 276.46, may consider and approve amendments, by ordinance, to the project plan. The Corporation shall comply with local ordinances.

(Ord. 254. Passed 3-27-78.)

### **276.37 ESTABLISHMENT OF PROJECT DISTRICT AREA BOUNDARIES AND PROJECT CITIZENS DISTRICT COUNCIL.**

The Clinton Township Board of Trustees shall establish the project district area boundaries after a public hearing with notice thereof given in accordance with Section 276.46(a) and with notice given to the last known owners of each parcel of real property and the proposed project district area in a manner as provided in Section 276.46(b), not later than forty days after its approval of the designation of the project area. A project citizens district council shall be established for a project district area within ninety days after the designation of the project area is approved by the governing body, as provided in Section 276.25. The project citizens district council shall be established by the governing body and shall consist of not less than nine members. The members of the project citizens district council shall be appointed by the governing body. A member of a project citizens district council shall be at least eighteen years of age.

(Ord. 254. Passed 3-27-78.)

### **276.38 PROJECT CITIZENS DISTRICT COUNCIL MEMBERSHIP.**

A project citizens district council shall be representative of the project area, giving particular attention to those persons who reside, own real property, or maintain an establishment located in the project area.

(Ord. 254. Passed 3-27-78.)

### **276.39 RESIDENCY OF MAJORITY OF PROJECT CITIZENS DISTRICT COUNCIL MEMBERS.**

A majority of the members of a project citizens district council shall be persons residing in the project area, except if the persons of the age of majority in the project area number less than twenty, or if, at the time a project citizens district council is established, the number of establishments located in the project area exceeds the number of occupied dwelling units in the project area.

(Ord. 254. Passed 3-27-78.)

### **276.40 PROJECT CITIZENS DISTRICT COUNCIL AS ADVISORY BODY.**

A project citizens district council established pursuant to this chapter shall act as an advisory body to the Corporation, the local

public agency and the Clinton Township Board of Trustees.

(Ord. 254. Passed 3-27-78.)

#### **276.41 CONSULTATION BETWEEN THE CORPORATION AND THE PROJECT CITIZENS DISTRICT COUNCIL.**

Periodically the representative of the Corporation responsible for the preparation of the project plan within the district area shall consult with and advise the project citizens district council regarding all aspects of the project plan, including the development of new housing for relocation purposes located either inside or outside of the development area. The consultation shall begin before any final decisions by the Corporation, the local public agency, and the Clinton Township Board of Trustees regarding the project plan other than the designation of the project area and the project district area. The consultation shall continue throughout the preparation and implementation of the project plan.

(Ord. 254. Passed 3-27-78.)

#### **276.42 MEETINGS OF THE PROJECT CITIZENS DISTRICT COUNCIL.**

(a) Meetings of the project citizens district council shall be open to the public. Notice of the time and place of the meetings shall be given by publication in a newspaper of general circulation not less than three days before the dates set for meetings of the project citizens district council. A person present at those meetings shall have reasonable opportunity to be heard.

(b) A record of the meetings of a project citizens district council, including information and data presented, shall be maintained by the council.

(Ord. 254. Passed 3-27-78.)

#### **276.43 REQUEST FOR INFORMATION AND ASSISTANCE BY PROJECT CITIZENS DISTRICT COUNCIL.**

A project citizens district council may request of and receive from the Corporation and the local public agency information and technical assistance relevant to the preparation of a project plan for its district area.

(Ord. 254. Passed 3-27-78.)

#### **276.44 FAILURE OF PROJECT CITIZENS DISTRICT COUNCIL TO CONSULT OR ADVISE.**

Failure of a project citizens district council to organize or to consult with and be advised by the Corporation and the local public agency, or failure to advise the local public agency or the Township Board of Trustees, as provided herein, shall not preclude the adoption of a project plan by the Township if the Township complies with the other provisions of this chapter.

(Ord. 254. Passed 3-27-78.)

#### **276.45 AUTHORIZATION OF EXISTING PROJECT CITIZENS DISTRICT COUNCIL.**

In a project district area where there already exists a project citizens district council established according to Act 322 of the Public Acts of 1945, as amended, being M.C.L.A. 125.71 to 125.84, as amended, the governing body may designate it as the project citizens district council authorized by this chapter.

(Ord. 254. Passed 3-27-78.)

#### **276.46 PUBLIC HEARING AS CONDITION TO APPROVAL OF PROJECT PLAN; NOTICE; RECORD.**

(a) Notice of Hearing. The Township Board of Trustees, before adoption of an ordinance or approval of a project plan authorized by Act 338 of the Public Acts of 1974, as amended, and the local public agency, before approval of a project plan authorized by the above stated Act, shall hold a public hearing thereon. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the Township, the first of which shall be not less than twenty days before the date set for the hearing.

(b) Method of Giving Notice. Notice of the hearing shall be posted in at least ten conspicuous and public places in the project district area not less than twenty days before the hearing and shall be mailed not less than ten days before the hearing to the last known owner of each parcel of real property in the project district area at the last known address of the owner as shown by the tax assessment records of the Township.

(c) Contents of Notice. Notice of the time and place of the hearing on a project plan shall contain a description of the location of the project area in relation to highways, streets, streams, or otherwise. The notice shall contain a statement that maps, plats and a description of the project plan, including the method of relocating families and individuals who will be displaced from the area, are available for public inspection at a place designated in the notice, and that all aspects of the project plan will be open for discussion at the public hearing. The notice shall contain other information the governing body deems appropriate. At the time set for hearing, the Township Board of Trustees shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference thereto. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the project plan. The Township Board of Trustees shall make and preserve a record of the public hearing, including all data presented thereat.

(Ord. 254. Passed 3-27-78.)

#### **276.47 NOTICE OF FINDINGS AND RECOMMENDATIONS OF PROJECT CITIZENS DISTRICT COUNCIL.**

Within twenty days after the public hearing provided for in Section 276.46, the project citizens district council shall notify the Township Board of Trustees, in writing, of its findings and recommendations concerning the proposed project plan.

(Ord. 254. Passed 3-27-78.)

#### **276.48 REVISION OF BOUNDARIES OF PROJECT DISTRICT AREA.**

The boundaries of a project district area may be revised by the inclusion of additional area or by exclusion of existing area by the Township Board of Trustees by ordinance.

(Ord. 254. Passed 3-27-78.)

#### **276.49 SITUATIONS NOT REQUIRING PROJECT CITIZENS DISTRICT COUNCIL.**

A project citizens district council shall not be required and, if formed, shall be dissolved in any of the following situations:

(a) On petition of not less than twenty percent of the adult resident population of the project district area by the last Federal decennial or Municipal census. In such cases, a governing body, after public hearing with notice thereof given in accordance with Section 276.46, and by a two-thirds vote, may adopt an ordinance for the project to eliminate the necessity of a project citizens district council.

(b) When there are less than eighteen residents, real property owners, or representatives of establishments located in the project district area eligible to serve on the project citizens district council.

(c) When the Township Board of Trustees determines that the objectives of the project plan have been substantially achieved. The determination shall not become effective until twenty days after notice is given, in writing, to the project citizens district council advising the project citizens district council of the determination. If, within the twenty-day period, the project citizens district council notifies the Township Board of Trustees, in writing, of its disapproval of the determination, the determination shall not become effective unless thereafter approved by a two-thirds majority of the governing body more than thirty days after receipt of the notice of disapproval. During that period, the governing body shall consult with the project citizens district council concerning the objections of the project citizens district council to the determination.

(d) Upon termination of a project by ordinance of the Township Board of Trustees.

(Ord. 254. Passed 3-27-78.)

#### **276.50 REMEDIES AT LAW AND EQUITY.**

The Township of Clinton may commence an action for an injunction, or any other appropriate remedy at law or in equity against the Economic Development Corporation of the Township of Clinton, when said Corporation has not substantially complied with the time limits established in its approved project plan, reasonable delays caused by unforeseen difficulties excepted, or when said Corporation has failed to substantially perform its obligations. The Corporation may commence an action for an injunction, mandamus, or any other appropriate remedy at law, against the Municipality, for failure to render a final decision on a project plan within six months after the date on which the plan was first submitted to the governing body for approval. A citizen residing in the project or district area whose interest is substantially affected by the project plan may bring an action against the Corporation or Municipality for an appropriate remedy at law or for equitable relief.

(Ord. 254. Passed 3-27-78.)

#### **276.51 APPROPRIATION AND TRANSFER OF PRIVATE PROPERTY TO THE CORPORATION.**

The Township of Clinton may take private property for the purpose of transfer to the Economic Development Corporation of the Township of Clinton under Act 149 of the Public Acts of 1911, as amended, being M.C.L.A. 213.21 to 213.41, as amended, for the purpose of transfer to the Corporation, and may transfer the property to the Corporation for use in an approved project, on terms and conditions it deems appropriate, and the taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

(Ord. 254. Passed 3-27-78.)

#### **276.52 BONDS AND NOTES.**

The Clinton Township Economic Development Corporation may finance all or a part of its project by the issuance of revenue bonds or notes, the interest on which shall be exempt from all taxation except estate and transfer taxes. The Township of Clinton shall not be liable for any obligation whatever undertaken by the Corporation. The bonds and notes of the Corporation may be invested in by all public officers, State agencies and political subdivisions, insurance companies, banks, investment companies, and fiduciaries and trustees, and may be deposited with and received by all public officers and the agencies and political subdivisions of this State for any purpose for which the deposit of bonds is authorized.

(Ord. 254. Passed 3-27-78.)

#### **276.53 NONPROFIT STATUS OF CORPORATION; DISPOSITION OF EARNINGS.**

The Clinton Township Economic Development Corporation shall be a nonprofit corporation, and no part of its earnings shall inure to the benefit of any person, firm, or corporation. Surplus earnings remaining after adequate provision has been made for all obligations of the Corporation shall belong and be paid to the Township of Clinton.

(Ord. 254. Passed 3-27-78.)

#### **276.54 CORPORATION EXEMPT FROM TAXATION.**

The Clinton Township Economic Development Corporation shall be exempt from all taxation on its earnings or property. The Township of Clinton, by resolution adopted by its Clinton Township Board of Trustees, may exempt the project from all ad valorem taxation if the project is owned by the Clinton Township Economic Development Corporation or the Corporation has a controlling interest in the project.

(Ord. 254. Passed 3-27-78.)

#### **276.55 DISSOLUTION; DISPOSITION OF PROPERTY AND ASSETS.**

A Clinton Township Economic Development Corporation, when it has completed the purposes for which it was organized, shall dissolve pursuant to the provisions of Act 227 of the Public Acts of 1931, as amended. All property and assets of the Clinton Township Economic Development Corporation remaining after the satisfaction of all obligations of the Corporation shall belong to the Township of Clinton.

(Ord. 254. Passed 3-27-78.)

#### **276.56 POWERS AND DUTIES OF THE TOWNSHIP OF CLINTON, ITS AGENCIES AND DEPARTMENTS.**

The Township of Clinton and any agency or department thereof, or other official public body, may do any of the following:

- (a) Anything necessary or convenient to aid in the planning and execution of a project plan.
- (b) Lend, grant, or contribute funds to the Corporation.

(c) Use any funds within its control, including funds derived from the sale or furnishing of property, service, or facilities to the Corporation, in the purchase of bonds or other obligations of the Corporation, and to exercise any rights connected with such bonds or other obligations of the Corporation which it holds.

(d) Enter into agreements up to fifty years with the Corporation regarding action it will take pursuant to the provisions of this chapter.

(e) Arrange for economic and business development on a consumer cooperative basis for the citizens to participate in the development of their own housing as an integral part of the commercial, industrial, and residential development under this chapter.

(Ord. 254. Passed 3-27-78.)

## **CHAPTER 278**

### **Building Authority**

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EDITOR'S NOTE: There are no sections in Chapter 278. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Authority of Township to regulate buildings - see Michigan Charter Township Act (Act 359 of 1947)

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.

Building Department - see ADM. Ch. 240

Adoption of BOCA National Building Code - see B. & H.Ch. 1420

Administration of building regulations - see B. & H.Ch. 1440

## **CHAPTER 280**

### **Board of Review**

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EDITOR'S NOTE: There are no sections in Chapter 280. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Taxation; special assessments - see Michigan Charter Township Act (Act 359 of 1947)

Assessing Department - see ADM. Ch. 232

Property tax exemptions - see B.R. & T.Ch. 890

## CHAPTER 282

### Housing Commission

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282.01 Establishment; appointment.

#### **CROSS REFERENCES**

Municipal housing commissions - see M.C.L.A. Secs. 125.653 et seq.

Adoption, promulgation and publication of rules - see M.C.L.A. Sec. 125.694b

Acquisition and maintenance of housing project - see M.C.L.A. Secs. 125.731 et seq.

Fair housing - see GEN. OFF. Ch. 624

Housing development property tax exemptions - see B.R. & T.Ch. 890

Adoption of BOCA National Property Maintenance Code - see B. & H.Ch. 1496

#### **282.01 ESTABLISHMENT; APPOINTMENT.**

(a) Pursuant to Act 18 of the Public Acts of 1933, Extra Session, as amended, being M.C.L.A. 125.651, as amended, a commission is hereby established in and for the Township, to be known as the Clinton Township Housing Commission.

(b) The Township Supervisor is hereby directed to appoint the members of the Commission as soon as possible after this section takes effect.

(Ord. 128. Passed 12-13-61.)

## CHAPTER 283

### Communication Committee

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283.01 Findings.

283.02 Establishment.

283.03 Duties.

283.04 Terms of office.

283.05 Removal from office.

283.06 Quorum.

#### **CROSS REFERENCES**

Notice of public meetings - see M.C.L.A. Sec. 15.264

Encroachments on highways and roads - see M.C.L.A. Secs. 247.1 et seq.

Construction and maintenance of facilities - see M.C.L.A. Secs. 247.183 et seq.

Television and radio generally - see M.C.L.A. Secs. 484.301 et seq., 750.507 et seq.

Cables improperly located; insurance - see M.C.L.A. Sec. 500.3123

Cable television - see B.R. & T.Ch. 812

Interference with Police and Fire Department communications systems - see GEN. OFF. 607.07

Telecommunication systems and services - see B. & H.Ch. 1494

#### **283.01 FINDINGS.**

It is hereby found and determined that it is in the interests of the public health, safety and welfare to establish a standing committee by ordinance and to eliminate the Cable Television Committee, in order to provide a comprehensive approach for overseeing communication-related issues involving the electronic media, which arise in widespread and evolving formats. The Township recognizes the need for a comprehensive approach which is able to identify and provide for proper integration of current formats while at the same time foreseeing and providing for the orderly implementation of evolving formats.

(Ord. 318. Passed 9-15-97.)

#### **283.02 ESTABLISHMENT.**

There is hereby established a standing Communication Committee, which shall number seven persons and which shall be a

recommending body to the Board of Trustees in all matters relating to the implementation and operation of this chapter and communication issues, unless indicated otherwise.

(Ord. 318. Passed 9-15-97.)

### **283.03 DUTIES.**

The Communication Committee shall coordinate with communication providers, including franchisees of electronic media services in the Township, in order to facilitate full utilization within the Township by residents and the Township of communication-related resources, including, but not limited to, home pages, internet access and the evolution of other communication network resources.

(Ord. 318. Passed 9-15-97.)

### **283.04 TERMS OF OFFICE.**

The terms of members of the Communication Committee will be two years. Initial appointments shall be four appointees for a one-year term and three appointees for a two-year term, to provide for a staggered term of office.

(Ord. 318. Passed 9-15-97.)

### **283.05 REMOVAL FROM OFFICE.**

Any member of the Communication Committee shall be subject to removal, with or without cause, at any time by the Township Board.

(Ord. 318. Passed 9-15-97.)

### **283.06 QUORUM.**

Four members of the Communication Committee shall constitute a quorum.

(Ord. 318. Passed 9-15-97.)

## **CHAPTER 284**

### **Cable Television Committee**

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EDITOR'S NOTE: Ordinance 264, passed November 26, 1979, granted a cable television system franchise to Comcast Cablevision of Clinton, Inc., and provided regulations, conditions and standards in connection therewith. At the time of the preparation of these Codified Ordinances, Ordinance 264 had been amended by Ordinances 264-A-1, 264-A-2, 264-A-3 and 264-A-4. Ordinance 315, passed October 15, 1996, amended Ordinances 264 and 264-A-1 through 264-A-4. Ordinance 318, passed September 15, 1997, repealed the entire chapter. Copies of these ordinances may be obtained, at cost, from the Township Clerk. See also Chapter 283.

## **CHAPTER 286**

### **Parks and Recreation Committee**

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EDITOR'S NOTE: There are no sections in Chapter 286. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Department of Parks and Recreation - see ADM.Ch. 242

Parks generally - see S.U. & P.S.Ch. 1062

Alcoholic beverages in parks - see S.U. & P.S.1062.05(a)

## **CHAPTER 288**

### **Electrical Examining and Licensing Board**

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EDITOR'S NOTE: There are no sections in Chapter 288. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

National Electrical Code - see B. & H.Ch. 1426

Administration of electrical standards - see B. & H.Ch. 1446

Electrical permits - see B. & H.1446.03 et seq.

Review of decisions of Electrical Inspector - see B. & H.1446.11(b)

Powers and duties of Electrical Examining and Licensing Board - see B. & H.1446.02

## **TITLE TEN - Employment Provisions**

Chap. 290. Employees Generally.

Chap. 292. Clinton Township Elected Officials Pension Plan.

Chap. 294. Firemen's and Policemen's Retirement System.

### **CHAPTER 290**

#### **Employees Generally**

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EDITOR'S NOTE: Because of the frequency of change, provisions relating to compensation and benefits are not codified. Copies of the latest relevant legislation may be obtained, at cost, from the Township Clerk.

There are no sections in Chapter 290. This chapter has been established to provide a place for cross references and any future legislation.

##### **CROSS REFERENCES**

Employee compensation - see Michigan Charter Township Act (Act 359 of 1947)

Municipal Employees' Retirement System - see M.C.L.A. Secs. 38.601 et seq.

Employees Civil Service Department - see ADM.Ch. 252

Employees Civil Service Commission - see ADM.Ch. 270

Police and Fire Civil Service Commission - see ADM.Ch. 272

Elected Officials Pension Plan - see ADM.Ch. 292

Firemen's and Policemen's Retirement System - see ADM.Ch. 294

### **CHAPTER 292**

#### **Clinton Township Elected Officials Pension Plan**

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292.01 Short title.

292.02 Establishment; authority to contract.

292.03 Application of plan.

292.04 Payment of premium; eligibility for coverage; retirement date, exclusions.

292.05 Vested right or interest in plan.

292.06 Validity of existing plan.

292.07 Continuation of existing plan.

##### **CROSS REFERENCES**

Compensation of elected officials - see Michigan Charter Township Act (Act 359 of 1947)

Municipal Employees' Retirement System - see M.C.L.A. Secs. 38.601 et seq.

Municipal Employees' Retirement Act of 1984 - see M.C.L.A. Secs. 38.1501 et seq.

Firemen's and Policemen's Retirement System - see ADM.Ch. 294

##### **292.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Clinton Township Elected Officials Pension Plan."

(Ord. 239. Passed 11-12-74.)

#### **292.02 ESTABLISHMENT; AUTHORITY TO CONTRACT.**

Pursuant to Act 27 of the Public Acts of 1960, State of Michigan, as amended, the Township of Clinton hereby creates and establishes an annuity or pension plan and program for the pensioning of its elected officials on the Clinton Township Board, except for those members wishing exclusion, and, for such purposes, also hereby authorizes the Township Supervisor and the Township Clerk to contract, in the name of the Township Board, with any company authorized to transact such business within the State of Michigan for annuities and pensions.

(Ord. 239. Passed 11-12-74.)

#### **292.03 APPLICATION OF PLAN.**

The annuity or pension plan created, established and contracted for under this chapter shall cover each person who is elected as an official and member of the Clinton Township Board except for those members waiving inclusion within the plan.

(Ord. 239. Passed 11-12-74.)

#### **292.04 PAYMENT OF PREMIUM; ELIGIBILITY FOR COVERAGE; RETIREMENT DATE; EXCLUSIONS.**

(a) The Township of Clinton shall annually contribute sixty-six and two-thirds percent of that portion of the premium or charges arising under the annuity or pension contract for each person within the class of officers and employees enumerated in Section 292.03. Such contributions shall be secured from the General Fund of the Township. Each person within such class of officers and employees shall be responsible for the remainder of the premium or charges and the Township Clerk is hereby authorized to deduct the same from each person's pay, salary or compensation and to apply the same to such person's responsibility.

(b) Each such elected official who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day, provided he or she is within the class recited in Section 292.03 and meets the following requirement; otherwise, he or she shall be eligible on the first policy anniversary on which he or she meets such requirement: His or her age (nearest birthday) is at least eighteen years and not more than sixty-five years.

(c) Every such elected official within the class who becomes subsequently employed shall be eligible on the first policy anniversary on which he or she meets the following requirement: His or her age (nearest birthday) is at least eighteen years and not more than sixty-five years.

(d) A person's normal retirement date shall be the policy anniversary of the annuity or pension plan nearest his or her birthday.

(e) Any person desiring not to be so covered shall give written notice to the Township Clerk that he or she desires not to be covered, and if the notice is received before the person has become covered under the contract, he or she shall not be covered thereunder. If the notice is received after the individual has become covered, his or her coverage under the contract shall cease as provided for in the contract.

(Ord. 239. Passed 11-12-74.)

#### **292.05 VESTED RIGHT OR INTEREST IN PLAN.**

Every person so covered under the annuity or pension plan shall have a vested right or interest in such plan from the next policy anniversary date after he or she assumes office.

(Ord. 239. Passed 11-12-74.)

#### **292.06 VALIDITY OF EXISTING PLAN.**

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

(Ord. 239. Passed 11-12-74.)

#### **292.07 CONTINUATION OF EXISTING PLAN.**

The Township of Clinton does hereby ratify, confirm, readopt and incorporate by reference the continuation of the life annuity plan of the Manufacturers Life Insurance Company Group Policy No. GP8757, as previously amended, and by this action the Township does hereby incorporate said policy verbatim as though incorporated herein to the extent possible under the law and does hereby continue the same life annuity plan for the elected officials of the Township Board according to the terms of this chapter except for those desiring exclusion as recited herein with the two amendments being the age of eighteen years and the age of sixty-five years as recited in Section 292.04.

(Ord. 239. Passed 11-12-74.)

## **CHAPTER 294**

### **Firemen's and Policemen's Retirement System**

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EDITOR'S NOTE: There are no sections in Chapter 294. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Municipal Employees' Retirement System - see M.C.L.A. Secs. 38.601 et seq.

Municipal Employees' Retirement Act of 1984 - see M.C.L.A. Secs. 38.1501 et seq.

Police Department - see ADM. Ch. 236

Fire Department - see ADM. Ch. 238

Clinton Township Elected Officials Pension Plan - see ADM.Ch. 292

## **TITLE TWELVE - Judiciary**

Chap. 298. District Court and Circuit Court.

### **CHAPTER 298**

#### **District Court and Circuit Court**

*EDITOR'S NOTE: Violations of Municipal law are prosecuted in the 41B District Court. Equitable remedies are pursued in the 16th Circuit Court or other courts of competent jurisdiction.*

298.01 Health care coverage for district judges after leaving elective office.

### **CROSS REFERENCES**

Courts generally - see Mich. Const. Art. 6, Secs. 1 et seq.; M.C.L.A. Secs. 600.101 et seq.

Circuit Courts generally - see Mich. Const. Art. 6, Sec. 1; M.C.L.A. Secs. 600.501 et seq.

District Courts generally - see M.C.L.A. Secs. 600.8101 et seq.

Suits or prosecutions - see Michigan Charter Township Act (Act 359 of 1947)

General Code penalty - see ADM.202.99

Authority of courts regarding abandoned motor vehicles - see TRAF.410.04(UTC Secs. 2.5e, 2.50

Traffic Code penalties - see TRAF.410.04(UTC Secs. 5.62a et seq., 9.3)

#### **298.01 HEALTH CARE COVERAGE FOR DISTRICT JUDGES AFTER LEAVING ELECTIVE OFFICE.**

(a) Payment for Coverage. The Township will provide health care coverage as provided for the non-represented employees of the Township, excluding maternity coverage, to district judges after leaving elective office and being at least fifty-five years of age, or older, based upon the following payment provisions:

(1) If a judge has completed six years as a 41-B District Judge, then he or she shall pay sixty-six and two-thirds percent of the cost, with the Township paying thirty-three and one-third percent of the cost.

(2) If a judge completes twelve years as a 41-B District Judge, then he or she shall pay thirty-three and one-third percent of the cost, with the Township paying sixty-six and two-thirds percent of the cost.

(3) Each 41-B District Judge who serves eighteen years as a 41-B District Judge shall be entitled to the benefits fully paid by the Township until he or she reaches the age of sixty-five.

(4) These hospital and medical benefits shall be equal to the benefits that the nonrepresented employees of the Township are receiving.

(b) Options Available at Age Fifty-Five if Not Serving as a 41-B District Judge If a judge reaches the age of fifty-five and he or she is no longer a 41-B District Judge, nor is he or she an employee of the Township or the State of Michigan, then and in that event, at his or her option, he or she may decline to receive any further health care coverage, and in lieu thereof, he or she shall receive a cash payment or, at the direction of the judge, the money shall be deposited into an annuity plan as directed by him or her.

By electing the cash disbursement or annuity payment, the judge will receive a portion or all of the amount paid by the Township for his or her benefit based on a two-person plan instead of the family plan. The portion of the amount (percentage) to be received by the judge will be based on the percentage of cost the Township paid toward his or her insurance premiums based on the number of years completed, as set forth in paragraphs (a)(1) through (3) hereof.

By the use of this option, each 41-B District Judge shall receive his or her distribution annualized for a year on his or her fifty-fifth birthday and each birthday thereafter until age sixty-five.

(c) Medicare Supplement or Equivalent. Once a judge has reached the age of sixty-five, is no longer employed, and has at least

six years of service completed, then he or she shall be entitled to part or all of the cost of the supplemental benefits to Medicare available to present employees to maintain benefits. Said judges and their dependents, upon reaching age sixty-five, must enroll in Medicare Part B in order to qualify for this benefit.

A judge's portion of any payment will be predicated upon his or her percentage of insurance cost as formulated in paragraphs (a) (1) through (3) hereof. Any payment owed by said judge to the Township shall be paid by the judge thirty days prior to the Township's contribution. Failure to timely pay will cause this benefit to be forfeited.

If a judge so desires, he or she shall be entitled to the annualized cost to the Township of the supplemental coverage on his or her birthday at age sixty-five and each year thereafter while he or she is alive. By electing this option, the judge relieves the Township of providing supplemental benefits.

(Ord. 335. Passed 7-24-00.)

## PART FOUR – TRAFFIC CODE

Chap. 410. Uniform Traffic Code.

Chap. 412. Michigan Vehicle Code.

Chap. 420. Parking.

Chap. 430. Bicycles.

Chap. 440. Motorcycles and Motor-Driven Cycles.

Chap. 450. Watercraft.

Chap. 460. Traffic Regulations.

### CHAPTER 410

#### Uniform Traffic Code

410.01 Adoption by reference.

410.99 Penalty.

##### **CROSS REFERENCES**

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Motor vehicles on Metropolitan Parkway - see GEN. OFF.656.02

Motor vehicles at drive-in restaurants - see B.R. & T.818.04, 818.09

Parks - see S.U. & P.S.Ch. 1062

##### **410.01 ADOPTION BY REFERENCE.**

The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police, pursuant to the Administrative Procedures Act of 1969, Act 306 of the Public Acts of 1969, being M.C.L.A. 24.201 et seq., is hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean the Charter Township of Clinton.

(Ord. 218-A-1. Passed 4-24-78; Ord. Unno. Passed 9-22-03.)

##### **410.99 PENALTY.**

The penalty provided by the Uniform Traffic Code adopted by reference are hereby adopted as the penalty for violations of the corresponding provisions of this chapter.

(Ord. Unno. Passed 9-22-03)

### CHAPTER 412

#### Michigan Vehicle Code

412.01 Adoption by reference.

412.99 Penalty.

##### **412.01 ADOPTION BY REFERENCE.**

The Michigan Vehicle Code, Act 300 of the Public Acts of 1949, being M.C.L.A. 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state, are incorporated by reference. All references in said Michigan Vehicle Code to "local authorities" shall mean the Charter Township of Clinton.

(Ord. Unno. Passed 9-22-03.)

#### **412.99 PENALTY.**

The penalty provided by the Michigan Vehicle Code adopted by reference are hereby adopted as the penalty for violations of the corresponding provisions of this chapter, provided, however, that the Charter Township of Clinton may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

(Ord. Unno. Passed 9-22-03)

## **CHAPTER 420**

### **Parking**

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420.01 Definitions.

420.02 Enforcement.

420.03 Fire route.

420.04 Prohibited parking.

420.05 Parking next to curb; angle parking.

420.06 Parking behind curb prohibited.

420.07 Unattended vehicles.

420.08 Parking on grade.

420.09 Parking continuously in excess of forty-eight hours.

420.10 Parking lots.

420.11 Presumption of ownership.

420.12 Conflict of laws.

420.99 Penalty.

#### **CROSS REFERENCES**

Parking generally - see M.C.L.A. Secs. 257.672 et seq.

Abandoned motor vehicles - see TRAF.410.04(UTC Secs. 2.5a et seq.)

Parking for drive-in restaurants - see B.R. & T.818.04

Improper parking or standing in parks - see S.U. & P.S.1062.39

Parking in P Parking Districts - see P. & Z.1256.01, Ch. 1284

Parking in MH Districts - see P. & Z.1266.05

Off-street parking and loading - see P. & Z.Ch. 1296

#### **420.01 DEFINITIONS.**

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings hereinafter ascribed to them. Whenever any words and phrases used are not defined herein, but are defined in the State laws regulating traffic and the operating of vehicles, that definition shall apply to such words and phrases. Any words and phrases not otherwise defined herein or in the State laws as aforesaid shall be construed according to the commonly accepted and understood meaning ascribed to them.

- (a) "Crosswalk" means any portion of a way distinctly indicated by an appropriate marking or signs for pedestrian crossings.
- (b) "Motor vehicle" means every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon land, including, but not necessarily limited to, automobiles, motorcycles, scooters and trucks.
- (c) "Operator" means any person who is in actual physical control of a motor vehicle.
- (d) "Owner" means any person in whose name the legal title of a motor vehicle is registered. In the event a vehicle is the subject of a lease or conditional sale agreement, the lessee or person with the right of purchase upon performance of the conditions stated in the agreement, and any person who has the immediate right of possession, shall be deemed the owner.

(e) "Parking" means the storing of a motor vehicle upon land unattended by an operator thereof.

(f) "Parking lot" means any land which is not part of a public way but which is open to the public for the operation and/or parking of motor vehicles and incidental pedestrian use and which is owned, controlled or operated by one of the school districts, or the Community College in Clinton Township, Macomb County, Michigan.

(g) "Sidewalk" means that portion of a public way between the lateral lines of such way and the adjacent private property line and which is intended for use of pedestrians.

(h) "Standing" means the standing of a motor vehicle upon land with an operator in the driver's seat.

(i) "Truck" means a motor vehicle, as defined in subsection (b) hereof, which has a manufacturers rated load carrying capacity of more than two tons and/or a gross vehicle weight of 10,000 pounds. For purposes of this chapter, any tractor designed or used for the hauling of trailers or semitrailers shall be construed within this definition of trucks whether or not such tractor has a trailer or semitrailer attached to it.

(j) "Way" means any portion of the premises or property owned, controlled or operated by a school district or the Community College which is used by motor vehicles or trucks as ingress and egress to the parking lot or lots of the school or Community College. "Way" shall include all portions of the parking lot, whether the same are designated for parking or other regulation of motor vehicles or inconvenienced to the pedestrian users thereof.

(Ord. 273. Passed 4-15-85.)

#### **420.02 ENFORCEMENT.**

This chapter shall be enforced by the Clinton Township Police Department, and parking violations under this chapter, at the parking lot or the ways of the Community College, may be enforced as follows:

(a) The Macomb County Community College shall be authorized to enforce this chapter through its parking enforcement officers, its public safety cadets, its public safety officers or its public service officers, provided that whatever officers are enforcing the same shall be certified by the Community College or its representatives to the Chief of Police in Clinton Township as persons authorized and trained in proper enforcement of this chapter.

(b) The Community College shall, by an appropriate resolution accepted by the Township Board, request the right to have its own officers enforce this chapter and at the same time submit an agreement to hold the Township of Clinton harmless and indemnify the Township for any and all costs or damages that the Township may incur as a result of its officers' enforcement of this chapter.

(Ord. 273. Passed 4-15-85.)

(c) In the event that the appropriate resolutions and amendments are not received by the Community College and accepted by the Township, the Township Police Department and the Township Ordinance Enforcement Officers may enforce this chapter at the Macomb County Community College site.

(Ord. 319. Passed 12-22-97.)

#### **420.03 FIRE ROUTE.**

A fire route shall be determined by the Clinton Township Fire Chief who shall then cause the school district to appropriate mark the same by posted signs designed to properly apprise the ordinary prudent person of the existence of such route.

(Ord. 273. Passed 4-15-85.)

#### **420.04 PROHIBITED PARKING.**

No person shall park a motor vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

(a) On a sidewalk.

(b) In front of or across a public or private driveway.

(c) Within an intersection.

(d) On or within twenty feet of a crosswalk, or if none, then within fifteen feet of the intersection of property lines at an intersection of any streets.

(e) Within thirty feet upon the approach to any traffic control signal or stop sign.

(f) Within twenty feet of the driveway entrance of any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance, when marked by appropriate traffic signs.

(g) Along the side or opposite any street excavation or obstruction when such parking would obstruct traffic.

(h) On the street side of any motor vehicle parked at the edge or curb of such street.

(i) Within fifteen feet of a fire hydrant.

(j) In any place or in any manner so as to obstruct the immediate egress from any exit of a building designated as an emergency exit or any fire escape designated as such.

- (k) On any bridge or elevated structure upon or adjacent to any street.
- (l) Within 500 feet of an accident or fire at which police officers and/or firemen are in attendance.
- (m) On or across any portion of a way that, because of signs or marking, would indicate that parking is prohibited or restricted.
- (n) At any place where an appropriate traffic sign prohibits stopping, standing or parking.
- (o) Upon any portion of a fire route.

(Ord. 273. Passed 4-15-85.)

#### **420.05 PARKING NEXT TO CURB; ANGLE PARKING.**

Any vehicle parked or standing shall be so parked or standing with the wheels of such vehicle parallel with the edge of the travelled portion of the roadway and within twelve inches of any existing right-hand side curb, except upon a one-way street, in which event such parking or standing may be done at the left-hand side curb headed in the direction of traffic, unless otherwise expressly prohibited by traffic signs. No angle parking shall be permitted, except where otherwise expressly so designated by traffic signs, in which event every motor vehicle which shall park or stand on such street shall do so in the angle direction designated.

(Ord. 273. Passed 4-15-85.)

#### **420.06 PARKING BEHIND CURB PROHIBITED.**

No person shall stand or park a motor vehicle on that portion of a way located between the curb and the adjacent private property, except where traffic signs expressly authorize the same.

(Ord. 273. Passed 4-15-85.)

#### **420.07 UNATTENDED VEHICLES.**

No operator or other person having control of a motor vehicle shall leave such motor vehicle unattended with the engine operating.

(Ord. 273. Passed 4-15-85.)

#### **420.08 PARKING ON GRADE.**

No operator or other person having control of a motor vehicle shall leave such motor vehicle unattended when the same is on a grade unless the brakes have been effectively set thereon, and the front wheels of such motor vehicle shall be turned in a manner to come in contact with the curb or side of the street upon which it is located.

(Ord. 273. Passed 4-15-85.)

#### **420.09 PARKING CONTINUOUSLY IN EXCESS OF FORTY-EIGHT HOURS.**

No person shall cause or permit any motor vehicle, whether it is operable or inoperable, to be parked upon any street, highway, road, way or parking lot within the Township of Clinton for a continuous period in excess of forty-eight hours. Any motor vehicle parked continuously in excess of forty-eight hours shall be presumed abandoned and may be impounded and removed from its location by any person authorized to enforce this chapter, and the cost of removal and any storage charges thereafter shall be the obligation of the owner of such vehicle and paid to the Township or such person to whom it may be owed prior to release of the vehicle to such owner.

(Ord. 273. Passed 4-15-85.)

#### **420.10 PARKING LOTS.**

(a) Speed of Motor Vehicles. No person shall operate any motor vehicle upon any portion of a parking lot or way, including, but not limited to, the entrances and exits of such place, at a speed greater than that permitted by the then existing conditions for the safety of persons and property and in no event in excess of fifteen miles per hour, unless otherwise posted.

(b) Prohibited Parking.

(1) No person shall park a motor vehicle in any of the following places at or within a parking lot or way except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device:

- A. On a sidewalk.
- B. Upon or across any entrance or exit to such parking lot.
- C. Upon or across any driveway or other passageway for the movement of vehicular traffic on such parking lot or way.
- D. Upon any portion of a fire route.

(2) All motor vehicles shall be parked in accordance with posted signs and/or within the designated lined areas of any school parking lot.

(3) No motor vehicle shall be parked on or across any entrance or exit from a school building.

(4) On any school parking lot that is not marked by appropriate signs or designated lined areas, all motor vehicles shall be parked at right angles to the parking lot boundaries and in such manner as not to obstruct passageways, driveways, entrances or exits to or from the parking lots or school buildings.

(5) No motor vehicle shall be parked in any Macomb County Community College parking lot between the hours of 2:00 a.m. and 6:00 a.m. No motor vehicle shall be parked in any parking lot of any school district within Clinton Township between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except that employees of the Macomb County Community College engaged in their employment between the hours of 2:00 a.m. and 6:00 a.m. may park in the parking lots of the Macomb County Community College unless otherwise provided by resolution of the Township Board. Employees of the school districts within Clinton Township engaged in their employment between the hours of 11:00 p.m. and 6:00 a.m. of the following day may park in the parking lots of the school districts within Clinton Township unless otherwise provided by resolution of the Township Board.

(6) No charge or fee shall be imposed by the school district for the use of its parking lot. However, this section shall not be construed to apply to the penalties which may be imposed for violations of this section.

(c) Application of Section to School Parking Lots This section, and each of the terms and provisions hereof and any amendments or other ordinances hereafter duly adopted by the Township of Clinton pertaining to those subjects included within this section, shall apply to all school parking lots within the Township of Clinton owned or operated by Clintondale Public Schools, Fraser Public Schools, Chippewa Valley Schools, L'Anse Creuse Public Schools, and Mount Clemens Community School District, being all of the school districts within the Township of Clinton and the Community College District of the County of Macomb, in accordance with the resolutions heretofore adopted by each of the respective boards of education of said school districts and the Community College District of the County of Macomb requesting the adoption of this section as the Township of Clinton deems appropriate and within its authority for any and all of the purposes allowed by law.

(Ord. 273. Passed 4-15-85.)

#### **420.11 PRESUMPTION OF OWNERSHIP.**

In any proceeding for a violation of any provision of this chapter, the registration plate displayed on the motor vehicle shall constitute in evidence a presumption that the owner of such motor vehicle was the person who committed the violation charged.

(Ord. 273. Passed 4-15-85.)

#### **420.12 CONFLICT OF LAWS.**

In the event of a conflict between any of the provisions of this chapter and a provision of the Uniform Traffic Code, as adopted and amended in Chapter 410 of this Traffic Code, the provision of this chapter shall control.

#### **420.99 PENALTY.**

Any person who violates any provision of this chapter shall be guilty of a civil infraction, as defined by Act 510 of the Public Acts of 1978, as amended, and upon conviction thereof is subject to a civil fine as prescribed by Section 8395 of Act 511 of the Public Acts of 1978, as amended.

(Ord. 273. Passed 4-15-85.)

## **CHAPTER 430**

### **Bicycles**

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430.01 Definitions.

430.02 Licensing and registration.

430.03 Operation of unlicensed bicycles and tricycles prohibited.

430.04 Equipment required.

430.05 Traffic regulations and rules.

430.06 Conflict of laws.

430.99 Penalty.

#### **CROSS REFERENCES**

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.; TRAF.Ch. 410

Bicycle paths and lanes - see TRAF.410.01(UTC Secs. 4.20 et seq.)

Operation of bicycles, motorcycles, mopeds and toy vehicles - see TRAF.410.01(UTC Secs. 6.1 et seq.)

Motor-driven cycles - see TRAF. Ch. 440

#### **430.01 DEFINITIONS.**

As used in this chapter:

(a) "Bicycle" means a device on which a person may ride, which is propelled by human power, and which has either two or three wheels in a tandem or tricycle arrangement which are more than fourteen inches in diameter.

(Adopting Ordinance)

(b) "Tricycle" means every chain-driven device propelled by human power upon which any person may ride, having three wheels, one of which is in the front and center of the device and the other two being in the rear and connected to each other by means of an axle, which rear wheels are twenty inches or more in diameter.

(Ord. 235. Passed 6-11-74.)

#### **430.02 LICENSING AND REGISTRATION.**

(a) The purpose of licensing and registration is to have available reasonable information to assist the Police Department in the recovery of lost or stolen bicycles and tricycles and the identification of the same.

(b) All bicycles and tricycles shall be registered with the Clinton Township Police Department and a license for the same shall be issued upon such registration in accordance with the following procedure.

(1) Each bicycle and tricycle shall be presented to the Police Department for registration, and the said Department shall issue a license to be attached or affixed to the rear of the bicycle so that it is visible upon reasonable observation. The registration shall contain the serial number of the bicycle or tricycle. In the event that it does not have a serial number, the Police Department shall issue a serial number for that bicycle or tricycle which shall be incorporated in the registration thereof.

(2) A fee of one dollar (\$1.00) shall be charged for the initial registration of each bicycle and tricycle. Upon sale or other disposition of the bicycle or tricycle, the person acquiring the same shall immediately present it to the Police Department for re-registration under his or her name and pay a re-registration fee of fifty cents (50).

(3) All moneys paid to the Police Department pursuant to this section shall be receipted by said department and immediately paid over to the Treasurer of the Township of Clinton with an appropriate record or other listing of the number of registrations and re-registrations for which the moneys have been received.

(c) The Township Police Department shall make an effort to immediately initiate a public information program to explain the licensing requirements and, to the extent deemed feasible by the Department, to set up dates for mass registration at public places prior to the effective date of this section.

(d) The registration and licensing requirements herein shall become effective on July 20, 1974.

(Ord. 235. Passed 6-11-74.)

#### **430.03 OPERATION OF UNLICENSED BICYCLES AND TRICYCLES PROHIBITED.**

It shall be unlawful for any person to operate or use in any manner any bicycle or tricycle after the effective date of this section upon any street, alley or public highway, or upon any public path set aside for bicycles or tricycles, or on any property generally open to the public for pedestrian, vehicle and bicycle or tricycle traffic, without having a license therefor as prescribed in this chapter.

(Ord. 235. Passed 6-11-74.)

#### **430.04 EQUIPMENT REQUIRED.**

It shall be unlawful to operate any bicycle or tricycle unless it shall contain at the time thereof the following equipment in good working order:

(a) A brake which will enable the rider to stop in a distance applicable to the speed which the rider is going, or enable the rider to make the braked wheels skid on dry, level, clean pavement.

(b) When in use at night, a front light, which shall emit a white light visible from a distance of at least 500 feet from the front, and a red reflector on the rear which shall be visible from fifty to 300 feet to the rear when directly in front of a properly lighted vehicle. A lamp emitting a red light visible for 500 feet may be used in addition to the red reflector.

(c) A bell or other device capable of giving an audible signal for a distance of 100 feet, but no such bicycle or tricycle shall be equipped with a siren or whistle.

(Ord. 235. Passed 6-11-74.)

#### **430.05 TRAFFIC REGULATIONS AND RULES.**

(a) Each person riding a bicycle or tricycle in Clinton Township shall be granted all of the rights and be subject to all of the duties applicable to the driver of a motor vehicle as prescribed in Chapter 410 of these Codified Ordinances and the provisions of the Michigan Motor Vehicle Code, as set forth in Act 300 of the Public Acts of 1949, as amended.

(b) Any person operating a bicycle or tricycle shall obey the instructions of any official traffic control signals, signs, and other control devices, unless otherwise directed by a police officer, except that whenever such person shall stop and dismount from his or her bicycle or tricycle, he or she shall cease to obey bicycle or tricycle rules and shall obey those applicable to pedestrians.

(c) A person propelling a bicycle or tricycle shall not ride other than astride a permanent and regular seat attached thereto and shall not carry more than one other person, provided the bicycle or tricycle is properly equipped and designed for passengers.

(d) No person riding upon any bicycle or tricycle shall attach the same or himself or herself to any vehicle upon any roadway in this Township.

(e) Every person operating a bicycle or tricycle upon a roadway shall not ride other than in single file, unless the roadway or path is so designed to allow for two abreast riding.

(f) No person riding a bicycle or tricycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars of the bicycle or tricycle.

(g) Whenever a usable path next to a roadway is available, bicycle or tricycle riders shall use that and not the roadway.

(h) No person shall park a bicycle or tricycle, except against the curb or on a sidewalk, unless in a rack designed to hold a bicycle or tricycle, or against a building so as not to impede vehicular or pedestrian traffic.

(i) When signs are erected on any sidewalk or street which prohibit the riding of bicycles or tricycles thereon by any person, no person shall disobey such signs.

(j) No person shall operate a bicycle or tricycle at a speed greater than is reasonable and prudent under the existing conditions.

(k) No person under the age of twelve years shall operate a bicycle or tricycle upon the roadways of this Township, unless the area is so designed that sidewalks are not available for pedestrian or bicycle or tricycle traffic.

(l) Any person riding a bicycle or tricycle upon a sidewalk shall yield the right of way to all pedestrian traffic and shall also give an audible signal before overtaking and passing any pedestrian.

(m) Persons riding bicycles or tricycles on a roadway shall ride to the far right edge of the roadway at all times.

(Ord. 235. Passed 6-11-74.)

#### **430.06 CONFLICT OF LAWS.**

In the event of a conflict between any of the provisions of this chapter and a provision of the Uniform Traffic Code, as adopted and amended in Chapter 410 of this Traffic Code, the provisions of this chapter shall control.

#### **430.99 PENALTY.**

Any person who violates any provision of this chapter shall be guilty of a civil infraction, as defined by Act 510 of the Public Acts of 1978, as amended, and upon conviction thereof is subject to a civil fine as prescribed by Act 511 of the Public Acts of 1978, Section 8395, as amended.

## **CHAPTER 440**

### **Motorcycles and Motor-Driven Cycles**

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440.01 Definitions.

440.02 Operation on private lands.

440.03 Form of written authorization.

440.99 Penalty.

#### **CROSS REFERENCES**

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.; TRAF.Ch. 410

Operation of bicycles, motorcycles, mopeds and toy vehicles - see TRAF.410.01(UTC Secs. 6.1 et seq.)

Bicycles generally - see TRAF. Ch. 430

Parks - see S.U. & P.S.Ch. 1062

#### **440.01 DEFINITIONS.**

As used in this chapter:

(a) "Motor-driven cycle" means every motorcycle with a motor that produces less than five gross brake horsepower, every motor scooter and every bicycle with motor attached, except a motorized wheelchair or other similar vehicle not exceeding 1,000 pounds



gross weight operated by a physically afflicted or disabled person and except pedal bicycles with helper motors rated less than one brake horsepower transmitted by friction and not by gear or chain, which produces only ordinary pedaling speeds up to a maximum of twenty miles per hour.

(b) "Motorcycle" means every motor vehicle having a saddle or seat for the use of a rider and which is designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(c) "Owner" means any person, firm or corporation, public or private, which has a legal or equitable ownership interest in real estate.

(d) "Private land" means any real estate not constituting a publicly owned, operated or maintained highway, roadway or other public right of way.

(Ord. 248. Passed 7-12-76.)

#### **440.02 OPERATION ON PRIVATE LANDS.**

It shall be unlawful for any person, except the owner and members of his or her immediate family, to operate any motorcycle or motor-driven cycle on any private lands except when such operation is incident to a duly licensed commercial use of the premises for that purpose, or when the operator of such motorcycle or motor-driven cycle is in possession of a written authorization duly signed by the owner of the premises for such use thereof.

(Ord. 248. Passed 7-12-76.)

#### **440.03 FORM OF WRITTEN AUTHORIZATION.**

The written authorization which may be given by an owner for the use of property, as provided in Section 440.02, shall contain at least the following information:

- (a) The name and address of the person authorized.
- (b) The Michigan driver's license number of the person authorized.
- (c) The brand name and Michigan registration plate number of the motorcycle or motor-driven cycle authorized.
- (d) The date and hours of operation authorized.

(Ord. 248. Passed 7-12-76.)

#### **440.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 450**

### **Watercraft**

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450.01 Findings; purpose.

450.02 Definitions.

450.03 Slow no-wake speed on Clinton River required.

450.99 Penalty.

#### **CROSS REFERENCES**

Municipal navigational facilities - see M.C.L.A. Secs. 281.541 et seq.

Marine Safety Act - see M.C.L.A. Secs. 281.1002 et seq.

Water pollution - see GEN. OFF. 676.06

#### **450.01 FINDINGS; PURPOSE.**

Pursuant to Act 303 of the Public Acts of 1967, as amended, the Department of Natural Resources conducted a public hearing March 8, 1994, following an action by a local watercraft control committee, which committee made findings that the boating public is threatened by boats and personal watercraft traveling at high rates of speed within the Charter Township of Clinton and that a dangerous situation exists. This chapter is intended to protect the public health, safety and welfare of citizens of the Charter Township of Clinton by regulating the speed of watercraft upon the Clinton River.

(Ord. 303. Passed 7-25-94.)

#### **450.02 DEFINITIONS.**

As used in this chapter:

(a) "Clinton River" means all tributaries and all portions of the Clinton River within and bordering the limits of the Charter Township of Clinton.

(b) "Slow no-wake speed" means a very slow speed whereby the wake or wash created by the watercraft is minimal.

(c) "Watercraft" means any water-borne craft which uses a motor-driven propeller or an internal combustion engine powering a waterjet pump as its primary source of propulsion.

(Ord. 303. Passed 7-25-94.)

#### **450.03 SLOW NO-WAKE SPEED ON CLINTON RIVER REQUIRED.**

No person shall operate, nor shall any owner permit a person to operate, a watercraft on the waters of the Clinton River at a speed greater than a slow no-wake speed. Speed limits set forth in this chapter shall be posted at points where the Clinton River enters the limits of the Township and at such other points as the law shall provide.

(Ord. 303. Passed 7-25-94.)

#### **450.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 460**

### **Traffic Regulations**

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460.01 Distracted driving.

460.99 Penalty.

#### **CROSS REFERENCES**

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Motor vehicles on Metropolitan Parkway - see GEN. OFF.656.02

Parks - see S.U. & P.S.Ch. 1062

#### **460.01 DISTRACTED DRIVING.**

(a) A person commits distracted driving if, while operating a motor vehicle, that person commits a moving violation while dividing his or her attention from the safe operation of the vehicle by some action of the operator within the vehicle (divided attention).

(b) It shall be a rebuttable presumption that the causes of divided attention as referenced above shall include, but not be limited to: attending to personal hygiene, eating or drinking, reading, use of a cellular telephone or computer, physically attending to a passenger or pet, or observation of a video display.

(c) As used in this section, the term motor vehicle shall be defined as found in Section 33 of Act 300 of the Michigan Vehicle Code, as amended, and shall include every vehicle contained in that Act that in its definition is termed a motor vehicle.

(Ord. 362. Passed 3-27-06.)

#### **460.99 PENALTY.**

Distracted driving constitutes a civil infraction and shall be processed as same, and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).

(Ord. 362. Passed 3-27-06.)

## **PART SIX – GENERAL OFFENSES CODE**

Chap. 606. Administration, Enforcement and Penalty.

Chap. 607. Alarm Systems.

Chap. 608. Alcoholic Beverages.

Chap. 610. Animals.

Chap. 620. Drugs.

Chap. 624. Fair Housing.

Chap. 630. Gambling.

- Chap. 634. Graffiti.
- Chap. 654. Nuisances.
- Chap. 655. Odor Control.
- Chap. 656. Offenses on Metropolitan Parkway.
- Chap. 658. Offenses Relating to Persons.
- Chap. 660. Offenses Relating to Property.
- Chap. 664. Peace Disturbances.
- Chap. 676. Safety, Sanitation and Health.
- Chap. 680. Sex Related Offenses.
- Chap. 690. Tobacco Products.
- Chap. 694. Vegetation.
- Chap. 696. Weapons and Explosives.

## **CHAPTER 606**

### **Administration, Enforcement and Penalty**

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- 606.01 State law misdemeanors.
- 606.02 Resisting or obstructing officer in discharge of duty.
- 606.03 Assaulting peace officers or police officers.
- 606.99 Penalty.

#### **CROSS REFERENCES**

Police Department - see Michigan Charter Township Act (Act 359 of 1947); ADM.Ch. 236

Penalties for violations of City ordinances; succession to suits or prosecutions - see Michigan Charter Township Act (Act 359 of 1947)

Purchase of drugs by municipal officers - see M.C.L.A. Secs. 335.55

Public safety generally - see M.C.L.A. Secs. 750.493 et seq.

General Code penalty - see ADM.202.99

#### **606.01 STATE LAW MISDEMEANORS.**

Every act prohibited by State law as a misdemeanor is hereby prohibited within the Township of Clinton.

(Ord. 227-A-4. Passed 2-23-81.)

#### **606.02 RESISTING OR OBSTRUCTING OFFICER IN DISCHARGE OF DUTY.**

No person shall knowingly and willfully obstruct, resist or oppose any police officer or person duly authorized, in serving or attempting to serve or execute any process, rule or order made or issued by lawful authority, or resist any officer in the execution of any ordinance, resolution, bylaw, rule or order made, issued, or passed by the Township Board, or assault, beat or wound any police officer duly authorized, while such officer is serving or attempting to serve or execute any process, rule or order, or for having served or attempted to serve or execute the same, or so obstruct, resist, oppose, assault, beat or wound any police officer, or any other person or persons authorized by law to maintain and preserve the peace, in their lawful acts, attempts and efforts to maintain, preserve and keep the peace.

(Ord. 227-A-4. Passed 2-23-81.)

#### **606.03 ASSAULTING PEACE OFFICERS OR POLICE OFFICERS.**

No person shall forcibly assault or commit a bodily injury upon a peace officer or police officer of the Township, which injury requires medical care or attention, while the peace officer or police officer is engaged in the making of a lawful arrest, if the assailant knows that the peace officer or police officer is a peace officer or police officer.

(Ord. 227-A-5. Passed 9-8-82.)

#### **606.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever is found guilty of, or pleads guilty or nolo contendere to, the following State law misdemeanors pursuant to Section

606.01 shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety-three days, or both, for each offense:

Larceny from a motor vehicle (M.C.L.A. 750.356a)

Larceny; rented motor vehicle, trailer, or other tangible property (M.C.L.A. 750.362a)

Malicious destruction of property (M.C.L.A. 750.377a)

Malicious destruction of another's barn, house, etc. (M.C.L.A. 750.380)

Malicious destruction of property; plants or soil; offense committed using a vehicle (M.C.L.A. 750.382)

Malicious destruction of tombs and memorials to dead (M.C.L.A. 750.387)

Buying, receiving, possessing, or concealing stolen, embezzled or converted money, goods, or property (M.C.L.A. 750.535)

Telecommunications service; diverting service with knowledge and without authority (M.C.L.A. 750.540g)

Burning of personal property (M.C.L.A. 750.74)

Revoked or canceled financial transaction devices; use with intent to defraud (M.C.L.A. 750.157s)

Use of financial transaction device to withdraw or transfer funds in violation of contractual limits or in excess of funds; intent to defraud (M.C.L.A. 750.157w)

Embezzlement by chattel mortgagor, vendee, or lessee (M.C.L.A. 750.177)

Embezzlement of chattel mortgager, lease or contract (M.C.L.A. 750.178)

Embezzlement of property belonging to himself or another (M.C.L.A. 750.181)

False pretense (M.C.L.A. 750.218)

Telecommunication service; intentional avoidance of lawful charges (M.C.L.A. 750.219a)

Weapon-free school zone (M.C.L.A. 750.237a)

False report of a misdemeanor crime (M.C.L.A. 750.411a)

(Ord. 332. Passed 1-10-00.)

## **CHAPTER 607**

### **Alarm Systems**

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607.01 Purpose. (Repealed)

607.02 Definitions.

607.03 Automatic telephone alarm systems; police-monitored alarm systems.

607.04 Separate alarm systems required for multiple occupancy buildings.

607.05 Alarm duration; peace disturbances; nuisances.

607.06 False alarm fees.

607.07 Interference with Police and Fire Department communications systems.

607.99 Penalty.

#### **CROSS REFERENCES**

Alarm systems - see M.C.L.A. Secs. 338.1051 et seq.

Automatic intrusion alarms and alerting devices prohibited - see M.C.L.A. Sec. 484.1207

Police Department - see ADM. Ch. 236

Fire Department - see ADM. Ch. 238

Nuisances - see GEN. OFF. Ch. 654

Fire alarm supervision - see B. & H. 1426.05 (Rule 9)

#### **607.01 PURPOSE. (REPEALED)**

(EDITOR'S NOTE: Section 607.01 was repealed by implication by Ordinance 319, passed December 22, 1997.)

#### **607.02 DEFINITIONS.**

The following terms shall have the following respective meanings, which shall apply in the interpretation and enforcement of this chapter, unless a different meaning clearly appears from the context:

(a) "Alarm originator" means any person, partnership, corporation or limited liability company who or which requested the installation of the alarm system, or has either an ownership interest in, a leasehold interest in, or occupies, the premises. In the event the premises are owned or occupied by a partnership or corporation, each partner of the partnership, and each officer and director of the corporation, shall be deemed an originator. With respect to automobile alarms, the owner, lessee or operator of an automobile shall be deemed to be the originator. This definition shall exclude any person who uses self-contained alarm systems which signal or alert other authorized persons who are on the premises of an attempted unauthorized intrusion or other emergency condition, provided that such system does not utilize an audible signal emitting sounds or light, which is designed to, or which otherwise does, signal persons outside the premises.

(b) "Alarm system" means an assembly of equipment and devices, or a single device, arranged to signal the presence of a hazard or situation requiring urgent attention, and to which either the Police Department or Fire Department may be summoned directly or indirectly to respond. "Alarm system" shall include, but not be limited to, systems designed for use for one or any combination of the following: the detection of an unauthorized entry or attempted entry into a building, structure or vehicle; the alerting of others of the commission of any unlawful act within a building, structure or vehicle; or the detection of fire, smoke or heat within a building, structure or vehicle.

(c) "Automatic telephone alarm system" means a device or combination of devices that will, upon activation, either mechanically, electronically, or by other means, initiate the automatic calling, dialing or connection to any telephone number assigned to any public service, utility, fire department or police agency by a public telephone company for the purpose of delivering a recorded message thereto.

(d) "False alarm" means any alarm activation or condition which is registered at or reported to the Township Police Department or Fire Department or elsewhere. "False alarm" includes any alarm condition which is registered at or reported to the Police Department, the Fire Department or elsewhere which does not result from criminal activity for which the alarm was intended, or, in the case of a fire alarm, any alarm condition which is registered at the Fire Department or elsewhere which does not result from a fire or a potential fire condition. "False alarm" does not include any alarm caused by a hurricane, tornado, storm, earthquake or other violent condition beyond the control of the owner or lessee, their agents or the employees of an alarm system, or any other extenuating circumstance as determined by the designee of the Police Department or the Fire Department.

(Ord. 319. Passed 12-22-97.)

#### **607.03 AUTOMATIC TELEPHONE ALARM SYSTEMS; POLICE- MONITORED ALARM SYSTEMS.**

No person shall sell, install, operate, adjust, arrange for, contract to provide or use an automatic telephone alarm system within the Charter Township of Clinton.

No person shall sell, install, operate or maintain any new system, including, but not limited to, new panels or boxes, at any police facility designed for monitoring by Police Department personnel. Existing systems and contracts for systems owned by the Township only may be maintained, upgraded or renewed.

(Ord. 319. Passed 12-22-97.)

#### **607.04 SEPARATE ALARM SYSTEMS REQUIRED FOR MULTIPLE OCCUPANCY BUILDINGS.**

Whenever a single building contains more than one unit of occupancy, and each unit has a separate entrance, separate alarm systems shall be required where an alarm system has been installed. Whenever a multiple housing residential structure has separate entrances for each occupancy unit and an occupant has elected to provide an alarm system, each separate entrance to the unit occupied shall contain separate alarm systems.

(Ord. 319. Passed 12-22-97.)

#### **607.05 ALARM DURATION; PEACE DISTURBANCES; NUISANCES.**

No person shall operate, install, direct the installation of or use an alarm system that emits an audible and/or visual signal for a period longer than fifteen minutes from the initial activation of the device. All owners, lessees or users of an alarm system shall, within 180 days from the effective date of this chapter, bring currently installed alarm systems or alarm systems offered for sale into conformity with this section. Whenever an alarm system continues to emit audible signals continuously or on a regularly repeating basis for over thirty minutes and an owner, lessee or occupant of the premises cannot be contacted or does not respond within thirty minutes of being contacted and the audible signals create a nuisance or other disturbance of the peace and tranquility of the neighborhood, any owner and/or occupant of the premises where such alarm has been activated is guilty of a misdemeanor. The Township and its designees shall be authorized to disconnect or otherwise disable the alarm system by cutting wires, disconnecting speakers or disabling other components of the alarm system that are located on the exterior of the premises.

(Ord. 319. Passed 12-22-97.)

#### **607.06 FALSE ALARM FEES.**

(a) Police Department Responses. Notwithstanding any other provision of this chapter, or penalties provided in order to defray the costs of responding to false alarms, a false alarm fee shall be charged for the second and subsequent false alarms within the same calendar year by the same originator and shall be as set forth in division (a)(1).

(1) Fees for false alarms requiring Police Department response (automobile, residential, business and commercial fire alarms) shall be as follows:

- A. Second false alarm           \$ 50.00
- B. Third false alarm           \$ 75.00
- C. Fourth or subsequent false alarms   \$100.00

(2) False alarm fees shall not apply in the case of the first two false alarms during the two week period following installation of a new alarm or upgrading of an existing system upon proper notice to the Police Department and Fire Department of the installation change. Notice shall be provided telephonically and in writing to each department. A false alarm fee shall only be imposed where false alarms are actually responded to by police personnel and/or equipment.

(3) False alarm fees shall not apply where alarm system malfunction occurs if corrective measures have been undertaken within ten days after the false alarm and a copy of the repair order documenting completed repair by a licensed alarm system contractor is furnished within thirty days of the false alarm delivered to the Record Bureau of the Township Police Department. Notwithstanding in any calendar year, this procedure shall excuse no more than three false alarms. The fourth false alarm shall result in a penalty as prescribed for fourth or subsequent alarms.

(b) Fire Department Responses. Fees for false alarms requiring Fire Department response shall be as follows:

(1) For a standard response (requiring a minimum of equipment and manpower):

- A. Fourth false alarm           \$ 300.00
- B. Fifth false alarm           400.00
- C. Sixth or subsequent false alarm   500.00

(2) For optimal response (requiring significant deployment of manpower and equipment due to the nature of the building for which the alarm is given, including maximum response uses as set forth in the Fire Prevention Code, NFPA sections and other fire prevention ordinances adopted by the Charter Township of Clinton, such as, but not limited to, multifamily residential dwelling units with more than twelve units, institutions, high-hazard industries and places of assembly of more than 100 persons):

- A. Fourth false alarm           \$ 500.00
- B. Fifth false alarm           700.00
- C. Sixth or subsequent false alarms   1,000.00

(3) False alarms shall not apply to alarm activation caused by severe weather or other conditions beyond the control of the owner or lessee of any alarm system. No fee shall be imposed for a single engine response as required by Department policy for alarms that have been canceled by the originator prior to actual full response.

(4) No fee shall be imposed during the two week period immediately following installation of a new alarm system or the upgrading of an existing alarm system upon proper written notification to the Fire Department.

(c) Dual Response.

(1) Where a false alarm is responded to by both the Police Department and the Fire Department, both applicable fees shall be charged.

(2) No person shall willfully give, assist in giving, countenance, request or cause to be given any false alarm in any manner; provided that this subsection shall not apply to members of the Fire Department. The provisions of this subsection shall apply to the first, as well as all subsequent, willful false alarms.

(d) Collection of Fees. In the event of a failure to pay, within thirty days, any statement for fees incurred as a result of provisions of this chapter, the Charter Township of Clinton shall be permitted to collect such fees imposed upon any owner of premises (including lessors) in the same manner as ad valorem real property taxes are collected. Such fees may be added to and made a part of subsequent real property tax bills and separately noted on such bill, for purposes of collection. A ten dollar (\$10.00) collection fee shall be imposed upon the owner of the premises where such false alarm occurred.

(Ord. 319. Passed 12-22-97; Ord. Unno. Passed 7-16-01.)

#### **607.07 INTERFERENCE WITH POLICE AND FIRE DEPARTMENT COMMUNICATIONS SYSTEMS.**

(a) It is the purpose of this section to prevent the disruption and interference with the telephone communications systems of the Police Department and the Fire Department of the Township by allowing alarm systems which, when activated, connect with the communication facilities of the Police Department and the Fire Department of the Township by means of the Department's telephone system.

(b) No person engaged in the business of providing communication services and facilities, or any other person, shall use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or otherwise provide or install, any device or combination of devices that will, upon activation, either mechanically, electronically or by other automatic means, initiate the telephone number assigned to the Township, or any of the departments of the Township, provided, however, that this section shall not apply to any public law enforcement agency.

(c) The term "telephone number," as used in this section, includes any additional numbers assigned by a public utility company engaged in the business of providing communications services and facilities to be used by means of a rotary or other system to connect with the Township or any of its departments to such primary number when the primary telephone number is in use.

(Ord. 319. Passed 12-22-97.)

## 607.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## CHAPTER 608

### Alcoholic Beverages

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608.01 Purchase by minors, sale or delivery to minors, and bringing alcoholic beverages into an establishment licensed to sell same.

608.02 Consumption in public places.

608.99 Penalty.

#### **CROSS REFERENCES**

Limitations on local laws penalizing intoxication, drunkenness, or incapacitation - see M.C.L.A. Sec. 333.6523

Intoxicating liquors generally - see M.C.L.A. Secs. 436.1 et seq.

Sales on Sundays and municipal election days - see M.C.L.A. Sec. 436.19e

DUI - see TRAF. 410.04(UTC Secs. 5.15 et seq., 10.34 et seq.)

Use of alcoholic beverages on Metropolitan Parkway - see GEN. OFF. 656.05

Alcoholic beverages in drive-in restaurants - see B.R. & T. 818.09

Alcoholic beverages in massage parlors - see B.R. & T. 850.09

Alcoholic beverages in parks - see S.U. & P.S. 1062.26

#### **608.01 PURCHASE BY MINORS, SALE OR DELIVERY TO MINORS, AND BRINGING ALCOHOLIC BEVERAGES INTO AN ESTABLISHMENT LICENSED TO SELL SAME.**

##### (a) Prohibited Actions by Minors.

(1) 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 responsible for a city civil infraction or guilty of a misdemeanor as follows:

A. For the first violation, the minor is responsible for a city civil infraction and shall be fined not more than one hundred dollars (\$100.00). A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, M.C.L.A. 333.6230, and designated by the Administrator of the Office of Substance Abuse Services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (a)(5). A minor may be found responsible or admit responsibility only once under this subdivision.

B. If a violation of this subsection occurs after one prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than thirty days 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 two hundred dollars (\$200.00), or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, M.C.L.A. 333.6230, 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 or her own expense as described in subsection (a)(5).

C. If a violation of this subsection occurs after two or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than sixty days, 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 five hundred dollars (\$500.00), or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the Public Health Code, 1978 PA 368, M.C.L.A. 333.6230, 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 or her own expense as described in subsection (a)(5).

(2) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (a)(1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three days or a fine of not more than one hundred dollars (\$100.00), or both.

(3) If an individual who pleads guilty to a misdemeanor violation of subsection (a)(1)B. or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (a)(1)B., 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 608.01(a)(2), payment of the costs including

minimum state cost as provided for in section 18m of chapter XIA of the Probate Code of 1939, 1939 PA 288, M.C.L.A. 712A.18m, and section 1j of chapter IX of the Code of Criminal Procedure, 1927 PA 175, M.C.L.A. 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the Code of Criminal Procedure, 1927 PA 175, M.C.L.A. 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. A discharge and dismissal under this section is 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 on 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:

A. To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.

B. To the Department of Corrections, a prosecutor, or a law enforcement agency, on the Department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions: 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.

C. 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 or her conditions of employment or whether an applicant meets criteria for employment.

(4) A misdemeanor violation of subsection (A) successfully deferred, discharged, and dismissed under subsection (C) is considered a prior judgment for the purposes of subsection (a)(1)C.

(5) A court may order an individual found responsible for or convicted of violating subsection (a)(1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the Mental Health Code, 1974 PA 258, M.C.L.A. 330.1100a, 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 misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (a)(1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than eighteen years of age and not emancipated under 1968 PA 293, M.C.L.A. 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(6) The Secretary of State shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of subsection (a)(1) or of violating subsection (a)(2) as provided in section 319 of the Michigan Vehicle Code, 1949 PA 300, M.C.L.A. 257.319.

(7) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(8) A law enforcement agency, on determining that an individual who is less than eighteen years of age and not emancipated under 1968 PA 293, M.C.L.A. 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (a)(1) shall notify the parent or parents, 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 forty-eight hours after the law enforcement agency determines that the individual who allegedly violated subsection (a)(1) is less than eighteen years of age and not emancipated under 1968 PA 293, M.C.L.A. 722.1 to 722.6. 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 seventeen years of age is incarcerated for violating subsection (a)(1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(9) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(10) The following individuals are not considered to be in violation of subsection (a)(1):

A. A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself 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, 1931 PA 328, M.C.L.A. 750.520b to 750.520g, committed against a minor.

B. A minor who accompanies an individual who meets both of the following criteria:

1. Has consumed alcoholic liquor; and

2. Voluntarily presents himself or herself 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, 1931 PA 328, M.C.L.A. 750.520b to 750.520g, committed against a minor.

C. 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.

(11) If a minor who is less than eighteen years of age and who is not emancipated under 1968 PA 293, M.C.L.A. 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (a)(10), the health facility or agency shall notify the parent or parents, 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.

(12) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(13) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited post secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(14) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(15) Subsection (a)(1) does not apply to a minor who participates in either or both of the following:

A. 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; and/or

B. 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.

(16) 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)(1), M.C.L.A. 436.1701(1), or M.C.L.A. 436.1801(2).

(17) In a prosecution for the violation of subsection (a)(1) 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.

(18) As used in this section:

A. "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.

B. "Emergency medical services personnel" means that term as defined in section 20904 of the Public Health Code, 1978 PA 368, M.C.L.A. 333.20904.

C. "Health facility or agency" means that term as defined in section 20106 of the Public Health Code, 1978 PA 368, M.C.L.A. 333.20106.

D. "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

1. This section or M.C.L.A. 436.1701 or M.C.L.A. 436.1707.

2. Section 624a, 624b, or 625 of the Michigan Vehicle Code, 1949 PA 300, M.C.L.A. 257.624a, 257.624b, and 257.625.

3. Section 80176, 81134, or 82127 of the Natural Resources and Environmental Protection Act, 1994 PA 451, M.C.L.A. 324.80176, 324.81134, and 324.82127.

4. Section 167a or 237 of the Michigan Penal Code, 1939 PA 328, M.C.L.A. 750.167a and 750.237.

(b) Sale or Delivery to Minors Prohibited

(1) No person shall knowingly sell or furnish alcoholic liquor to a person who is under twenty-one years of age, or fail to make diligent inquiry as to whether the person is under twenty-one years of age. The person who violates this paragraph is guilty of a misdemeanor punishable as provided within this Code of Ordinances.

(2) A suitable sign describing the requirements of applicable Michigan laws, including M.C.L.A. 436.33 as amended and the penalties for violating such provisions shall be posted in a conspicuous place in each room where alcoholic liquors are sold. Such sign shall be approved and furnished by the Michigan Liquor Control Commission.

(3) For a violation of subsection (a)(1), proof that the defendant or the defendant's agent or employee demanded and was shown before furnishing alcoholic liquor to a person under twenty-one years of age, a motor vehicle operator's license or a registration certificate issued by a federal selective service or other bonafide documentary evidence of the agent identity of that

person, shall be a defense to an action under this section.

(c) Bringing Alcoholic Beverages Into an Establishment Licensed to Sell Same Prohibited No person shall bring any alcoholic beverage nor permit any alcoholic beverage to be brought into an establishment licensed to sell alcoholic beverages except that the person may make a lawful delivery of alcoholic beverages to an establishment licensed to sell alcoholic beverages. A person who violates this paragraph is guilty of a misdemeanor punishable as provided within this Code of Ordinances.

(Ord. 222-A-6. Passed 12-10-84; Ord. 438. Passed 11-27-17.)

#### **608.02 CONSUMPTION IN PUBLIC PLACES.**

No person shall consume any alcoholic liquor, beer or wine in or upon the public highways or sidewalks or any other property open to the public outside of any building, dwelling or other structure. Any and all parking lots or other places designed and intended for the parking of motor vehicles are intended and shall be construed as places within the prohibition herein stated.

(Ord. 227-A-4. Passed 2-23-81.)

#### **608.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 610**

### **Animals**

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610.38 Relationship of this subchapter to State law procedures for killing or confining dog, or other remedies.

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### **CROSS REFERENCES**

Animal pounds - see M.C.L.A. Secs. 123.301 et seq., 750.70

Animal diseases generally - see M.C.L.A. Secs. 287.708 et seq.

Animals generally - see M.C.L.A. Secs. 750.49 et seq., 752.21 et seq.

Nuisances in general - see GEN. OFF.Ch. 654

Animal noises - see GEN. OFF.664.07(a)(6)

Domestic animals in parks - see S.U. & P.S.1062.28

Rat harborage - see B. & H. 1496.05(BOCA PM-303.6)

## **IN GENERAL**

### **610.01 ANIMAL CONTROL OFFICERS.**

(a) There shall be at least one full time or part time animal control officer in the Township.

(b) Police officers as selected and designated by the Police Chief, shall be animal control officers.

(c) Animal control officers meeting the requirements of State statute and all other applicable laws employed by or engaged by the County of Macomb and as designated by action of the Board of Trustees of the Township, shall be animal control officers authorized to issue tickets and citations pursuant to the terms and provisions of this chapter.

(d) In all instances, the minimum employment standards relative to recruitment, selection and appointment of animal control officers shall equal the minimum standard set forth in M.C.L.A. 287.289(B) and any other applicable State law.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

### **610.02 RUNNING AT LARGE PROHIBITED.**

It shall be unlawful for any person to permit any animal or fowl other than domestic cats owned by him or her, or in his or her possession or control, to run at large in any street, alley, or public place, or upon the premises of another without the express permission of the owner or occupant thereof. Lawful hunting occurring compliant with applicable State law and ordinances is an exception. The owner of any animal except a domestic cat, shall be strictly liable and in violation of this chapter where such animal is not in the possession or control of a person, or running at large in any street, alley or public place, or upon the premises of another without the express permission of the owner or occupant thereof.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

### **610.03 PERMITTED NUMBER OF DOGS OR CATS; HOUSEHOLD PETS HARBORED AS A NUISANCE.**

It shall be unlawful for the owner and/or any tenant or occupant of premises to possess, harbor, shelter or keep more than four dogs or cats, or any combination thereof at any residential dwelling unit, or commercial or industrial premises, excepting kennels, veterinary hospitals and pet shops. It shall be unlawful to maintain any household pets so as to create a nuisance by way of noise, odor, or otherwise.

(Ord. 409. Passed 12-15-14.)

### **610.04 SANITARY REQUIREMENTS.**

(a) Every owner of the premises and every person in possession of, harboring, or keeping any animal, shall keep or cause it to be kept, such that all excretions including manure, which shall be deposited or accumulate are confined upon the premises and immediately disposed in sealed plastic bags, sealed containers of and/or buried.

(b) It shall be unlawful for any person either as an owner, or in charge of, or possession of any dog or other animal to permit or allow such animal to excrete, manure or other byproducts upon the public streets, sidewalks, public property or upon private property not owned or under the person's control unless such person shall have and use a device or devices and container for the purpose of removing the excretion by such animal. Any excretions shall subsequently be immediately properly disposed of.

(Ord. 409. Passed 12-15-14.)

### **610.05 DANGEROUS ANIMALS.**

(a) No person shall keep, harbor, care for, be custodian of, or maintain in his or her possession any dangerous animal, except at a property maintained as a zoological park, licensed exhibit, circus, scientific or educational institution, research laboratory,

veterinary hospital, or animal refuse in an escaped proof enclosure. Any owner of property shall be in violation of this section where any dangerous animals are present.

(b) (1) "Dangerous animal" means any animal other than domestic dogs or cats, which in a wild state is carnivorous or which because of their nature or physical makeup are capable of inflicting serious physical harm or death to human beings, including but not limited to such animals which belong to the cat family, snakes which are poisonous, or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical make up, including all constrictors; and or poisonous or life threatening reptiles.

(2) A "person" means any firm, association, partnership, corporation, or other legal entity.

(3) "Owner" means any person any person who has a right of property in a dangerous animal, keeps or harbors such dangerous animal, or has a dangerous animal in his or her care, or acts as custodian or such a dangerous animal.

(c) It is no defense that the person violating such section, has attempted to domesticate the dangerous animal. If there appears to be imminent danger to the public, any dangerous animal not in compliance with the provisions in this section shall be subject to immediate seizure. The owner shall be responsible for all costs connected with the seizure and confiscation of such animal. Such animal shall be maintained and secure in approved facilities, pending disposition of the animal. Approved facilities include but are not limited to, a zoological park, federally licensed exhibit, humane society, veterinary hospital or animal refuse.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

#### **610.06 EXOTIC OR WILD ANIMAL.**

(a) Short Title. This section shall be known and may be cited as the "Exotic or Wild Animal Regulatory Section."

(b) Definitions. As used in this section:

(1) "Circus" means a commercial variety show featuring animal acts for public entertainment.

(2) "Domestic animal" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and that has been kept as a tame pet no longer possessing a disposition or inclination to escape, or that is raised as livestock, or that is used for commercial breeding purposes.

(3) "Exotic or wild animal" means a wild animal not occurring naturally, either presently or historically, in this State.

(4) "Nature preserve" means an area where exotic or wild animals are kept in a natural setting where the animals are not hunted or trapped.

(5) "Person" means an individual, partnership, association, corporation, trust, estate or other legal entity.

(6) "Wildlife sanctuary" means an area where exotic or wild animals are protected and where the animals are not hunted or trapped.

(c) Prohibited Animals.

(1) Except as otherwise provided in this section, no person shall possess, breed, exchange, buy, sell, or attempt or offer to buy or sell, the following exotic or wild animals:

A. Nonhuman primates.

B. Venomous cold-blooded reptiles and other cold-blooded animals that, if in contact with humans, are capable of inflicting fatal injury to the average human;

C. All poisonous animals;

D. Constrictor snakes, six feet in length or more;

E. Cats (wild family, including, but not limited to, bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, tiger);

F. Nondomesticated carnivores, including hybrid crosses of nondomesticated carnivores (including all animals in paragraph (c)(1)E. hereof);

G. Crocodilia (by example, crocodile, alligator);

H. Piranha fish;

I. Chondrichthyes (sharks);

J. Struthio (ostriches);

K. Poisonous spiders, venomous or poisonous insects;

L. Proboscidea (by example, elephant);

M. Perissodactyla (generally nonruminant ungulate mammals with odd numbered toes by example, rhinoceros);

N. Artiodactyla (generally hooved mammals with even number of toes, by example, camel).

(2) A person who owns an exotic or wild animal listed in paragraph (c)(1) hereof on the effective date of this section shall, within 30 days of the effective date of this section, remove the animal from the Township.

(d) Exceptions. Exceptions to this section shall be as follows: zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums; wildlife sanctuaries; nature preserves; circuses; and bona fide scientific, medical or educational research facilities.

(e) Nuisance Per Se. Any continuing violation or a repeated violation of this section shall constitute a nuisance per se and may be abated by an action in Circuit Court separately or in addition to criminal proceedings.

(Ord. 280. Passed 6-12-89; Ord. 409. Passed 12-15-14.)

#### **610.07 SERVICE DOGS AND SERVICE ANIMALS.**

Notwithstanding any other ordinance and the provisions of this chapter, a trained service dog or other service animals shall be granted access to all Township facilities where the public is allowed, so long as it is accompanied by its owner. Notwithstanding any other ordinance, a dog or other animal undergoing training to be a service dog, or service animal, shall be granted access to all Township facilities where the public is allowed, so long as accompanied by a trainer meeting the requirements of this section.

A service dog or service animal, either trained or in training, must be wearing a harness, dog cape, or service dog backpack. A trainer of a service dog or service animal while training on Township property must have in his or her possession, a picture identification and identification stating that they are a representative or employee of an organization, or trainee, or is a trainer included on the Michigan Department of Labor's list of organizations or trainers that train service dogs. A "service dog" or "service animal" means a dog or animal that is 12 months of age or older and utilized to assist the person with the following disabilities: audibly impaired as defined in M.C.L.A. 752.61, blind as defined in M.C.L.A. 393.351, deaf as defined in M.C.L.A. 752.61, or physically limited as defined in M.C.L.A. 125.1351.

(Ord. 409. Passed 12-15-14.)

#### **610.08 FEMALE DOGS IN HEAT RESTRICTED.**

It shall be unlawful for the owner or custodian of any female dog to permit the dog off the premises of the owner or custodian, when in heat unless the dog is under control and attached to a leash.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

#### **610.09 ANNOYING DOG PROHIBITED.**

It shall be unlawful for any person to own, harbor, keep or be in possession of any dog which shall cause annoyance or disturbance to persons by frequent individual barking, howling, or yelping.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

#### **610.10 REPORT OF DOG BITES; QUARANTINE.**

(a) If any person is bitten by a dog it shall be the duty of that person, or the owner, or custodian of that dog, having knowledge of the same, to report such occurrence to the Police Department within 12 hours thereafter. If the owner or custodian of any dog has any reason to believe or suspect that such dog has become infected with rabies or any other disease, shall be the duty of that person to report the same to the Police Department within 12 hours thereafter.

(b) If there is any report of such an occurrence as in subsection (a), the Police Department shall take such dog into its possession and deliver it to an appropriate location where such dog shall be held in quarantine until an analysis by a licensed veterinarian is made to determine whether the dog is infected with rabies or other disease. The Police Department may promulgate and adopt additional rules as deemed necessary for procedures in such cases for the delivery and disposition of dogs into their custody. The owner of such dog shall pay all costs involved in such processes and quarantine.

(Ord. 409. Passed 12-15-14.)

#### **610.11 INTERFERENCE WITH ENFORCEMENT.**

It shall be unlawful for any person to interfere with any animal control officer or his or her agent in the enforcement of this chapter.

(Ord. 409. Passed 12-15-14.)

#### **610.12 RABIES VACCINATION REQUIRED.**

It shall be unlawful to own, maintain, keep or harbor any dog four months old or older that has not been vaccinated against rabies, except for as follows:

(a) In the event a dog is allergic to the rabies vaccination, the owner of such dog shall apply for and obtain a permit to be issued by the Township Clerk for such dog and the dog, its address and owner shall be listed on a register maintained by the Township Clerk. A written statement signed by a licensed veterinarian affirming that the dog is allergic to the vaccination shot and that the vaccination will have adverse health impact on the dog, shall be presented.

(Ord. 409. Passed 12-15-14.)

#### **610.13 KEEPING CHICKENS.**

(a) Permit Required. A permit shall be required to keep chickens on premises zoned residential or used for residential purposes

which are less than five acres. No permit shall be issued to a person and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties as defined below, consent in writing, to the permit and this consent is presented along with an application for a permit. Written statements waiving the distance requirement, set forth below shall also be submitted at the time of application and become part of the permit if issued. Application shall be made to the Building Department and the fee for the permit shall be as determined by resolution of the Township Board.

(1) The Building Department shall act upon all permits within 21 business days of application. Permit denials, other than for lack of adjoining property consent, shall be subject to appeal to the Township Board, which shall act within 21 days of any such appeal. Appeals must be filed in writing with the Township Clerk within ten days of any decision by the Building Department.

(2) A property owner, who is unable to obtain the consent of all residentially zoned adjacent properties, shall be permitted to appeal within 14 days of a failure to obtain such consent to the Charter Township of Clinton Zoning Board of Appeals. The Zoning Board of Appeals shall set a hearing within 45 days, and provide notice to adjoining property owners from whom consent was not obtained by first class mail advising of the hearing date. At the hearing date, the Zoning Board of Appeals shall act upon the appeal, unless information necessary to make a determination is not available and complete. The Zoning Board of Appeals shall consider the coop location, including distances from neighboring property and structures occupied and unoccupied, the dimensions and characteristics of the coop, the number and nature of hens to be maintained, as well as all relevant evidence, in order to determine whether there is a reasonable likelihood of a lack of harmony, noise or odor disturbance, vermin harborage, or the creation of conditions injurious to the peaceful and quiet enjoyment of surrounding property owners' property.

(3) Permits expire three years after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on, or before the expiration date. Application for a permit renewal shall be filed at least 30 days prior to permit expiration. Permits shall not be subject to renewal if three or more complaints have been verified by the Building Department, establishing a violation of this section, or any other Township ordinance, or a nuisance type condition has occurred within the duration of the license.

(b) Private Restrictions Enforceable. Notwithstanding the issuance of any permit by the Township, private restrictions on the use of property shall remain enforceable and

take precedence over a permit. Private restrictions include, but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and deed covenants. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(c) General Requirements. A person who keeps or houses chickens shall comply with all of the following requirements:

(1) Have been issued a valid permit.

(2) Keep no more than four hens and no hens which make any calling sound disturbing to surrounding property owners.

(3) The principal use of the person's property is for a single family dwelling, or a two family dwelling.

(4) No person shall keep any rooster.

(5) No person shall slaughter any chickens, or sell any eggs.

(6) The chickens shall be provided with a covered enclosure capable of supporting wind and snow loads. The enclosure shall not exceed a height of six feet, and the chickens must be kept in the enclosure. The coop and enclosure area shall be considered an accessory structure under this code.

(7) The enclosure shall be no larger than 100 square feet and made of material to make it inaccessible to predators, rats and other rodents.

(8) The coop must be located within the enclosure and be a minimum of 18 inches above grade to prevent rodent harborage.

(9) Persons shall not keep chickens in any location on the property other than in the backyard, meaning the portion of the lot enclosed by the properties rear lot line and the side lot lines to the point where the side lot lines intersect with an imaginary line established by the rear of a single family, or two family structure and extending to the side lot lines.

(10) No chicken enclosure shall be situated closer than ten feet to any property line of any adjacent property.

(11) All enclosures shall be constructed or repaired, as to prevent rats, mice, other rodents and predators from being harbored underneath, within, or gaining access within the enclosure. No covered enclosure under any circumstances shall be located closer than 60 feet to any occupied residential structure on adjacent property, however, this requirement can be waived as follows:

A. The principal use of the applicant's property is for a single-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit, a written statement of all adjacent land owners that there is no objection to the issuance of the permit.

B. The principal use of the applicant's property is for a two-family dwelling, to obtain such a waiver, the applicant shall present at the time of applying for a permit, the written statements of all adjacent land owners and of the occupants of the other dwelling, stating that there is no objection to the issuance of the permit.

(12) Adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to, but are in fact separated from applicant's property by a public or private street.

(13) All feed and other items associated with keeping of chickens that are likely to attract, or become infested, or infected by rodents, or other animals shall be protected to prevent infestation.

(14) Three or more verified complaints, as established by the Building Department, whether charged or not charged as an offense, which are violations of any Township ordinance, including this section, or involving nuisance type conditions, shall subject the permit holder to revocation proceedings before the Building Director with the same appeal process as a permit denial.

(15) If any of the foregoing requirements are not complied with, within seven days of notice from the Township (unless emergency circumstances exist, and then it may become immediate), the Township may revoke any permit and/or initiate prosecution for a misdemeanor violation. Permit revocation is subject to appeal in the same manner as a denial.

(d) Any violation shall be a separate offense and shall be a misdemeanor subject to penalties for a misdemeanor as prescribed by this Code of Ordinances.

(Ord. 457. Passed 7-15-19.)

## **MISTREATMENT OF ANIMALS**

### **610.20 ANIMAL CRUELTY.**

(a) Definitions. The following words and phrases shall have the meanings as set forth:

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

(2) "Animal" means one or more of the vertebrates other than a human being.

(3) "Licensed veterinarian" means a person licensed to practice veterinary medicine under Article XV of the Public Health Code Act, 368 of the Public Acts of 1978, being M.C.L.A. 333.18801 to 333.18838.

(4) "Livestock" has the same meaning attributed to the term in the Animal Industry Act of 1987, Act No. 466 of the Public Acts of 1988, being M.C.L.A. 287.701 to 287.747.

(5) "Person" means an individual partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

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

(7) "Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of other animals, heat, dampness, or other conditions that endanger the animal's health.

(8) "Shelter" means adequate protection from the elements suitable for the age and species of animal and weather conditions to maintain the animal in a state of good health.

(9) "State of good health" means freedom from disease, illness and in a condition of proper body weight and temperature for the age and specie of the animal.

(10) "Water" means portable water suitable for the age and species of the animal, clean and sanitary and made regularly available.

(b) It shall be unlawful for any person to either willfully, maliciously, or without just cause or excuse, kill, torture, mutilate, maim, or disfigure an animal, or to either willfully, or maliciously, or without just cause or excuse, poison an animal or expose an animal to any poisonous substance other than a substance that is used for therapeutic veterinary medical purposes in compliance with such purposes.

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

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

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

(3) Carry or cause to be carried in or upon a vehicle, or otherwise any live animal having their 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) A carrier caused 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 such animal may stand and in which other animals may stand, turn around and lie down during transportation, or while awaiting slaughter. Stand means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

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

(6) Willfully or negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory to suffer unnecessary neglect, torture, or pain.

(d) For any violation of any section within this subchapter, the court may order the defendant to pay the cost of the prosecution and cost of the care, housing, and veterinary medical care for the impacted animal victim.

(e) Exceptions. This section does prohibit the lawfully killing of an animal pursuant to any provision of the Code of Ordinances of the Township, or pursuant to any of the following:

(1) Lawful killing of livestock, or a customary animal husbandry, or farming practice involving livestock.

(2) Pest, or rodent control regulated compliant with applicable law.

(3) The lawful killing or use of an animal for scientific research in accordance with applicable State law.

(Ord. 409. Passed 12-15-14.)

#### **610.21 DISTURBING BIRDS PROHIBITED.**

It shall be unlawful for any person to intentionally or negligently injure, molest, or disturb in any way birds, their nests, eggs, young or brood of any such birds, except that this provision shall not apply to any birds declared by any law or ordinance to be pests.

(Ord. 409. Passed 12-15-14.)

#### **610.22 SICK OR DEAD ANIMALS.**

It shall be unlawful for any person to deposit, throw, or place any dead, fatally sick, or injured animal, or any part thereof on any public place, or private place without the permission of the owner.

(Ord. 409. Passed 12-15-14.)

#### **610.23 REQUIRED FEEDING.**

It shall be unlawful to feed any animal unwholesome or unsuitable food or unclean water to drink, which is likely to cause or produce disease or distress in the animal.

(Ord. 409. Passed 12-15-14.)

### **VICIOUS AND POTENTIALLY DANGEROUS ANIMALS—IMPOUNDMENT**

#### **610.30 VICIOUS ANIMAL DEFINED.**

“Vicious animal” shall mean and include:

(a) Any animal which attacks a human being, or domestic animal without provocation.

(b) Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise endanger the safety of humans or other domestic animals.

(c) Any animal declared by animal control officer to be a dangerous animal affirmed by a court order under this section or stipulated by the owner or keeper of the animal, or any dog determined to be a dangerous dog under the authority of the State legislature or as declared by any court.

(Ord. 409. Passed 12-15-14.)

#### **610.31 POTENTIALLY DANGEROUS ANIMAL DEFINED.**

“Potentially dangerous animals” shall mean:

(a) Any animal which when unprovoked, on two separate occasions within the prior 36- month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and animal are off the property of the owner or keeper of the animal.

(b) Any dog which when unprovoked has bitten a person.

(Ord. 409. Passed 12-15-14.)

#### **610.32 POTENTIALLY DANGEROUS OR VICIOUS ANIMAL—EXCLUSIONS.**

(a) No animal may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who at the time of the injury or damage was committing a willful trespass upon premises occupied by the owner or possessor of the animal, or was teasing, tormenting, abusing, or assaulting the dog, or was attempting to commit a crime.

(b) Dogs owned or controlled by local, State, or Federal law enforcement agencies which are used in law enforcement or related activities may not be declared potentially dangerous or vicious.

(Ord. 409. Passed 12-15-14.)

#### **610.33 JUDICIAL PROCESS—POTENTIALLY DANGEROUS ANIMALS.**

If an animal control officer has investigated and determined that probable cause exists to believe that an animal is potentially dangerous or vicious, a petition may be filed in the 41B District Court for a hearing for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious. Whenever possible, any complaint received from a member of the public which serves as an evidentiary basis for the animal control officer, or law enforcement officer to find probable cause, shall be sworn to and verified by the complainant and shall be attached to the petition. Notice shall be provided to the owner or keeper of the animal and a hearing will be held at which time evidence may be presented by the possessor owner of the animal as to why the animal should not be declared potentially dangerous or vicious. The owner or keeper of the animal shall be served with notice of the hearing and a copy of the petition, personally or by first class mail with return receipt requested. A hearing shall



be held upon no less than five working days notice and upon a date as to be established to the court. The hearing shall be opened to the public. The court may admit all relevant evidence. A jury shall not be available. The court may find upon a preponderance of the evidence that the animal is potentially dangerous or vicious and make orders as authorized pursuant to this chapter or otherwise as permitted by law. After the hearing, the owner or keeper of the animal shall be notified in writing of the determination and orders issued, either personally or by first class mail. If a determination is made that the animal is potentially dangerous, or vicious, the owner or keeper shall fully comply with the provisions of this chapter forthwith. The court may order that costs and expenses of the hearing, be paid by the owner, or keeper of the animal.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

#### **610.34 SEIZURE OF VICIOUS OR POTENTIALLY DANGEROUS ANIMALS.**

(a) If it is determined by the animal control officer that probable cause exists to believe the animal in question poses an immediate threat to public safety, then the animal control officer may seize and impound the animal, pending hearings to be held pursuant to this chapter. The owner or keeper of the animal shall be liable for all of the cost and expenses of keeping and impounding the dog.

(b) When an animal has been impounded pursuant to this section and is not contrary to public safety, the animal control officer shall permit the animal to be confined at the owner's expense in a department approved kennel or veterinary facility.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

#### **610.35 DISPOSITION OF POTENTIALLY DANGEROUS OR VICIOUS ANIMALS.**

(a) All potentially dangerous and/or vicious animals shall be properly vaccinated.

(b) All potentially dangerous and/or vicious animals shall be housed either within the owner's home or if housed outside, within a kennel or other structure, with proper flooring, walls and roof or other permanent cover. The owner may permit the animal outside on the owner's property so long as the animal is restricted to the back or rear yard and is securely chained or otherwise restricted so the animal is at least four feet away from the perimeter of the owner's property and the yard is secured to prevent children from trespassing. A potentially dangerous animal may be off the owner's premises only if it is restrained by a substantial leash or appropriate length, is under the control of a responsible adult at all times and is muzzled.

(c) If there are no additional instances of behavior demonstrating a potentially dangerous animal within the 36-month period from the date of designation, animals shall be removed from designation as a potentially dangerous animal.

(d) A dog determined to be a vicious dog may be destroyed by the animal control officer when it is found after proceedings conducted under Section 610.09 where the court makes a determination that release of the animal would create a significant threat to public health, safety and welfare. The court may, in addition, impose conditions upon the continued ownership of the animal to protect public health, safety and welfare.

(e) The owner of an animal determined to be vicious may be prohibited by the Township from owning, possessing, controlling or having custody of any animal for a period of up to three years when it is found after proceedings that ownership or possession of an animal by that person would create a significant threat to the public health, safety and welfare.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

#### **610.36 VOLUNTARY DESTRUCTION.**

At any point in time, prior to the order of the court, or thereafter, the owner or keeper may voluntarily request that the animal be destroyed. The request may be made in open court, or in writing. The Township is entitled to rely upon any such request in carrying out such instructions.

(Ord. 409. Passed 12-15-14.)

#### **610.37 RELATIONSHIP OF THIS SUBCHAPTER TO PROHIBITION AGAINST POSSESSING DANGEROUS ANIMALS.**

Provisions of this chapter addressing vicious animals and potentially dangerous animals, are not intended to conflict with the prohibition against possessing dangerous animals set forth herein above.

(Ord. 409. Passed 12-15-14.)

#### **610.38 RELATIONSHIP OF THIS SUBCHAPTER TO STATE LAW PROCEDURES FOR KILLING OR CONFINING DOG, OR OTHER REMEDIES.**

Provisions of this chapter and this Code of Ordinances, shall be supplemental to any allowable provisions under state law, including but not limited to M.C.L.A. 287.286A authorizing the killing or confining of a dog and other provisions, for charging felony or misdemeanor offenses under State law.

(Ord. 409. Passed 12-15-14.)

### **LICENSING DOGS**

#### **610.50 LICENSE REQUIRED, DISPLAY, REMOVAL, PRODUCTION OR PROOF OF LICENSE.**

(a) No person shall own, possess, harbor, maintain or keep any dog within the Township without first obtaining a license as

provided for by the Dog Law of 1919 of the State of Michigan.

(b) The following shall be unlawful:

(1) For any person to own, keep, possess, maintain, or harbor any dog six months or older that does not at all times wear a collar with an approved tag displaying the dog is licensed, issued through the County.

(2) For any person except the owner or authorized agent to remove any license tag from any dog.

(3) For any person who owns, keeps, possesses, harbors, or maintains any dog, to fail to forthwith produce proof of a valid dog license upon request of a person authorized to enforce under this chapter.

(4) For the owner of a dog that is four months old to fail to apply for and obtain in 30 days a license for each dog owned, maintained, kept, harbored, or possess.

(5) That if the dog license is lost or destroyed, the license holder shall obtain forthwith, a duplicate license paying the prescribed replacement license fee.

(Ord. 117. Passed 4-26-61; Ord. 409. Passed 12-15-14.)

#### **610.99 PENALTY.**

Any person who is found to be in violation of this chapter shall be guilty of a misdemeanor, subject to penalties as provided within the Code of Ordinances.

(Ord. 409. Passed 12-15-14.)

## **CHAPTER 620**

### **Drugs**

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620.01 Paraphernalia.

620.02 Possession, sale, delivery and cultivation of controlled substances.

620.03 Frequenting places where violations occur.

620.04 Monitoring fee required violation of Chapter 620 or controlled substance violation under the Michigan Public Health Code.

620.05 Transportation or possession of usable medical marijuana, motor vehicle or self- propelled vehicle.

620.99 Penalty.

#### **CROSS REFERENCES**

Power to expend funds for prevention of substance abuse - see M.C.L.A. Sec. 333.6131

Drugs and medicine generally - see M.C.L.A. Secs. 333.17701 et seq.

Marihuana - see M.C.L.A. Secs. 333.7212, 333.7401 et seq.

Intoxicating liquors generally - see M.C.L.A. Secs. 436.1 et seq.; GEN. OFF.Ch. 608

DUI - see TRAF. 410.04(UTC Secs. 5.15 et seq., 10.34 et seq.)

#### **620.01 PARAPHERNALIA.**

(a) Drug Paraphernalia Defined.

(1) "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 into the human body, a controlled substance, including, but not limited to, all of the following:

A. An isomerization device specifically designed for use in increasing the potency of any species of plant, which plant is a controlled substance.

B. Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.

C. A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.

D. A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.

E. A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

F. An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil into the human body.

G. A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.

H. A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

I. A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.

J. A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.

K. A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.

L. A device, commonly known as an automotive 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.

M. 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. Unno. Passed 11-24-97.)

(b) Possession. No person shall use, or possess with intent to use, any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of State or local law.

(Ord. 227-A-7. Passed 10-28-86.)

(c) Manufacture, Delivery or Sale. No person shall sell or offer for sale drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, product, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance.

(1) Before a person is arrested for a violation of this subsection, the Chief of Police, or his or her authorized agent, shall notify the person in writing not less than two business days before the person is to be arrested, that the person is in possession of specific, defined material that has been determined by the Chief of Police, or his or her authorized agent, to be drug paraphernalia. The notice shall also request that the person refrain from selling or offering for sale the material and shall state that if the person complies with the notice, no arrest will be made for a violation of this subsection.

(2) If a person complies with the notice defined above in paragraph (c)(1) hereof, such compliance is a complete defense for a person against prosecution for the sale of, or an offer to sell, drug paraphernalia, as long as the compliance continues.

(3) A person who has received notice as provided in paragraph (c)(1) hereof may commence an action for a declaratory judgment to obtain an adjudication of the legality of the intended sale or offer to sell. The Chief of Police, or his or her designated agent, who sent the notice under paragraph (c)(1) hereof shall be made the defendant to an action commencing for declaratory judgment.

(4) If a declaratory judgment has been issued pursuant to paragraph (c)(3) hereof, stating that the sale or offer to sell specified materials does not violate this subsection, the declaratory judgment is a complete defense for the person obtaining such a judgment against a prosecution under this subsection.

(Ord. Unno. Passed 11-24-97.)

(d) Advertisement. No person shall place in any newspaper, magazine, handbill, sign, poster or other publication, any advertisement knowing that the purpose of the advertisement in whole or in part is to promote the sale of objects designed or intended for use as drug paraphernalia.

(e) Exceptions. This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers, in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection as prescribed by a licensed physician.

(f) Civil Forfeiture. Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell, in violation of this section, shall be seized and forfeited to the Township of Clinton in accordance with the following procedure:

(1) Property subject to forfeiture under this section may be seized upon process issued by the Circuit or District Court having jurisdiction over the property. Seizure without process may be had in any of the following cases:

A. The seizure is incident to an arrest, a search warrant or an inspection under an administrative inspection warrant.

B. The property subject to seizure has been the subject of a prior judgment in favor of the Township in an injunction or forfeiture proceeding based upon this section.

C. There is probable cause to believe that the property is directly or indirectly dangerous to health or safety.

D. There is probable cause to believe that the property was used or intended to be used in violation of this section.

(2) In case of a seizure without process issued by the Circuit Court or District Court, forfeiture proceedings shall be instituted promptly. If seizure is made without process and the total value of the property seized does not exceed one hundred thousand dollars (\$100,000), the following procedure shall be used:

A. The Township shall cause notice of the seizure of property and the intention to forfeit and dispose of the property according to this section, to be given to the owner of the property by delivering the owner notice or by sending the notice to the owner by certified mail. If the name and address of the owner are not reasonably ascertainable or if delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the County in which the property was seized for ten successive publishing days.

B. Any person claiming an interest in property which is the subject of a notice under paragraph (f)(2)A. hereof, may, within twenty days after receipt of the notice or of the date of first publication of the notice, file a claim with the Township expressing his or her interest in the property. Upon filing of the claim and giving of a bond in the amount of two hundred fifty dollars (\$250.00), with surety approved by the Township, conditioned that in the case of property ordered to be forfeited by the court, the obligor shall pay all costs and expenses of the forfeiture proceedings, the Township shall transmit the claim and bond to the Township Attorney, who shall promptly institute forfeiture proceedings after the expiration of the twenty-day period.

C. If no claim is filed or bond given within the twenty-day period, as described, the Township shall declare the property forfeited and shall dispose of the property as set forth hereinafter.

(3) Property taken or detained under this section shall not be subject to an action to recover personal property, but is deemed to be in the custody of the Township subject only to this section, or an order and judgment of the court having jurisdiction over the forfeiture proceedings. When property is seized under this section, the Police Department may do any of the following:

- A. Place the property under seal;
- B. Remove the property to a place designated by the court.

(4) When property is forfeited under this section, the Township may make any of the following dispositions in its discretion:

- A. Retain it for official lawful use.

(Ord. 227-A-7. Passed 10-28-86.)

B. Sell that which is not required to be destroyed by law and which is not harmful to the public, paying from the proceeds thereof expenses of the proceedings of forfeiture and sale, including maintenance of custody, advertising and cost, with the balance of monies to be retained in the Drug Enforcement Fund.

(Ord. 319. Passed 12-22-97.)

C. Destroy and dispose of, in a safe manner, any property not reasonably capable of resale or otherwise potentially dangerous and harmful to the community at large.

(Ord. 227-A-7. Passed 10-28-86.)

## **620.02 POSSESSION, SALE, DELIVERY AND CULTIVATION OF CONTROLLED SUBSTANCES.**

(a) No person shall possess, sell, offer for sale, cultivate, distribute, consume, administer, dispense, prescribe, give away, or use any controlled substance as prohibited and defined in Article 7 of the Michigan Public Health Code (M.C.L.A. 333.7101 et seq.), except as permitted by law and pursuant to the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act, the Michigan Medical Marihuana Facilities Licensing Act, and as specifically provided hereinafter.

(b) Any violation of 620.02(a), other than violations involving marihuana which are controlled by 620.02(c) shall be punishable as a misdemeanor with a fine not to exceed \$500 or by imprisonment, not to exceed 90 days, or both, such fine and imprisonment, is in the discretion of the court.

(c) Marihuana. Violations of this section involving marihuana, sometimes referred to also as marijuana, is regulated pursuant to the following:

(1) Definitions. The following words, as used in this section, shall have the following meanings, unless the context otherwise requires:

A. "Cultivate" shall mean to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

B. "Deliver" or "delivery" shall mean the actual, constructive or attempted transfer from one person to another of marihuana, whether or not there is an agency relationship.

C. "Marihuana" shall mean the substance or material identified and defined as "marihuana" in section 3 of the Michigan Regulation and Taxation of Marihuana Act. It means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

i. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

ii. Industrial hemp; or

iii. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

D. "Marihuana accessories" shall mean 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, ingesting, inhaling, or otherwise introducing marihuana into the human body.

E. "Marihuana concentrate" shall mean the resin extracted from any part of the plant of the genus cannabis.

F. "Person" shall mean an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

G. "Process" or "processing" shall mean to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

H. "Remuneration" shall mean payment, compensation, and the act of paying or compensating.

I. "Sale" shall include barter, exchange, or otherwise offer for remuneration.

(2) Lawful acts. Except as otherwise provided in this section, the following acts by a person 21 years of age or older are not unlawful:

A. Except as permitted in subsection (2)(b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate.

B. Within the person's residence, possessing, storing, and processing not more than ten ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once.

C. Assisting another person who is 21 years of age or older in any of the acts described in this section.

D. Giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

(3) Unlawful acts. Unless otherwise authorized by the State of Michigan or Charter Township of Clinton to conduct such activities, it shall be unlawful for any person to:

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

B. Transfer of marihuana or marihuana accessories to a person under the age of 21.

C. Be under the age of 21 and possess, consume, purchase, or otherwise obtain, cultivate, process, transport, or sell marihuana and/or marihuana accessories.

D. Separate or attempt to separate plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100°F in any public place, motor vehicle, or within the curtilage of any residential structure.

E. Consume marihuana in public or smoke marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subsection (3)(e), a public place does not include an area the township has designated as an authorized area of consumption that is not accessible to persons under the age of 21.

F. Cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.

G. Consume marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoke marihuana within the passenger area of a vehicle upon a public way.

H. Possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades one through 12, in a school bus, or on the grounds of any correctional facility.

I. Possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

J. Possessing, selling, offering for sale, distributing, administering, dispensing, prescribing, giving away, or cultivating marihuana in any other manner other than lawful acts as described herein and for which specific penalty for an unlawful act is otherwise specified herein is unlawful.

(4) Penalty. A person who commits any of the following acts, and is not otherwise authorized by the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. 333.27951 et seq., or this code, may be punished as follows:

A. A person who violates subsection (3)(e), (3)(f), or (3)(i), where the person otherwise possesses not more than the amount of marihuana allowed, cultivates not more than the amount of marihuana allowed, delivers without receiving remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed, or possesses with intent to deliver not more than the amount of marihuana allowed, is responsible for a civil infraction and may be punished by a fine of \$100 and

forfeiture of the marihuana.

B. A person who possesses not more than twice the amount of marihuana allowed, cultivates not more than twice the amount of marihuana allowed, delivers without receiving remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed, or possesses with intent to deliver not more than twice the amount of marihuana allowed, is punishable as follows:

i. For a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana.

ii. For a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana.

iii. For a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$500 and forfeiture of the marihuana.

iv. If a person engages in any of the activities prohibited by subsection (3) while possessing more than the amount of marihuana allowed, cultivating more than the amount of marihuana allowed, delivering without receiving remuneration to a person who is at least 21 years of age more than the amount of marihuana allowed, or possessing with intent to deliver more than the amount of marihuana allowed, the violation is punishable as a misdemeanor, with a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court.

C. Except for a person who engaged in conduct described by subsection (3)(a), (3)(d), or (3)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:

i. For a first violation, is responsible for a civil infraction and may be punished as follows:

a) If less than 18 years of age, by a fine of \$100 or community service, forfeiture of the marihuana, and completion of four hours of drug education or counseling.

b) If at least 18 years of age, by a fine of \$100 and forfeiture of the marihuana.

ii. For a second violation, is responsible for a civil infraction and may be punished as follows:

a) If less than 18 years of age, by a fine of \$500 or community service, forfeiture of marihuana, and completion of eight hours of drug education or counseling.

b) If at least 18 years of age, by a fine of \$500 and forfeiture of the marihuana.

D. A person who possesses more than twice the amount of marihuana allowed, cultivates more than twice the amount allowed, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed, is punishable as follows:

i. A person shall also be subject to imprisonment in the discretion of the court if the violation was habitual, willful, and for a commercial purpose, or if the violation involved violence.

E. A person who violates subsection (3)(b), (3)(d), or (3)(g), is responsible for a misdemeanor, with a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court.

F. A person 21 years or older who violates subsection (3)(h), is responsible for a misdemeanor, with a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court.

G. Any person who violates subsection (3)J is guilty of a misdemeanor and subject to a fine of not more than \$500 or imprisonment not to exceed 93 days in jail, or both for each offense.

(5) Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. 333.27951 et. seq., and all future amendments, revisions, and or changes to the Michigan Regulation and Taxation of Marihuana Act when they are effective in this state are incorporated and adopted by reference.

(Ord. 453. Passed 5-13-19.)

### **620.03 FREQUENTING PLACES WHERE VIOLATIONS OCCUR.**

No person shall knowingly frequent or be at a place where narcotics or drugs are being used, dispensed, sold or stored in violation of this chapter or State law.

(Ord. 227-A-7. Passed 10-28-86.)

### **620.04 MONITORING FEE REQUIRED VIOLATION OF CHAPTER 620 OR CONTROLLED SUBSTANCE VIOLATION UNDER THE MICHIGAN PUBLIC HEALTH CODE.**

Any business from which any violation of Chapter 620 of this Code of Ordinances, or any violation of the Controlled Substances Act of the State of Michigan Public Act 368 of the Public Acts of 1978, as amended, has occurred, shall be subject to payment of a monitoring fee as follows:

(a) Where a violation of Chapter 620, or the Michigan Public Health Code involving controlled substances has occurred, a conviction of any employee or agent of such business shall be conclusive evidence that a fee is required. In the absence of such a conviction where it is established that any agent or employee of the business knew that such a violation had occurred, and failed to immediately report it to a police authority, the requirement for payment of the monitoring fee is established.

(b) Each business shall pay the sum of one thousand five hundred dollars (\$1,500.00) per year, payable following any of the foregoing having occurred. A fee shall further be due and owing in each successive anniversary date from the date of first payment for the ensuing two years. Payments shall be arranged through the Charter Township of Clinton Police Department in a manner as directed by the Chief of Police.

(c) Any business contesting liability pursuant to this section, shall have the right to appeal within 14 days from the date of conviction of such employee, or agent, or notification of demand for payment from the Township where conviction has not occurred. Such appeal shall be to the Township Board in writing and shall be simultaneously delivered to the Chief of Police and Township Supervisor's office. The Board shall conduct a hearing within 30 days upon the appeal and issue a decision within 30 days following the completion of the hearing.

(d) Failure to make any such payment pursuant to the terms of this section shall be deemed a misdemeanor subject to penalties as provided, pursuant to this Code of Ordinances.

(Ord. 400. Passed 7-14-12.)

#### **620.05 TRANSPORTATION OR POSSESSION OF USABLE MEDICAL MARIJUANA, MOTOR VEHICLE OR SELF-PROPELLED VEHICLE.**

(a) Motor vehicle shall refer to motor vehicle as defined pursuant to State law whether licensed or unlicensed, operational or non-operational, moving or standing.

(b) Self-propelled vehicles shall mean any apparatus or vehicle designed for land travel motorized or un-motorized.

(c) The owner of any motor vehicle or self-propelled vehicle, or the operator of any motor vehicle or self-propelled vehicle, shall not permit or cause to be permitted the transportation or possession of usable marijuana as defined in M.C.L.A. 333.26423 in or upon such vehicle unless it is enclosed in a case that is carried in the trunk of the vehicle where a trunk is provided or is enclosed in a case with a lock which is in a locked position and which is placed in an area not readily accessible by a person in the driver's position which in the case of a sport utility vehicle or other similar vehicle without a trunk, shall mean the storage area in the rear of the vehicle.

(d) No person other than a driver or operator of the vehicle or self-propelled vehicle shall transport or possess usable marijuana as defined in M.C.L.A. 333.26423, except in the trunk of such vehicle if the trunk is provided or otherwise in an area not readily accessible and in a case which is in a locked position, where the vehicle is a sport utility vehicle or other similar vehicle, the storage area in the rear of the vehicle shall be the proper location for placement of such locked compartment.

(Ord. 417. Passed 10-5-15.)

#### **620.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 622**

### **Civil Liability for Expense of Emergency Responses**

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622.01 Civil liabilities.

622.02 Emergency response expenses.

622.03 Presumption.

622.04 Nature of liability.

622.05 Billing for expense.

622.06 Failure to pay.

#### **CROSS REFERENCES**

Intoxicating liquors generally - see M.C.L.A. Secs. 436.1 et seq.; GEN. OFF.Ch. 608

Expenses for which court may order person convicted to reimburse state or local unit of government; payment; failure to make order reimbursement; definitions - see M.C.L.A 769.1f

DUI - see TRAF. 410.04(UTC Secs. 5.15 et seq., 10.34 et seq.)

Drugs - see GEN. OFF. Ch. 620

Use of alcoholic beverages on Metropolitan Parkway - see GEN. OFF.656.05

#### **622.01 CIVIL LIABILITIES.**

Any person as part of the sentence for a conviction of any of the following offenses, in addition to any other penalty authorized by law, may be ordered by the court to reimburse the Township for expenses incurred in relation to the incident, including, but not limited to, expenses for an emergency response and expenses for prosecution, and shall be liable to the Township for such

expenses which may further be recovered as provided herein:

(a) Any violation or attempted violation of operation of a motor vehicle while under the influence, operation of a motor vehicle while impaired, operation of a commercial motor vehicle while under the influence, operation of a commercial motor vehicle while impaired, reckless driving, or attempted reckless driving.

(b) Operating or attempted operation of a motor boat while under the influence, or while impaired.

(c) A violation or attempted violation of operating a motor vehicle while under the influence of a controlled substance or operating or attempting to operate a motor vehicle while impaired by a controlled substance.

(Ord. 446. Passed 11-26-18.)

#### **622.02 EMERGENCY RESPONSE EXPENSES.**

Emergency response expenses shall include all of the following:

(a) The salaries or wages, including overtime pay, of law enforcement personnel for time spent responding to the incident from which the conviction arose, arresting the person convicted, processing the person after the arrest, preparing reports on the incident, investigating the incident, transportation costs, and collecting and analyzing evidence, including, but not limited to, determining bodily alcohol content and determining the presence of and identifying controlled substances in the blood, breath, or urine.

(b) The salaries, wages, or other compensation, including overtime pay, of fire department and emergency medical service personnel, including volunteer fire fighters or volunteer emergency medical service personnel, for time spent in responding to and providing fire fighting, rescue, and emergency medical services in relation to the incident from which the conviction arose.

(c) The cost of medical supplies lost or expended by fire department and emergency medical service personnel, including volunteer fire fighters or volunteer emergency medical service personnel, in providing services in relation to the incident from which the conviction arose.

(d) The salaries, wages, or other compensation, including, but not limited to, overtime pay of prosecution personnel for time spent investigating and prosecuting the crime or crimes resulting in conviction.

(Ord. 446. Passed 11-26-18.)

#### **622.03 PRESUMPTION.**

For purposes of this Chapter, any presumption set forth contained within the ordinance relating to the prosecution of persons for crimes pursuant to this Chapter shall be applicable in any proceedings for determining liability pursuant to this Chapter.

(Ord. 446. Passed 11-26-18.)

#### **622.04 NATURE OF LIABILITY.**

Liability shall be civil in nature. Such liability shall be not construed to limit or restrict the liability of the court pursuant to any other applicable law, including M.C.L.A. 769.1f, or any other applicable statute. Such liability shall not reduce or affect criminal liability or responsibility, including fines and/or costs imposed.

(Ord. 446. Passed 11-26-18.)

#### **622.05 BILLING FOR EXPENSE.**

The Police Department shall issue a statement to any person arrested and charged with any of the applicable crimes pursuant to this ordinance which bill shall be sent by first class mail or by personal service upon the person arrested to the last known address as furnished at the time arrest, or by personal service upon the person arrested, or their attorney. Expenses shall be payable upon conviction.

(Ord. 446. Passed 11-26-18.)

#### **622.06 FAILURE TO PAY.**

The Township may commence as accumulative remedy a civil lawsuit in a court of competent jurisdiction to recover unpaid expenses pursuant to this Chapter as well as all costs of such litigation, including actual attorney fees.

(Ord. 446. Passed 11-26-18.)

## **CHAPTER 624**

### **Fair Housing**

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624.01 Purpose.

624.02 Definitions.



- 624.03 Discrimination in real estate transactions.
- 624.04 Discrimination in brokerage services.
- 624.05 Discrimination in financing of housing.
- 624.06 Complaints; authority of Supervisor; procedures.
- 624.99 Penalty.

### **CROSS REFERENCES**

- Civil Rights Law - see M.C.L.A. Secs. 37.1 et seq.
- Housing generally - see M.C.L.A. Secs. 125.651 et seq.
- Discrimination in government housing - see M.C.L.A. Secs. 750.146, 750.147
- Housing Commission - see ADM. Ch. 282
- Housing Code - see B. & H. Ch. 1496

### **624.01 PURPOSE.**

It is the purpose of this chapter to prevent discrimination in real property transactions and to promote a policy in the Charter Township of Clinton to provide for fair housing throughout the Township.

(Ord. 311. Passed 9-18-95.)

### **624.02 DEFINITIONS.**

Unless indicated otherwise, as used in this chapter:

- (a) "Person" means one or more individuals, corporations, partnerships, associations, joint ventures, limited liability companies, unincorporated organizations or trusts, as well as employees and agents thereof.
- (b) "Real estate transaction" means the sale, exchange, rental or lease of real property or an interest therein.
- (c) "Real property" means a building, structure or mobile home, real estate, land, a mobile home park, trailer park, tenement or leasehold or an interest in a real estate cooperative or condominium.
- (d) "Unlawful discrimination" means any discrimination prohibited pursuant to the laws of the State of Michigan or the United States government, including, but not limited to, discriminatory practices in real property or real estate transactions as prohibited pursuant to the Elliott-Larsen Civil Rights Act, Act 453 of the Public Acts of 1976, as amended, being M.C.L.A. 37.2101, as amended.

(Ord. 311. Passed 9-18-95.)

### **624.03 DISCRIMINATION IN REAL ESTATE TRANSACTIONS.**

No person shall attempt, engage in, assist, aid or abet unlawful discrimination against any person in connection with any real estate transaction.

(Ord. 311. Passed 9-18-95.)

### **624.04 DISCRIMINATION IN BROKERAGE SERVICES.**

No person, who is involved as a real estate broker or sales person, shall attempt, engage in, assist, aid or abet unlawful discrimination.

(Ord. 311. Passed 9-18-95.)

### **624.05 DISCRIMINATION IN FINANCING OF HOUSING.**

No person, to whom an application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance or improvement of real property, shall attempt, engage in, assist, aid or abet unlawful discrimination.

(Ord. 311. Passed 9-18-95.)

### **624.06 COMPLAINTS; AUTHORITY OF SUPERVISOR; PROCEDURES**

(a) It is the policy of the Charter Township of Clinton to educate the public as to the fair housing policy of the Township and to receive and properly refer persons with complaints of unlawful discrimination in real estate transactions.

(b) The office of the Supervisor of the Charter Township of Clinton shall be responsible for the receipt and referral of all complaints of unlawful discrimination in real estate transactions.

(c) All complaints received shall be noted in a journal and a file maintained for each complaint. Within thirty days of receipt of a complaint, the Supervisor's office shall refer the case to the Township Attorney, the Police Chief and other departments for

research as needed. A notice of the complaint shall, within thirty days of receipt, be sent to the alleged perpetrator of the unlawful discrimination in the real estate transaction. The Supervisor may attempt to resolve the complaint by means of conciliation proceedings, persuasion or education. If the complaint or problem cannot be resolved to the satisfaction of all parties, such parties may seek redress through the Fair Housing Center of Metropolitan Detroit or the Michigan Civil Rights Commission.

(Ord. 311. Passed 9-18-95.)

#### **624.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 630**

### **Gambling**

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630.01 Gaming room; apparatus.

630.02 Possession of pool tickets and other wagering memoranda.

630.03 Frequenting places where gambling conducted.

630.99 Penalty.

#### **CROSS REFERENCES**

Gambling - see M.C.L.A. Secs. 750.301 et seq.

Use of coin-operated amusement devices for gambling - see B.R. & T. 814.05, 814.06

Billiard halls - see B.R. & T. Ch. 860

Gambling prohibited in parks - see S.U. & P.S. 1062.29

#### **630.01 GAMING ROOM; APPARATUS.**

No person shall, directly or indirectly, keep, maintain or occupy, or assist in keeping, maintaining or occupying, any common gambling house or gaming room, or permit on any premises owned, occupied or controlled by him or her, any apparatus or device used for gaming or gambling, or use such apparatus or device, or assist any other person to use the same, for gaming or gambling purposes.

(Ord. 227-A-4. Passed 2-23-81.)

#### **630.02 POSSESSION OF POOL TICKETS AND OTHER WAGERING MEMORANDA.**

No person shall have in his or her possession or under his or her control any policy or pool tickets, slips or checks, or memoranda of any combination or other bets, and the possession or control of any such articles, or of any other implements, apparatus or materials of any other form of gaming, shall be prima-facie evidence of the possessor's or custodian's intention to use the same for gambling.

(Ord. 227-A-4. Passed 2-23-81.)

#### **630.03 FREQUENTING PLACES WHERE GAMBLING CONDUCTED.**

No person shall knowingly frequent or attend any place where gambling is being conducted.

(Ord. 227-A-4. Passed 2-23-81.)

#### **630.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 634**

### **Graffiti**

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634.01 Short title.

634.02 Intent.

634.03 Declaration of public nuisance.

634.04 Defacing public or private property prohibited.

- 634.05 Removal by perpetrator.
- 634.06 Removal by affected property owners; reimbursement of expenses.
- 634.07 Notice to remove.
- 634.08 Noncompliance of property owner; action by Township to abate nuisance.
- 634.09 Abatement costs.
- 634.10 Unpaid costs as lien on property.
- 634.11 Purchase or possession of spray paint by minors.
- 634.99 Penalty.

#### **CROSS REFERENCES**

Nuisance abatement; damages and expenses - see M.C.L.A. Secs. 600.2940, 600.3801 et seq.

Nuisances generally - see GEN. OFF. Ch. 654

Offenses relating to property - see GEN. OFF. Ch. 660

Destruction of signs, bills or notices - see GEN. OFF. 660.06

Property destruction in parks - see S.U. & P.S. 1062.11

Signs generally - see B. & H. Ch. 1488

#### **634.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Clinton Township Graffiti Chapter."

(Ord. 317. Passed 4-14-97.)

#### **634.02 INTENT.**

This chapter is intended to protect the public health, safety and welfare of the citizens of the Charter Township of Clinton by prohibiting graffiti and prohibiting the possession of spray paint by persons under the age of eighteen years, except with the written consent of a parent or guardian of such a person.

(Ord. 317. Passed 4-14-97.)

#### **634.03 DECLARATION OF PUBLIC NUISANCE.**

(a) The existence of graffiti on any Township-owned property, or on any non-Township-owned property within the boundaries of the Charter Township of Clinton, is expressly declared to be a public nuisance.

(b) The Charter Township of Clinton Board of Trustees hereby declares and finds graffiti to be a nuisance subject to removal according to the provisions and procedures herein contained and as may otherwise be provided by law.

(c) It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession of, or have a right to possess, such property, to at all times keep such property free and clear of graffiti.

(d) Whenever, in the opinion of the Building Department Superintendent or his or her designee, the Ordinance Enforcement Officer, or the Department of Public Works Superintendent or his or her designee, any Township-owned or non-Township-owned property within the boundaries of the Township is found to have graffiti, the Building Superintendent, the Ordinance Enforcement Officer or the Public Works Superintendent, or their designees, may order its removal according to the provisions and procedures herein contained, and as may otherwise be provided by law.

(Ord. 317. Passed 4-14-97.)

#### **634.04 DEFACING PUBLIC OR PRIVATE PROPERTY PROHIBITED.**

No person shall use any marking device or instrument, and/or any spray paint or pigment or similar means, to injure, deface or destroy any public or private property of another or to make any drawing, inscription, design, scribbling, model, picture, pictorial, graph or other marking, commonly referred to as "graffiti", on public property or the private property of another.

(Ord. 317. Passed 4-14-97.)

#### **634.05 REMOVAL BY PERPETRATOR.**

Any person applying graffiti within the boundaries of the Charter Township of Clinton shall have the duty to remove or eliminate the same forthwith by such means as in the discretion of the Department of Public Works Superintendent or his or her designee will best eliminate said graffiti and preserve the original character and/or integrity of the property that has been defaced, if possible. Any person applying graffiti shall be responsible for such removal or for the payment thereof. The failure of any person to so remove graffiti or pay for its removal shall be an additional violation of this section. Where graffiti is applied by an unemancipated minor, the parent(s) or legal guardian(s) shall also be responsible for such removal or for the payment thereof, pursuant to M.C.L.A. 600.2913; M.S.A. 27A.2913, and as otherwise provided herein and by law.

(Ord. 317. Passed 4-14-97.)

#### **634.06 REMOVAL BY AFFECTED PROPERTY OWNERS; REIMBURSEMENT OF EXPENSES.**

It shall be the responsibility of the owner of any property marked or defaced, as defined in Section 634.04, to remove or eliminate such markings after discovery of their existence so as to minimize the addition of further markings and other blight upon the property. Any owner removing or eliminating such markings pursuant to this section may be entitled to restitution in an amount determined by the court for the cost thereof. Such restitution is to be paid by any person found responsible under Section 634.05 for such graffiti.

(Ord. 317. Passed 4-14-97.)

#### **634.07 NOTICE TO REMOVE.**

The owner of any property marked or defaced, as defined in Section 634.04 as graffiti, shall remove or eliminate the graffiti not later than five business days after being notified by the Charter Township of Clinton. The notice issued pursuant to this section shall be addressed to the owner of the property as shown on the latest tax assessment roll at the owner's last known address. Notification may be by personal service or by postage paid United States first class mail. Upon application in writing and demonstrated good cause, the Department of Public Works Superintendent or his or her designee may approve an additional extension for graffiti removal of up to thirty days.

(Ord. 317. Passed 4-14-97.)

#### **634.08 NONCOMPLIANCE OF PROPERTY OWNER; ACTION BY TOWNSHIP TO ABATE NUISANCE.**

Upon the failure, neglect or refusal of any owner so notified to promptly and properly remove and/or eliminate any graffiti within five business days after receipt of written notice as provided for in Section 634.07, or within five business days after the date of such notice in the event that the same is returned to the Township because of the inability of the post office to make delivery thereof, provided the same was properly addressed to the last known address of such owner, the Department of Public Works and its authorized representatives are hereby empowered to enter upon the property for the purpose of accomplishing abatement of the nuisance by removal or elimination of such graffiti by the Charter Township of Clinton.

(Ord. 317. Passed 4-14-97.)

#### **634.09 ABATEMENT COSTS.**

The Superintendent of the Department of Public Works or his or her designee shall keep an accurate account of all costs incurred with respect to the abatement of the nuisance on each parcel of property so defaced. The Superintendent of the Department of Public Works is also authorized to add to such costs a ten percent administrative charge to cover the expense of administering the work performed, for overhead, and other contingent expenses. Upon completion of the graffiti removal, the Superintendent of the Department of Public Works or his or her designee shall notify, in writing, the owner of the property upon which the graffiti has been removed, and issue a statement itemizing the cost of said removal. The owner of the property shall then pay said cost of graffiti removal or elimination within thirty days from the date the statement was forwarded.

(Ord. 317. Passed 4-14-97.)

#### **634.10 UNPAID COSTS AS LIEN ON PROPERTY.**

If graffiti removal costs are not paid within the prescribed thirty-day period as required under Section 634.09, said itemized statement shall be filed with the Township Assessor and shall thereupon be assessed against the land in question and become a lien on such property and collected in the same manner as the collection of ad valorem real property taxes, with the same penalties and interest. The amount so charged may be discharged at any time by the payment of the amount specified in the statement, together with interest at the rate of seven percent per year compiled from the time of filing said statement of graffiti removal costs with the Township Assessor. Such amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be enforced as delinquent Township property taxes or by a suit against such person.

(Ord. 317. Passed 4-14-97.)

#### **634.11 PURCHASE OR POSSESSION OF SPRAY PAINT BY MINORS.**

- (a) No person under the age of eighteen years shall purchase or possess any containers of spray paint.
- (b) As used in this section, "spray paint" means containers, including, but not limited to, cans of paint, varnish, lacquer, stain, or similar solvent or substance used in painting or applying finishes to surfaces and applied by a spraying method or similar technique.
- (c) Possession of spray paint containers by a minor shall be permitted only when the minor has in his or her immediate possession written consent, including the date and a description of the materials, signed by his or her parent or legal guardian, or when the minor is upon real property owned or lawfully occupied by the minor's parent or legal guardian.

(Ord. 317. Passed 4-14-97.)

#### **634.99 PENALTY.**

- (a) Whoever violates or fails to comply with any provision of this chapter shall, for a first offense, in addition to being required to

remove or pay for the removal of graffiti, be responsible for a civil infraction and shall be fined one hundred dollars (\$100.00).

(b) Whoever violates or fails to comply with any provision of this chapter shall, for a second offense, in addition to being required to remove or pay for the removal of graffiti, be responsible for a civil infraction and shall be fined two hundred and fifty dollars (\$250.00).

(c) Whoever violates any provision of this chapter shall, for a third or subsequent offense, in addition to being required to remove or pay for the removal of graffiti, be guilty of a misdemeanor and shall be subject to the penalty provided in Section 202.99.

(Ord. 317. Passed 4-14-97.)

## CHAPTER 654

### Nuisances

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654.01 Purpose.

654.02 Application of chapter.

654.03 Definitions.

654.04 Nuisances prohibited.

654.05 Inspections.

654.06 Procedure for abatement of nuisances.

654.07 Noncompliance with order of Board; recourse of Township.

654.99 Penalty.

#### **CROSS REFERENCES**

Health and sanitation generally - see Mich. Const. Art. 4, Sec. 51; M.C.L.A. Secs. 325.1 et seq., 327.1 et seq., 750.466 et seq.

Nuisance abatement; damages and expenses - see M.C.L.A. Secs. 600.2940, 600.3801 et seq.

Alarms as nuisances - see GEN. OFF.607.05

Animals as nuisances - see GEN. OFF.Ch. 610

Graffiti as nuisance - see GEN. OFF.634.03

Unlawful deposits of garbage and rubbish; littering - see GEN. OFF.656.04(a), 676.01 et seq.; S.U. & P.S. 1062.05(b)

Weeds - see GEN. OFF.694.01

Trees and foliage as nuisance - see S.U. & P.S.1024.12

Parks - see S.U. & P.S.Ch. 1062

Dilapidated buildings - see B. & H. 1468.06

Rat harborage - see B. & H. 1496.05(BOCA PM-303.6)

#### **654.01 PURPOSE.**

The purpose of this chapter is to promote the public health, safety and welfare of residents of the Township and to provide for the removal and abatement of unhealthy, noxious or dangerous substances, structures and conditions, at private expense.

#### **654.02 APPLICATION OF CHAPTER.**

Various nuisances are defined and prohibited in this and other chapters of these Codified Ordinances. It is the intent of the Township Board, in enacting this chapter, to provide for the abatement of any nuisance described herein and to supplement other chapters in which nuisances are defined and prohibited. The provisions of this chapter relating to the abatement of nuisances shall be an alternative to other methods and procedures for abatement as provided by statute, ordinance or common law and shall not limit or derogate such other methods and procedures.

#### **654.03 DEFINITIONS.**

As used in this chapter:

(a) Emergency Situation. "Emergency situation" means any situation involving a hazardous condition, nuisance or obstruction wherein there exists a reasonable possibility of imminent or immediate danger or harm to the public health, safety or welfare, or to any individual.

(Ord. 310. Passed 8-21-95.)

(b) Enforcement Official. "Enforcement Official" means the Township Supervisor or Building Department Superintendent and/or their designee or designees.

(Ord. 319. Passed 12-22-97.)

(c) Noxious Weeds or Plants. "Noxious weeds or plants" means those weeds or plants defined as such by statute or established as such by resolution of Council.

(d) Nuisance. "Nuisance" means any public nuisance, known as such at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health. Further, "nuisance" means any condition or activity which is unwholesome, dangerous, offensive or unhealthy, which constitutes a menace to the health and safety of the public, or any structure which, due to a structural defect or dilapidation, has become dangerous to life or property.

"Nuisance" includes, but is not limited to:

(1) Unsanitary disposal of litter, including garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature;

(2) Unburied dead animals;

(3) The accumulation of water causing mosquito or other vector breeding or proliferation;

(4) Rodent or insect infestation;

(5) The accumulation of bees, fowl, bats, wasps or other venomous pests or animals in such a manner as to create a condition that may be injurious to the public health or safety;

(6) Hazards, such as open excavations, open wells, pits, trees or parts thereof in danger of falling on any street, sidewalk or portion of a public right of way, discarded refrigerators and freezers with doors attached, unsecured vacant structures or habitation for bats, wasps or other venomous pests;

(7) Allowing bird infestation within a dwelling or bird roost conditions that are conducive to an unhealthful or disease-causing condition;

(8) The growth of noxious weeds or plants which are about to spread or mature seeds;

(9) Obstructions, as defined in subsection (e) hereof.

(e) Obstruction. "Obstruction" means any structure, vessel, vehicle, tree, bush, shrub, hedge, vine or other plant growth or any other object, or any collection of debris, litter or other objects or substances, which endangers the public health or the safety of any person, or which constitutes an interference or hazard to the lawful use of the waters, railroads, streets, sidewalks or other public ways in the Township.

(f) Owner. "Owner" means and includes both the owner or part owner of property on which a nuisance is located, and the occupant or lessee of such property if the property is leased, where such occupant or lessee is responsible, in whole or in part, for creating or maintaining the nuisance. The legal owner of such property shall, in all events, be responsible for the cost of removing, repairing, abating or obviating such nuisance, and, where applicable, a lessee or occupant shall share mutual responsibility with the owner for such costs.

(g) Person. "Person" means and includes any individual, partnership, firm, corporation or other legal entity.

#### **654.04 NUISANCES PROHIBITED.**

No person shall cause, harbor, commit or maintain, or suffer to be caused, harbored, committed or maintained, any nuisance, as defined by the statutes or by the common law of this State or as defined in this chapter or in any ordinance of the Township, at any place within the Township.

#### **654.05 INSPECTIONS.**

The Enforcement Official is hereby authorized to inspect occupied or vacant land or premises to ascertain the existence of nuisances on such land or premises. The Enforcement Official shall inspect the land or premises at reasonable daylight times in a reasonable manner and in compliance with all applicable provisions of law. If the owner or occupant of the land or premises refuses or denies access for such purpose, the Enforcement Official shall have recourse to every remedy provided by law to secure entry. If the condition that is believed to exist creates an emergency situation in that it imminently endangers human life or health no search warrant shall be required.

#### **654.06 PROCEDURE FOR ABATEMENT OF NUISANCES.**

(a) Commencement of Proceedings. If, at any time, the Enforcement Official finds that a condition exists or that a practice or activity is occurring in the Township, which condition, practice or activity constitutes a nuisance, he or she shall commence proceedings to cause the abatement of such nuisance.

(b) Notice of Violation.

(1) Issuance. The Enforcement Official shall issue a written notice to the person responsible for the creation, commission or maintenance of such nuisance.

(2) Content. The notice shall describe in detail the location and nature of the nuisance and the corrective action to be taken to abate it. The notice shall specify a time limit for compliance with the order to abate such nuisance, which shall be a reasonable time, but not to exceed fifteen days from the time the notice is served.

(3) Service. Notice shall be served upon any person entitled to notice by personal service or by first class mail, addressed to such person at his or her last known address, sent in an envelope containing thereon the return address of the Enforcement Official.

(c) Failure to Comply With Notice; Hearing by Board. If the person responsible for the creation, commission or maintenance of the nuisance neglects or refuses to take the steps required to abate the nuisance, the Enforcement Official shall file a copy of his or her findings, and a copy of the order previously served, with the Township Board, requesting that necessary action be taken to abate the nuisance. The Township Board shall fix a date for a hearing, which date shall not be later than ten days from the date the findings and order are filed with the Township Board, and shall give notice to the person responsible for the creation, commission or maintenance of the nuisance of the time and place of the hearing. At the hearing the person responsible for the creation, commission or maintenance of the nuisance shall be given an opportunity to show cause why the nuisance should not be abated, and the Township Board shall issue an order which either approves, disapproves or modifies the order for abatement of the nuisance.

#### **654.07 NONCOMPLIANCE WITH ORDER OF BOARD; RECOURSE OF TOWNSHIP.**

(a) If the person responsible for the creation, commission or maintenance of the nuisance does not comply with the order for abatement of the nuisance issued by the Township Board, within three days of its issuance, the Township Board shall forthwith direct the appropriate Township officer to remedy the condition which is the subject of such notice.

(b) The expense, including the administration cost to the Township, incurred by the Township in so doing shall be a lien against the real property and shall be assessed the same against the property on which the nuisance was located.

(c) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he or she fails to pay the same within thirty days after mailing of the notice of the amount thereof, such amount shall be added to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

(d) Abatement by the Township of any condition which constitutes a nuisance and reimbursement to the Township of expenses incurred thereby shall not bar prosecution for maintenance of the nuisance.

#### **654.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 655**

### **Odor Control**

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655.01 Title.

655.02 Definitions.

655.03 Odor pollution prohibited.

655.04 Best available control technology.

655.05 Odor reporting.

655.06 Exemption.

655.99 Penalties and enforcement.

#### **655.01 TITLE.**

The title of this chapter shall be the Charter Township of Clinton Odor Control Chapter.

(Ord. 452. Passed 5-13-19.)

#### **655.02 DEFINITIONS.**

The following definitions shall apply to the interpretation of and enforcement of this chapter:

(a) "Atmosphere" shall mean air, except for air inside of a fully enclosed structure.

(b) "Best available control technology" means the utilization of technologies, processes, procedures or operating methods by an industry facility or source which results in a substantial cost effective means of mitigating odors from an odor emission source designed and approved by a licensed professional engineer with experience in odor control.

(c) "Township" means the Charter Township of Clinton.

(d) "Code Enforcement Official" means the designated representative of the township, including but not limited to the Building Director, employees within the Building Department, police officers and fireman, who are authorized for oversight and enforcement of the requirements herein.

(e) "Department" shall mean the Building Department.

(f) "Director" shall mean the Building Director, Department Head of the Township Building Department.

(g) "Nuisance" means something that is deemed offensive, annoying, obnoxious, or interferes with the comfortable enjoyment of life or property to an individual or a property within the township.

(h) "Odor" means the property or quantity of a substance that activates, affects, stimulates, or is perceived by the sense of smell.

(i) "Odor complaint" means a communication received by the township from a person identifying themselves by furnishing a name, address, phone number and description of and duration of the odor. If the name and address of the person making the odor complaint cannot be verified, such odor complaint shall be used solely for tracking purposes, rather than enforcement. The township may in its discretion proceed without complete information listed to qualify as a defined odor complaint.

(j) "Odor emission" means the release of offensive or nuisance smoke, gases, fumes and vapors into the atmosphere from a source the "odor generator" which is unreasonably unpleasant, distasteful, disturbing, nauseating, or harmful to a person of ordinary sensibilities, and/or the release of offensive or nuisance smoke, gases, fumes and vapors which are detected in the ambient air on the property boundary of the premises from which the odor is generated, after it is diluted with seven volumes of odor-free air as measured by a field olfactometer operated according to manufacturer specifications by a township employee trained in the use of the olfactometer in concentrations and frequencies for a durations that can be perceived when one volume odorous air is diluted with seven volumes of odor-free air for two separate trials not less than five minutes apart within a period of one hour.

(k) "Odor generator" means any person causing an odor emission or significant odor complaint or both and any property owner or occupant from which an odor emission occurs or from which a significant odor complaint originates.

(l) "Person" means an individual living person, or legal fictional entity such as a corporation, partnership, limited liability company or other similar entity.

(m) "Significant odor complaint" shall mean the receipt of three or more odor complaints from different property addresses, independent from each other, within a ten day period relating to a premises from which an odor emission has occurred.

(Ord. 452. Passed 5-13-19.)

#### **655.03 ODOR POLLUTION PROHIBITED.**

No person, wherever located in the township, or property owner or occupant shall:

(a) Cause, or permit a significant odor emission which generates a significant odor complaint at or beyond the property boundaries, fence, or other demarcation creating the appearance of a boundary.

(b) Engage in any activity or fail to engage in any activity which results in the emission of an odor which is found to be an odor emission, or generates a significant odor complaint from which odor emissions are found.

(Ord. 452. Passed 5-13-19.)

#### **655.04 BEST AVAILABLE CONTROL TECHNOLOGY.**

Any property owner or occupant of a premise from which odor emissions are generated which result in a finding of a significant odor complaint shall put in place best available control technology to effectively abate any objectionable odor. Upon the directive of the township, furnished in writing and delivered by ordinary mail or personally to the person or premises found to have generated or from which was generated a significant odor complaint from which odor emissions were established. Within 30 days of mailing or personal delivery to the person or premises of such notice, a plan shall be presented for review by the code enforcement official. Such plan shall be a site plan scaled, prepared by a licensed professional engineer with experience in odor control which shall identify property boundaries, structures, vegetation upon the property, paving improvements and shall identify the location where mitigation equipment will be placed. Specifications and a plan for the installation for such equipment shall be furnished. Product literature shall be furnished if available and a photograph and/or drawing of the equipment shall be provided. Upon submittal within ten days, the township shall indicate approval, or if the plan is deficient, provide an indication of deficiencies. Deficiencies shall be corrected within ten days. The Director shall provide in writing the time for installation of equipment. Upon a request in writing, the Director may extend the time for installation of equipment if extenuating circumstances exist beyond the control of the odor generator. Any party aggrieved by the decision with respect to approval of the plan may within seven days appeal in writing to the Township Construction Board of Appeals. The Township Construction Board of Appeals shall provide for a hearing and receive evidence as presented by the aggrieved party rendering a decision within 30 days, unless further delay is caused as a result of requests by the aggrieved party or postponement which have been approved.

(Ord. 452. Passed 5-13-19.)

#### **655.05 ODOR REPORTING.**

The township shall manage odor complaints in the following manner:

(a) Records of odor complaints identifying the name, address and phone number of the complaining party shall be maintained. Such odor complaints are subject to investigation by the township. Reasonable efforts will be made to investigate as soon as



reasonably possible.

(b) If an odor generator is identified during an investigation, the township shall notify the odor generator and may further notify the property owner and/or occupant, or may issue forthwith a citation.

(c) The township shall also develop an odor reporting link on the township webpage whereby complaints can be logged electronically.

(Ord. 452. Passed 5-13-19.)

#### **655.06 EXEMPTION.**

(a) The township and other governmental entities shall be exempt from the provisions of this chapter.

(b) Open burning and portable outdoor fireplaces consistent with township ordinances and applicable fire codes shall be exempt if operated consistent with such applicable codes and ordinances.

(Ord. 452. Passed 5-13-19.)

#### **655.99 PENALTIES AND ENFORCEMENT.**

(a) A violation of this chapter shall be considered a misdemeanor subject to penalties as provided within this code of ordinances as a misdemeanor.

(b) Nothing in this chapter shall be construed as a waiver of the township's right to file a civil action to seek enforcement of the provisions of this chapter and to seek remedies allowed by law, including but not limited to injunctive relief or to bring an action for violation of any other section within this code, or otherwise available in law.

(Ord. 452. Passed 5-13-19.)

## **CHAPTER 656**

### **Offenses on Metropolitan Parkway**

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656.01 Authority defined.

656.02 Traffic control.

656.03 Unauthorized signs; commercial advertising.

656.04 Dangerous or obnoxious materials; fires.

656.05 Alcoholic beverages.

656.06 Vending.

656.99 Penalty.

#### **CROSS REFERENCES**

Ordinances regulating streets - see Michigan Charter Township Act (Act 359 of 1947)

Abandoned motor vehicles - see TRAF.410.04(UTC Secs. 2.5a et seq.)

Impoundment of motor vehicles - see TRAF.410.04(UTC Sec. 2.5d)

DUI - see TRAF. 410.04(UTC Secs. 5.15 et seq., 10.34 et seq.)

Unattended motor vehicles - see TRAF.420.07

#### **656.01 AUTHORITY DEFINED.**

As used in this chapter, "Authority" means the Huron-Clinton Metropolitan Authority, a public body corporate under the laws of the State of Michigan, and its duly authorized officers, employees, agents and representatives.

(Ord. 133. Passed 4-11-62.)

#### **656.02 TRAFFIC CONTROL.**

(a) No person shall park a vehicle on Metropolitan Parkway at any time except when making necessary emergency repairs. The word "park" means standing or stopping a vehicle, whether occupied or not.

(b) Every driver of a vehicle on Metropolitan Parkway shall obey all authorized signs indicating that no right, left or "U" turn is permitted.

(c) No person shall drive a vehicle onto Metropolitan Parkway across the turf shoulder from any access road except at such entrances and exits as are established by the Authority.

(Ord. 133. Passed 4-11-62.)

#### **656.03 UNAUTHORIZED SIGNS; COMMERCIAL ADVERTISING.**

No person shall place, maintain or display upon Metropolitan Parkway any unauthorized sign, signal, marking device, decoration, banner or commercial advertising.

(Ord. 133. Passed 4-11-62.)

#### **656.04 DANGEROUS OR OBNOXIOUS MATERIALS; FIRES.**

(a) No person shall deposit or abandon on Metropolitan Parkway any garbage, sewage, bottles, refuse, trash, waste, burning material, hot ashes or other obnoxious materials.

(b) No person shall start or maintain a fire on Metropolitan Parkway.

(Ord. 133. Passed 4-11-62.)

#### **656.05 ALCOHOLIC BEVERAGES.**

(a) No person under the age of twenty-one years shall possess, while on Metropolitan Parkway, transport on Metropolitan Parkway, or have under his or her control while on Metropolitan Parkway, any beer, wine or other alcoholic beverage.

(b) No person shall sell or furnish any beer, wine or other alcoholic beverage to any person under the age of twenty-one years on Metropolitan Parkway.

(Ord. 133. Passed 4-11-62.)

#### **656.06 VENDING.**

No person shall vend or sell any merchandise, food, beverage or other personal property of any kind on Metropolitan Parkway without a written permit therefor issued by the Authority.

(Ord. 133. Passed 4-11-62.)

#### **656.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 658**

### **Offenses Relating to Persons**

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658.01 Assault; assault and battery.

658.02 Minors curfew.

658.03 Stalking.

658.04 Domestic assault.

658.99 Penalty.

#### **CROSS REFERENCES**

Prostitution - see M.C.L.A. Secs. 750.448 et seq.

Sale of alcoholic beverages to minors - see GEN. OFF. 608.01

Trespassing - see GEN. OFF. 660.05

Peace disturbances and disorderly conduct - see GEN. OFF. Ch. 664

Loitering - see GEN. OFF. 664.03; B.R. & T. 818.09 Sex related offenses - see GEN. OFF. Ch. 680

#### **658.01 ASSAULT; ASSAULT AND BATTERY.**

No person shall commit an assault or an assault and battery upon the person of another.

(Ord. 227-A-4. Passed 2-23-81.)

#### **658.02 MINORS CURFEW.**

(a) Children Under Twelve. No child under the age of twelve years shall loiter, idle or congregate in or on any public streets, highways, alleys, playgrounds, public buildings, places of amusement, commercial and retail establishments and parking lots adjacent to such establishments, between the hours of 10:00 p.m. and 6:00 a.m. of the following day unless the child is

accompanied by a parent or guardian, or some other adult person delegated by the parent or guardian to accompany the child.

(b) Children Under Sixteen. No child under the age of sixteen years shall loiter, idle or congregate in or on any public streets, highways, alleys, playgrounds, public buildings, places of amusement, commercial and retail establishments and parking lots adjacent to such establishments, between the hours of 12:00 midnight and 6:00 a.m. of the following day unless the child is upon an errand or other legitimate business expressly authorized and directed by his or her parent or guardian.

(c) Aiding, Abetting or Permitting a Violation. No parent, guardian or other person of the age of sixteen years or over shall assist, aid, abet, allow, permit or encourage any child under the age of sixteen years to violate any of the provisions of subsections (a) and (b) hereof.

(Ord. 266. Passed 11-17-80.)

### **658.03 STALKING.**

(a) Definitions . As used in this section:

(1) "Course of conduct" means a pattern of conduct composed of a series of two or more separate noncontinuous acts, evidencing a continuity of purpose.

(2) "Emotional distress" means significant mental suffering or distress that may, but not necessarily, require medical or other professional treatment or counseling.

(3) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. "Harassment" does not include constitutionally protected activity or conduct that serves a legitimate purpose.

(4) "Stalking" means 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.

(5) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. "Unconsented contact" includes, but is not limited to, any of the following:

- A. Following or appearing within the sight of that individual.
- B. Approaching or confronting that individual in a public place or on private property.
- C. Appearing at the work place or residence of that individual.
- D. Entering onto or remaining on property owned, leased or occupied by that individual.
- E. Sending mail or electronic communications to that individual.
- F. Placing an object on, or delivering an object to, property owned, leased or occupied by that individual.

(6) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(b) Stalking Prohibited. No person shall engage in 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.

(c) Rebuttable Presumption. In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim, after having been requested by the victim to discontinue the same or a different form of unconsented contact and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.

(Ord. 302. Passed 6-13-94.)

### **658.04 DOMESTIC ASSAULT.**

(a) Domestic Assault Defined. For the purpose of this section, "domestic assault" means an assault, or an assault and battery, by an individual of his or her spouse, his or her former spouse, an individual with whom he or she has had a child in common or a resident or former resident of his or her household.

(b) Domestic Assault Prohibited. No individual shall assault, or assault and batter, his or her spouse or former spouse, an individual with whom he or she has had a child in common or a resident or former resident of his or her household.

(c) Warrantless Arrest. An officer of the Police Department may arrest an individual for violating any of the provisions of this section, regardless of whether the officer has a warrant or whether the violation was committed in his or her presence, if the officer has reasonable cause to believe that the violation occurred or is occurring and that the individual has had a child in common with the victim, resides or has resided in the same household as the victim or is a spouse or former spouse of the victim.

(Ord. 305. Passed 9-19-94.)

### **658.99 PENALTY.**

(EDITOR'S NOTE: See S'ection 202.99 For general Code penalty if no specific penalty is provided.)

(a) Minors Curfew. Whoever, being a minor under the age of seventeen years, violates any of the provisions of Section 658.02, shall, upon apprehension, be dealt with in accordance with the laws and regulations of the State of Michigan relating to juvenile offenders.

(Ord. 266. Passed 11-17-80.)

(b) Stalking.

(1) The court may place an individual convicted of violating Section 658.03 on probation for a term of not more than one year. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

A. Refrain from stalking any individual during the term of probation.

B. Refrain from having any contact with the victim of the offense.

C. Be evaluated to determine the need for psychiatrist, psychological or social counseling and, if determined appropriate by the court, to receive psychiatric, psychological or social counseling, at his own expense.

(2) The 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 or from any contempt of court arising out of the same conduct.

(Ord. 302. Passed 6-13-94.)

(3) Whoever violates Section 658.03 is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety-three days.

(Ord. 332. Passed 1-10-00.)

(c) Domestic Assault.

(1) When an individual, who has not been convicted previously of a violation of Section 81 or 81 a of the Michigan Penal Code, Act 328 of the Public Acts of 1931, as amended, being M.C.L.A. 750.81 and 750.81a, or a violation of local ordinance substantially corresponding to Section 81 of Act 328 of the Public Acts of 1931, as amended, pleads guilty to, or is found guilty of, a violation of Section 658.04, and the guilty to, or is found guilty of, a violation of Section 658.04, and the victim of the assault is the offender's spouse or former spouse, an individual who has had a child in common with the offender, or an individual residing or having resided in the same household as the offender, the court, without entering a judgment of guilt and with the consent of the accused and the prosecuting attorney, in consultation with the victim, may defer further proceedings and place the accused on probation, as provided in this subsection. However, before deferring proceedings under this paragraph, the court shall contact the Department of State Police and determine whether, according to the records of the Department of State Police, the accused has previously been convicted under Section 81 or 81a of Act 328 of the Public Acts of 1931, as amended, or under a local ordinance substantially corresponding to Section 81 of Act 328 of the Public Acts of 1931, as amended, or has previously availed himself or herself of this subsection. If the search of the records reveals an arrest for a violation of Section 81a or 81a of Act 328 of the Public Acts of 1931, as amended, or a local ordinance substantially corresponding to Section 81 of Act 328 of the Public Acts of 1931, as amended, but no disposition, the court, shall contact the arresting agency and the court that had jurisdiction over the violation to determine the disposition of that arrest for purposes of this subsection.

(2) Upon a violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in this section.

(3) An order of probation, entered under paragraph (c)(1) hereof, may require the accused to participate in a mandatory counseling program, and the court may order the accused to pay reasonable costs of the program.

(4) The court shall enter an adjudication of guilt and proceed as otherwise provided in this section if any of the following circumstances exists:

A. The accused commits an assaultive crime during the period of probation. As used in this paragraph, "assaultive crime" means one or more of the following:

1. An offense against a person described in any of the following sections of the Michigan Penal Code: 82 to 89, 316, 317, 321, 349 to 350, 397, 520a to 520g, 529 and 530 of Act 328 of the Public Acts of 1931, as amended, being M.C.L.A. 750.82 to 750.89, 750.316, 750.317, 750.321, 750.349 to 750.350, 750.397, 750.520a to 750.520g, 750.529 and 750.530.

2. A violation of Chapter XI of the Michigan Penal Code, Act 328 of the Public Acts of 1931, as amended, being M.C.L.A. 750.81 to 750.90, or a local ordinance that substantially corresponds thereto.

B. The accused violates an order of the court that he or she receive counseling regarding his or her violent behavior.

C. The accused violates an order of the court that he or she have no contact with a named individual.

(5) Upon fulfillment of the terms and conditions provided for herein, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section, or for purposes of this section, or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(6) There may be only one discharge and dismissal under this section with respect to any individual. The Department of State Police shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to a court or police agency upon request pursuant to paragraph (c)(1) hereof, for the purpose of showing that a defendant in a criminal action under Section 81 or 81a of Act 328 of the Public Acts of 1931, as amended, or a local ordinance substantially corresponding

to Section 81 of Act 328 of the Public Acts of 1931, as amended, has already once availed himself or herself of this section.

(7) The Police Department of the Township shall, upon arrest, forward sufficient sets of fingerprints to the 41-B District Court to ensure the proper transcription of the disposition of any complaint brought pursuant to Section 658.04 to the Department of State Police.

(Ord. 305. Passed 9-19-94.)

(8) Whoever violates Section 658.04 is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety-three days.

(Ord. 332. Passed 1-10-00.)

## CHAPTER 660

### Offenses Relating to Property

---

660.01 Larceny.

660.02 Embezzlement; conversion.

660.03 Checks without sufficient funds.

660.04 Retail fraud.

660.05 Trespass.

660.06 Destruction and defacing of signs, bills or notices.

660.07 Recreational trespass.

660.99 Penalty.

#### **CROSS REFERENCES**

Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913

Theft generally - see M.C.L.A. Secs. 750.356 et seq.

Malicious destruction of property - see M.C.L.A. Secs. 750.377a, 750.377b

Malicious destruction of trees and shrubs - see M.C.L.A. Sec. 750.382

Alarm systems - see GEN. OFF. Ch. 607

Graffiti - see GEN. OFF. Ch. 634

Littering - see GEN. OFF. 676.02

Destruction or defacing of pawned property - see B.R. & T.858.12

Destruction of Municipal sewage works - see S.U. & P.S.1040.20

Parks - see S.U. & P.S.Ch. 1062

#### **660.01 LARCENY.**

No person shall steal the property of another of the value of one hundred dollars (\$100.00) or less. The word "property," for the purpose of this section shall include any money, goods or chattels, or any bank note, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, or any book or accounts for or concerning money or goods due or to become due or to be delivered, or any deed or writing containing a conveyance of land or any other valuable contract in force, or any receipt, release or defeasance, or any writ process of public record.

(Ord. 227-A-4. Passed 2-23-81.)

#### **660.02 EMBEZZLEMENT; CONVERSION.**

No person to whom any money, goods or other property, which may be the subject of larceny of the value of one hundred dollars (\$100.00) or less, has been delivered, shall embezzle or fraudulently convert to his or her own use, or secrete with intent to embezzle or fraudulently convert to his or her own use, such money, goods or other property, or any part thereof.

(Ord. 227-A-4. Passed 2-23-81.)

#### **660.03 CHECKS WITHOUT SUFFICIENT FUNDS.**

(a) No person shall, with intent to defraud, make, draw, utter or deliver any check, draft or order for the payment of less than two hundred dollars (\$200.00), to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in or credit with such bank or other

depository for the payment of such check, draft or order, in full, upon its presentation, or, with intent to defraud, make, draw, utter or deliver any check, draft or order for the payment of two hundred dollars (\$200.00), to apply on account or otherwise, upon any bank or other depository, if such person does not have sufficient funds for payment of the same when presentation for payment is made to the drawee, except where such lack of funds is due to garnishment, attachment, levy or other lawful cause, and such fact was not known to the person who made, drew, uttered or delivered the instrument at the time of so doing.

(b) Whoever violates subsection (a) hereof shall be guilty of a misdemeanor, subject to the penalty provided in Section 660.99, upon a first or second offense only. Upon a third or subsequent offense such person shall be guilty of a felony and shall be prosecuted under State law.

#### **660.04 RETAIL FRAUD.**

(a) No person shall do any of the following in a store or in its immediate vicinity:

(1) While a store is open to the public, alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

(2) While a store is open to the public, steal property of the store that is offered for sale.

(3) With intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

(b) Whoever violates any of the provisions of subsection (a) hereof is guilty of retail fraud and shall be subject to the penalty provided in Section 660.99, provided that the resulting difference in price, or the amount of money or the value of the property obtained or attempted to be obtained, is not more than one hundred dollars (\$100.00).

#### **660.05 TRESPASS.**

(a) 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 of such land or premises, or the agent or servant of such owner or occupant, either verbally or in violation of a posting prohibiting the trespass upon said premises.

(b) No person shall be upon the lands or premises of another, after being notified to depart therefrom by the owner or occupant of such land or premises, or the agent or servant of such owner or occupant.

(c) For a person to be guilty of a violation of subsection (a) hereof, where a posting is the only notice to said person, said posting must be of a sign sufficient in size and print to reasonably and adequately notify all persons coming upon said premises, at the point where the violation occurs, that the lands and premises are restricted and that a trespass thereon is criminal. The sign shall notify the trespasser that it is a criminal violation to be upon the premises and also that violators will be prosecuted in accordance with this section, and the sign shall contain the name of the owner and of his, her or its agents or servants authorized to prosecute.

(Ord. 253. Passed 10-24-77.)

#### **660.06 DESTRUCTION AND DEFACING OF SIGNS, BILLS OR NOTICES.**

No person shall willfully tear down, destroy or in any manner deface any signs, bills or notices on any private lands or premises within the Township.

(Ord. 227-A-4. Passed 2-23-81.)

#### **660.07 RECREATIONAL TRESPASS.**

(a) Definitions. The following terms shall have the meaning so indicated:

(1) "Farm property" means land used in the production of a farm product and all the lands contained within the farm.

(2) "Hunting" shall mean the pursuit of or taking of animals (including mammals and birds) by firearm, bow and arrow, or other means, whether such activity requires or does not require a license under the applicable law.

(3) "Hunting dog" means a dog allowed to range freely to engage in, or aid in hunting on the day the dog enters the property of another person.

(4) "Recreational activity" means any activity not for profit upon property other than activity where explicit permission has been obtained from the property owner.

(b) Entry Upon Land Prohibited. 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 or her lessee, or agent if either of the following circumstances exist:

(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 against entry. Minimum letter height on the posting shall be one inch. Each posting sign shall be not less than sixty 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.

(3) A person shall not enter or remain upon farm property or wooded areas connected to farm property for any hunting, recreational activity, or trapping without the consent of the owner or his or her lessee or agent whether or not the farm property or

wooded area connected to farm property is fenced, enclosed or posted.

(4) 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, traversing 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.

(5) A person other than a person possessing a firearm may, unless previously prohibited in writing, or orally by a property owner, or his or her lessee or agent, enter on foot upon the property of another for the sole purpose of retrieving a hunting dog. Such persons shall not remain on the property beyond the reasonable time necessary to retrieve the dog.

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

(c) Discharging Firearm or Bow.

(1) A person shall not discharge a firearm or bow within the right-of-way of a public highway adjoining or abutting any platted property, fenced, enclosed, posted property, farm property, or a wooded area connected to farm property without the consent of the owner of the abutting property, or his or her lessee or agent.

(2) As used in this section "public highway" means a road or highway under the jurisdiction of the State Transportation Department or Board of County Road Commissioners for Macomb County, or their successor public entities.

(d) Removal, Defacing or Destroying Signs or Posts are Prohibited A person shall not remove, deface, or destroy a sign or poster posted pursuant to this section.

(e) Posting or Enclosing Land without Authority Prohibited A person shall not post a sign on property owned by another person, or enclose the property of another person to prohibit recreational activity, hunting, or trapping without the written permission of the owner of that property, or his or her lessee, or agent.

(f) Misdemeanor Violation. Any violation under this section shall be deemed a misdemeanor subject to the penalties provided for misdemeanor of prosecutions set forth in this Code of Ordinances. See Section 202.99, or any successor section.

(Ord. 392. Passed 9-27-10.)

**660.99 PENALTY.**

*(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)*

Whoever violates any of the provisions of Section 660.01, 660.02, 660.03 or 660.04 is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety-three days.

(Ord. 332. Passed 1-10-00.)

## CHAPTER 664

### Peace Disturbances

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664.01 Police station considered a public building.

664.02 Disorderly conduct.

664.03 Loitering.

664.04 Disturbance of religious meetings.

664.05 Assemblage of noisy or riotous persons.

664.06 Invasion of privacy; voyeurism.

664.07 Prohibited noises; exclusions.

664.08 Prohibited noise civil infraction.

664.99 Penalty.

#### **CROSS REFERENCES**

Ordinances regulating peace disturbances - see Michigan Charter Township Act (Act 359 of 1947)

Disorderly conduct generally - see M.C.L.A. Secs. 750.167 et seq.

Peace disturbances by alarms - see GEN. OFF. 607.05

Barking and howling dogs - see GEN. OFF. 610.09(g)

Domestic assault - see GEN. OFF. 658.04

Peace disturbances in drive-in restaurants - see B.R. & T.818.07 et seq.

Peace disturbances in parks - see S.U. & P.S.Ch. 1062

#### **664.01 POLICE STATION CONSIDERED A PUBLIC BUILDING.**

No person shall commit any of the violations set forth in this chapter in a police station in the Township of Clinton. A police station is hereby defined as a public building.

(Ord: 227-A-4. Passed 2-23-81.)

#### **664.02 DISORDERLY CONDUCT.**

Disorderly conduct is hereby prohibited in the Township. The following persons shall be deemed to be guilty of disorderly conduct: Any person of sufficient ability who shall refuse or neglect to support his or her family; any common prostitute; any window peeper; any person who engages in any illegal occupation or business; any person who shall be engaged in any indecent or obscene conduct in any public place; any vagrant; any person found begging in a public place; any person found loitering in a house or ill-fame or prostitution or place where prostitution or lewdness is practiced, encouraged or allowed; any person who shall knowingly loiter in or about any place where an illegal occupation or business is being conducted; any person who is intoxicated in a public place and who is either endangering directly the safety of another person or property or is acting in a manner that causes a public disturbance; any person who engages in obscene conduct in any public place; any person who shall be found jostling or roughly crowding people unnecessarily in a public place; any person who telephones any other person or causes any other person to be telephoned and uses any vulgar, indecent, obscene, threatening or offensive language, or suggests any lewd or lascivious act over any telephone; any person who shall use any indecent, immoral, obscene, vulgar or insulting language or fighting words, in the presence or hearing of any woman or child; any person who shall make or excite any disturbance, contention, noise, trouble or improper diversion in any tavern, store, grocery, manufacturing establishment or other business place, or in any street, lane, alley, highway, public building, ground or park, or at any election or other public meeting *where* citizens are peaceably and lawfully assembled; or any person who disobeys or resists the lawful command of a police officer or who resists arrest.

(Ord. 227-A-5. Passed 9-8-82.)

#### **664.03 LOITERING.**

No person shall linger, loiter, sit or stand in any public room in any hotel, motel, office or business establishment, or in any courthouse corridor, or in any bus or railroad station, or in the hallways or entrances of any public building, or use any public room for business or social purposes, or obstruct the entrance to any business establishment or it's parking lot, or obstruct the free flow of vehicular traffic or parking within the parking lot of any business establishment, or obstruct or impede pedestrian traffic through the parking lot of any business establishment, or obstruct or impede pedestrian traffic on the walks of any business establishment, or obstruct or impede the entrance to any business establishment, or congregate on the parking lots, sidewalks or entranceways of business establishments, or congregate in, around, on or near motor vehicles on the parking lots of any business establishment, in a manner that disturbs the peace, excites a rout or riot, or threatens the public health, safety or welfare, unless the doing thereof is for some lawful purpose, or if contrary to the express wish of the owner, lessee, managing agent or person in control or charge of the building or premises. The term "public room," for purposes of this section, includes any basement, attic, building entrance, doorway, lobby, hallway, stairway, mezzanine, elevator, foyer, public restroom, sitting room, or any other place used in common by the public, tenants, occupants, guests or customers, and situate in a hotel, motel, office building, public building or business establishment.

(Ord. 227-A-5. Passed 9-8-82.)

#### **664.04 DISTURBANCE OF RELIGIOUS MEETINGS.**

No person shall willfully interrupt or disturb any assembly of people met for the worship of God, within the place of such meeting or out of it.

(Ord. 227-A-4. Passed 2-23-81.)

#### **664.05 ASSEMBLAGE OF NOISY OR RIOTOUS PERSONS.**

No person shall permit any noisy or riotous persons to assemble in any house owned, occupied or controlled by him or her to the annoyance or disturbance of the neighborhood and the public peace.

(Ord. 227-A-4. Passed 2-23-81.)

#### **664.06 INVASION OF PRIVACY; VOYEURISM.**

No person shall enter upon, across or over private premises for the purpose of peering through windows of any structure or building in the Township of Clinton, if such person is not on official business or does not have some other legal right to commit such an act.

(Ord. 227-A-4. Passed 2-23-81.)

#### **664.07 PROHIBITED NOISES; EXCLUSIONS.**

(a) Among others, each of the following acts is hereby declared to be unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive, namely:



(1) Horns and signal devices. Between the hours of 11:00 p.m. and 7:00 a.m. of the following day, the sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or to give warning of intent to get under motion, or, if in motion, only as a danger signal after brakes have been applied, or as brakes are being applied, and deceleration of the vehicle is intended; the creation by means of any such horn or signal device of any unreasonably loud or harsh sound, and the sounding of such a horn or device for an unnecessary and unreasonable period of time.

(2) Racing of motors. The racing of motors while the same are being tuned up, or the backfiring of engines in automobiles during tune-ups or warm-ups, creating any unreasonably loud or harsh sound between the hours of 11:00 p.m. and 7:00 a.m. of the following day.

(3) Radios and musical instruments. The playing of any radio, television, phonograph or musical instrument in such manner or with such volume, particularly between the hours of 11:00 p.m. and 7:00 a.m. of the following day, or at any time or place, so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(4) Shouting and whistling. Unnecessary or unreasonably loud shouting and whistling at any time or place in the Township.

(5) Hawking. The hawking of goods, merchandise and newspapers in a loud and boisterous manner.

(6) Animal and bird noises. The keeping of any animal or bird which, because of frequent or long continued noise, shall disturb the comfort or repose of any person.

(7) Whistles or sirens. The blowing of any whistle or siren, except to give notice of the time to begin or stop work, ~~as a~~ warning of fire or danger.

(8) Devices to attract attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention, without first having obtained a permit therefor from the Township Clerk.

(9) Sound trucks. To operate, or cause to be operated, a sound truck with radio or amplifier, within the Township, without first having obtained a permit therefor from the Township Clerk.

(10) Construction activity. Engaging in construction activity, including but not limited to the operation of equipment, vehicles, loading, unloading, and building activity in such a manner or with such volume between the hours of 10:00 p.m. and 7:00 a.m. of the following days: Monday through Friday, or 6:00 p.m. and 9:00 a.m. on either Saturday or Sunday, where the premises are adjacent to residential uses, or at any time or place so as to annoy or disturb the quiet comfort or repose of persons owning or occupying adjoining residential uses. A person may apply for and obtain a permit from the Superintendent of the Building Department to exceed the hours of operation above and the Superintendent may impose conditions on the issuance of the permit and establish the duration of the permit so as to protect the public health, safety and welfare of adjoining residential uses. This subsection (a)(10) shall not apply to activities by Clinton Township Water and Sewer Department or Department of Public Works and their agents, contractors and employees.

(b) None of the prohibitions set forth in subsection (a) hereof shall apply to or be enforced against:

(1) Any authorized emergency vehicle when responding to an emergency call;

(2) The reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(Ord. 184. Passed 8-31-64; Ord. 363. Passed 6-5-06.)

#### **664.08 PROHIBITED NOISE CIVIL INFRACTION.**

(a) For a person to disturb the public peace and quiet by creating or allowing noise at any time or place so as to unreasonably annoy or disturb the quiet comfort and repose of any person in the vicinity.

(b) A first offense shall be punishable by a minimum fine of \$200.00, as well as any other allowable penalties for a civil infraction under Michigan law; a second offense by a minimum fine of \$300.00 and third offense by a minimum fine of \$400.00 as well as in each instance, additional penalties as permitted under Michigan law for a civil infraction.

(Ord. 395. Passed 10-07-11.)

#### **664.99 PENALTY.**

*(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)*

## **CHAPTER 676**

### **Safety, Sanitation and Health**

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676.01 Dumping and landfill.

676.02 Littering.

676.03 Deposit of injurious substances upon public or private property. (Repealed)

- 676.04 Transfer of offensive substances.
- 676.05 Drainage of lots, lands, excavations, etc.
- 676.06 Water pollution.
- 676.07 Air pollution.
- 676.08 Abandoned refrigerators and airtight containers.
- 676.09 Interference with Police and Fire Department communications systems. (Recodified)
- 676.99 Penalty.

### **CROSS REFERENCES**

- Health and sanitation generally - see Mich. Const. Art. 4, Sec. 51; M.C.L.A. Secs. 750.466 et seq.
- Ordinances providing for safety and health - see Michigan Charter Township Act (Act 359 of 1947)
- Public safety generally - see M.C.L.A. Secs. 750.493 et seq.
- Nuisances generally - see GEN. OFF. Ch. 654
- Safety and sanitation in massage parlors - see B.R. & T.850.10
- Garbage and rubbish collection and disposal - see S.U. & P.S.Ch. 1060; P. & Z. 1299.01(n)
- Littering prohibited in parks - see S.U. & P.S.1062.30
- Rat harborage - see B. & H. 1496.05(BOCA PM-303.6)

### **676.01 DUMPING AND LANDFILL.**

(a) No person shall dump or deposit any soil, sand, clay, gravel, trash, rubbish, garbage or materials of like kind upon any lands in the Township, anything contrary to this section notwithstanding, unless a permit for such dumping has been received from the Township Board and from the State of Michigan, if and as required.

(b) The provisions of subsection (a) hereof shall not include what is known as "balancing land," where soil, sand, clay, gravel and other clean materials that are upon the land are either moved, removed or brought in for the purposes and in conjunction with the development of the use of the site as approved by the Building Department relative to grade and other provisions of site plan approval or building permit approval.

(c) No person shall direct the dumping or depositing of the above referred to materials on any lands within the Township in violation of this section.

(d) No person shall store any materials upon his or her premises, which materials come in direct contact with contiguous neighboring premises or the property of others.

(e) The Police Department and the Department of Public Works, through the Chief of Police or his or her designated representative, or through the Superintendent of the Department of Public Works or his or her designated representative, shall have the right to enforce this section along with the Superintendent of the Building Department or his or her designated representative.

### **676.02 LITTERING.**

(a) Definitions. The following terms shall have the meaning stated unless their use in the text of this chapter clearly demonstrates a different meaning.

(1) "Litter" means any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar, can, or any top, cap, or detachable tab of any bottle, jar, or can, any lighted or unlighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers, or other packaging or construction material, fireworks and fireworks debris and material whether ignited and discharged, or not.

(2) "Litter receptacle" means a container suitable for the depositing of litter.

(3) "Person" means any individual corporation, limited liability company, partnership, firm association, or other legal entity natural or otherwise.

(b) Prohibited Acts and Regulated Activities. It shall be unlawful for any person to aid and abet in, attempt, or to throw, drop, discard, or otherwise place any litter of any nature upon public or private property, other than in a litter receptacle, or having done so to allow such litter to remain. The operator, owner, or both, of a motor vehicle or a boat, from which litter is thrown or discarded is deemed to have violated this section. Any person with an ownership interest in the property, who has been notified by the Township and has failed to remove litter within forty-eight (48) hours from the notice to remove litter, shall be deemed to have violated this section.

(c) This section shall be enforced by the Charter Township of Clinton Police Department and by employees of the Charter Township of Clinton Building Department, or other employees, charged with zoning and code violation enforcement.

(d) Penalties. Any person found to be in violation of this section shall be guilty of a misdemeanor, subject to penalties as provided within the Code of Ordinances.

(Ord. 29. Passed 11-24-54; Ord. 184. Passed 8-31-64; Ord. 406. Passed 9-9-13.)

#### **676.03 DEPOSIT OF INJURIOUS SUBSTANCES UPON PUBLIC OR PRIVATE PROPERTY. (REPEALED)**

(EDITOR'S NOTE: Section 676.03 was repealed by Ordinance 406, passed September 9, 2013 and redundantly by Ord. 407, passed February 10, 2014.)

#### **676.04 TRANSFER OF OFFENSIVE SUBSTANCES.**

(a) No person shall, directly or indirectly, by himself or herself, or by his or her servant, agent or employee, bring or convey into the Township any vegetable substance, dead animal, fish shells, paper, rubbish, ordure slops, unclean or nauseous liquids, gaseous fluids, soot, garbage, putrid meat or any other substances which may cause an unwholesome or offensive odor.

(b) No person shall haul any vegetable substance, dead animal, fish shells, paper, rubbish, ordure slops, unclean or nauseous liquids, gaseous fluids, soot, garbage, putrid meat or any other substance which may cause an unwholesome or offensive odor, into the Township for deposit in other localities, unless said substances or articles are in a covered vehicle, or a vehicle so covered by canvas or other means as to prevent offensive odor.

(Ord. 8. Passed 8-28-50.)

#### **676.05 DRAINAGE OF LOTS, LANDS, EXCAVATIONS, ETC.**

If any land, excavation, cellar, crawl space underneath a structure, vault, sewer or drain placed on premises within the Township shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the Superintendent of the Building Department may require the same to be drained, filled up, cleaned or purified by the owner, occupant or person in charge of such lot, premises or place.

(Ord. 184. Passed 8-31-64.)

#### **676.06 WATER POLLUTION.**

No person shall discharge to any natural outlet within the Township any sanitary sewage, industrial wastes or other polluted waters.

(Ord. 29. Passed 11-24-54.)

#### **676.07 AIR POLLUTION.**

(a) No person shall create, cause or maintain any nuisance within the Township by the unreasonable creation of dust, smoke, fly-ash or noxious odors, offensive or disturbing to adjacent property owners and residents of the area.

(b) The determination of whether any activity enumerated in subsection (a) hereof is a public nuisance and a violation of this section shall be in the absolute discretion of the Superintendent of the Building Department of the Township, subject only to review by the Township Board, upon proper application therefor made by the alleged violator within fourteen days after such determination by the Building Department Superintendent.

(Ord. 184. Passed 8-31-64.)

#### **676.08 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.**

No person shall cause or permit to be left outside of any building or dwelling, or in any place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, deep freeze, trunk or other container of any kind which has an airtight door or lock which is not designed to be released for opening from the inside of said article, without first removing the locks or doors therefrom.

(Ord. 227-A-4. Passed 2-23-81.)

#### **676.09 INTERFERENCE WITH POLICE AND FIRE DEPARTMENT COMMUNICATIONS SYSTEMS. (RECODIFIED)**

(EDITOR'S NOTE: Section 676.09 was recodified by Ordinance 319, passed December 22, 1997. See Section 607.07.)

#### **676.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 680**

### **Sex Related Offenses**

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- 680.01 Definitions.
- 680.02 Pandering obscenity.
- 680.03 Application of standard.
- 680.04 Publication or distribution of pornography for commercial exploitation.
- 680.05 Coercion of receipt of offensive material.
- 680.06 Disseminating matter harmful to juveniles.
- 680.07 Displaying matter harmful to juveniles.
- 680.08 Violations.
- 680.09 Equitable remedies; confiscation of materials.
- 680.10 Prostitution.
- 680.11 Public nudity.
- 680.99 Penalty.

### **CROSS REFERENCES**

Indecency and immorality - see M.C.L.A. Secs. 750.335 et seq.

Prostitution - see M.C.L.A. Secs. 750.448 et seq.

Obscene coin-operated amusement devices - see B.R. & T.814.05(c)

Massage parlors - see B.R. & T.Ch. 850

### **680.01 DEFINITIONS.**

As used in this chapter:

(a) "Specified sexual activities" means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) An act of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals or the pubic region.

(b) "Specified anatomical areas" means the human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. 237. Passed 7-22-74.)

### **680.02 PANDERING OBSCENITY.**

No person shall knowingly sell, lend, give away, distribute, show or transmute, or offer to sell, lend, give away, distribute, show or transmute, or have in his or her possession, with intent to sell, lend, give away, distribute, show or transmute, or advertise in any manner, or otherwise knowingly offer for loan, gift, sale or distribution, any obscene, lewd, lascivious or masochistic book, magazine, pamphlet, newspaper, story paper, writing paper, phonograph record, picture, photograph, motion picture film, figure, image, wire or tape recording, or any written, printed or recorded matter of an indecent character, which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in Section 680.01, which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representation of such character.

For the purpose of this section, possession of three or more identical copies, or three or more articles, of any obscene, lewd, lascivious or masochistic books, magazines, pamphlets, newspapers, story papers, writing papers, phonograph records, picture drawings, photographs, slides, motion picture films, figures, images, wire or tape recordings, or any written, printed or recorded matter of an indecent character, which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, shall be prima-facie evidence of possession with intent to sell, lend, give away, distribute, show or transmute said materials.

(Ord. 237. Passed 7-22-74.)

### **680.03 APPLICATION OF STANDARD.**

The test to be applied in cases under Section 680.02 shall not be whether sexual desires or sexually improper thoughts would be aroused in those comprising a particular segment of the community, but rather the effect of the book, picture or other subject matter of the complaint, considered as a whole, not upon any particular class, but upon all those whom it is likely to reach, that is, its impact upon the average person in the community.

The book, picture or other subject matter of the complaint must be judged as a whole in its entire context, as to whether or not it appeals to the prurient interest in sex, portrays sexual conduct in a patently offensive way and, taken as a whole, does not have serious literary, artistic, political or scientific value.

(Ord. 237. Passed 7-22-74.)

#### **680.04 PUBLICATION OR DISTRIBUTION OF PORNOGRAPHY FOR COMMERCIAL EXPLOITATION.**

No person shall publish or distribute, for resale or for reading or other perusal, any book, magazine or pamphlet which is so composed as to constitute a compilation of pictures, illustrations, caricatures, cartoons, words, stories and advertisements, or any combination or combinations thereof, that feature and are primarily devoted to the commercial exploitation of sex, to the description, portrayal or suggestion of illicit sex, sexual relations, sexual perversions, lust or sexual passion, or to any combination or combinations thereof, and which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in Section 680.01.

(Ord. 237. Passed 7-22-74.)

#### **680.05 COERCION OF RECEIPT OF OFFENSIVE MATERIAL.**

No person shall, as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication, require that the purchaser or consignee receive for resale any other article, book or other publication which is contrary to any provision of this chapter, or deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure of any person to accept any such article, book or publication, or by reason of the return thereof.

(Ord. 237. Passed 7-22-74.)

#### **680.06 DISSEMINATING MATTER HARMFUL TO JUVENILES.**

No person shall knowingly sell, distribute, or import for the purpose of selling or distributing, to a person under the age of eighteen years, any obscene, lewd, lascivious or masochistic magazine, pamphlet, newspaper, story paper, writing paper, phonograph record, picture drawing, photograph, motion picture film, figure, image, or wire or tape recording of any written, printed or recorded matter, of an indecent character, which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in Section 680.01, which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character, manifestly tending to corrupt the morals of youth, or introduce into a family, school or place of education, or buy, procure, receive or have in his or her possession, any obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, phonograph record, picture, drawing, photograph, motion picture film, figure, image, or wire or tape recording, of any written, printed or recorded matter of an indecent character, which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character, either for the purpose of sale, exhibition, loan or circulation to a person under the age of eighteen years or with intent to introduce the same into a family, school or place of education.

(Ord. 237. Passed 7-22-74.)

#### **680.07 DISPLAYING MATTER HARMFUL TO JUVENILES.**

A proprietor, occupant or owner of any building in which magazines that contain specified sexual activities or specified anatomical areas are sold, loaned, given away or transmitted, such as Playboy, Swank, Penthouse, and the like, shall display such magazines in such a restrictive fashion that the materials that would violate this chapter are only available for perusal to a person of eighteen years or older, and such restrictive display shall be so maintained as to prevent anyone younger than eighteen years of age from reviewing such material.

(Ord. 237. Passed 7-22-74.)

#### **680.08 VIOLATIONS.**

Any motion picture, movie, film, display, play, opera, massage parlor or business that encourages, condones or allows specified sexual activities or specified anatomical areas, as defined in Section 680.01, by depicting or enacting the same, is hereby declared to be in violation of this chapter.

(Ord. 237. Passed 7-22-74.)

#### **680.09 EQUITABLE REMEDIES; CONFISCATION OF MATERIALS.**

In the event that the police do not feel that the penalty section is sufficient to protect the public interest, the matter may be directed to the Township Board for consideration of injunctive or other abatement-type action. In such event, the Township Board shall act as a censor board and if the Township Board determines that there has been a violation of this chapter of a type and nature that ought to be immediately abated, it shall have the right to take whatever legal action is available to the Township. It is hereby determined that the Township Board, being all elected officials, are a proper body to make the determination as to whether or not the local community standards as expressed herein have been violated and a crime or a cause of action is appropriate.

In the event that the police can immediately determine that any materials, books, magazines, pamphlets, newspapers, story papers, writing papers, phonograph records, pictures, photographs, motion picture films, figures, images, or wire or tape recordings, of any written, printed or recorded matter, violate this chapter, and the officer making this determination believes that to protect the public interest such enumerated materials should be confiscated, then the Police Department shall have the right to confiscate and secure such materials until such time as the case concerning the violation is concluded and/or a proper order of any

court of competent jurisdiction has determined in what manner such materials shall be disposed of.

(Ord. 237. Passed 7-22-74.)

#### **680.10 PROSTITUTION.**

No person shall solicit his or her body for hire or commit an act of prostitution, and no person shall accept, solicit or share any monies because of the prostitution of another, and no person shall knowingly participate in any manner in the maintenance, rental, lease or provision of a house or structure where prostitution is allowed.

(Ord. 227-A-4. Passed 2-23-81.)

#### **680.11 PUBLIC NUDITY.**

(a) Public Nudity Defined. As used in this section, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by a 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 breasts with less than a fully opaque covering of the nipple and areola. Public nudity does not include the breastfeeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding; material defined in Section 2 of Act 343 of the Public Acts of 1984, as amended, being M.C.L.A. 752.362; or sexually explicit visual material, as defined in Section 3 of Act 33 of the Public Acts of 1978, as amended, being M.C.L.A. 722.673.

(b) Engaging in or Permitting Public Nudity. No person shall engage in public nudity. No business establishment, including, but not limited to, owners, officers or persons in charge of or in control of the premises, shall permit persons to engage in public nudity.

(c) Aiding and Abetting. No person shall assist, aid, abet or encourage any other person to appear nude in public.

(Ord. 304. Passed 9-6-94.)

#### **680.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 690**

### **Tobacco Products**

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690.01 Short title.

690.02 Findings.

690.03 Definitions.

690.04 Prohibited conduct by persons under eighteen and penalties.

690.05 Selling or furnishing tobacco products to minors.

690.06 Prohibited sales of less than twenty cigarettes.

690.07 Free tobacco sample unlawful.

#### **CROSS REFERENCES**

Marihuana - see M.C.L.A. Secs. 333.17701

Alcoholic beverages - see GEN. OFF. Ch. 608

Drugs - see GEN. OFF. Ch. 620

Safety, sanitation and health - see GEN. OFF. Ch. 676

Littering prohibited in parks - see S.U. & P.S. 1062.30

#### **690.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Clinton Township Tobacco Products Chapter".

(Ord. 434. Passed 5-30-17.)

#### **690.02 FINDINGS.**

(a) The Charter Township of Clinton through its Board of Trustees finds that it is essential to protect public health, safety, and welfare of the property and persons within the Township by prohibiting persons under the age of eighteen years from attempting to, aiding and abetting, or actually possessing using or purchasing tobacco products and from prohibiting the attempt, aiding or abetting, in the furnishing or sale of tobacco products to persons under the age of eighteen.

(b) Within the State of Michigan and within the Charter Township of Clinton, persons die from smoking related diseases at a high rate year such that tobacco use is one of the highest if not the highest cause of preventable death in Michigan, including Clinton Township, continuing to be an urgent public health challenge.

(c) Tobacco use can cause disease in nearly all organ systems and is responsible for approximately eighty-seven percent of lung cancer deaths, seventy-nine percent of all chronic obstructed pulmonary disease deaths and thirty-two percent of coronary heart disease deaths across the United States.

(d) The Food and Drug Administration has issued regulations prohibiting the sale of tobacco products to persons younger than eighteen, including smokeless vapor and electronic cigarettes, requiring age verification via photo identification and prohibiting tobacco products to be sold in vending machines unless in an adult only facility.

(e) The World's Health Organization has advised consumers against the use of electronic smoking devices and the World Medical Association has determined that electronic smoking devices are not comparable to scientifically proven methods of smoking cessation and that neither their value as a therapeutic aid for smoking cessation, nor their safety as cigarette replacements has been established.

(Ord. 434. Passed 5-30-17.)

### **690.03 DEFINITIONS.**

As used in this Chapter, the following definitions apply:

(a) "Minor" shall mean an individual who is less than eighteen years of age.

(b) "Person" shall mean an individual corporation or limited liability company who, aids or abets, permits or allows, a person to sell or furnish, a tobacco product in any form to a person under eighteen years of age.

(c) "Person who sells tobacco products at retail" means a person whose ordinary course of business consists in whole or in part the retail sale of tobacco products subject to state sales tax or who is otherwise subject to United States Food and Drug Administration rules, prohibiting the sale of tobacco products to a person under the age of eighteen years.

(d) "Possession of a tobacco product" shall mean either actually physically controlling a tobacco product without necessarily owning such product, or having the right to control the tobacco product even though it is in a different room or place than where the person is physically located.

(e) "Public place" shall mean public street, sidewalk, or park or any area open to the general public, in a public owned or operated building or premises, or in a private business opened to the public for business.

(f) "Tobacco products" shall mean a product that contains tobacco, is derived from tobacco, or contains a synthetically produced nicotine and is intended for human consumption. "Tobacco products" does not include any cessation products specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependents. "Tobacco products" shall further mean and include any electronic smoking device or other mechanical means, whether electronic, or battery operated, or otherwise, used to resemble the smoking of a tobacco product which delivers an inhaled dose of nicotine, or other substances, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or any other product, name or decipher. Such device does not include any products specifically approved by the United States Food and Drug Administration for use in the mitigation treatment or prevention of disease.

(g) "Use of a tobacco product" shall mean to smoke, chew, suck, inhale, or otherwise introduce within a person's body or consume a tobacco product.

(Ord. 434. Passed 5-30-17.)

### **690.04 PROHIBITED CONDUCT BY PERSON UNDER EIGHTEEN AND PENALTIES.**

(a) A person under the age of eighteen shall not:

(1) Allow, attempt, aid and abet, or purchase a tobacco product;

(2) Allow, attempt, or aid and abet, or possess a tobacco product;

(3) Allow, attempt, or aid and abet, or use a tobacco product; and/or

(4) Allow, attempt, or aid and abet, presentation of incorrect proof of age for the purpose of acquiring, or attempting to acquire, purchase, or possess a tobacco product.

(b) An individual who violates subsection (a), or any provision under subsection (a)(1), is guilty of a misdemeanor punishable by a fine not more than fifty dollars (\$50.00) for each violation. The court may also require through a probation order, participation in a health promotion and risk reduction assessment program. An individual ordered to participate in such program is responsible for the cost of participation in the program. The court further, for a first violation, may order the individual to perform not more than sixteen hours of community service in a hospice, nursing home, or a long term care facility, or participate in a health promotion and risk reduction program. For a second violation, in addition to participation in a health promotion or a risk reduction program, the court may order the individual to perform not more than thirty-two hours of community service in a hospice, nursing home, or a long term care facility. For any third or subsequent violation, in addition to participation in a health promotion and risk reduction, the court may order the individual to perform not more than forty-eight hours of community service in a hospice, nursing home, or long term care facility.

(c) This section does not apply to a minor who purchases or receives tobacco product as part of a police operation, at the direction of the state police, or a local police agency, unless the purchase or receipt is not under the direction of the police agency

who was not part of the police operation. This section further, shall not apply to compliance checks in which a minor attempts to purchase tobacco products for satisfying federal substance abuse block grant, youth tobacco access requirements and if such compliance checks are conducted under the direction of a substance abuse coordinating agency defined in the Public Health Code, 1978 Public Act 368 as amended and with the prior approval of the state police or local police agency. This section further, shall not apply to the handling and transportation of a tobacco product by a minor under the terms of the minors employment.

(Ord. 434. Passed 5-30-17.)

#### **690.05 SELLING OR FURNISHING TOBACCO PRODUCTS TO MINORS.**

(a) A person shall not allow, aid and abet in attempt or sell, give, or furnish a tobacco product in any form to a person under eighteen years of age.

(b) The person who sells tobacco products or vapor products at retail, shall post in a place close to the point of sale and conspicuous to both employees and customers assigned which provides the following statement:

“The purchase of a tobacco product including any vapor product to a minor under eighteen years of age and the provision of a tobacco product, including a vapor product to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco product, including a vapor product, is subject to criminal penalties.”

(c) The sign required under the previous section, if more than six feet from the point of sale, shall be five by eight and one-half inches and the statement shall be printed in thirty-six point, bold face type. If the sign is six feet or less from the point of sale, it shall be two inches by four inches and the statement required shall be printed in twenty point, bold face type. The signs required may be procured from the Department of Community Health pursuant to state law.

(d) The person who violates any of the provisions of this section is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each violation.

(e) It is an affirmative defense that the defendant had enforced at the time of arrest and continues to have enforced a written policy to prevent the sale of tobacco products including vapor products, to a person under eighteen years of age and that the defendant enforce and continues to enforce the policy. If a defendant proposes to offer evidence of the affirmative defense, it shall file and serve a notice of such defense in writing, with the court serving a notice on the Township Attorney not less than fourteen days prior to the date scheduled for trial. If the township attorney proposes to offer testimony to rebut the affirmative defense, the Township Attorney shall file notice of rebuttal, in writing, with the court and serve a copy of the notice on the defendant not less than seven days prior to the trial date, setting forth the name and address of each rebuttal witness.

(f) This section does not apply to the handling or transportation of a tobacco product by a minor under the terms of the minor's employment.

(g) Before allowing aiding and abetting in, or attempting, or selling, giving or furnishing a tobacco product in any form, a person shall verify that the individual is at least eighteen years of age, by requiring age verification through requiring the presentation of a photo identification. All persons twenty seven years of age, or younger, shall be required to present a current government issued photographic identification.

(Ord. 434. Passed 5-30-17.)

#### **690.06 PROHIBITED SALES OF LESS THAN TWENTY CIGARETTES.**

No person who sells tobacco products at retail, shall sell cigarettes in packages of less than twenty cigarettes or otherwise not packaged with a Food and Drug Administration approval warning. Any violation is a misdemeanor under this Code of Ordinances.

(Ord. 434. Passed 5-30-17.)

#### **690.07 FREE TOBACCO SAMPLE UNLAWFUL.**

It is unlawful to attempt, aid or abet, distribute, or furnish free tobacco products. Any violation is a misdemeanor under this Code of Ordinances.

(Ord. 434. Passed 5-30-17.)

## **CHAPTER 694**

### **Vegetation**

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694.01 Weeds.

694.02 Trees and shrubs.

694.99 Penalty.

#### **CROSS REFERENCES**

Weeds generally - see M.C.L.A. Secs. 247.51, 247.52, 247.61 et seq., 286.701 et seq.

Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241, 750.382, 752.701 et seq.



Trees and foliage generally - see S.U. & P.S.Ch. 1024

Parks - see S.U. & P.S.Ch. 1062

Tree preservation - see P. & Z.Ch. 1214

Trees in subdivisions - see P. & Z.1228.04(e)

Trees required in land development - see P. & Z.1244.06

Zoning requirements for vegetation - see P. & Z.1298.04

#### **694.01 WEEDS.**

(a) Removal and Destruction Required. It shall be the duty of the owner, agent and occupant of any subdivided land in any subdivision in which buildings have been erected on sixty percent of the lots included in that subdivision, or the owners, agents or occupants of lots along all improved streets in common usage, for a depth of ten rods or the depth of the lots, whichever is less, to keep the same free of all noxious weeds, to destroy the same before they reach a seed bearing stage and to prevent such weeds from perpetuating themselves or becoming a detriment to the public health.

(Ord. 102-A-1. Passed 3-10-65.)

(b) Noxious Weeds Defined. For the purposes of this section, "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior*), poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) and other plants which, in the opinion of the Township Board, shall be regarded as a common nuisance.

(Ord. 102. Passed 7-27-60.)

(c) Appointment, Compensation and Term of Commissioner of Noxious Weeds The Township Board shall appoint a competent person to serve as Commissioner of Noxious Weeds who shall take the oath required of Township officers and shall hold office for the term of two years and until a successor is appointed and qualified, and he or she shall receive as compensation for his or her services such sum as may be determined by the Board. However, such Commissioner may, for good cause, be removed from such office by the Board, in which event the Board shall appoint a successor to serve the remaining portion of his or her term. Within ten days following the appointment of each person appointed as a Commissioner hereunder, the Township Clerk shall report the name and address of the person so appointed to the State Department of Agriculture.

(d) Responsibilities of Commissioner. The Commissioner of Noxious Weeds shall diligently inquire concerning the introduction and existence of noxious weeds in the Township, and if any are found growing therein upon subdivided land in any subdivision in which buildings have been erected on sixty percent of the lots included in that subdivision, or along all improved streets in common usage for a depth of ten rods or the depth of the lots, whichever is less, he or she shall take charge of all such growing and take care that they do not go to seed or otherwise spread or become a detriment to the public health, and he or she shall carefully seek and learn, so far as practicable, the best methods of their destruction, and he or she shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent their spread and to eradicate the same.

(Ord. 102-A-1. Passed 3-10-65.)

(e) Publication of Notice to Cut The Township shall publish a notice in a newspaper of general circulation in the Township during the month of March of each year that weeds not cut by May 1 of that year will be cut by the Township and the owner of the property charged with the cost under the provisions of Section 4 of Act 359 of the Public Acts of 1941, as amended. The publication shall contain all the information required of the notice provisions provided for in said Section 4 of said Act.

(Ord. 102-A-2. Passed 7-25-73; Ord. 378. Passed 3-10-08.)

(f) Noncompliance With Notice; Remedy of Township. In the event the owner, agent or occupant of said lands fails to destroy such weeds or shall allow weeds to regrow in excess of six inches at any time during the growing season, the Commissioner or his designee shall enter upon such lands and destroy such weeds by cutting with or without mechanical equipment which will not damage the sidewalk adjacent thereto, and all expenses incurred in such destruction shall be paid by the owner or owners of such lands. Expenses shall include, if applicable, charges for mowing or cutting, additional charges for moving items or debris to allow for or achieve cutting, and additional charges in the event equipment must be used other than mowers such as power personal weed trimming devices. The Commissioner shall not expend in work or materials more than twenty-five dollars (\$25.00) on any one infested tract without the advice and consent of the Township Supervisor. The Township shall have a lien upon such lands for the expenses and said lien shall be enforced in the manner prescribed by the general laws of the State of Michigan providing for the enforcement of tax liens, the Township shall assess properties upon the Commissioner's affidavit of expenses incurred in destroying noxious weeds thereupon.

(Ord. 102-A-1. Passed 3-10-65; Ord. 378. Passed 3-10-08.)

(g) Remedies Not Exclusive. The remedy provided for in subsection (f) hereof shall be in addition to the penalty provided in Section 694.99. The fine provided for in Section 694.99, when collected, shall be paid to the Township Supervisor and shall become a part of the Clinton Township Noxious Weeds Control Fund.

(Adopting Ordinance)

(h) Notification of Department of Conservation of Commissioner's Appointment It shall be the duty of the Commissioner of Noxious Weeds, upon his or her appointment, to notify the Department of Conservation for the State of Michigan informing said Department that he or she is a Noxious Weeds Commissioner for the Township of Clinton and the date of his or her appointment.

(i) Prosecution of Violators. It shall be the duty of the Commissioner to prosecute, or to complain to the proper authorities about, any person who may violate any law now existing, or any ordinance which may hereafter be passed, on the subject of noxious weeds.

(j) Annual Reports of Commissioner. The Commissioner shall, annually, before December 1, make a written report to the Michigan Department of Agriculture and to the Township Board. Said report shall be made out upon blank forms furnished by the Department of Agriculture and shall contain such information with reference to the existence and growth of noxious weeds as said Department may require.

(Ord. 102. Passed 7-27-60.)

#### **694.02 TREES AND SHRUBS.**

(a) The word "trees," as used in this section, includes shrubs which grow higher than fifteen feet, and the word "growth" includes any or all thereof, the context otherwise requires.

(b) The owner or occupant of any premises on which is located any tree or other growth, shall, if such tree or growth is infected by disease or by injurious insects, destroy the same when notified by the Department of Public Works in accordance with the laws and rules and regulations of the local, County, State and Federal authorities and according to the laws and rules and regulations of the Extension Service of Michigan State University cooperating with the Agricultural Departments of the State of Michigan and the Federal Government.

(c) No owner or occupant of property in the Township shall have and maintain a tree upon said property that, because of its condition, is dangerous and a peril to the public health and safety.

(d) The owner or occupant of premises upon which there is a tree dangerous to the public health and safety shall be notified of the same by the Department of Public Works, and in such notice the Department of Public Works shall designate the time within which the owner or occupant must remove said dangerous tree.

(e) The opinion of the Superintendent of the Department of Public Works, or his or her designee, as to the dangerous condition of the tree shall be conclusive, but the Superintendent, or his or her designee, may determine that only a portion of the tree must be removed.

(f) No owner or occupant shall fail to comply with the order of the Department of Public Works.

(g) If the owner or occupant cannot be served with notice, then the Department of Public Works may elect to treat the dangerous tree condition as a dangerous structure and serve the owner of the premises according to substituted service by mailing a copy of such order to the last known owner according to the latest assessment rolls of the Township under a Resolution adopted by the Township Board on December 23, 1968, in accordance with Act 217 of the Public Acts of 1968, as amended, and cite the same to the reviewing officer, and all provisions and conditions of said Resolution are hereby incorporated by reference.

#### **694.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 696**

### **Weapons and Explosives**

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696.01 Hunting.

696.02 Discharge of firearms.

696.03 Possession and concealment of dangerous weapons.

696.04 Reckless use of weapons.

696.99 Penalty.

#### **CROSS REFERENCES**

Teaching or demonstrating use of - see M.C.L.A. Sec. 750.528a

Arson - see M.C.L.A. Secs. 750.71 et seq.

Construction or possession of explosive devices - see M.C.L.A. Sec. 750.211a

Collection and disposal of flammable materials - see S.U. & P.S. 1060.01(c)

Explosive hazards - see P. & Z. 1298.03(i)

Fireworks - see F.P. 1610.05(BOCA F-3101.1 et seq.)

#### **696.01 HUNTING.**

(a) Definitions and Interpretations. All words and phrases used in this section shall be construed and have the same meaning

as such words and phrases are construed and defined in Act 159 of the Public Acts of 1967, as amended.

(b) Hunting With Firearms Prohibited. All hunting with firearms for animals, fowl, birds and wild game of any nature and kind in the Township is hereby prohibited.

#### **696.02 DISCHARGE OF FIREARMS.**

No person shall discharge any firearm or other instrument producing a like effect and noise within the Township, except in the lawful defense of his or her person or property, and except as may be otherwise permitted by law.

(Ord. 227-A-4. Passed 2-23-81.)

#### **696.03 POSSESSION AND CONCEALMENT OF DANGEROUS WEAPONS.**

(a) No person shall possess or have under his or her custody any instrument or weapon of the kind commonly known as a blackjack, slingshot, sand club, sandbag, switch-blade knife or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise expressly permitted by law.

(Ord. 227-A-4. Passed 2-23-81.)

(b) No person shall carry any knife, dirk, dagger or bayonet with a blade over three inches long, or carry a gun requiring a permit without such permit, or a gun concealed without a permit, or any other instrument so fashioned and designed that great bodily injury could be caused by the same concealed on or in his or her person or motor vehicle, without a license.

(Ord. 227-A-8. Passed 6-20-88.)

#### **696.04 RECKLESS USE OF WEAPONS.**

No person shall recklessly, heedlessly, willfully or wantonly use, carry, handle or discharge any firearm, knife, club, karate stick, B-B gun, bottle, rock or slingshot, without due caution and circumspection for the rights, safety or property of others.

(Ord. 227-A-4. Passed 2-23-81.)

#### **696.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **PART EIGHT – BUSINESS REGULATION AND TAXATION CODE**

### TITLE TWO - Business Regulations

- Chap. 804. Alcoholic Beverage Sales.
- Chap. 805. Prohibition of Recreational Marihuana Establishments.
- Chap. 806. Auto Wash Racks.
- Chap. 812. Cable Television.
- Chap. 814. Amusement Devices.
- Chap. 818. Drive-in Restaurants.
- Chap. 828. Temporary Outdoor Seating for Restaurants During Crisis Events.
- Chap. 838. Junk Yards and Automobile Wrecking Yards.
- Chap. 850. Massage Establishment.
- Chap. 856. Obscenity in Establishments Serving Alcoholic Beverages. (Repealed)
- Chap. 858. Pawnbrokers.
- Chap. 860. Pool Rooms and Billiard Halls.
- Chap. 862. Regulating and Licensing Precious Metal and Gem Dealers.
- Chap. 864. Surveillance Cameras Required for Certain Businesses.
- Chap. 866. Removal or Sale of Earth, Sand or Gravel.
- Chap. 880. Taxi cabs. (Repealed)
- Chap. 882. Commercial and Noncommercial Solicitors.
- Chap. 886. Vehicle Sales.
- Chap. 888. Gratiot Cruise Regulations.

### TITLE FOUR - Taxation

## TITLE TWO - Business Regulations

- Chap. 804. Alcoholic Beverage Sales.
- Chap. 805. Prohibition of Recreational Marijuana Establishments.
- Chap. 806. Auto Wash Racks.
- Chap. 812. Cable Television.
- Chap. 814. Amusement Devices.
- Chap. 818. Drive-in Restaurants.
- Chap. 828. Temporary Outdoor Seating for Restaurants During Crisis Events.
- Chap. 838. Junk Yards and Automobile Wrecking Yards.
- Chap. 850. Massage Establishment.
- Chap. 856. Obscenity in Establishments Serving Alcoholic Beverages. (Repealed)
- Chap. 858. Pawnbrokers.
- Chap. 860. Pool Rooms and Billiard Halls.
- Chap. 862. Regulating and Licensing Precious Metal and Gem Dealers.
- Chap. 864. Surveillance Cameras Required for Certain Businesses.
- Chap. 866. Removal or Sale of Earth, Sand or Gravel.
- Chap. 880. Taxi cabs. (Repealed)
- Chap. 882. Commercial and Noncommercial Solicitors.
- Chap. 886. Vehicle Sales.
- Chap. 888. Gratiot Cruise Regulations.

### CHAPTER 804

#### Alcoholic Beverage Sales

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EDITOR'S NOTE: This chapter was re-enacted in its entirety by Ordinance passed January 2, 2003, codified herein.

- 804.01 Purpose; compliance required.
- 804.02 Definitions.
- 804.03 Requirements and procedure for local approval required license or permit ("LAR License or Permit").
- 804.04 Requirements and procedure for local approval considered license or permit ("LAC License or Permit").
- 804.05 Fees.
- 804.06 Inspections.
- 804.07 Outdoor uses in connection with Class "C" liquor-licensed establishments.
- 804.99 Penalty.

#### **CROSS REFERENCES**

- DUI - see TRAF. 410.04(UTC Secs. 5.15 et seq., 10.34 et seq.)
- Sale of alcoholic beverages to minors - see GEN. OFF.608.01
- Use of alcoholic beverages on Metropolitan Parkway - see GEN. OFF.656.05
- Alcoholic beverages in drive-in restaurants - see B.R. & T.818.09
- Use of alcoholic beverages in massage parlors - see B.R. & T.850.09
- Alcoholic beverages in parks - see S.U. & P.S.1062.05(a)

#### **804.01 PURPOSE; COMPLIANCE REQUIRED.**

This chapter is established in order to provide for and promote an orderly procedure for the review, consideration and action by the Charter Township of Clinton upon licenses, permits and other activities, as authorized and permitted, pursuant to State law regulating alcoholic beverages, including, but not limited to processes for the issuance, transfer and renewal of licenses and permits, adding or deleting ownership, transfer of location and other matters involving the sale, dispensation or use of alcoholic beverages within the Charter Township of Clinton. All persons shall strictly comply with the provisions of this chapter.

(Ord. Unno. Passed 1-2-03; Ord. 449. Passed 2-4-19.)

#### **804.02 DEFINITIONS.**

As used in this chapter:

(a) "Alcoholic beverages" shall mean any intoxicating beverage or sale or dispensation which is subject to licensure by the laws of the State of Michigan.

(b) "Person" shall mean any person or legal entity of whatsoever kind or nature.

(c) "Local Approval Considered License or Permit" ("LAC License or Permit") shall mean a license or permit authorized to be issued in conformity with the regulation of alcoholic beverages by the State of Michigan where local legislative bodies opinions are required to be considered by the State in connection with action taken on an application involving a proposed or new license, existing license, proposed or new permit, or existing permit which is subject to regulation by the State, including by illustration only presently licenses and permits such as dance entertainment and other licenses and permits, transfers of ownership of existing Class C hotels SDD, SDM, brew pubs, distilleries, microbreweries and any other type of license or permit where local legislative body opinions are required to be considered.

(d) "Local Approval Required License or Permit" ("LAR License or Permit") shall refer to a license or permit authorized for issuance under State law which pursuant to State law as then existing requires local legislative body approval. At the time of introduction and adoption of this Chapter by way of illustration, not limitation, such licenses or permits would include Class C licenses of the various types, hotel licenses, brew pubs, distilleries and microbreweries.

(Ord. Unno. Passed 1-2-03; Ord. 449. Passed 2-4-19.)

#### **804.03 REQUIREMENTS AND PROCEDURE FOR LOCAL APPROVAL REQUIRED LICENSE OR PERMIT ("LAR LICENSE OR PERMIT").**

(a) Application. Any person desiring a Local Approval Required License or Permit ("LAR License or Permit") shall fully complete an application upon a form prescribed by the Charter Township of Clinton which shall include at minimum the following information:

- (1) Name and address of applicant, including email address and phone number and all such addresses for the previous ten years;
- (2) Type of LAR License or Permit requested;
- (3) Address and legal description of subject property;
- (4) Educational background of the applicant and any individual having any ownership interest or management responsibilities for the applicant;
- (5) Employment history of the applicant for the previous 20 years and any person having ownership interest or management responsibilities for the applicant;
- (6) Previous liquor licensed establishment experience for the applicant and any person having ownership interest or management responsibility for the applicant;
- (7) Any criminal charges or convictions involving the applicant or any person having ownership interest or management responsibilities for the applicant and the status of the charges, if any, pending;
- (8) Any civil actions and/or judgments involving the applicant or any person having ownership interest or management responsibilities for the applicant for the last 15 years, as well as the caption and outcome of any litigation in which the applicant was a party for the last 15 years;
- (9) Credit history over the previous ten years and any history of bankruptcy associated with the applicant and any person having ownership interest or management responsibilities for the applicant;
- (10) The source of all funding, including verification through furnishing bank records;
- (11) Detailed, scaled plans, sealed and signed by a licensed Michigan engineer architect for any new construction or modification to the existing premises, including where modifications effecting the exterior of the premises, a site plan, floor plan, elevation plan, interior rendering showing materials and furnishings and where exterior modifications are shown, a landscape plan. Such interior and exterior plans shall be marked "License Application Plans;"

(12) Detailed summary of existing or proposed employees, including job descriptions, names, addresses, birth dates of any employees, if known, employment history, lchat criminal history, and information regarding litigation, if any, for the past 10 years.

(b) Tentative Approval. The Board of Trustees, upon recommendation of the Police Department shall consider the application. The Board may consult with other departments regarding the status and completion of improvements. The Board may grant or deny tentative approval. Reasonable conditions shall be met, including the substantial completion of improvements, conformity with ordinances in a reasonable and timely manner, prior to consideration and a determination of final approval or denial for issuance of a license.

(c) Final Approval. Upon request of the applicant having received tentative approval, and the substantial completion of improvements represented in connection with an application for a LAR License or Permit, final approval shall be considered by the Board of Trustees of the Charter Township of Clinton, provided all of the representations of tentative approval have been fulfilled as determined by the Board of Trustees of the Charter Township of Clinton. After final approval and up until actual issuance of a license or permit by the Liquor Control Commission of the State of Michigan, the Township Board may rescind final approval in the event any of the following occurs:

- (1) Any misrepresentations or inaccuracies on the application or plans;
- (2) Failure to timely commence and complete construction or improvements as presented to or to comply with plans for construction and improvements as presented, unless such plan changes have been expressly authorized and approved by the Board of Trustees;
- (3) Conviction of any felony or any misdemeanor involving alcohol, drugs, or fraud or violence; or
- (4) The commencement of bankruptcy proceedings or creditor's rights proceedings.

(Ord. Unno. Passed 1-2-03; Ord. 449. Passed 2-4-19.)

#### **804.04 REQUIREMENTS AND PROCEDURE FOR LOCAL APPROVAL CONSIDERED LICENSE OR PERMIT ("LAC" LICENSE OR PERMIT).**

(a) The transfer and relocating of licenses and the issuance of permits which are Local Approval Considered License or Permit shall follow the same procedure as set forth for LAR License or Permit, except that the Board of Trustees shall consider and issue final approval only, not tentative approval. Where no modifications to the premises as currently existing is proposed, plans need not be submitted. Where permits are requested, such as dance entertainment, outdoor permits and other permits which may involve greater vehicular or pedestrian traffic, noise and vibration to surrounding properties and other aspects impacting surrounding properties, additional information may be requested, as well as reviews by various Township departments.

(b) In all cases, the applicant shall forthwith provide information in a timely fashion such that timely recommendation can be furnished to the State so that a timely and full consideration of input from the Township occurs by the State body. To the extent information is not submitted timely or incomplete to allow for a complete evaluation, a recommendation of denial for the requested action may occur.

(Ord. 449. Passed 2-4-19.)

#### **804.05 FEES.**

Fees shall be established by resolution of the Board of Trustees periodically and incorporated into the fee schedule ordinance. All fees are payable to the Township upon application in full and are non-refundable. Existing fees, as set forth at the time of adoption shall remain in effect, unless and until further change by resolution.

(Ord. Unno. Passed 1-2-03; Ord. 449. Passed 2-4-19.)

#### **804.06 INSPECTIONS.**

(a) The Clinton Township Police Department shall inspect periodically all liquor establishments in Clinton Township, Macomb County, Michigan, licenses under the Liquor Control Act of the State of Michigan and report the results periodically to the Township Board and, where appropriate under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission, for appropriate proceedings against the violator.

(b) Members of the Police Department shall carry an appropriate card issued by the Police Chief or Township Clerk, clearly identifying them as members of the Clinton Township Police Department and, as such, a Liquor Control Inspector, and they shall present said cards to the owner or manager of every place inspected by them, when making an inspection upon demand for identification by such owner or manager.

(c) Members of the Clinton Township Police Department shall have the right to inspect any place in the Township where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed or transported, or where the member suspects the same is being thus manufactured, sold, offered for sale, kept for sale, possessed or transported. Whenever possible, all inspection reports shall be made on liquor law inspection forms furnished by the Michigan Liquor Control Commission or on similar forms otherwise obtained by the Clinton Township Police Department and approved by the Michigan Liquor Control Commission.

(Ord. Unno. Passed 1-2-03.)

#### **804.07 OUTDOOR USES IN CONNECTION WITH CLASS "C" LIQUOR- LICENSES ESTABLISHMENTS.**

(a) Purpose. The purpose of this section is to regulate outdoor uses in connection with Class "C" liquor-licensed establishments in order to provide for the health, safety and welfare of the citizens of the Charter Township of Clinton, including, but not limited to, the protection of patrons of Class "C" liquor-licensed establishments, the avoidance of blight upon surrounding properties, the preservation of harmonious, aesthetic appearances, and the elimination of conditions interfering with the peaceful enjoyment of surrounding properties.

(b) Definitions. As used in this section:

(1) "Deck" means any structure which is constructed primarily of wooden materials and which is attached to and immediately abutting, for the entire perimeter on at least one side, the principal structure in which the Class "C" liquor-licensed establishment is situated. The term "deck" shall include any structure which is not fully enclosed upon all sides at all times during use, including what

are commonly known as either screened or open porches.

(2) "Patio" means any structure consisting primarily of materials other than wood, which, upon the entire perimeter on one side, is attached to and immediately abutting the structure in which the Class "C" liquor-licensed establishment is located. The term "patio" shall include any structure as previously described which is not fully enclosed upon all sides at all times during use, including, but not limited to, both open and screened porches.

(3) "Tent" means any temporary-style structure consisting of a frame and/or poles and a cloth-like material covering which is attached to and immediately abutting, along the entire perimeter on one side, the structure which is the Class "C" liquor-licensed establishment is located.

(c) Permitted Outdoor Areas. Service and consumption of alcoholic beverages and the permitted areas for patron assembly shall be confined to the permanent, fully approved structure primarily housing the Class "C" liquor-licensed premises and decks, patios and tents, in compliance with the provisions of this section and other Township ordinances, and for which an approved permit has been issued.

(d) Michigan Liquor Control Commission Approval; Conflict with Michigan Liquor

Control Commission Regulations. All license applicants shall fully comply with all laws, rules and regulations of the Michigan Liquor Control Commission and shall procure all permits required by the Commission. Any validly issued Michigan Liquor Control Commission law, regulation or order shall be held to prevail over any conflicting provision of this section.

(e) Permit Required; Application; Issuance. Application forms, as prescribed by the office of the Township Clerk shall be fully completed and returned to the Township Clerk, and a permit shall be issued prior to the construction and/or use of any deck, patio or tent.

(f) Permit Fee. A non-refundable application fee of three hundred dollars (\$300.00) shall be paid. This fee shall be subject to modification by resolution of the Township Board, effective upon publication of any change in fees. The initial application fee is hereby established at three hundred dollars (\$300.00).

(g) Permit Application Site Plan. A site plan shall be submitted, which shall include the following:

(1) A scale of not less than one inch equals 50 feet.

(2) The date, north point and scale.

(3) Dimensions of all lot lines and property lines showing the relationship of the subject property to abutting properties and describing and identifying all structures and their uses within 300 feet of the proposed deck, patio or tent. A note describing the location and distance of the nearest residential area should be set forth.

(4) The locations, the dimensions and the nature of the uses of all existing and proposed structures on the subject property.

(5) Existing site features, including, but not limited to, trees, drains, parking, trash receptacles, lighting and utility poles and lines.

(6) An area map or vicinity sketch showing the general location of the site in relation to section lines or thoroughfare intersections and identifying residential areas.

(7) The name, address and telephone number of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.

(8) The existing location of all drives and parking area.

(9) The location of any and all sidewalks and road right of ways.

(10) Scale drawings and dimensions for any and all easements, situated within 30 feet of the proposed deck, patio or tent, including a description of the nature of the easement.

(h) Application Review and Approval by Department Heads. The Fire Chief or his or her designee, the Police Chief or his or her designee, the Director of Planning and Community Development or his or her designee, the Superintendent of Public Works or his or her designee, and the Superintendent of Building or his or her designee, shall review and approve the permit application.

(i) Capacity of Facilities. Each proposed deck, patio or tent shall be rated for capacity by the Fire Chief or his or her designee, which capacity shall not be exceeded. The capacity in no instance shall be in excess of 25 percent of the rated capacity for the permanent structure. Portions of the permanent structure shall be closed for patron use proportional to the increased capacity resulting from the deck, patio or tent. A sufficient number of signs shall be placed in the area closed for use to reasonably alert patrons that the area is closed while the deck, patio or tent is being used.

(j) Maximum Floor Area for Decks, Patios and Tents. No deck, patio or tent, or combination thereof, shall be permitted which exceeds 25 percent of the gross floor area of the fully enclosed permanent structure in which the Class "C" liquor-licensed premises are located.

(k) Height Restrictions. No deck or patio or attachment or appurtenance thereof shall exceed a height of one story. No floor area in any deck or patio shall be located other than equal to or less than the elevation of the lowest floor elevation for the first floor situated in the permanent structure in which the Class "C" liquor-licensed establishment is situated. No tent shall be located with a ground level other than at the grade level for the site. No attachment or appurtenance shall exceed one and one-half stories in height at its highest point.

(l) Pictorial or Written Representations. No deck, patio or tent shall include, incorporate or have attached to it any photographic representations, emblems, signs, or any form of pictorial or written communication.

- (m) Flags, Balloons and Banners. No flag, balloon, banner or other similar attachment shall be affixed to any deck, patio or tent.
- (n) Parking. Adequate parking for rated occupancy, providing one space for each 35 square feet of gross floor area for the deck, patio or tent, shall be provided.
- (o) Proximity to Residential Property. No deck, patio or tent shall be permitted within 750 feet of residentially zoned property or property currently used for residential purposes, as measured from a point nearest to the residential use.
- (p) Proximity to Vehicle Area. There shall be a minimum of 20 feet between any deck, patio or tent and any hard-surface areas, maneuvering lanes, and service drives.
- (q) Noise Levels. Noise levels at all times, as measured at any of the property perimeters, shall not exceed 70 decibels for any sustained period of two minutes or more. Noise levels shall not exceed 85 decibels, at any property perimeter at any time for any period of time.
- (r) Entertainment; Music. Live entertainment and the playing of music shall only be permitted from 12:00 noon to 10:00 p.m.
- (s) Fire Ratings. All decks, patios and tents, and their materials and appurtenances, shall conform fully to all applicable fire codes and any regulations issued by the Fire Chief or the Township Board.
- (t) Windstorm Resistance. All decks, patios and tents, and any attachments or appurtenances thereof, shall be certified, either through manufacturer specifications or the opinion of a licensed architect or engineer, with seal attached, to be suitable for withstanding winds of up to 100 miles per hour, as constructed.
- (u) Vehicle and Site Access. No deck, patio or tent shall be located so as to interfere with the ingress and egress of emergency vehicles, including, but not limited to, fire apparatus, sanitation vehicles for refuse pick-up and vehicles in parking lot areas, reasonably avoiding vehicles and pedestrian interaction.
- (v) Size; Ingress and Egress. All decks, patios and tents shall have a sufficient size and number of locations for ingress and egress as determined by the Building Department, the Fire Department, and the Police Department.
- (w) Use During Weather Advisories and Inclement Weather. No deck, patio or tent shall be used during any tornado watch, tornado warning or thunderstorm warning, as reported by the National Weather Service, nor shall the same be occupied during any thunderstorm or period of excessive winds.
- (x) Board Approval Required; Standards for Approval. All applications shall be reviewed and approved or denied by the Township Board. The Township Board may request recommendations from Township departments. The applicant shall have the opportunity to be present, to present information and to be heard by the Township Board in connection with a review of the application by the Township Board. The Township Board may issue reasonable conditions and restrictions, in addition to those set forth in this section, which shall be considered as minimum requirements. In acting upon a request for a permit, the following information and standards shall apply:
- (1) Compliance with fire codes, building codes and other laws and ordinances of the Township.
  - (2) The amount and nature of recorded police calls, within the preceding 12 month period during ownership by the current liquor licensee.
  - (3) The nature of the anticipated use of the deck, patio or tent, including anticipated crowd size, the provisions of entertainment and the anticipated noise levels associated with music to be played or entertainment to be provided.
  - (4) Whether the safety and convenience of vehicular and pedestrian traffic within the site and in relation to the access thoroughfares are likely to be maintained.
  - (5) Whether a satisfactory and harmonious relationship is likely to be maintained between the proposed site and existing and prospective development of contiguous land and adjacent neighborhoods.
  - (6) Whether noise, light, odors and/or visual appearance from the proposed deck, patio or tent are likely to have a detrimental effect upon the quiet and peaceful enjoyment of surrounding properties or upon their value or the likelihood of development.
  - (7) Whether the health, safety and welfare of the residents of the Charter Township of Clinton are furthered by the proposed deck, patio or tent.
- (y) Variations. Variations shall be permitted from the minimum requirements of this section by the Township Board upon application and a demonstration of undue hardship, practical difficulty and the fact that the proposed variance will not have a deleterious effect on the public health, safety and welfare. Variance applications must be separately made and a fee in the amount of fifty dollars (\$50.00), or as established by Township Board resolution and published in a newspaper of general circulation, shall be paid.
- (z) Revocation and Suspension of Permits. Upon notice to the permit holder, and following a hearing before the Township Board, any permit issued under this section may be revoked or suspended or may have additional conditions or restrictions added thereto. Reasons for action by the Township Board shall include, but are not limited to, violations of this section or other Township ordinances, the existence of conditions meriting action upon the application of standards set forth in divisions (x)(4) to (7) of this section, or upon the recommendation of the Police or Fire Department, as a result of public health, safety, and welfare concerns.
- (aa) Pre-Existing Decks, Patios and Tents. Any pre-existing decks, patios, tents, or other area for outdoor service of alcoholic beverages shall be abated in use or modified to comply with all terms of this section, and an appropriate application and permit shall be procured within six months from the date of adoption of this section. Such structures and uses shall be permitted as pre-existing only if a building permit and other appropriate permits, including electrical and/or plumbing permits, are shown to pre-exist on the effective date of this section.



(bb) Nuisances Per Se. Any person, including, but not limited to, a natural person, a corporation, a partnership or other liquor licensee, or any person in charge of such premises, who causes or permits any violation of this section shall be deemed as permitting a nuisance per se. The costs of an action to abate such nuisance, including actual attorney fees, shall be recoverable by the Township.

(Ord. Unno. Passed 1-2-03.)

#### **804.99 PENALTY.**

Violation of this chapter shall be a misdemeanor punishable pursuant to Section 202.99.

(Ord. Unno. Passed 1-2-03.)

## **CHAPTER 805**

### **Prohibition of Recreational Marihuana Establishments**

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805.01 Citation for ordinance.

805.02 Definitions.

805.03 Prohibition of recreational marihuana establishments.

805.99 Penalties.

#### **805.01 CITATION FOR ORDINANCE.**

This chapter shall be known and may be cited as the Charter Township of Clinton Prohibition of Recreational Marihuana Establishments chapter.

(Ord. 455. Passed 4-22-19.)

#### **805.02 DEFINITIONS.**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, M.C.L.A. 333.27951, et seq, as maybe amended.

(Ord. 455. Passed 4-22-19.)

#### **805.03 PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS.**

The Charter Township of Clinton hereby prohibits all recreational marihuana establishments within the boundaries of the township pursuant to Initiated Law 1 of 2018, M.C.L.A. 333.27951, et seq, as may be amended.

(Ord. 455. Passed 4-22-19.)

#### **805.99 PENALTIES.**

Any person who disobeys, neglects or refuses to comply with any provision of this chapter, or causes or allows or consents to any of the same shall be deemed to be responsible for the violation of this chapter. The violation of this chapter is deemed to be a nuisance per se.

A violation of this chapter is a municipal civil infraction, for which the fine shall not be less than \$100, and no more than \$500, 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, violators shall pay costs which may include all expenses, direct and indirect, which the township incurs in connection with the municipal civil infraction.

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

In addition, the township may seek injunctive relief against persons alleged to be in violation of this chapter, and such other relief as may be provided by law.

(Ord. 455. Passed 4-22-19.)

## **CHAPTER 806**

### **Auto Wash Racks**

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806.01 Auto wash rack and motor vehicle laundry defined.

806.02 License required; application; issuance; effective period; transfers.

- 806.03 Duties of owners and operators.
- 806.04 Unlawful acts of persons on premises.
- 806.05 Hours of operation.
- 806.06 Revocation of license.
- 806.99 Penalty.

### **CROSS REFERENCES**

Ordinances regulating licensing - see Michigan Charter Township Act (Act 359 of 1947)

Motor vehicle service and repairs - see M.C.L.A. Secs. 257.1301 et seq.

Filling stations in residential districts - see M.C.L.A. Sec. 750.501

### **806.01 AUTO WASH RACK AND MOTOR VEHICLE LAUNDRY DEFINED.**

"Auto wash rack" and "motor vehicle laundry" are hereby defined to be a business establishment in which the principal operation of such business is the cleaning and washing of automobiles and/or motor vehicles of any type or description, including, but not limited to, such business where facilities are provided for coin-operated or self-service washing or cleaning of motor vehicles.

(Ord. 193. Passed 9-22-65.)

### **806.02 LICENSE REQUIRED; APPLICATION; ISSUANCE; EFFECTIVE PERIOD; TRANSFERS.**

(a) No person, firm or corporation shall operate or engage in the auto wash rack or motor vehicle laundry business within the Township of Clinton, Macomb County, Michigan, without a license as herein provided. A separate license shall be required for each such business location. The Township Clerk is hereby authorized to issue a license upon submission by the applicant of a written application on forms to be provided by the Township Clerk and upon compliance by the applicant with the following requirements:

(1) The application shall be accompanied by written detailed plans showing the layout of land to be used, the location of any and all structures erected or to be erected thereon, drainage, and driveways for ingress and egress. The Township Clerk shall submit all such plans to the Township Engineer for his or her approval prior to granting of the license.

(2) The application shall be accompanied by a brief written statement of the method of operation of such business including whether or not it will be attended during business hours by the owner or some person on his or her behalf.

(3) The application shall be accompanied by payment of an annual license fee in the amount of twenty-five dollars (\$25.00).

(b) All licenses issued under this chapter shall be for a period of one year expiring on December 31 of each year. The Township Clerk is hereby authorized to issue a renewal license upon expiration of the initial license upon written application on forms to be provided by the Township Clerk accompanied by a renewal license fee as provided in the fee schedule, and a determination by the Township Clerk that the applicant is fully complying with all of the provisions of this chapter, and other ordinances of the Township. No license may be transferred, except upon written application upon forms furnished by the Township Clerk and payment of a transfer fee as provided in the fee schedule, and in completion by the transferee of information in an initial application. Prior to such transfer, the Township Clerk shall determine whether the business is complying with the provisions of this chapter, and no transfer shall occur until full compliance.

(Ord. 193. Passed 9-22-65; Ord. 447. Passed 1-14-19.)

### **806.03 DUTIES OF OWNERS AND OPERATORS.**

It shall be the duty of the owner and/or operator of any auto wash rack or motor vehicle laundry to:

(a) Keep the premises of such business in a neat and clean condition and free of debris and litter of all types and kinds.

(b) Prevent any loud or boisterous noises from the premises of such business, including, but not limited to, such noises by persons congregating thereon or by the playing of recording instruments, radios and/or television sets or other sound-reproducing equipment, including automobile horns.

(c) Prevent any rowdiness or loitering on such premises and otherwise maintain peace, order and safety on such premises.

(d) Prevent any unnecessary racing of motor vehicle engines and operation of any motor vehicle in a dangerous or unnecessarily loud manner, including, but not limited to, screeching of tires and circling or driving around such business premises except for the purpose of ingress and egress.

(e) Prevent the consumption of any beer, wine or other alcoholic beverages on such premises, except as an incident of retail sale of such beverages pursuant to proper license for such sale by the Michigan Liquor Control Commission.

(f) Post in a conspicuous place on the premises a summary of the provisions of Section 806.04.

(Ord. 193. Passed 9-22-65.)

### **806.04 UNLAWFUL ACTS OF PERSONS ON SUCH PREMISES.**

It shall be unlawful for any patron or other person on the premises of such business to:

(a) Deposit or place thereon any debris or litter except in such containers as may be provided thereon for the collection of such materials.

(b) Loiter or engage in any boisterous conduct or otherwise cause any unnecessary or loud noise on such business premises, including, but not limited to, the playing of recording instruments, radios and/or television sets or other sound reproducing equipment, and the blowing of automobile horns except when necessary in the interest of safety of any person thereon.

(c) Cause the unnecessary racing of a motor vehicle engine or any other unnecessary noise resulting from the operation of a motor vehicle, including, but not limited to, the screeching of tires and circling or driving around the premises except for the purpose of ingress thereto and egress therefrom.

(d) Consume any beer, wine or other alcoholic beverage or have in his or her possession any open bottle, can or receptacle containing such beverage. Further, no person under the full age of twenty-one years shall be in possession and/or control of any such alcoholic beverage in any motor vehicle or other place on such premises unless such person is employed by a licensee of the Michigan Liquor Control Commission and such possession and/or control is in the course of his or her regular employment.

(e) Engage in any other act or conduct which causes or tends to cause unnecessary noise or disturbs the public peace, safety and welfare.

(Ord. 193. Passed 9-22-65.)

#### **806.05 HOURS OF OPERATION.**

No auto wash rack or motor vehicle laundry, as defined in Section 806.01, excluding coin-operated or self-service washing or cleaning facilities, shall be open for business or otherwise operate between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(Ord. 319. Passed 12-22-97.)

#### **806.06 REVOCATION OF LICENSE.**

Any license issued under this chapter may be revoked by the Township Board in its discretion upon proof of conviction of the licensee for any violation of this chapter.

(Ord. 193. Passed 9-22-65.)

#### **806.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 812**

### **Cable Television**

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812.01 Purpose.

812.02 Definitions.

812.03 Undefined words or terms.

812.04 Adoption of FCC Rules and Regulations; certification of Township as franchising authority.

812.05 Designation of Township Board as franchising authority.

812.06 Regulated cable operators.

812.07 Submission of existing rate schedules.

812.08 Review of existing rates.

812.09 Regulation of rate increases.

812.10 Review of rate increases.

812.11 Tolling order.

812.12 Public hearing; reports.

812.13 Notice of public hearing.

812.14 Decision on review of existing rates or proposed rate increases.

812.15 Determination of refund; notice of hearing; orders.

812.16 Notice of franchising authority decisions.

812.17 Proprietary information.

- 812.18 Adoption of additional rules and regulations.
- 812.19 Effect of failure to give notice.
- 812.20 Additional hearings.
- 812.21 Additional powers of Township.
- 812.22 Failure to comply; remedies.
- 812.99 Penalty.

### **CROSS REFERENCES**

Encroachments on highways and roads - see M.C.L.A. Secs. 247.1 et seq.

Construction and maintenance of facilities - see M.C.L.A. Secs. 247.183 et seq.

Television and radio generally - see M.C.L.A. Secs. 484.301 et seq., 750.507 et seq.

Cable improperly located; insurance - see M.C.L.A. Sec. 500.3123

Communication Committee - see ADM.Ch. 283

Installation of utilities in subdivisions - see P. & Z.1246.02, 1248.07(b)

Telecommunication systems and services - see B. & H.Ch. 1494

### **812.01 PURPOSE.**

The purpose of this chapter is to regulate rates for cable television, basic service and associated equipment through the adoption of regulations consistent with the provisions of the Federal Communications Act of 1934, as amended, including the Cable Television Consumer Protection and Competition Act of 1992, Public Law 102-385, and the Federal Communication Commission (FCC) Rules and Regulations promulgated pursuant thereto, and to provide procedures applicable to rate regulation which offer a reasonable opportunity for comment by interested parties.

(Ord. 300. Passed 2-7-94.)

### **812.02 DEFINITIONS.**

As used in this chapter:

(a) "Act" means the Federal Communications Act of 1934, as amended, specifically including the amendments contained in the Cable Television Consumer Protection and Competition Act of 1992, Public Law 102-385.

(b) "Associated equipment" means all equipment and services subject to regulation pursuant to 47 CFR 76.923. Said equipment and services are those used by the subscriber to receive basic service cable programming, regardless of whether such equipment and services are also used to receive other tiers of regulated programming service and/or unregulated tiers of programming service. "Associated equipment" includes, but is not limited to:

- (1) Converter boxes;
- (2) Remote control units;
- (3) Connections for additional television receivers; and
- (4) Other cable home wiring.

(c) "Basic service" means the level or tier of cable television programming which includes, at a minimum, all signals of domestic television broadcast stations provided to any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system), public, educational and/or governmental programming required by the franchising authority to be carried as a basic service and any additional video programming signals added to the basic service by the regulated cable operator.

(d) "Existing rates" means the rates for basic service and associated equipment charged by a regulated cable operator on the initial date of regulation by the franchising authority.

(e) "FCC" means the United States Federal Communications Commission.

(f) "FCC Rules and Regulations" means any and all rules and regulations which the FCC promulgates and/or adopts pursuant to the Act.

(g) "Franchising authority" means the Township Board of the Charter Township of Clinton.

(h) "Rate increase" means an increase in rates for basic service and/or associated equipment, including, among others, increases in rates that are the result of reductions in programming provided under the basic service.

(i) "Regulated cable operator" means any operator of a cable television system that is subject to regulation by a certified franchising authority.

(j) "Township" means the Charter Township of Clinton, Macomb County, Michigan.

(Ord. 300. Passed 2-7-94.)

### **812.03 UNDEFINED WORDS OR TERMS.**

Any word or term which is not specifically defined in Section 812.02 shall be given its normal, ordinary meaning, provided that any word or term which is used in this chapter and which is not specifically defined in Section 812.02, but is defined in the FCC Rules and Regulations, shall have the meaning given to such word or term in the FCC Rules and Regulations.

(Ord. 300. Passed 2-7-94.)

### **812.04 ADOPTION OF FCC RULES AND REGULATIONS; CERTIFICATION OF TOWNSHIP AS FRANCHISING AUTHORITY.**

(a) The Township hereby adopts all Rules and Regulations regarding basic service rates and associated equipment rates which the FCC promulgates pursuant to the Act, and makes said Rules and Regulations part of this chapter.

(b) The Township has submitted an application to the FCC for certification as a cable franchising authority pursuant to the Act. Upon certification as a cable franchising authority, the Township shall regulate the basic service rates and associated equipment rates in compliance with the Act, the FCC Rules and Regulations and this chapter.

(c) Upon receiving its certification, the franchising authority shall send written notice of its certification and notice that it has adopted the required regulations, return receipt requested, to all regulated cable operators within the Township. The date upon which the franchising authority gives this notice is the initial date of regulation.

(Ord. 300. Passed 2-7-94.)

### **812.05 DESIGNATION OF TOWNSHIP BOARD AS FRANCHISING AUTHORITY.**

Effective upon certification of the Township as a cable franchising authority, the Township Board is hereby designated as the cable franchising authority for the Township and shall execute the powers, duties and responsibilities given to the cable franchising authority in this chapter, the Act and the FCC Rules and Regulations.

(Ord. 300. Passed 2-7-94.)

### **812.06 REGULATED CABLE OPERATORS.**

(a) A regulated cable operator shall comply with all duties and obligations imposed upon a regulated cable operator by the Act, FCC Rules and Regulations and this chapter.

(b) A regulated cable operator has the burden of proving that its submitted existing rates or a proposed rate increase complies with the Act and FCC Rules and Regulations, including, without limitation, 47 USC Section 543 and 47 CFR 76.922 and 76.923.

(Ord. 300. Passed 2-7-94.)

### **812.07 SUBMISSION OF EXISTING RATE SCHEDULES.**

(a) Within thirty days of receiving the notice provided for in Section 812.04(c), a regulated cable operator shall submit an original and ten copies of a written schedule of the regulated cable operator's existing rates to the franchising authority. Said schedules shall be addressed in care of the Township Clerk.

(b) The rate schedule shall contain a detailed statement explaining whether the regulated cable operator's existing rates comply with existing FCC Rules and Regulations for basic service rates and associated equipment rates.

(c) Upon receipt of the existing basic service rate and associated equipment rate schedule, the Township Clerk shall provide the schedule to the franchising authority within seven days.

(Ord. 300. Passed 2-7-94.)

### **812.08 REVIEW OF EXISTING RATES.**

(a) Unless the time for conducting the public hearing and entering a decision is extended by the issuance of a tolling order by the franchising authority, pursuant to Section 812.11, the franchising authority shall hold a public hearing on the existing rate schedule, which the regulated cable operator submitted to the franchising authority, and enter a decision on said schedule within thirty days of the date the Township Clerk received the schedule. If the time for conducting the public hearing is extended pursuant to Section 812.11, a public hearing shall be held and a decision rendered before the extended time period expires.

(b) The existing rates, identified in the submitted schedule of rates, shall go into effect thirty days from the date of the Township Clerk's receipt of the schedule, unless the franchising authority disapproves of the rate or extends the time period for conducting the review of existing rates, pursuant to Section 812.11.

(c) If the franchising authority fails to act on the submitted existing rates by the end of the respective tolling period, then the rates shall remain in effect. If the franchising authority subsequently disapproves of any portion of said rates, refunds may not be ordered, unless a brief written order is issued by the franchising authority before the end of the respective tolling period, directing the regulated cable operator to keep an accurate accounting of all its customers and the amounts paid by each as a result of said rates.

(Ord. 300. Passed 2-7-94.)

### **812.09 REGULATION OF RATE INCREASES.**

(a) The regulated cable operator cannot institute a rate increase charged to its subscribers, unless the regulated cable operator complies with the Act, FCC Rules and Regulations and this chapter.

(b) A regulated cable operator which proposes a rate increase must submit at least ten copies of the proposed rate increase request to the franchising authority, in care of the Township Clerk.

(Ord. 300. Passed 2-7-94.)

#### **812.10 REVIEW OF RATE INCREASES.**

(a) Unless the time for conducting the public hearing and entering a decision is extended by the issuance of a tolling order by the franchising authority, pursuant to Section 812.11, the franchising authority shall conduct a public hearing and render a decision upon the regulated cable operator's proposed rate increase request within thirty days of the Township Clerk's receipt of a proposed rate increase request. If the time for holding the public hearing is extended, pursuant to Section 812.11, the public hearing shall be held and a decision rendered before the extended time period expires.

(b) A proposed rate increase requested by a regulated cable operator shall become effective after thirty days have elapsed from the date the Township Clerk received the proposed rate increase request, unless the franchising authority disapproves of the proposed rate increase or extends the time period for conducting the review of the proposed rate increase, pursuant to Section 812.11.

(c) If the franchising authority allows rate increases to go into effect at the end of the respective tolling period through inaction, and then subsequently disapproves of any portion of such rates, then refunds may not be ordered, unless a brief written order is issued by the franchising authority before the end of the respective tolling period, directing the regulated cable operator to keep an accurate accounting of all of its customers and the amounts paid by each as a result of said rates.

(Ord. 300. Passed 2-7-94.)

#### **812.11 TOLLING ORDER.**

(a) If the franchising authority is unable to determine, based upon the material submitted by the regulated cable operator, that the existing rates or proposed rate increases are reasonable, or if the regulated cable operator has submitted a cost of service showing, then the franchising authority may toll the thirty-day deadline for an additional ninety days in cases not involving cost of service showings, or for an additional 150 days in cases involving cost of service showings.

(b) In order for the franchising authority to toll the thirty-day period pursuant to this section, the franchising authority shall issue an order explaining that additional time and/or information is necessary in order for the franchising authority to act upon the existing rates or the proposed rate increase. Said order must be in writing, by resolution adopted within said thirty-day period.

(c) The franchising authority shall send a copy of the tolling order to the regulated cable operator by first class mail within seven days after the effective date of the decision.

(Ord. 300. Passed 2-7-94.)

#### **812.12 PUBLIC HEARING; REPORTS.**

(a) During the public hearing on the review of a regulated cable operator's existing rates, or on review of a proposed rate increase, the franchising authority shall provide the regulated cable operator and all other interested persons with the opportunity to comment on the rates either in person, in writing or by agent.

(b) The franchising authority may conduct as many public hearings as necessary to carry out the provisions of this Act, FCC Rules and Regulations and this chapter.

(c) If the franchising authority deems it necessary, either prior to or following a public hearing, the franchising authority may direct the preparation of a written report for the franchising authority. This report may contain a recommendation to the franchising authority for its decision on the review of the existing rate schedule or proposed rate request submitted by a regulated cable operator. This recommendation shall also summarize and be based upon the schedule or request submitted by the regulated cable operator, comments on or objections to the schedule or request which the franchising authority received from the regulated cable operator, additional information received from the regulated cable operator, information which the franchising authority received from a consultant, its staff or its attorney, and any other information which the franchising authority deems appropriate.

(d) The franchising authority shall send, by first class mail, a copy of any report to the regulated cable operator prior to the franchising authority's consideration of the report at a public hearing.

(Ord. 300. Passed 2-7-94.)

#### **812.13 NOTICE OF PUBLIC HEARING.**

(a) Not less than seven days before the date of the public hearing, the franchising authority shall send a written notice of the date, time and location of the public hearing to the regulated cable operator which submitted the existing rates or proposed rate increase for review. Said notice is to be sent to the regulated cable operator by first class mail.

(b) The franchising authority shall cause to be published, in a qualified newspaper of general circulation within the Township, a notice of the public hearing on the existing rate schedule or proposed rate increase request no less than seven days before the public hearing. Said notice shall:

(1) State that a regulated cable operator has submitted the existing rate schedule or the proposed rate increase request to the

franchising authority for review, pursuant to this chapter;

(2) State the location and times at which the public may examine the submitted schedule of existing rates or the proposed rate increase request;

(3) State the date, time and location at which the franchising authority will conduct the public hearing; and

(4) State that all interested persons shall have an opportunity to comment on the rates at the public hearing, and/or to submit written comments on or before the date of the public hearing, to the franchising authority.

(Ord. 300. Passed 2-7-94.)

#### **812.14 DECISION ON REVIEW OF EXISTING RATES OR PROPOSED RATE INCREASES.**

The franchising authority shall issue a written order, supported by its reasons, by a resolution which:

(a) Approves the regulated cable operator's existing rate or proposed rate increase;

(b) Disapproves the regulated cable operator's existing rate or proposed rate increase;

(c) Approves, in part, and disapproves, in part, the regulated cable operator's existing rate or proposed rate increase;

(d) Orders a rate reduction;

(e) Prescribes a reasonable rate;

(f) Determines that a refund hearing should be held pursuant to Section 812.15; and/or

(g) Orders any further appropriate relief permitted by this chapter, the Act or FCC Rules and Regulations.

(Ord. 300. Passed 2-7-94.)

#### **812.15 DETERMINATION OF REFUND; NOTICE OF HEARING; ORDERS.**

(a) If the franchising authority determines that subscribers to a regulated cable operator may be entitled to a refund pursuant to FCC Rules and Regulations (specifically 47 CFR 76.942), the franchising authority shall include a notice in its decision issued pursuant to Section 812.14 that the franchising authority will hold a public hearing to consider ordering the regulated cable operator to make a refund to subscribers.

(b) The franchising authority shall then conduct a public hearing to determine whether to order a refund to subscribers and the amount of the refund.

(c) The franchising authority shall send, by first class mail, to the regulated cable operator, written notice of the date, time and location of the public hearing. Said notice must be sent no less than seven days before the public hearing.

(d) At any refund hearing, the regulated cable operator may appear in person, by agent or in writing to comment upon whether the franchising authority should order a refund.

(e) Members of the public may also comment at the refund hearing in person, by agent or in writing.

(f) At the conclusion of the refund hearing, the franchising authority shall issue a written order, by resolution:

(1) Denying a refund; or

(2) Ordering the regulated cable operator to implement a refund.

(Ord. 300. Passed 2-7-94.)

#### **812.16 NOTICE OF FRANCHISING AUTHORITY DECISIONS.**

(a) All decisions of the franchising authority issued pursuant to Sections 812.14 and 812.15 shall be:

(1) In writing, by resolution, supported by its reasons; and

(2) Effective as of the date that the franchising authority makes the decision.

(b) Notice of all decisions of the franchising authority issued pursuant to Sections 812.14 and 812.15 shall be published in a qualified newspaper of general circulation in the Township no less than fifteen days after the effective date of the decision. Said notice shall include:

(1) A summary of the franchising authority's written decision;

(2) A statement that copies of the franchising authority's decision are available for public inspection; and

(3) A statement as to the location at which, and times during which, the public may inspect copies of the franchising authority's decision.

(c) The franchising authority shall send, by first class mail, a copy of its decision to the regulated cable operator not more than seven days after the effective date of the franchising authority's decision.

(Ord. 300. Passed 2-7-94.)

#### **812.17 PROPRIETARY INFORMATION.**

(a) If this chapter, or any rule or regulation adopted by the Township pursuant to this chapter, requires the production of proprietary information, the regulated cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a regulated cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. Such request must state the reason the information should be treated as proprietary and the facts that support such reason.

(b) The request for confidentiality shall be granted if the Township determines that the preponderance of the evidence shows that nondisclosure is consistent with the provisions of the Freedom of Information Act, 5 USC 552.

(c) The Township shall place in a public file, for inspection, any decision that results in information being withheld.

(d) If the regulated cable operator requests confidentiality and the request is denied, the regulated cable operator may withdraw its proposal when proposing a rate increase, in which case the allegedly proprietary information will be returned to it, or the regulated cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information shall be stayed pending review.

(e) Any interested party may file a request with the Township to inspect material withheld as proprietary. The Township shall weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in light of the facts of the particular case. The Township shall then promptly notify the requesting entity and the regulated cable operator that submitted the information as to the disposition of the request. The Township may grant, deny or condition a request. The requesting party or the regulated cable operator may seek review of the decision by filing an appeal in any appropriate forum. Disclosure shall be stayed pending resolution of any appeal.

(f) The procedure set forth in this section shall be construed as being analogous to and consistent with FCC Rules and Regulations regarding requests for confidentiality, including, without limitation, 47 CFR 0.459.

(Ord. 300. Passed 2-7-94.)

#### **812.18 ADOPTION OF ADDITIONAL RULES AND REGULATIONS.**

In addition to the rules promulgated pursuant to this chapter, the Township may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of the hearings), consistent with the Act and FCC Rules and Regulations.

(Ord. 300. Passed 2-7-94.)

#### **812.19 EFFECT OF FAILURE TO GIVE NOTICE.**

The failure of the Township Clerk to give the notices or to mail copies of reports as required by this chapter shall not invalidate the decisions or proceedings of the franchising authority.

(Ord. 300. Passed 2-7-94.)

#### **812.20 ADDITIONAL HEARINGS.**

In addition to the requirements of this chapter, the franchising authority may hold additional public hearings upon such reasonable notice as the franchising authority, in its sole discretion, shall prescribe.

(Ord. 300. Passed 2-7-94.)

#### **812.21 ADDITIONAL POWERS OF TOWNSHIP.**

The Township shall possess all powers conferred by the Act, FCC Rules and Regulations, the cable operator's franchise and all other applicable law. The powers exercised, pursuant to the Act, FCC Rules and Regulations, and this chapter, shall be in addition to powers conferred by law or otherwise. The Township may take any action not prohibited by the Act or FCC Rules and Regulations to protect the public interest in connection with the basic cable service rate regulation.

(Ord. 300. Passed 2-7-94.)

#### **812.22 FAILURE TO COMPLY; REMEDIES.**

The Township may pursue any and all legal and equitable remedies against the regulated cable operator for failure to comply with the Act, FCC Rules and Regulations, any orders or determinations of the franchising authority made pursuant to this chapter, any requirements of this chapter, or any rules or regulations promulgated hereunder.

(Ord. 300. Passed 2-7-94.)

#### **812.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



## Amusement Devices

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- 814.01 License required.
- 814.02 Definitions.
- 814.03 Procedure for license; requirements and fees.
- 814.04 Revocation of license.
- 814.05 License display; minors; obscenity; gambling; proximity to schools.
- 814.06 Gambling prohibited.
- 814.07 False representation.
- 814.08 Enforcement.
- 814.99 Penalty.

### **CROSS REFERENCES**

Ordinances regulating licensing - see Michigan Charter Township Act (Act 359 of 1947)

Opening or attempting to open coin-operated devices - see M.C.L.A. Secs. 750.113, 752.811, 752.812

Slugs - see M.C.L.A. Secs. 752.801 et seq.

Gambling - see GEN. OFF. Ch. 630

### **814.01 LICENSE REQUIRED.**

No person, society, club, corporation, limited liability company or any other business entity or non-profit entity shall operate, maintain, or cause to be maintained any amusement device, as herein defined without having first obtained a license for the premises where such device is to be located compliant with this Chapter.

(Ord. 269. Passed 1-10-83; Ord. 440. Passed 2-5-18.)

### **814.02 DEFINITIONS.**

As used in this chapter:

(a) "Amusement device" means any electric, electronic, mechanical device or other machine or device constructed for amusement purposes which may be operated or set in motion by use of any device, including but not limited to coin, card, or other instrumentality for which either a financial charge is made for operating in some fashion, or where a prize, award, or item of value is provided directly or indirectly as a result of the operation of the device. Examples by illustration and not by way of limitation are video games, pinball machines, pool tables, shuffle boards or other similar devices operated electrically or mechanically for which is set forth either some type of charge or payment for operation occurs, or some reward or thing of value is furnished directly or indirectly based on the outcome of the operation of the device potentially or both.

(b) "Arcade" means any structure or place where amusement devices are located as defined and regulated in Clinton Township Zoning Ordinance No. 260, as now or hereafter amended.

(b) "Owner" means any person, society, club, corporation, or other business entity which is the owner, lessee or occupant in control of the premises in which coin-operated amusement devices are located.

(c) "Premises" means any structure or place except an arcade, as defined hereafter, wherein any service or merchandise is offered for sale to the public, or where any amusement or service is furnished for anticipated gain or profit by the owner or operator.

(Ord. 269. Passed 1-10-83; Ord. 440. Passed 2-5-18.)

### **814.03 PROCEDURE FOR LICENSE; REQUIREMENTS AND FEES.**

(a) Application for a license shall be made to the Township Clerk upon forms to be provided by that office, which application shall include at least the following information:

- (1) Name and address of owner and operator.
- (2) The location of the premises where such amusement devices will be located.

(3) The number, type and serial number of each such device, provided that if the serial number is not available at the time of application, it shall be submitted prior to placing the device into operation after issuance of a license. Thereafter, the owner shall, within forty-eight hours after arrival upon the premises, give written notice to the Township Clerk of the information required in this paragraph for each succeeding, additional or replacement device located thereon.

(b) The applicants shall, at the time of submitting the application, pay the following license fee, and fifty percent of such fee shall be forthwith refunded to the applicant if no license is issued and the remainder shall be retained by the Township. The fees shall be as follows:

(1) For arcades: An amount as specified in Section 209.16 of the Administrative Code as modified from time to time.

(2) For all other licenses: An amount as specified in Section 209.16 of the Administrative Code as modified from time to time.

(c) After filing of the application with the required fee, it shall be promptly forwarded by the Township Clerk to each of the following departments for its investigation, for the purposes hereafter stated, and for recommendation based on such investigation prior to issuance of the license:

(1) Police Department--determine whether owner is of good moral character and whether owner has been convicted of any criminal offense involving moral turpitude.

(2) Building Department--investigation to determine if premises comply with all Township ordinances relating to electrical and mechanical facilities on premises as would be required for the operation of amusement devices.

(3) Planning Department--determine if proposed use of premises (operation of amusement devices) is permitted under then existing zoning and other ordinances relating to land use in the Township.

(4) Fire Department--determine if premises are equipped and maintained in accordance with all applicable Township ordinances and State laws relating to fire protection as such ordinances and laws relate to the intended use of the premises (maintenance and operation of amusement devices).

If any of the foregoing departments recommends disapproval, the specific reasons therefor shall be set forth in writing.

(d) Upon receipt of written recommendation of approval from each of the departments hereinbefore listed, the Township Clerk shall issue the license requested.

(e) If any department recommends denial of the license, the Clerk shall give written notice to the owner that the application for the license is denied. Within fifteen days thereafter, the owner may appeal such denial to the Clinton Township Board by written request for public hearing before such Board. In the event of such request, the Board shall schedule and hold a public hearing within twenty-one days after receipt of such request. At such hearing, the applicant, or his or her attorney, may present such evidence as he or she desires to establish that he or she meets all requirements of this chapter and each and every other ordinance and State law applicable to the intended use of the premises. Any other person or representative of any Clinton Township department may present such evidence as he or she desires concerning said application. The Board may approve issuance of the license if it finds from all such evidence that all requirements of this chapter, other applicable ordinances of Clinton Township and State laws are complied with by the owner. If the Board shall disapprove the issuance of a license, it shall state the reasons therefor.

(f) Each license shall be issued for a period of one year and all licenses shall expire on the December 31 of each year. The license shall contain at least the following information:

(1) Date of issuance and date of expiration.

(2) Name of owner and address of premises.

(g) Each license issued hereunder shall not be transferable, and any purchaser, assignee or person or entity taking control of the licensed premises shall apply for a new license and shall not operate the devices regulated by this chapter without obtaining such license. License fees, or portions thereof, are not refundable except as otherwise provided in Section 814.03(b).

(Ord. 269. Passed 1-10-83; Res. Unno. Passed 1-10-83.)

(h) The license fees required hereunder shall be in such amount as set forth in Section 209.16 of the Administration Code, as modified from time to time.

(Ord. 440. Passed 2-5-18; Ord. 447. Passed 1-14-19.)

#### **814.04 REVOCATION OF LICENSE.**

(a) Any license issued hereunder may be revoked by the Clinton Township Board upon violation of any provision of this chapter or term or condition of the license issued hereunder.

(b) Notice of proposed revocation of license shall be given in writing by the Clinton Township Board or the Chief of Police as its agent to the licensee who may, within a period of ten days after receipt of such notice, demand a public hearing on such revocation before the Clinton Township Board. At any such hearing the licensee may appear in person or by an attorney and offer any evidence he or she may have as to why such license should not be revoked. Upon the conclusion of all such evidence, the Clinton Township Board shall render its decision on the revocation in writing within fourteen days thereafter, and in the event the license is revoked such decision shall set forth the specific reasons therefor.

(Ord. 269. Passed 1-10-83.)

#### **814.05 LICENSE DISPLAY; MINORS; OBSCENITY; GAMBLING; PROXIMITY TO SCHOOLS.**

(a) Each license issued under this chapter shall be displayed in a prominent place on the premises. In addition thereto, a sign containing information about the provisions of this chapter relating to minors, which will be furnished by the office of Township Clerk upon issuance of the license, shall be prominently displayed on the premises. Such sign may contain such other information as the Township deems necessary and pertinent from time to time, provided, however, that all such signs shall be prepared and furnished by the Township to the licensee.

(b) The use of amusement devices, as defined in this chapter, by minors, shall be subject to the following provisions, and the licensee and any and all persons on his or her behalf shall not permit or allow any minor of the age hereafter stated to use or

operate any amusement device at any time or manner in violation hereof:

(1) No person under the age of sixteen years may use or operate any amusement device during the hours of any day in which that person's public or parochial school class is in session, unless accompanied by a parent or guardian at the time thereof.

(2) No person under the age of sixteen years may use or operate any amusement device at any time or manner which is prohibited by another chapter of the Township of Clinton, including Section 658.02 of the General Offenses Code and any laws of the State of Michigan applicable thereto.

(c) No amusement device shall be permitted or maintained on any premises, which device displays, exposes, produces or emits any picture, printed matter, or sound that is obscene, indecent, pornographic, or contrary to good morals.

(d) No amusement device shall be permitted or maintained on any premises, which device is adaptable, or may be readily converted into a gambling device.

(e) No licence shall be issued for an premises located within 500 feet of any public or parochial school except any such premises which may be licensed for the sale of alcoholic beverages by the State of Michigan.

(Ord. 269. Passed 1-10-83.)

#### **814.06 GAMBLING PROHIBITED.**

(a) Nothing contained in this chapter shall be construed as permitting licensing, use or maintenance of any gambling device, including slot machines.

(b) It shall be unlawful for any person, society, club, firm or corporation to knowingly permit any amusement device to be used or maintained for purpose of gambling in any manner or form prohibited by the ordinances of this Township or the statutes of the State of Michigan.

(Ord. 269. Passed 1-10-83.)

#### **814.07 FALSE REPRESENTATION.**

Any person, society, club, corporation or other business entity who or which shall knowingly make any false representation in order to obtain a license or renewal thereof, under the terms of this chapter shall, upon conviction thereof, be guilty of a misdemeanor. Upon any such conviction, in addition to the penalties provided in this chapter, any license which may have been issued theretofore may be revoked by the Clinton Township Board.

(Ord. 269. Passed 1-10-83.)

#### **814.08 ENFORCEMENT.**

This chapter shall be enforced by the Clinton Township Police Department which, upon the institution of any criminal prosecution for violation of this chapter shall immediately notify the Clinton Township Board of such action. In addition to, or in lieu of, any criminal prosecution for enforcement of this chapter, the Clinton Township Board may, in its sole discretion, institute legal action before any court of competent jurisdiction to abate a violation hereof or to otherwise enforce the provisions of this chapter as it may deem necessary and proper in the interest of the public health, safety, welfare and morals.

(Ord. 269. Passed 1-10-83.)

#### **814.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 818**

### **Drive-in Restaurants**

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818.01 Drive-in restaurant defined.

818.02 License required.

818.03 License application, renewal and revocation.

818.04 Parking accommodations.

818.05 Waste containers.

818.06 Rubbish removal.

818.07 Loudspeakers, shows and exhibits prohibited.

818.08 Horn blowing and loud noises prohibited.

818.09 Unlawful acts and/or conduct; possession and/or consumption of alcoholic beverages prohibited; loitering and cruising of vehicles prohibited.

818.99 Penalty.

### **CROSS REFERENCES**

Ordinances regulating licensing - see Michigan Charter Township Act (Act 359 of 1947)

Parking lots generally - see TRAF. 420.10

Alcoholic beverages generally - see GEN. OFF.Ch. 608

Minors curfew - see GEN. OFF.658.02

Peace disturbances - see GEN. OFF. Ch. 664

### **818.01 DRIVE-IN RESTAURANT DEFINED.**

As used in this chapter, "drive-in restaurant" shall be deemed to be any restaurant where meals, sandwiches, ice cream, or other food is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles or other vehicles parked on the premises.

(Ord. 188. Passed 10-28-64.)

### **818.02 LICENSE REQUIRED.**

No person, firm or corporation shall operate a drive-in restaurant without having first obtained a license therefor.

(Ord. 188. Passed 10-28-64.)

### **818.03 LICENSE APPLICATION, RENEWAL AND REVOCATION.**

(a) The annual license fee for a drive-in restaurant shall be fifty dollars (\$50.00), provided that if the licensee has been previously granted a restaurant license during the current year, the fee shall be forty dollars (\$40.00), provided, further, that in case a license is issued after September 1, the fee shall be twenty-five (\$25.00), or, in the case of a licensee holding a restaurant license, twenty dollars (\$20.00). In the case of a drive-in restaurant serving dairy products and soft drinks only, the license fee shall be twenty dollars (\$20.00), provided, if the licensee has been previously granted a restaurant license during the current year, the fee shall be twenty dollars (\$20.00), provided, further, that in case a license is issued after September 1, the fee shall be twelve dollars and fifty cents (\$12.50), or, in the case of a licensee holding a restaurant license, ten dollars (\$10.00). If the application for a license is rejected, the applicant shall be entitled to a refund of his or her deposit, less a service fee of five dollars (\$5.00). Every license issued hereunder shall be limited to the location for which such license was issued. Transfer of ownership of a license may be made by application to the Township Clerk and payment of a license transfer fee of five dollars (\$5.00).

(b) Applications for original licenses and for renewal of licenses shall be made upon blank forms prepared and made available by the Township Clerk and shall be accompanied by the required license fee. All such applications shall be referred to the Building Inspector, who shall cause an investigation to be made to ascertain whether the establishment in question complies with the requirements of this chapter. The Building Inspector shall report the results of his or her investigation to the Township Board, and the Township Board shall authorize the Township Clerk to issue a license or renew a license, as the case may be, if it finds that the applicant's establishment complies with the requirements of this chapter, and that the applicant and its officers are of good moral character and are capable of operation of the proposed drive-in restaurant in a manner consistent with the public health, safety and good morals.

(c) Drive-in restaurant license shall expire on December 31 of the year of issuance. All applications for renewal of such licenses shall be filed with the Township Clerk not later than December 1.

(d) It shall be the duty of the licensee to maintain quiet and good order upon the premises of a drive-in restaurant and the licensee shall not permit disorderly or immoral conduct or loitering. The licensee shall not cause or permit to be caused any noise or other nuisance on the premises of a drive-in restaurant whereby the quiet and order of the premises or of the neighborhood is disturbed. The Township Board shall have the authority to revoke or suspend a license issued hereunder, or to refuse to renew a license when it finds:

(1) That the licensee is operating in violation of this chapter or any other governing law, ordinance or regulation;

(2) That the licensee is operating so as to constitute a nuisance by reason of noise, disorderly conduct or immoral activity on the premises.

However, prior to revoking or suspending a license, or refusing to renew a license, a hearing shall be held by the Township Board at which the licensee shall have an opportunity to show cause why his or her license should be renewed, as the case may be.

(Ord. 188. Passed 10-28-64.)

### **818.04 PARKING ACCOMMODATIONS.**

All drive-in restaurants shall have an adequate parking area to accommodate the patrons of such restaurants, such parking area to be in accordance with the provisions of the Zoning Code.

(Ord. 188. Passed 10-28-64.)

### **818.05 WASTE CONTAINERS.**

It shall be the duty of the licensee of a drive-in restaurant, or any person in charge of said restaurant, to keep the premises whereon said restaurant is located, together with the parking area and that portion of any public street or streets adjoining said drive-in restaurant, free from all rubbish waste products and debris, including napkins, straws, paper cups and plates, and other waste materials, at all times. Each drive-in restaurant shall be provided with a sufficient number of suitable containers to hold such waste material until same is removed from the premises. Such containers shall be of metal construction or other approved material, with self-closing, reach-in type covers.

(Ord. 188. Passed 10-28-64.)

#### **818.06 RUBBISH REMOVAL.**

In addition to the other penalties provided in this chapter, the proprietor of any drive-in restaurant may be charged with the cost of cleaning up or removing debris found on the premises and on the public highway or highways adjacent to said premises. The Township Clerk, any police officer, the Ordinance Enforcement Officer, the Building Department Superintendent or any employee of the Department of Public Works shall have the right, if he or she sees debris on the premises occupied by the drive-in restaurant and the highways adjacent thereto, to cause the same to be cleaned up and removed from the premises. The cost of such clean-up shall be a lien against the property involved, to be collected in the same manner as ad valorem real property taxes are collected, with the same interest and penalties, to be added as a separate item on the tax bill.

#### **818.07 LOUDSPEAKERS, SHOWS AND EXHIBITS PROHIBITED.**

It shall be unlawful for the owner or operator of any drive-in restaurant to operate, or permit to be operated, any loudspeakers, or make or permit to be made any other loud noise or permit any show or exhibit on the premises occupied by said drive-in restaurant.

(Ord. 188. Passed 10-28-64.)

#### **818.08 HORN BLOWING AND LOUD NOISES PROHIBITED.**

It shall be unlawful for any patron of a drive-in restaurant while parking on or adjacent to the premises thereof, or for any other person while on such premises of such restaurant, to race the motor of any car, to suddenly start or stop any car, or to make or cause to be made any other loud or unseemly noise. It shall also be unlawful for any patron of a drive-in restaurant, or any other person parked on the premises of such restaurant, to blow or cause to be blown any automobile horn or motorcycle horn at any time while so parked.

(Ord. 188. Passed 10-28-64.)

#### **818.09 UNLAWFUL ACTS AND/OR CONDUCT; POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED; LOITERING AND CRUISING OF VEHICLES PROHIBITED.**

(a) The following acts and/or conduct shall be unlawful on the premises of a drive-in restaurant:

- (1) For any patron or other person to consume any beer, wine or other alcoholic beverages or to have in his or her possession any open bottle, can or other receptacle containing any of such beverage whether he or she is inside or outside of any motor vehicle.
- (2) For any number of persons to congregate for any period of time whatsoever at any location on the premises other than within the restaurant building or within a legally parked motor vehicle. Any person violating this paragraph shall be deemed guilty of loitering.
- (3) For any person to enter upon the premises and then leave the premises, whether by motor vehicle or in any other manner, without seeking service, provided that this prohibition shall not apply when the person enters the premises by a motor vehicle and there is no unoccupied lawful parking space then available on the premises.
- (4) For any person to leave the motor vehicle in which he or she has arrived on the premises to go to another motor vehicle for the purpose of entering that vehicle or conversing with the occupants of such vehicle, or for any person who enters upon the premises by other than a motor vehicle to go to a motor vehicle then parked upon the premises for the purpose of entering into it or talking with the occupants thereof.
- (5) For any person to remain upon the premises, whether within a motor vehicle or otherwise, for a period exceeding thirty minutes after service has been obtained.

(b) It shall be the duty of the licensee to post on the premises, in a conspicuous location, one or more signs bearing the following statement:

CRUISING AND GATHERING OUTSIDE OF VEHICLE UNLAWFUL

(Ord. 188-A-2. Passed 12-28-66.)

#### **818.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## Temporary Outdoor Seating for Restaurants During Crisis Events

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- 828.01 Definitions.
- 828.02 Application for permit with plan.
- 828.03 License term, renewal and revocation.
- 828.04 Regulations and limitations.
- 828.99 Penalties.

### CROSS REFERENCES

Alcoholic beverage sales - see B.R. & T. Ch. 804

### **828.01 DEFINITIONS.**

The following terms have the meaning ascribed to them, unless the context otherwise requires:

- (a) "Crisis Event" shall mean circumstances existing which have resulted in orders issued at the State, County, or local level by a governmental entity having authority and jurisdiction which limits seating capacity inside restaurants by at least twenty-five percent (25%) from existing issued seating capacity by occupancy permit.
- (b) "Eligible Liquor License Establishment" shall mean premises which operate as an eligible restaurant and which further have a current valid and issued liquor license permitting them to operate and further permitting outdoor service.
- (c) "Eligible Restaurant" shall mean premises which have been issued and have current valid permits to operate by applicable governmental agencies, and which are currently operating compliant with the permit issued serving food and beverages.

(Ord. 466. Passed 6-15-20.)

### **828.02 APPLICATION FOR PERMIT WITH PLAN.**

(a) An application, accompanied by a plan, shall be submitted with the Township Clerk in writing, including a fee as prescribed pursuant to the Township Fee Schedule which shall include the following:

- (1) Name and address of applicant.
- (2) Address and legal description of the eligible restaurant.
- (3) The notarized signature of the owner and/or landlord who has full authority to permit utilization of the areas where proposed outdoor seating will occur.
- (4) A plan sketch which includes the dimensions of the proposed outdoor seating areas, tables and chairs to be utilized, distances of tables from any adjoining building and adjoining parking area, if situated upon any sidewalk area. Such plans shall also include any surrounding buildings and parking areas proximate to the proposed outdoor seating area, and a photographic image of the proposed tables and chairs for utilization.

(b) The Township Clerk shall review the application for completeness and then submit it to the Director of Planning and Community Development who shall review, submitting to Building, Fire, and Police the application for review and comment back within seven (7) days. The Director shall upon receipt of all comments act upon the completed application, within three (3) business days, granting or denying the application and issuing reasons, in writing, if denied. If an application is granted, reasonable conditions may be imposed, including, but not limited to limiting hours of operation, establishing permitted chair and table materials, weight and design, and establishing lighting and barrier separation requirements. The Director of Planning and Community Development will consider the following factors in its decision:

- (1) Whether the proposed site and configuration would potentially result in impeding pedestrian or vehicular traffic in a substantial manner that otherwise would not have existed without locating such seating.
- (2) Whether the proposed location and configuration of seating is likely to create any unreasonable interference with surrounding properties and any adjoining or nearby business, or residences, including potential noise, litter, or obstruction of pedestrian or vehicular traffic.
- (3) Whether the application or representatives have provided inaccurate or incomplete information.
- (4) Whether there is a history of State, County or Township violations or any such violations remain outstanding and unresolved at the subject premises, involving the subject premises or the serving of liquor or food.

(Ord. 466. Passed 6-15-20.)

### **828.03 LICENSE TERM, RENEWAL AND REVOCATION.**

The license issued may not extend beyond any issued order in relation to the crisis event which has restricted capacity for the eligible liquor license establishment and/or eligible restaurant. Upon any such order ceasing, all outdoor tables and chairs permitted during the crisis event shall be removed within twenty-four (24) hours. Licenses shall be issued for a period not to exceed sixty (60) days subject to renewal. Licenses are subject to non-renewal if acts or omissions involving the operation of the eligible liquor license establishment and/or eligible restaurant have resulted in circumstances existing which would serve as a basis for non-issuance of the original license. Any eligible liquor license establishment and/or eligible restaurant whose request is denied or not

renewed upon request shall be permitted to appeal by issuing, in writing, an appeal within ten (10) days of denial which shall be served upon both the Township Clerk and the Director of Planning and Community Development stating the grounds for appeal. Such appeal shall be referred for consideration and decision by the Township Zoning Board of Appeals at the next regular meeting of the Zoning Board of Appeals. The grounds for issuance or renewal shall serve as the legal standards for review and determination by the Zoning Board of Appeals.

Licenses may be revoked by the Director upon violations of permit conditions, this chapter or other Township ordinances. Written notice of the revocation stating reasons shall be delivered to the address and party on the application. An appeal may be made to the Zoning Board of Appeals within seven (7) days in writing stating the grounds for appeal which will stay the revocation unless as determined by the Director an immediate health and safety risk of injury to persons exists. The Zoning Board of Appeals shall act at its first available meeting following application.

(Ord. 466. Passed 6-15-20.)

#### **828.04 REGULATIONS AND LIMITATIONS.**

Any permits issued pursuant to this chapter shall be subject to the following regulations and limitations:

- (a) Permittees shall fully comply with all applicable State, County and local regulations, including all ordinances of the Township.
- (b) No utilization of outdoor torches and lighting shall be permitted upon the exterior seating location.
- (c) Upon approval by the Township, the site may be cordoned off, using appropriate materials. Unless approved, no materials, other than tables and chairs, shall be permitted.
- (d) Smoking and the use of vaping products shall not be permitted.
- (e) Tents shall not be permitted.
- (f) Any violations of any terms or conditions imposed with the permit shall be grounds for revocation or non-renewal.

(Ord. 466. Passed 6-15-20.)

#### **828.99 PENALTIES.**

Any violation of the provisions of this chapter is a misdemeanor subject to penalties as provided within the General Code Penalty Ordinance, and any such violation is further declared to be a nuisance per se, subject to further equitable relief in a court of competent jurisdiction as a cumulative remedy.

(Ord. 466. Passed 6-15-20.)

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 838**

### **Junk Yards and Automobile Wrecking Yards**

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- 838.01 Definitions.
- 838.02 License required.
- 838.03 Application for license.
- 838.04 Issuance of license.
- 838.05 License fee, expiration date and transfer.
- 838.06 Rules and regulations.
- 838.07 Revocation or suspension of license.
- 838.08 Remedies for violations.
- 838.99 Penalty.

#### **CROSS REFERENCES**

Secondhand dealers - see M.C.L.A. Secs. 445.401 et seq.

Junk yards - see M.C.L.A. Secs. 445.451 et seq.

Pawnbrokers - see M.C.L.A. Secs. 445.471 et seq., 446.201 et seq.

Junk vehicles - see TRAF. 410.04(UTC Secs. 2.5a et seq.)

New and used car sales from public and private property - see B.R. & T.886.10 et seq.

#### **838.01 DEFINITIONS.**

Unless the context otherwise requires, the following words have the meaning ascribed to them:

(a) "Auto Wrecking Yard" means any place, site, or location where wrecked autos, or autos unfit for highway use, are stored, disassembled, dismantled, torn down, disposed of, or where old or wrecked autos are dismantled and parts salvaged therefrom.

(b) "Junkyard" means a place, structure or lot where junk, waste, discarded salvage or similar materials such as metal, wood, lumber, glass, paper, rags, cloth, bagging, barrels, containers, etc., are brought, sold, exchanged, baled, packed, disassembled, or handled including way of illustration only, lumber yards and scrap yards. A used car lot where disassembling, wrecking, storage, sale, or salvage of parts of wrecked cars is carried on, shall be considered a junk yard subject to the provisions of this chapter.

(c) "Person" means an individual, firm, association, limited liability company, corporation, both public or private, or any other natural person, or legal entity carrying on the operation regulated hereunder.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.02 LICENSE REQUIRED.**

No person shall engage in the business of, carry on, or operate any automobile wrecking yard, or junk yard in any place in the Township of Clinton without a license as required hereunder.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.03 APPLICATION FOR LICENSE.**

Application for a license shall be filed with the Township Clerk in writing, which application shall contain at least the following information:

(a) Name, address, phone number applicant.

(b) Legal description, address and property number of the site upon which the operation is proposed.

(c) Names and addresses of any and all owners and officers if the applicant is not a natural person.

(d) A description of the type of operation contemplated.

(e) The name and address of any other junkyard, automobile wrecking yard, or similar operation operated by the applicant, or in which the applicant or any of its owners, officers, or directors had an ownership interest, or employment.

(f) An affidavit from the applicant and each person named above, verifying that each such person has not been convicted of a felony, or a misdemeanor involving theft or dishonesty within ten (10) years prior to the date of application.

(g) An affidavit from the applicant and each person named in subsection (c), setting forth any and all outstanding unpaid judgments or claims and all judgments or claims whether paid or unpaid within the last five (5) years, as well as any pending litigation listing the case numbers, parties and court and describing the nature of the litigation.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.04 ISSUANCE OF LICENSE.**

The Township Clerk, upon review, shall consider the application and within fifteen (15) days, grant or deny the application, issuing written reasons, if denied, considering the following factors:

(a) Whether the proposed site is situated on land compliant with the zoning ordinance for which all approvals, including special land use approval, have been issued.

(b) Whether the applicant or any of the owners, or employees of the company shall have been convicted of a felony or a crime involving theft or dishonesty within the previous ten (10) years.

(c) Whether the applicant has outstanding judgments, liens or pending litigation which involve activities associated with the operation of a junkyard or automobile wrecking yard.

(d) Whether the applicant has furnished a full and complete application.

(e) Whether the application contains any inaccurate information.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.05 LICENSE FEE, EXPIRATION DATE AND TRANSFER.**

The license issued shall be an annual license which shall expire on December 31 of each year regardless of the month and date issued. The fee for the license shall be as set by the Township Board in the fee schedule ordinance. Licenses are subject to renewal through application to the Clerk's office. Licenses are non-transferable and apply only for one proposed location. Any change in ownership or management shall require the issuance of a new license before entering into or continuing business.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.06 RULES AND REGULATIONS.**

Licensee shall operate automobile wrecking yards and junkyards in conformance with all applicable Federal and State laws and



other ordinances of the Township as well as the following rules and regulations. Violation of such rules and regulations shall be grounds for suspension, revocation, or non-renewal:

- (a) Licensee shall timely and strictly comply with all applicable State laws which require the keeping of records and furnishing of information to the State.
- (b) Licensee shall not purchase, receive, or take from any minor under the age of eighteen (18) years, any items whether by purchase, sale, or gift.
- (c) Licensee shall keep a set of books and records showing the receipt and sale of items received and sold which shall be made available to the Township Supervisor, or his designee at any reasonable hour.
- (d) Upon any conviction for a felony or misdemeanor involving dishonesty or theft, such information shall be immediately communicated to the Township Clerk in writing.
- (e) No burning of any kind shall be permitted upon the site.
- (f) The use of welding and cutting torches shall be used so that no glare is visible from outside the perimeter of the subject property.
- (g) A solid enclosed fence upon a material approved by the Planning Department and compliant with other Township Ordinances, not less than six (6) nor more than ten (10) feet high, shall be erected. No signs, posters, or other lettering shall be permitted except a sign advertising the licensee's business compliant with applicable Township Ordinances. The fence shall be kept in good repair, kept clean, neat and painted.
- (h) Hours of operation shall be during weekdays and Saturdays 7:00 a.m. to 7:00 p.m. No operation shall occur on Sundays and on any Federal legal holiday.
- (i) Licensee is responsible for prohibiting the loitering of minors.
- (j) The business and operation shall be kept free from fire hazards and compliant with the property maintenance code and fire codes.
- (k) The applicant and/or licensee shall not make any inaccurate statements upon the application or in connection with the application.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.07 REVOCATION OR SUSPENSION OF LICENSE.**

The Township Clerk, may upon sufficient grounds, suspend or revoke a license upon the grounds provided for denial of issuance or renewal, or violation of rules and regulations provided, after notice and an opportunity to be heard on the part of the licensee. Upon suspension or revocation, the licensee may apply within ten (10) days for an appeal in writing, directed to the Township Clerk. The Township Board shall meet and consider the appeal within thirty (30) days and issue a decision within fifteen (15) days following completion of the hearing. Reasons for approval or denial shall be furnished in writing.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.08 REMEDIES FOR VIOLATION.**

Any violation of the provisions of this chapter is a misdemeanor subject to penalties as provided within the general penalty code section 202.99 of the code of ordinances. Any violation is further declared to be a nuisance per se and the Township may apply to a court of equity for additional relief.

(Ord. 183. Passed 7-29-64; Ord. 411. Passed 1-26-15.)

#### **838.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 850**

### **Massage Establishment**

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- 850.01 Short title.
- 850.02 Intent.
- 850.03 Definitions.
- 850.04 Massage establishment license required.
- 850.05 Application for establishment license.
- 850.06 Duties of the Township Clerk regarding applications for establishment licenses.
- 850.07 Investigation and recommendation of the Chief of Police.

- 850.08 Investigation and recommendation of the Building Official.
- 850.09 Use of license.
- 850.10 Regular inspections; sanitation and safety requirements.
- 850.11 Renewal of licenses; criteria for non- renewal, suspension, or revocation.
- 850.12 Suspension of license.
- 850.13 Revocation of licenses.
- 850.14 Filing of original appeal.
- 850.15 Exemptions; additional licensing requirements.
- 850.16 License not assignable or transferable.
- 850.99 Penalty.

### **CROSS REFERENCES**

Ordinances regulating licensing - see Michigan Charter Township Act (Act 359 of 1947)

Myomassologists - see M.C.L.A. Secs. 339.1701 et seq.

Fines and penalties; minimum wages - see M.C.L.A. Sec. 408.398

Alcoholic beverages - see GEN. OFF.Ch. 608

Safety, sanitation and health - see GEN. OFF.Ch. 676

Sex related offenses - see GEN. OFF.Ch. 680

### **850.01 SHORT TITLE.**

This chapter may be known and may be cited as the Charter Township of Clinton "Massage Establishment Ordinance."  
(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

### **850.02 INTENT.**

The purpose of this chapter is to promote the public health, safety, and welfare by licensing and regulating massage establishments, massage schools, and other similar businesses and the persons working in such massage establishments. The Board of Trustees finds and determines that licensing standards pertaining to massage establishment activities are necessary to protect the public health and safety and the personal safety of massage therapist/myomassologist. The Board of Trustees further finds that public health and safety is best served by the adoption of a model ordinance providing for regulation of massage activities in a manner that is consistent throughout the Charter Township of Clinton. The purpose of this ordinance is to insure the protection of the public health and safety and the personal safety of massage therapist/myomassologist through the establishment of certain licensing standards pertaining to massage therapy business activities within the Township and to recognize massage therapy as a legitimate business occupation and health enhancement service. The Township Board further recognizes that human trafficking is a significant problem in the United States, that it can involve the use of massage establishments or massologist activities as a front where victims are forced into involuntary servitude, deceived into debt bondage and forced against their will to perform sex acts. The Federal government has passed the Trafficking Victims Protection Act of 2000 and statistics have been accumulated by the United States Department of State as well as the United States Department of Justice and independent researchers and analysts. Human trafficking is ranked behind only drugs and arms trafficking as profitable criminal activity. It is estimated that more than eighty percent of trafficking victims are female and eighty percent of trafficking involves sexual exploitation. Physical injury and disease are other consequences of trafficking exploitation. Substantial portions of persons who are subject to trafficking are under the age of eighteen. Numerous studies exist outlining the various aspects of human trafficking including trafficking within the United States warranting the adoption of ordinance provisions in order to assist in detecting possible human trafficking. The holding of any massage business license is hereby declared to be a privilege, and not a right. The provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare of the people of the Township receiving services from massage establishments.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

### **850.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Accommodate." Providing massage to an individual within the confines of a single room.
- (b) "Employee." Any person who renders any service in connection with the operation of a massage parlor, massage school, or other similar business and receives consideration for such services, either from the operator of the establishment or its patrons. Employees include but are not limited to masseur, and the term "employee" includes leased personnel, contractors, and similar employment relationships.
- (c) "Licensee." The person or entity to whom a license has been issued to either operate a massage establishment or to perform massages in the Charter Township of Clinton.

(d) "Massage." The manipulation of body muscle or tissue through any method of applying pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person providing the massage shall receive consideration therefor.

"Massage" does not include any medical diagnosis, acupuncture or the implementation of a procedure by a person who is licensed as a health care provider in the State of Michigan in good standing such as a physician, registered nurse, physical therapist, occupational therapist, chiropractic professional, or a licensed barber or cosmetologist.

(e) "Massage establishment." Any building, room, place, or establishment where massage is practiced for consideration upon the human body by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse, practical nurse operating under a physician's directions, registered speech pathologist, or physical or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician's direction, whether with or without the use of mechanical, therapeutic, or bathing devices. A "massage establishment" shall include but is not limited to massage schools, massage parlors, health spas, spas, sauna baths, Turkish bathhouses, and steam baths, where massage services are offered or practiced. This term shall not include a regularly- licensed hospital, medical clinic, nursing home, or any other medical facilities operated by a State-licensed professional such as chiropractic, physical therapy and occupational therapy offices where massages are provided as incidental or accessory uses to the main use of the premises; it shall not include transient workplace locations during normal business hours where the massage is performed upon employees of the workplace pursuant to a policy of medical insurance or as a benefit provided by the employer as part of a workplace health program; and it shall not include an organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.

(f) "Masseur." Any person who engages in the practice of massage who holds a valid license issued by the State.

(g) "Massage therapist/myomassologist." Any person, male or female, who engages in the practice of massage, myomassology, massage therapy, and/or massology holding a valid State massage license. The term shall be used as the gender-neutral equivalent of masseur and masseuse, and shall include any person who administers to another person an alcohol rub, fomentation, bath, electric, or magnetic massage procedure, manipulation of the body, or other similar procedure.

(h) "Outcall massage service." Any individual or business that engages in or provides massages at a location designated by the customer, client, or patron, rather than at a massage establishment.

(i) "Owner." A person who conducts or owns a massage parlor, massage school, or other similar business.

(j) "Patron." Any individual who receives a massage at a massage parlor, massage school, or other massage establishment, but not physical therapy or chiropractic services at the offices of a properly licensed health care professional, under such circumstances that it is reasonably expected that he or she shall provide consideration therefor.

(k) "Township." The Charter Township of Clinton.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.04 MASSAGE ESTABLISHMENT LICENSE REQUIRED.**

It shall be a violation of this chapter for any person to own or operate a massage establishment, including any massage school, without a license. Existing massage establishments shall submit an application for a license within sixty days of enactment of this chapter.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.05 APPLICATION FOR ESTABLISHMENT LICENSE.**

(a) Any person desiring a license to operate a massage establishment shall file with the Township Clerk an application, under oath, on a form provided by the Township Clerk. Applications shall include the following information:

(1) The full name of the applicant and whether the applicant is an individual or a corporation, partnership or other business entity;

(2) The name under which the establishment will be operated;

(3) The business address and all telephone numbers where the establishment will be operated;

(4) A copy of the signed lease for the business premises and written consent of the owner to utilize the premises for the described purpose, if the premises are not owned by the applicant;

(5) The full name, address, and phone number of each individual who will manage or be principally in charge of the operation of the establishment, and a complete list of the names and residence addresses of all massage therapists/myomassologists and employees to be utilized by the business, along with documentation establishing that the massage therapist/myomassologists meet the training and certification requirements of this chapter for obtaining an individual massage therapist/myomassologist license, with such information to be updated immediately with any new or changed information not found on the initial list;

(6) A detailed summary or description of the nature and type of services to be provided at the establishment, and whether any off-site services will be provided and, if so, the proposed locations;

(7) The days and times the establishment will be open to provide services;

(8) A release and authorization for the Township, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth on the application and the qualifications of the applicant for the license;

(9) Such other information as may be required by the Clerk;

(10) A written declaration by the applicant, given under oath or affirmation, under penalty of perjury, that the information contained in and attached to the application is true and correct; and

(11) The names, addresses, citizenship and/or visa status verification of persons who will perform massage therapist/myomassologist services. The applicant shall also disclose whether any indebtedness exists between the applicant or any agents or employees of the applicant and any proposed massage therapist/myomassologist disclosing the amount of debt and the method of repayment. The applicant shall also disclose whether the applicant or agents are providing or assisting in providing either dwelling space or transportation for any existing or proposed massage therapist/myomassologist. Any fees or compensation of any kind being paid by any proposed massage therapist/myomassologist for the procurement of employment shall also be fully disclosed. Circumstances shall be fully explained, including terms of payment and all contract documents or other documents evidencing any relationship and financial obligation shall be fully disclosed.

(b) Additionally, if the applicant is an individual, the application must include the following information:

(1) The applicant's addresses for the previous three years;

(2) A listing of the applicant's previous related experience, including but not limited to whether the applicant has previously held any license as a massage therapist/myomassologist, the location for which such a license was held, the status of such license and, if such license was suspended or revoked, the reasons therefor;

(3) The applicant's height, weight, eye and hair color and sex;

(4) The applicant's birth date accompanied by written proof, consisting of either a birth certificate, driver's license, or passport;

(5) A listing of all of the applicant's criminal convictions and/or guilty pleas, if any, other than civil infractions, fully disclosing the jurisdictions in which convicted or in which the plea was tendered, the offense on which originally arrested and the offense for which ultimately convicted or for which the plea was tendered, and the date of same along with the resulting penalty; and

(6) The names, addresses and telephone numbers of three character references for the applicant. These references shall not be relatives of the applicant.

(c) Additionally, if the applicant is a corporation, partnership, or other business entity, the application shall include the following information about each individual who owns at least a ten percent share in the corporation or interest in the partnership or other business entity or serves as a director or officer of the corporation or who holds a lien on the establishment or on the equipment therein, each of whom shall be considered to be an applicant:

(1) The individual's full name and residence address;

(2) The individual's addresses for the previous three years;

(3) A listing of the individual's business, occupation, or employment for the previous three years, identifying the time period, address, and telephone number for each, and a listing of previous related experience, including but not limited to whether the individual has ever held any license as a massage therapist/myomassologist, the location for which any such license was held, the status of such license, and if such license was suspended or revoked, the reasons therefor;

(4) The individual's height, weight, eye and hair color and sex;

(5) The individual's birth date accompanied by written proof, consisting of either a birth certificate, driver's license, or passport;

(6) A listing of all of the individual's criminal convictions and/or guilty pleas, if any, other than civil infractions, fully disclosing the jurisdictions in which convicted or in which the plea was tendered, the offense on which originally arrested, and the offense for which ultimately convicted or for which the plea was tendered and the date of same along with the resulting penalty;

(7) The names and addresses of three character references for the individual. These references shall not be relatives of the individual; and

(8) The name and address of any business that provides massage services, whether incidentally or otherwise, owned or operated by the applicant or any of the individuals required to submit their personal information pursuant to this subsection.

(d) All applications shall be accompanied by the following items:

(1) A nonrefundable application fee in an amount set by the Township's fee schedule ordinance;

(2) If applicable, proof that an assumed name certificate has been filed with the Macomb County Clerk or the State of Michigan;

(3) If applicable, the articles of incorporation and a certificate of good standing issued by the State of Michigan; and

(4) Two front face portrait photographs, at least two inches by two inches, and a complete set of fingerprints taken by the Clinton Township Police Department for each individual required to submit personal information pursuant to subsections (b) and (c) or fingerprint records completed by the State Police in connection with the application for a State license, hereof, except that, in lieu of photos of all corporate shareholders, a corporate applicant may submit photographs of all officers and managing agents of said corporation and a complete set of the same officers' and agents' fingerprints. In the case of a partnership, photographs and fingerprints for each partner are required.

(e) It shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, or in

any way knowingly to conceal any material fact or to give or use any fictitious name in applying for a license under this chapter. Any license obtained by violation of this subsection shall be void.

(f) Each applicant shall certify that it will make available any person performing massage therapist/myomassologist activities upon the premises at the premises for interview with the Township Police Department upon reasonable notice. Such person shall be subject to interview by the Police Department outside of the presence of the establishment owners, their employees or representatives or third persons. If such persons are unable to communicate sufficiently in the English language the applicant shall be responsible for the payment for translator services on behalf of the Police Department for a translator as selected by the Police Department.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.06 DUTIES OF THE TOWNSHIP CLERK REGARDING APPLICATIONS FOR ESTABLISHMENT LICENSES.**

(a) Upon receipt of a properly and fully completed application for a license, the Township Clerk shall forward a copy of each application to the following for their review, investigation, and recommendation in accordance with Sections 850.07 and 850.08:

- (1) Chief of Police;
- (2) Building Official;
- (3) Fire Marshal; and
- (4) Township Planner.

(b) Except as provided in subsection (d) hereof, upon receipt of favorable recommendations from the investigating bodies mentioned under this chapter, the Township Clerk shall issue a license to the applicant.

(c) Upon issuance of a license, the Township Clerk shall notify each of the following of the issuance:

- (1) Chief of Police;
- (2) Building Official;
- (3) Fire Marshal; and
- (4) Township Planner.

(d) Denial. The Township Clerk may deny an application for any of the following reasons:

(1) The applicant has been convicted of, or pled guilty to, any crime involving dishonesty, fraud, or deceit, or has pled to or been convicted of any offense involving the use of force or violence upon the person of another, or an offense involving sexual misconduct, or an offense involving narcotics, controlled substances, or dangerous weapons.

(2) The operation or facility, as proposed in the application, would not comply with all applicable laws, including, but not limited to, the Township's building, fire, zoning, and health ordinances.

(3) The applicant made a false, misleading, or fraudulent statement of fact or omission in the license application or any document required by the Township in conjunction therewith, or has failed to submit all required information or the required fee.

(4) The applicant has had a massage business, massage license, or other similar permit or license denied, revoked, or suspended by the Township or any other State or local agency.

(5) The applicant is not at least eighteen years of age by the date of the application.

(6) The applicant has not provided all of the information required to be submitted with an application pursuant to this chapter.

(7) Failure to make available for interview at any time any massage therapist/myomassologist or proposed massage therapist/myomassologist.

(8) If circumstances exist which evidence indebtedness owing between the applicant or any person with any ownership interest in the business and any existing or proposed massage therapist/myomassologist or employee which requires payment of more than twenty-five percent of net wages per week as a term or condition of payment.

(e) If the Township Clerk denies an application, he or she shall notify the applicant by regular mail addressed to the applicant at the address shown on the application. Such notice shall specify the following:

- (1) Notice of the proposed action;
- (2) Reasons for the proposed action;

(3) A statement that the individual or entity has the right to appeal the decision to the Zoning Board of Appeals by submitting a written application to the Township Clerk.

(4) A statement that the individual or entity may present evidence at the appeal hearing and confront and cross-examine witnesses.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.07 INVESTIGATION AND RECOMMENDATION OF THE CHIEF OF POLICE.**

(a) The Chief of Police or his or her representative shall have sixty days to investigate the application and the background of the

applicants. The Chief of Police shall cause to be conducted an investigation of the premises where the massage business is to be carried on for the purpose of assuring that such premises comply with all the sanitation requirements as set forth in this chapter and with all Township ordinances relating to public health, safety, and welfare. All proposed and current employees are subject to interview under Section 850.05(f). Based on this investigation, the Chief of Police or his or her representative shall make either a favorable or unfavorable recommendation to the Township Clerk as to the issuance of the establishment license. If the recommendation is unfavorable, the Chief of Police or his or her representative shall also provide a concise statement of the reasons for this recommendation.

(b) The Chief of Police or his or her representative may issue an unfavorable recommendation regarding the issuance of an establishment license if:

(1) The operation, as proposed in the application, would not comply with all applicable laws;

(2) Any individual required to submit personal information pursuant to Section 850.05(b) or (c) has been convicted of or pled guilty to any crime involving dishonesty, fraud, or deceit, or has pled to or been convicted of any offense involving the use of force or violence upon the person of another, or an offense involving sexual misconduct, or an offense involving narcotics, controlled substances, or dangerous weapons;

(3) The applicant has made any false, misleading, or fraudulent statements of fact or material omissions in the application or in any document required to be submitted in conjunction with the application;

(4) The applicant has, in any location, previously held a similar license and the license has previously been revoked or suspended;

(5) Any individual required to submit personal information pursuant to Section 850.05(b) and (c) has not obtained the age of eighteen years by the date of application;

(6) If circumstances exist which evidence indebtedness owing between persons required to submit information pursuant to Section 850.05(b) and any existing or proposed massage therapist/myomassologist which requires payment of more than twenty-five percent of gross wages per week as a term or condition of payment; or

(7) Failure to make available for interview at any time any massage therapist/myomassologist or proposed massage therapist/myomassologist.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.08 INVESTIGATION AND RECOMMENDATION OF THE BUILDING OFFICIAL.**

(a) The Building Official, or his or her representative, shall have sixty days to inspect the premises to be utilized as an establishment within the meaning of this chapter. Based upon this investigation and inspection, the Building Official, or his or her representative, shall make either a favorable or unfavorable recommendation to the Township Clerk as to the issuance of an establishment license. If the recommendation is unfavorable, the Building Official, or his or her representative, shall also provide a concise statement of the reasons for his or her recommendation.

(b) The Building Official or his or her representative shall make an unfavorable recommendation regarding the issuance of a license if the premises do not comply with each of the following requirements:

(1) A recognizable and legible sign shall be posted at the main entrance identifying the establishment as a massage business. All such signs shall comply with the applicable provisions of the Code of the Charter Township of Clinton;

(2) Minimum lighting shall be provided in accordance with the building code and, in addition, at least one artificial light of not less than sixty watts shall be provided in each enclosed room or booth where massage services are being performed on a patron;

(3) Minimum ventilation shall be provided in accordance with the Building Code;

(4) Equipment for disinfecting and sterilizing instruments used in performing the actual massage shall be provided;

(5) Adequate massage facilities enabling the accommodation of at least two patrons shall be provided. Adequate facilities, for the purpose of this section, shall be defined as separate enclosed rooms, having doors capable of being closed but not locked;

(6) Barrier-free dressing and toilet facilities with hot and cold running water shall be provided for patrons and employees. One toilet and one wash basin shall be provided by every massage establishment. If male and female patrons are to be accommodated simultaneously at a massage establishment, separate dressing and toilet facilities shall be provided for male and female patrons;

(7) All of the physical facilities for the massage establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, bathtubs, steam or vapor rooms or steam or vapor cabinets, showers and toilet rooms shall be kept thoroughly cleaned; and

(8) There shall be no entrance or exit way which provides direct access to another type of business, residence, or living quarters.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.09 USE OF LICENSE.**

(a) Each license issued under this chapter shall expire on December 31 of each year and must be renewed prior thereto in order to be valid.

(b) Each license issued under this chapter, whether for the licensed establishment or for each massage

therapist/myomassologist who performs massology services at the establishment, shall be conspicuously displayed upon a wall of the massage establishment which is in an area open to the public. All licenses shall be made available, upon request, for inspection by any patron, police officer, or Township official in order to confirm the information contained in the licenses, including photographic information which can be used to visually confirm the identity of a massage therapist/myomassologist. Within seventy-two hours of any change in fact, policy, or method which would alter the information provided in a license application, or on the license itself, the applicant/licensee shall notify the Township Clerk of such change(s) in writing.

(c) It shall be unlawful for any person to fraudulently make use of, to his or her own or another's benefit, a license issued to him, her or another in accordance with this chapter.

(d) It shall be unlawful for any person to counterfeit or forge or to deface or otherwise alter a license issued under the provisions of this chapter.

(e) A license issued under this chapter is not transferable, separable, or divisible, and the authority conferred shall be conferred only upon the individuals named on, and whose photograph appears on, the license. Upon sale, transfer, or relocation of a massage establishment, the license therefore shall be null and void unless pre-approved by the Township Clerk. It shall be the duty of all owners or licensees having knowledge of the sale, transfer, or relocation of a massage establishment to immediately report such sale, transfer, or relocation to the Township Clerk's office. The failure to do so shall result in an immediate suspension of the license. An application for transfer shall be in writing, shall contain the same information as required by this chapter for an initial application for a new license, and shall be accompanied by the same fee as required for an application for a new license.

(f) It shall be unlawful for any person operating an establishment to permit or allow an employee, student, or massage therapist/myomassologist or any person whatsoever to violate any of the terms of this chapter while on the premises of the establishment, and it shall be unlawful for any person at a licensed establishment to condone or allow any unlawful activity to occur on the licensed premises, whether within or outside the actual licensed building. It shall be the responsibility of an owner, operator, manager, or licensee to ensure that each person employed or engaged by him or her as a massage therapist has a valid massage therapist license issued pursuant to this chapter or otherwise pursuant to Public Act 471 of 2009.

(g) No person shall sell, give, dispense, provide, possess, or keep, or cause to be sold, given, dispensed, provided, possessed, or kept, any alcoholic beverage or controlled substances on the premises of any massage establishment.

(h) It shall be unlawful for any massage establishment to accommodate two or more patrons in the same room, except that two patrons may be accommodated in the same room if the two patrons knowingly and voluntarily request that their massage services be provided in the same room, and they execute a consent form indicating that they know each other and they each consent to obtaining massage services in the same room with the other patron.

(i) All massage establishments subject to this chapter are declared to be public places and during business hours shall not lock or obstruct the exits and entrances to the establishment or otherwise prevent free ingress or egress of persons.

(j) No massage establishment shall be kept open between the hours of 9:00 p.m. and 8:00 a.m.

(k) No massage establishment shall place, publish or distribute any advertisement, picture or statement which is known or through the exercise of reasonable care should be known to be false, deceptive, or misleading in an effort to induce any person to purchase or utilize massage services.

(l) A massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one person who is qualified and licensed as a massage therapist pursuant to Public Act 471 of 2009 as amended on the premises at all times while the establishment is opened. The licensee shall personally supervise the business, and shall not violate, or permit others to violate, any applicable provision of this chapter. The violation of any such provision by any agent or employee of the licensee may constitute a violation by the licensee if the licensee knew or should have known that such activity may occur. Any such violation by a licensee may also constitute a violation by the owner, president, and/or other supervisory official of the licensee, in his or her individual capacity, for permitting another to violate this chapter, if such individual knew or should have known that such activities were occurring or likely to occur. Any such violation may be the basis for suspending, revoking, or not renewing a license.

(m) The licensee or the person designated by the licensee of a massage establishment shall maintain a register of all persons employed or engaged as massage therapist/myomassologists. Included in the register will be a copy of each massage therapist/myomassologist license. Such register shall be available at the massage establishment for inspection by representatives of the Township and/or County or State health departments during regular business hours.

(n) Every patron shall furnish, and every licensee shall require that every patron furnish, proof of identity by showing a valid driver's license, voter registration certificate, state identification card, or equally reliable identification, and provide a date of birth. The identity and date of birth of every patron, the date and time of the massage, and the identity of the massage therapist/myomassologist administering the massage shall be recorded and maintained on the premises by the licensee for a period of three years and be available at the massage establishment for inspection by representatives of the Township and/or County or State health departments during business hours.

(o) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective patrons.

(p) The premises of the massage establishment shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.

(q) It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

(r) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, in a massage establishment, to expose the sexual or genital

parts, or any portions thereof, of any other person.

(s) No person granted a license pursuant to this chapter shall operate a massage establishment or as a massage therapist/myomassologist under a name not specified in the person's license, nor shall any licensee conduct business under any designation or location not specified in the licensee's license.

(Ord. 376. Passed 6-16-08; Ord. 384. Passed 2-23-09; Ord. 423. Passed 6-13-16.)

#### **850.10 REGULAR INSPECTIONS; SANITATION AND SAFETY REQUIREMENTS.**

(a) All premises used by a licensee under this chapter shall be periodically inspected by the Police Chief, Building Official, Fire Marshal, or their authorized representatives, for the safety of the structure and adequacy of the plumbing, ventilation, heating, and illumination. Police officers, code enforcement officials, and/or Building Department inspectors may at reasonable times during business hours, or during times when the licensed premises are occupied by an employee or owner of the massage establishment, make inspections of each massage business establishment for the purpose of determining compliance with the provisions of this chapter. A search warrant shall not be required for such inspections, in accordance with the opinion of the Michigan Supreme Court in *Gora v. Township of Ferndale*, 456 Mich 704 (1998). It is unlawful for any licensee to deny or refuse access to the premises or to hinder the official in any manner in the performance of his or her responsibilities under this chapter, and such refusal shall constitute sufficient grounds for immediate revocation of a license granted under the provisions of this chapter. The following minimum standards shall be maintained:

(1) Walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given, and (except in reception and administrative areas) shall be made of nonporous materials which may be readily disinfected;

(2) Floors shall be free from any accumulation of dust, dirt, or refuse;

(3) All equipment used in the massage operation shall be maintained in a clean and sanitary condition;

(4) Towels, linen, and items for personal use of masseurs and patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. Closed containers shall be provided for wet towels and waste material; and

(5) All equipment, shower stalls, toilets, lavatories, and other such accoutrements shall be regularly treated with disinfectants and shall be maintained in a clean and sanitary condition at all times.

(b) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex permitted therein.

(c) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

(d) Separate dressing room or locker room facilities shall be provided for the employees and patrons of different sex. The dressing room or locker room facilities shall be designated as to the sex permitted. If male and female patrons are to be served simultaneously at the massage establishment, separate massage rooms shall be provided and shall not be shared by male and female patrons, unless the consent required by Section 850.09(f) has been provided.

(e) All massage services enumerated in this chapter may be carried on in one cubicle, room, booth, or area within the massage establishment, but no massage services shall be performed in any room or area which is fitted with a door capable of being locked or barred.

(f) No massage establishment granted a license under the provisions of this chapter shall place, publish, or distribute or cause to be placed, published, or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services permitted by this chapter, or that employees or massage therapist/myomassologists are dressed in any manner other than described in subsection (h) hereof, nor shall any massage establishment indicate in the text of such advertising that any service is available other than the services permitted by this chapter.

(g) Licensees shall exercise every precaution for the safety of patrons. They shall watch for early signs of fatigue or weakness and immediately discontinue whatever form of service is being given upon the appearance of such signs.

(h) All employees and massage therapist/myomassologists must be modestly attired. Diaphanous, flimsy, transparent clothing is prohibited. Clothing must cover the employee's or massage therapist/myomassologist's torso at all times, shall not expose the navel cleft or navel, and shall cover the entire chest. Skirts and dresses are not permitted. The uniform shall include a photographic identification card which shall be worn whenever the employee or massage therapist/myomassologist is working.

(i) The skin and the hands of those attending patrons shall be clean and in healthy condition, and the nails shall be kept short. The hands shall be washed thoroughly with hot running water, using a proper soap or disinfectant, before giving a patron any service or treatment.

(j) All towels, tissues, sheets, or other coverings shall be used singularly for each patron and discarded for laundering or disposal immediately after use.

(k) Nondisposable tools of the trade shall be disinfected immediately after use upon one patron.

(l) The private parts of patrons must be covered when in the presence of any massage therapist/myomassologists or employees. Any contact with the patron's genital area is prohibited.



(m) No licensee shall knowingly allow any patron to be served when such patron is infected with any fungus or other skin infection, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, unless a licensed physician has certified that such patron may be safely served under specific prescribed conditions.

(n) All employees and massage therapist/myomassologists must be made available for confidential interview with authorized representatives of the Police Chief, Building Official and/or Fire Marshal present on the premises at any time upon entry by the authorized representative.

(o) The terms, conditions, including loan balances, payment history of any loans or any other forms of indebtedness by applicant or its agents shall be fully disclosed to police upon request.

(Ord. 376. Passed 6-16-08.)

(p) Doors shall remain unlocked and the premises accessible during hours of operation. A sign "Open for Business" shall be present and clearly visible from the street with a dimension of at least 1' x 1'.

(Ord. 423. Passed 6-13-16.)

#### **850.11 RENEWAL OF LICENSES; CRITERIA FOR NON-RENEWAL, SUSPENSION, OR REVOCATION.**

(a) Any time after December 1 of the year in which the license expires, the licensee may file with the Township Clerk a written application to renew the license on a form to be furnished by the Township Clerk. The application shall contain the information required herein for an original license to the extent that such information would not be duplicative, and the application shall be accompanied by the correct fees. The applicant shall present, under oath, a written statement that the matters contained in the original application have not changed or, if they have changed, specifically stating the changes that have occurred. The Township Clerk shall renew the license unless the Chief of Police, and where applicable, the Building Official finds that the requirements of this chapter for the issuance of a license are not met. All investigations shall be completed within twenty-one days, and a licensee may continue to operate as though properly licensed until such time as the Township Clerk renews or declines to renew the license.

(b) The Township Clerk may decide not to renew a license, to suspend a license, or to revoke a license based upon a determination by the Chief of Police, Fire Chief, or Building Official that any of the following exists:

(1) Failure to comply with all standards, plans, or agreements entered into in consideration for the issuance, transfer, or continuance of the license, or failure to comply with all agreements or consent judgments entered into subsequent to the issuance of the license.

(2) Violations of provisions of this chapter, State laws or local ordinances, including applicable codes and regulations, concerning health, safety, moral conduct, or public welfare, by any licensee or employee of a licensee.

(3) Maintenance of a nuisance upon or in connection with the licensed premises, including, but not limited to, any of the following:

A. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes;

B. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and or disturbs the peace, order, and tranquility of the neighborhood;

C. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining properties;

D. Activity on the licensed premises without a required permit and/or activity which disturbs the peace, order, and tranquility in the neighborhood of the licensed premises; or

E. Any advertising, promotion, or activity in connection with the licensed premises which by its nature causes, creates, or contributes to disorder, disobedience to rules, ordinances, or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

(4) Failure by the licensee to permit the inspection of the licensed premises by the Township's agents or employees in connection with the enforcement of this chapter.

(c) In addition to the foregoing provisions, the Township Clerk may decide to suspend, revoke, or not renew a license based upon the following considerations:

(1) Compliance with all applicable provisions of existing policy for new license applicants.

(2) Compliance with all standards and plans established and approved at the time of issuance.

(3) Tax considerations:

A. All licensees shall be held responsible for paying all real property taxes, personal property taxes, and other bills due the Township arising from their use and occupancy by their due dates each year.

B. All licensees renting or leasing the property in which their business is located shall be responsible for paying all personal property taxes and other bills due to the Township arising from their use of that property by their due dates each year.

(4) Failure to comply with provisions relating to indebtedness of any massage therapist/myomassologist.

(5) Failure to provide prompt access including providing for translator services or attempting to interfere with confidential communication between authorized representatives of the Township and any massage therapist/myomassologist.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.12 SUSPENSION OF LICENSE.**

(a) Any license issued under this chapter may be suspended by the Township Clerk for a period not to exceed ninety days upon the investigation, recommendation, and approval of the Chief of Police, Building Official, or health inspector for any violation of this chapter by the licensee. The Township Clerk may also summarily suspend any license issued under this chapter for failure to provide the application information required by this chapter, or any other application-related offense or omission, until such time as the offense or omission is remedied by the licensee.

(b) Any establishment license issued under this chapter may be suspended by the Township Clerk for a period not to exceed ninety days upon the investigation, recommendation, or approval of the Chief of Police, for a violation of this chapter by an agent or employee of the massage establishment, provided the violation occurred on the massage establishment premises.

(c) Notice of suspension may be given by delivering the same to the licensee, by delivering the same to the establishment, or by depositing the same in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the licensee at the address stated on the license application, and the notice shall be deemed given upon deposit of the notice in the United States mail.

(d) Suspension of a license shall be given effect ten days after written notice thereof is given to the licensee. The notice shall include the same information required elsewhere in this chapter for informing an applicant that a license application has been denied.

(e) Any suspension ordered by the Township Clerk may be appealed to the Zoning Board of Appeals by submitting a written request to the Township Clerk within ten days of the issuance of notice of such suspension.

(f) An appeal for any suspension hereunder shall automatically stay any suspension pending the outcome of the appeal, unless the Chief of Police, Fire Chief, or Building Official determines that continued operation under the license would pose an unreasonable risk to the safety, health, or welfare of a patron, an employee, or the general public, and the Township Clerk approves an immediate suspension based upon such determination. Such immediate suspensions shall only be effective for a maximum period of seventy-two hours from the time and date of suspension, and may only be extended for one additional seventy-two-hour period by the Township Clerk if the licensee fails to eliminate the hazardous condition during the first suspension period. The Board of Trustees may impose an additional suspension of unlimited duration, upon affording the licensee a due process hearing in a manner substantially similar to the appeal process described in this chapter, if the hazardous condition continues to exist beyond the two administrative suspensions permitted by this subsection.

(g) After the determination of the appeal or if no appeal is taken, the Chief of Police shall have the authority to take possession of the license wherever it may be found and hold the same until the suspension period has passed, and to post one or more conspicuous notices on the premises that one or more licenses have been suspended.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.13 REVOCATION OF LICENSES.**

(a) Any license issued according to this chapter may be revoked by the Township Clerk for the following reasons, in addition to or independent of the reasons set forth in Section 850.16:

(1) Upon the investigation, recommendation, and approval of the Chief of Police, or his or her representative, for any violation of this chapter by the licensee;

(2) The licensee is no longer able to satisfy the requirements to obtain a license;

(3) The license has been suspended three times in a ten year period; or

(4) There has been misrepresentation or withholding of information upon the original or renewal of the license applications.

(b) Notice of revocation may be given by delivery to the licensee, by delivery to the establishment or by depositing the same in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the licensee at the address stated on the license application. If the notice is mailed, it shall be deemed delivered upon deposit of the notice in the United States mail.

(c) The revocation shall be effective ten days after written notice delivered to the licensee. The notice of revocation shall include the same information required elsewhere in this chapter for informing an applicant that a license application has been denied.

(d) Any revocation issued under this chapter may be appealed to the Zoning Board of Appeals.

(e) An appeal of any revocation shall automatically stay the revocation pending the outcome of the appeal, unless the Chief of Police, Fire Chief, or Building Official determines that continued operation under the license would pose an unreasonable risk to the safety, health, or welfare of a patron, an employee, or the general public.

(f) Following the determination of an appeal or if an appeal is not taken, the licensee shall return all copies of the license to the Township Clerk, and the Chief of Police may take possession of the license wherever it may be found.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.14 FILING OF ORIGINAL APPEAL.**

(a) Within ten days of issuance of notification of suspension, revocation, or denial of a license according to this chapter, an

applicant may request, in the form of a written application to the Township Clerk, a reconsideration hearing before the Zoning Board of Appeals. Such application may request either reconsideration of the suspension, revocation, or denial, or a variance of any of the provisions or requirements of any law, ordinance, code, or regulation the violations of which constituted grounds for the suspension, revocation, or denial, or both.

(b) The appeal must state specifically the applicant's reasons for believing the actions of the applicable Township official were erroneous, and a copy of the decision or notice complained of should be attached to the appeal.

(c) The appeal hearing shall be conducted in accordance with the provisions in the Code of Ordinances. At the hearing, the appellant and the appellant's attorney may present a statement and evidence showing:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the proposed massage establishment or massage therapist/myomassologist applicant referred to in the appeal application submitted to the Township Clerk, which circumstances or conditions do not apply generally to any proposed massage establishment or massage therapist/myomassologist; and/or

(2) That the granting of such massage business license or massage therapist/myomassologist's license will not, under the circumstances of the particular case, have a material adverse effect upon the health, safety, or welfare of the persons residing or working in the neighborhood or attending any massage establishment, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to the immediate neighborhood or the Township at large.

(d) In all cases where the Zoning Board of Appeals grants a variance of any provision or requirements of this chapter, or otherwise relaxes or overturns an administrative decision to suspend, revoke, or deny, the Zoning Board of Appeals shall condition its order in any manner it deems necessary or desirable and which will be in harmony with the general purpose and intent of this chapter, and which will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(e) In no event shall the Zoning Board of Appeals grant a variance or relax or overturn an administrative decision where the suspension, revocation, or denial is based upon the occurrence of criminal acts, fraud, dishonesty, or other acts of moral turpitude, if established at the hearing by a simple preponderance of the evidence.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.15 EXEMPTIONS; ADDITIONAL LICENSING REQUIREMENTS.**

The licensing provisions of this chapter shall not apply to hospitals, nursing homes, medical clinics, or sanitariums that offer massage treatment for medical purposes to persons admitted for medical reasons, nor shall they apply to persons holding a valid, unrevoked certificate to practice medicine under the laws of the State, or to persons holding a valid, unrevoked license or certificate of registration issued by the State, such as members of the following professions: nursing, physical therapy, occupational therapy, cosmetology performing facial massage only, barber performing facial massage only, licensed medical doctor or other medical, osteopathic, or chiropractic professional, or any individual working under the direct supervision of such a person when performing the duties of such professionals, or an athletic trainer administering a massage in the normal course of training duties. Nevertheless, if such persons administer massage services at a massage establishment, such establishment must still be licensed as required by this chapter. In addition to meeting the licensing requirements in this chapter, a massage therapist/myomassologist must also provide proof of professional liability insurance as required by this chapter. Massage programs/schools licensed as proprietary by State of Michigan and North Central Accreditation are also exempt.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

#### **850.16 LICENSE NOT ASSIGNABLE OR TRANSFERABLE.**

Any license issued hereunder is not subject to assignment or transfer.

(Ord. 423. Passed 6-13-16.)

#### **850.99 PENALTY.**

Violation of this chapter or any provision hereunder shall be deemed a misdemeanor subject to imprisonment in the County jail for a period of up to ninety-three days or subject to fines up to five hundred dollars (\$500.00) plus court costs and/or in addition probation and terms and conditions as authorized by law.

(Ord. 376. Passed 6-16-08; Ord. 423. Passed 6-13-16.)

## **CHAPTER 856**

### **Obscenity in Establishments Serving Alcoholic Beverages**

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EDITOR'S NOTE: This chapter, previously a codification of Ordinance 291, passed November 12, 1991, and Ordinance 291-A, passed November 9, 1992, was repealed by Ordinance 304, passed September 6, 1994. See Section 680.11 of the General Offenses Code for provisions relating to public nudity.

## **CHAPTER 858**

# Pawnbrokers

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## General Provisions

- 858.01 Short title.
- 858.02 Definitions.

## Licensing and Appeals

- 858.03 License required.
- 858.04 License application.
- 858.05 Investigations and inspections.
- 858.06 License issuance; conditions for denial.
- 858.07 Hearings on appeals or variances.
- 858.08 Inspections of business premises.
- 858.09 License fees; expirations; transfers.

## Regulations, Bonds

- 858.10 Procedures and forms for fingerprinting, statements and recording of transactions; inspection of records.
- 858.11 Restrictions on sales.
- 858.12 Sunday operation prohibited.
- 858.13 Sales prohibited during certain hours.
- 858.14 Prohibited sale or possession of items with serial numbers altered, removed.
- 858.15 Merchandise displays.
- 858.16 Police order to hold property.
- 858.17 Retention of articles for specified periods.
- 858.18 Prohibited purchases.
- 858.19 Premises, enclosures and restrictions.
- 858.20 Premises condition.
- 858.21 Storage of scrap tires.
- 858.22 Bonds.
- 858.23 Compliance with State laws.
- 858.24 Compliance with Zoning Ordinances.
- 858.25 Purchases from minors prohibited.
- 858.26 Penalty.

## **CROSS REFERENCES**

- Ordinances regulating licensing and bonds - see Michigan Charter Township Act (Act 359 of 1947)
- Secondhand dealers - see M.C.L.A. Secs. 445.401 et seq.
- Junk yards - see M.C.L.A. Secs. 445.451 et seq.
- Pawnbrokers - see M.C.L.A. Secs. 445.471 et seq., 446.201 et seq.
- Offenses relating to property - see GEN. OFF.Ch. 660

## **GENERAL PROVISIONS**

### **858.01 SHORT TITLE.**

This chapter shall be known and cited as the Pawnbroker, Secondhand Dealer and Junk Dealer Ordinance of the Charter Township of Clinton and will be referred to herein as "this chapter."

(Ord. 396. Passed 4-9-12.)

### **858.02 DEFINITIONS.**

As used in this chapter, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) "Auto salvage dealer." Any junk dealer engaged substantially in the business of purchasing or receiving, wrecking or dismantling, and the sale or exchange of motor vehicles for the purpose of salvaging parts or materials therefrom.
- (b) "Auto salvage yard or shop." Any place where an auto salvage dealer purchases, receives, wrecks, dismantles, sells, or exchanges used motor vehicles, or parts, or materials salvaged therefrom.
- (c) "Collector vehicle." Any vehicle used for the collection, transportation, or handling of junk, or secondhand property, except not including a towing vehicle used to transport automobiles substantially used other than in transportation of motor vehicles as part of an auto salvage dealer business.
- (d) "Employee." Any person 18 years of age, or older, who renders any services in connection with the operation of a pawnbroker, secondhand dealer, or junk dealer business and who receives compensation from the business, or patrons thereof.
- (e) "Good moral character." The propensity on the part of the person to serve the public in a licensed area in a fair, honest and open manner.
- (f) "Goods." Any item not specifically covered by other definitions contained in this section.
- (g) "Junk." Any personal property which is, or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for any of the aforesaid purposes. Without limiting the aforesaid definition of "junk" terms shall include used, or salvaged rope, bags, paper, rags, glass, rubber, wood pellets, and similar articles of property and used motor vehicles, machinery, or parts thereof which are used, owned, or possessed for the purpose of wrecking or salvaging parts of materials there from. Metals available or used for as scrap, shall be considered as junk.
- (h) "Junk dealer." Any person whose substantial business is buying, exchanging, collecting, receiving, storing, accumulating, selling, or otherwise handling junk.
- (i) "Junk yard" or "junk shop." Any place at which a junk dealer buys, exchanges, collects, receives, stores, accumulates, sells, or otherwise handles junk.
- (j) "Owner or operator." Any person who owns, or controls a pawnbroker, secondhand dealer, or junk dealer business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations, limited liability companies, or any combination of individuals, of whatever form or character.
- (k) "Patron." Any person 18 years of age, or older, who does business in any form with a pawnbroker, secondhand dealer, or junk dealer business.
- (l) "Pawnbroker." Means any person, corporation, member of a limited liability company, member of a partnership, or firm who loans money on deposit, or pledge personal property, or other valuable thing, other than securities, or printed evidence of indebtedness, or who deals in the purchasing of personal property, or other valuable things on condition of selling the same back at a stipulated price.
- (m) "Pawn shop." Any place where a pawnbroker regularly conducts the business of being a pawnbroker.
- (n) "Scrap iron and metal processor or recycler." Any junk dealer engaged substantially in the business of purchasing or receiving scrap iron and metal (except scrap motor vehicles not purchased from a licensed auto salvage dealer, or junk dealer) and the storing, processing, recycling, and sale or exchange thereof.
- (o) "Scrap yard." Any place where a scrap iron and metal processor, or recycler engages in the business or receiving, storing, processing or recycling scrap iron or metal.
- (p) "Secondhand dealer." Any person, corporation, member of a co-partnership, or firm, or limited liability company whose business is that of purchasing, storing, selling, exchanging, and receiving secondhand personal property of any kind, or description. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. "Primary business" means more than 90% of revenues derived.
- (q) "Secondhand store." Any place at which a second dealer buys, exchanges, collects receives, stores, or sells secondhand property. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. "Primary business" means more than 90% of revenues derived.
- (r) "Certain regulated businesses exclusion of certain provisions." Any owner, person, corporation, limited liability company, member of a co-partnership, or firm which is regulated pursuant to State law and which is required to maintain and report transactions pursuant to State law on the recommendation of the Police Chief shall be permitted to be exempt from sections of this chapter requiring recording and registration of transactions. Any denial of exemption shall be subject to appeal under Section 858.07.

(Ord. 396. Passed 4-9-12.)

## **LICENSING AND APPEALS**

### **858.03 LICENSE REQUIRED.**

No owner, or operator shall engage in or carry on the operation of a pawnbroker, secondhand dealer, or junk dealer business without first obtaining and maintaining a valid business license issued by the Township pursuant to this chapter for each separate office, or place of business conducted by such owner or operator.

(Ord. 396. Passed 4-9-12.)

#### **858.04 LICENSE APPLICATION.**

Any owner or operator desiring a pawnbroker, secondhand dealer, or junk dealer, or business license shall file a written application with the Township on a form to be furnished by the Township. The applicant shall accompany the application with the correct license fee, which fee shall not be refundable, and shall furnish the following information:

(a) Type of ownership of the business, i.e. whether individual, partnership, corporation, or otherwise, including copies of the most recent annual statement and most recent Articles of Incorporation, Partnership Agreement, Articles of Organization, or other applicable document.

(b) The name, style and designation under which the business or practice is to be conducted, including each address at which the business is to be conducted.

(c) A complete list of the names, resident addresses, birth dates, and driver licenses numbers, if applicable, of all owners and employees in the business, identifying where applicable, any employees who will manage, or be in charge of the operation of the business at any time. A complete list of the names, resident addresses, birth dates and driver license numbers, if applicable, of any persons or entities lending, investing, or giving money to the business, including financial records verifying the source of such funds being furnished.

(d) The following personal information concerning the applicant and owners, if an individual; concerning each stockholder, officer, or director if a corporation; concerning each member, if a limited liability company; concerning the partners, including general and limited partners, if a partnership and concerning the manager or other person principally in charge of the operation of the business:

(1) Name, address and telephone number, date of birth and driver license number, if applicable;

(2) Two previous addresses prior to the present address of the applicant;

(3) Written proof showing date of birth;

(4) Height, weight, color of hair, eyes and sex;

(5) Two front-faced portrait photographs taken within 30 days of the date of application, at least two inches by two inches in size;

(6) A full accurate and complete business history detailing experience, including, but not limited, whether or not such person has previously had any ownership interest in, or worked at, in this or another city or state, the same or similar business, including whether any license or permit issued, whether any such license or permit was ever denied, revoked, or suspended, the reason thereof and business activities, or occupations including the full name and address of the business and the name and phone number of any contact persons;

(7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which such conviction occurred, the offense for which conviction, or such conviction and the circumstances thereof;

(8) Complete set of fingerprints taken and to be retained on file by the Chief of Police, or his or her authorized representative;

(e) Authorization for the Township, its agents and employees to seek information and conduct an investigation to the truth of the statements set forth in the application and qualifications of the applicant.

(f) The names and addresses of three adult residents in the County who will serve as character references, who must be persons other than relatives and business associates.

(g) A written declaration by the applicant under penalty of perjury that the information contained in this application is true and correct with such declaration dated and signed in the Township.

(h) Execution of any and all necessary documents and a statement indicating that proper equipment will be installed for the direct electronic entry into the Charter Township of Clinton's computerized system, transaction information, or recording by electronic transmission pursuant to this chapter.

(Ord. 396. Passed 4-9-12.)

#### **858.05 INVESTIGATIONS AND INSPECTIONS.**

(a) Upon receipt of an application for a pawnbroker, secondhand dealer, or junk dealer business license, the Township shall refer application to the Chief of Police, or his or her designee who shall conduct an investigation into the applicant's moral character, personal and criminal history. A personal interview may be required and such further information, identification and physical examination of the person and proposed business premises and records of the applicant as shall bear on the investigation.

(b) The Chief of Police or his or her designee shall cause to be conducted an investigation of the premises where the business is to be carried on for the purpose of ensuring that the premises comply with all requirements set forth in this chapter and with ordinances of the Township relating to public, health, safety and welfare. Additionally, no applicant's license shall be considered as issued until all equipment is installed and demonstrated to be operating for the electronic transmission of information relating to transactions as required pursuant to this chapter.

(c) An applicant shall submit to lawful inspections by the Township and any of its departments, as well as the County and any other governmental agencies as necessary to ensure that the proposed business and applicant comply with applicable laws, ordinances and regulations of the Township. An application may be refused for submission for approval to the Township Board until a report form applicable departments is received and information furnished such that the applicant or proposed premises comply with all applicable laws, ordinances and regulations.

(d) Before issuance of any license, the Chief of Police, or his or her designee, shall submit within 45 days of receipt of an application and report of investigations, inspections and a recommendation for approval or denial.

(Ord. 396. Passed 4-9-12.)

#### **858.06 LICENSE ISSUANCE; CONDITIONS FOR DENIAL.**

The Township, upon receipt of an application for a license required by this chapter, and reports and recommendations of the Chief of Police, or his or her designee shall place the application upon the agenda for the next regularly scheduled Board meeting, provided that such meeting date is not less than 14 business days from the date of receipt of such application by the Township Clerk. If it is less than 14 business days from such receipt, such application shall be placed upon the agenda for the following regular meeting of the Township Board. The Board shall determine whether or not such license shall issue, after reviewing the reports of investigation and inspection and recommendation by the Chief of Police, or his or her designee and other employees of the Board shall direct that a license be issued within 14 business days, provided, in addition, electronic transmission is demonstrated to be capable, unless it finds that:

(a) The correct fee has not been tendered or any fee in the form of check or draft has been dishonored.

(b) The operation as proposed is not compliant with the applicable laws including but not limited to the Township's building, fire, zoning and health ordinances.

(c) The applicant or any person having an ownership interest in any entity which is the applicant, or a manager, has been convicted of any crime involving moral turpitude, including but not limited to prostitution and pandering, gambling, extortion, fraud, criminal usury, controlled substances, weapons, assault, theft, unless such conviction occurred at least 15 years prior to the date of application.

(d) The applicant has knowingly made any false misleading or fraudulent statement of fact in the permit application, or in any document required by the Township.

(e) The applicant has had a similar business license, or other similar permit, or license denied, revoked, or suspended for any of the causes set forth here and above in this chapter, or any other State or local agency within the prior 15 years to the date of application.

(f) The applicant or any owner is not 18 years of age or older.

The Board, if it denies an application, shall specify the grounds for denial, notifying the applicant by regular mail, addressed to the address furnished in the application which notice shall specify the grounds for denial.

(Ord. 396. Passed 4-9-12.)

#### **858.07 HEARINGS ON APPEALS OR VARIANCES.**

(a) Within 20 days of the date of denial of an application, or refused exemption under Section 858.02(r), the applicant may request in the form of a written application to the Township, furnished to the Township Clerk, a hearing before the Township Board for reconsideration of the license application, or exemption request denial, or for a variance of any of the provisions of this chapter, which provision constituted grounds for the original denial of the application. Such hearings shall be conducted as follows:

(1) The applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial do not exist, or are inaccurate.

(2) After reviewing the evidence, the Township Board shall determine whether to uphold the denial, or grant the application.

(3) The applicant and his or her attorney, may present a statement and adequate evidence, demonstrating that:

A. Exceptional or extraordinary circumstances or conditions apply to the business referred to in the appeal submitted which circumstances or conditions do not apply generally to any proposed business which warrant the issuance of the application notwithstanding conformity to this chapter.

B. That the granting of such license will not materially affect the health, safety, or welfare of persons residing or working in the neighborhood, patrons, or the public at large and that such issuance shall not be a material detriment, or injurious to public welfare.

C. A State law adequately achieves the same goals as this chapter in the case of a exemption denial.

(b) In all cases where a variance is granted, Township Board shall find:

(1) That the grant of the variance will be in harmony with the general purpose and intent of this chapter; and

(2) That the grant of the variance will not be detrimental or injurious to the neighborhood or the Township at large.

(3) The Township Board may impose reasonable conditions, if the license is approved for issuance.

(Ord. 396. Passed 4-9-12.)

#### **858.08 INSPECTIONS OF BUSINESS PREMISES.**

(a) Every licensee shall permit all reasonable inspections of the business premise, including during regular business hours and otherwise after regular business hours, and shall at all times comply with all applicable laws, including after expiration of any license and during any period the license may be revoked or suspended.

(b) Any licensee shall display the license in an open and conspicuous place on the premises visible to the patrons of the premises.

(c) During the pendency of any application, or during the term of any license, if any information provided in the application changes, such change of information shall be furnished in writing to the Chief of Police, or his or her designee within 72 hours after such change.

(Ord. 396. Passed 4-9-12.)

#### **858.09 LICENSE FEES; EXPIRATIONS; TRANSFERS.**

(a) Fees shall be established from time to time by resolution of the Township Board.

(b) Licenses granted shall expire on December 31 of each year and shall require payment of a renewal fee as set forth in the fee schedule for the ensuing year.

(c) No license shall be deemed transferable, separable, or divisible.

(Ord. 396. Passed 4-9-12; Ord. 447. Passed 1-14-19.)

### **REGULATIONS, BONDS**

#### **858.10 PROCEDURES AND FORMS FOR FINGERPRINTING, STATEMENTS AND RECORDING OF TRANSACTIONS; INSPECTION OF RECORDS.**

(a) The Township shall furnish forms for the taking of fingerprints and furnishing additional information as required by regulations of the Township Police Department. Every person licensed to conduct, maintain, or engage in a business of pawnbrokers, secondhand dealer, or junk dealer, shall maintain in a form provided by the Chief of Police, or his or her designee, records in the manner and form as provided herein, which shall be subject to inspection by the Township Police Department upon request.

(b) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has transacted and all property coming into their possession. Reports must be electronically transmitted to the Chief of Police or his or her designee. Within 48 hours, a report must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Clinton Township Police Department's computerized system, as approved by the Chief of Police, or his or her designee for identifying property coming into the possession of a licensor, including but not limited to all pawn property, all transactions in which used goods have been received the preceding day by pawn, trade, purchase, or consignment and items received by junk dealers. A transaction report by electronic transmission under this subsection shall not be reported on paper forms, unless the Chief of Police, or his or her designee so requires. All secondhand dealers, junk dealers, and pawnbrokers must have the equipment installed in their place of business no later than June 1, 2012. Information must be reported electronically beginning June 1, 2012.

(Ord. 396. Passed 4-9-12.)

#### **858.11 RESTRICTIONS ON SALES.**

No entity or person who is not a licensed pawnbroker, secondhand dealer, or junk dealer shall sell, offer for sale, advertise for sale, or represent any article, personal property, or other valuable thing for sale which is subject to the provisions of this chapter unless the proper license is in effect. No pawnbroker, secondhand dealer, junk dealer, shall purchase, or receive in pawn, any item, or other articles, or keep for sale any such articles, or items unless a current effective license is in effect.

(Ord. 396. Passed 4-9-12.)

#### **858.12 SUNDAY OPERATION PROHIBITED.**

It is unlawful for any person licensed under the provisions of this chapter, or otherwise as a pawnbroker, or secondhand dealer, or used goods dealer, pursuant to state law to transact business, or to open, or keep open, the place or room where such business is conducted on any Sunday.

(Ord. 396. Passed 4-9-12.)

#### **858.13 SALES PROHIBITED DURING CERTAIN HOURS.**

No licensee, employee, or agent of a licensee shall sell or purchase by sale, barter, exchange, or otherwise any item under a license issued pursuant to this chapter from or to any person, or entity between the hours of 9:00 p.m. and 7:00 a.m. of the following day. In addition, no person or entity shall purchase by sale, barter, exchange, or otherwise any junk between the hours of 6:00 p.m. and 7:00 a.m. the following day.

(Ord. 396. Passed 4-9-12.)

#### **858.14 PROHIBITED SALE OR POSSESSION OF ITEMS WITH SERIAL NUMBERS ALTERED, REMOVED.**

(a) No licensee, or agent, or employee shall conceal or misrepresent the identity by removing, concealing, defacing, adding to, substituting, or altering, the serial number or manufacturer's number on any motor vehicle, motor, appliance, mechanical device, watch, clock, camera, precision instrument, outboard motor, radio, shotgun, or any other article or thing where the manufacturer has placed numbers for the purpose of identification; by altering or replacing any part of such article, or thing, baring the serial or manufacturer's number with a new or replaced part upon which the proper serial number, or manufacturer's number has not been stamped or placed.



(b) No person licensed under this article, or employee of such licensed person, shall deal in, or possess, any item as described herein above from which the serial numbers have been removed, concealed, defaced, added, substituted, altered, or replaced.

(c) In all prosecutions under this section, possession by any dealer, licensor, person, or entity of an item from which the serial numbers, or manufacturer's number, or identification number has been removed, concealed, defaced, added, substituted, altered, or replaced shall be prima facie evidence of violation of the provisions of this section.

(Ord. 396. Passed 4-9-12.)

#### **858.15 MERCHANDISE DISPLAYS.**

No licensee under this chapter shall display merchandise or articles outside of the building, or fail to change a window display at least twice monthly.

(Ord. 396. Passed 4-9-12.)

#### **858.16 POLICE ORDER TO HOLD PROPERTY.**

Whenever a law enforcement official from any agency notifies an auto salvage dealer, junk dealer, pawnbroker, secondhand dealer, or owner or employee of any of the foregoing, the item must not be sold, or removed from the premises. If the hold was conveyed verbally, the hold shall be confirmed by the investigating agency within 72 hours either in writing, or by electronic transmission. The order to hold the item shall expire 60 days from the date it is placed, unless the holding agency seizes the item of evidence, or obtain other court order to hold the item, or determines that the hold is still necessary and notifies the business in writing, or by electronic transmission to continue to hold the item for an additional 60 days. Each licensee and owner shall be jointly and severally liable for holding such property.

(Ord. 396. Passed 4-9-12.)

#### **858.17 RETENTION OF ARTICLES FOR SPECIFIED PERIODS.**

(a) Items, goods, articles and junk purchased or exchanged, shall be retained for not less than 15 days before disposal in an accessible place in the building where licensed activity occurs. A tag shall be attached to such item in some visible and conspicuous place with a number corresponding to the entry in the electronic record, or other record provided. For items not recorded electronically, the purchaser shall prepare and deliver on Monday of each week, to the Chief of Police, or his or her designee, before noon, a legible and correct copy in the English language containing a description of each item and photograph, purchased or received during the previous week, including the hour, day when purchased and a description of the person from whom it was purchased, including a copy of a photo identification. Such statement shall be verified by the affidavit of the licensee, employee, or owner who received the item.

(b) Any person engaged in the business of buying, exchanging, collecting, receiving, storing, or selling any used motor vehicles for the purpose of wrecking or salvaging parts there from, shall report each such transaction to the Chief of Police, or his or her designee within five business days, excluding Saturday and Sunday, from the date of the transaction. The report shall contain a description of each such motor vehicle inquired, including vehicle identification number, hour and date when purchased, a description of the person, including a copy of photo identification from whom it was acquired and a photo of the vehicle. Such reports shall be on forms approved by the Chief of Police, or his or her designee and made under oath. Such vehicles shall not be disposed of, or altered in any manner for a period of five days from the time the report is received by the Township.

(Ord. 396. Passed 4-9-12.)

#### **858.18 PROHIBITED PURCHASES.**

No licensee, owner, or employee shall receive any item, goods, or junk from any person who at the time is intoxicated, or appears to be under the influence of a controlled substance, or is known to be a thief, or receiver of stolen property, or from any person who is suspected not to be the owner of the property, or from any minor under the age of 18 years.

(Ord. 396. Passed 4-9-12.)

#### **858.19 PREMISES, ENCLOSURES AND RESTRICTIONS.**

No licensee shall maintain a junk yard, junk shop, auto salvage yard, or scrap metal yard, or any other business unless the business is carried on entirely inside a building, or unless the premise is conducted within an enclosed area, except for gates, or doors for ingress and egress by a suitable enclosure such as a fence, or wall as approved by the Planning Commission for the Township of Clinton.

(Ord. 396. Passed 4-9-12.)

#### **858.20 PREMISES CONDITION.**

(a) All fences and enclosures shall be maintained in a neat and substantial manner, including but not limited to painting, removal, or replacement of dilapidated areas and maintenance of a continuous uninterrupted even perimeter of the same materials.

(b) No items, goods, or junk shall be permitted to lean on or touch any such enclosure, or be in front of or suspended on any such enclosure. Items may not be piled higher than two feet below the top of such enclosure and items must be arranged so that safety aisles, driveways and uniformed passage ways are provided, allowing reasonable access to all parts of the premises by law enforcement and fire fighting operations.

(c) All premises shall be maintained in a clean, sanitary and neat condition and no fire shall be permitted unless a permit from the Fire Marshal and any other regulatory agency has been obtained and is in full force.

(Ord. 396. Passed 4-9-12.)

#### **858.21 STORAGE OF SCRAP TIRES.**

Scrap tires may only be stored after special land use approval by the Planning Commission under the standards for special land use approval and the zoning ordinance.

(Ord. 396. Passed 4-9-12.)

#### **858.22 BONDS.**

(a) Prior to any license being issued, the applicant shall furnish a corporate security bond, Best A Rated, or better and the penal sum of ten thousand (\$10,000.00) dollars with sufficient sureties to be approved by the Township which bond shall be conditioned that the owner, operator shall during the time of the license comply with all the laws of the State of Michigan and Township pursuant to this chapter and in regard to Pawnbrokers, Secondhand Dealers, Junk Dealers, Precious Metal and Gem Dealers Act of the State, as set forth, and the Sale of Secondhand Watches Act of the State as set forth, including any amendments to the foregoing State laws. Any person aggrieved by the action of the licensee shall have a right of action on the bond for recovery of money damages. Such bond shall remain in full force and effect for 90 days after the expiration or cancellation of any license, or after the termination of any action upon such bond.

(b) On the recommendation of the Building Inspector, City Supervisor, or Clinton Township Police Department, an additional bond may be required in order to assure that the conditions at the site of the business are maintained from which the costs of any enforcement action shall be repaid to the Township in the event of any enforcement action for compliance with this chapter.

(Ord. 396. Passed 4-9-12.)

#### **858.23 COMPLIANCE WITH STATE LAWS.**

Each licensee and employees must comply with the terms of State laws, including but not limited to M.C.L. 445.471 through 445.476 and any amendments thereto, the State act regulating pawnbrokers where applicable, M.C.L. 446.201 through 446.219 and any amendments thereto. Full compliance with the Precious Metal and Gem Dealer Act as set forth in M.C.L. 445.481 through 445.492 and any amendments thereto is required. Compliance with the Sale of Secondhand Watches Act, M.C.L. 445.551 through 445.555 and any amendments thereto is required.

(Ord. 396. Passed 4-9-12.)

#### **858.24 COMPLIANCE WITH ZONING ORDINANCES.**

Every licensee and employee shall comply with all requirements for business location at which work, pursuant to any license issued under this chapter, occurs as provided in any applicable zoning ordinances of the Township.

(Ord. 396. Passed 4-9-12.)

#### **858.25 PURCHASES FROM MINORS PROHIBITED.**

No licensee, dealer, employee, person or entity shall purchase or receive any item or property on the premises or otherwise off premises associated with the business conducted on the premises, from any person under the age of 18 years.

(Ord. 396. Passed 4-9-12.)

#### **858.26 PENALTY.**

Any licensee, dealer, employee, person, or entity who violates the terms and provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than five hundred (\$500.00) dollars, or both, plus costs. Any violation may also result in a suspension or revocation of such license as prescribed by statute and as otherwise imposed by the Clinton Township Police Department after notice of such proposed action at least seven days beforehand. The licensee shall be permitted a hearing before the Chief of Police and a right of appeal as prescribed for denial of the issuance of a license.

(Ord. 396. Passed 4-9-12.)

## **CHAPTER 860**

### **Pool Rooms and Billiard Halls**

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860.01 Title.

860.02 Purpose.

860.03 Person defined.

- 860.04 Pool room and billiard hall defined.
- 860.05 Application for and grant of permit.
- 860.06 Proceedings and causes for revocation of permit.
- 860.07 Hours of operation.
- 860.99 Penalty.

#### **CROSS REFERENCES**

- Minors - see M.C.L.A. Secs. 722.51 et seq., 750.141
- Ordinances - see M.C.L.A. Sec. 750.141
- Gambling - see M.C.L.A. Sec. 750.305a; GEN. OFF.Ch. 630
- Sale of alcoholic beverages to minors - see GEN. OFF.608.01
- Minor's curfew - see GEN. OFF.658.02
- Coin-operated amusement devices - see B.R. & T.Ch. 814

#### **860.01 TITLE.**

This chapter shall be known and may be cited as the "Clinton Township Pool Room Chapter."

(Ord. 192. Passed 12-30-64.)

#### **860.02 PURPOSE.**

The purpose of this chapter is to secure the public health and safety of persons and property therein, and the general welfare of the residents and property owners of Clinton Township, Macomb County, Michigan, by the licensing and regulation of the conduct of persons and the operation of all pool rooms or billiard halls located in and being operated within the unincorporated limits of the Township of Clinton, Macomb County, Michigan.

(Ord. 192. Passed 12-30-64.)

#### **860.03 PERSON DEFINED.**

The word "person," as used in this chapter, means a natural person and also includes corporations, partnerships and associations, and their officers and officials, existing under or authorized to exist under the laws of the State of Michigan or any other state or any foreign country.

(Ord. 192. Passed 12-30-64.)

#### **860.04 POOL ROOM AND BILLIARD HALL DEFINED.**

"Pool hall" and "billiard hall," as used in this chapter, mean any structure or building, or any part thereof, which contains pool, billiard or snooker tables, for which the proprietor or other person having custody or charge thereof requires payment for use thereof. This definition shall include all parts of buildings or structures containing said enumerated tables, even though operated in conjunction with or separated from any other lawful business activity on the premises, except that this chapter shall not apply to properly chartered fraternal organizations or other organizations chartered exclusively for fraternal, religious or charitable purposes, nor shall the definition herein extend to cover so-called miniature pool tables commonly in use in taverns, it being the express intent of this chapter to exempt from these provisions said charitable, religious and fraternal organizations and the establishment, maintenance and use of said miniature pool tables.

(Ord. 192. Passed 12-30-64.)

#### **860.05 APPLICATION FOR AND GRANT OF PERMIT.**

(a) Any person desiring to open or establish a pool room or billiard hall as hereinbefore defined shall first make application to the Clerk of Clinton Township, setting forth in said application his or her age, correct name, post office address and residence; the length of time he or she has lived in this State, and his or her places of residence for the last five years; and whether or not he or she has been convicted of any crime involving moral turpitude. Further, the applicant shall give references to at least five respectable citizens of the community in which he or she has resided within this State. Further, he or she shall state the location of the business and pay into the Treasury of the Township a fee of twenty-five dollars (\$25.00) for the use of the Township.

Agents of corporations or partners shall furnish all the information and recommendations required of any individual applicant.

(b) The Township Clerk, after receiving such application, shall, if satisfied that the applicant possesses the necessary qualifications, grant a permit for the term of one year. Any permit issued in accordance with this chapter may be renewed for any additional year upon the same terms and subject to the same requirements as provided herein for an original permit. No permit or renewal thereof issued shall be assignable or transferrable nor shall any person except the permittee be permitted to do business hereunder either directly or indirectly.

#### **860.06 PROCEEDINGS AND CAUSES FOR REVOCATION OF PERMIT.**

(a) Every such permit shall be revoked for any of the following causes:

(1) That intoxicating liquors are either sold or drunk on the premises or on that part of the premises a containing pool, billiard or snooker table, if the business is carried on in conjunction with other lawful business under the same roof and in the same building, or that persons under the influence of intoxicating liquor are permitted to frequent, be in, or remain on, said premises or part of the premises used and operated as a pool room or billiard hall as defined in this chapter;

(2) That gambling in any form is permitted in or about said premises;

(3) That such place is frequented habitually by persons of low repute, or that the place is conducted in such a manner as to be generally reputed in the immediate vicinity thereof to be immoral and a menace to the morals and good citizenship of the community;

(4) That such place is being operated in violation of hours of operation of the same as hereinafter provided in this chapter.

(b) In the event complaint is made that any of the above provisions for revocation exist, the permittee shall be ordered to show cause before the Township Board at an open public hearing why his permit or her should not be revoked, and if it shall appear that the charges have been sustained, the permit shall be revoked and the permittee shall cease to operate.

(Ord. 192. Passed 12-30-64.)

#### **860.07 HOURS OF OPERATION.**

No pool room or billiard hall, as defined by this chapter, shall be operated or open for use by members of the public between the hours of 2:30 a.m. and 7:00 a.m.

(Ord. 192. Passed 12-30-64; Ord. Unno. Passed 8-23-04.)

#### **860.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 862**

### **Regulating and Licensing Precious Metal and Gem Dealers**

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862.01 Definitions.

862.02 Registration and transaction fee.

862.03 Records of transactions.

862.04 Retention of transaction and transmittal to Police Department.

862.05 Certificate of registration.

862.06 Application; prerequisites.

862.07 Police Department review.

862.08 Review by Building Inspector.

862.09 Certificate of registration, duration; renewal; changes.

862.10 Display of certificate of registration.

862.11 Precious item retention; alteration or defacing unlawful.

862.12 Precious items: acceptance prohibited and unlawful.

862.13 Violations; penalty.

862.14 License revocation.

#### **862.01 DEFINITIONS.**

Definitions utilized under this chapter shall be the same definitions as provided in the Precious Metal and Gem Dealer Act, M.C.L. 445.482 as amended.

(Ord. 397. Passed 5-7-12.)

#### **862.02 REGISTRATION AND TRANSACTION FEE.**

A registration fee and renewal fee shall be assessed from each licensee in a manner and amount as set from time to time by resolution of the Board of Trustees. A transaction fee per transaction shall be payable in an amount as set from time to time by the Board of Trustees.

**862.03 RECORDS OF TRANSACTIONS.**

(a) A dealer shall maintain a permanent record of each transaction, on record of transaction forms provided for in Act 95 of 1981. Such record shall be legibly written or otherwise printed in ink in the English language. Each record of transaction form shall be filled out in quadruplicate by the dealer or agent or employee of the dealer. One copy of the form shall go to the Police Department pursuant to State law; one copy shall go to the customer; and one copy shall be retained by the dealer pursuant to State law.

(b) At the time a dealer receives or purchases a precious item, the dealer or the agent or employee of the dealer shall ensure that the following information is recorded accurately on a record of transaction form:

(1) The dealer certificate of registration number.

(2) A general description of the precious item or precious items received or purchased, including the type of metal or precious gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description.

(3) The date of the transaction.

(4) The name of the person conducting the transaction.

(5) The name, date of birth, driver's license number or State of Michigan personal identification card number, and street and house number of the customer, together with a legible imprint of the right thumb of the customer, or if that is not possible, of the left thumb or a finger of the customer. However, the thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer. The thumbprint or fingerprint shall be made available to a police agency during the course of a police investigation involving a precious item or items described on the record of transaction. After a period of one year from the date of the record of transaction, if a police investigation concerning a precious item or items described on the record of transaction has not occurred, the dealer and any police agency or sheriff's department holding a copy of the record of transaction shall destroy, and not keep a permanent record of, the record of transaction. A dealer who goes out of business or changes his or her business address to another local jurisdiction either within or out of this State shall transmit the records of all transactions made by the dealer within one year before his or her closing or moving, to the local police agency.

(6) The price paid by the dealer for the precious item or precious items.

(7) The form of payment to the customer; check, money order, bank draft, or cash. If the payment is by check, money order, or bank draft, the dealer shall indicate the number of the check, money order, or bank draft.

(8) The customer's signature.

(c) The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year (example, 01-2011).

(d) The record of transaction forms of a dealer and each precious item received shall be open to an inspection by the County Prosecuting Attorney, the local police agency, the police agency or sheriff's department of the local governmental unit in which the customer resides, and the Michigan State Police, at all times during the ordinary business hours of the dealer. As a condition of doing business, a dealer is considered to have given consent to the inspection prescribed by this subsection. The record of transaction forms of a dealer shall not be open to inspection by the general public.

(e) The items shall be photographed and any serial number or other markings provided, as well as any other information as required pursuant to the electronic transaction reporting processes utilized by the Township. Additionally, the driver license, state identification, passport, or other photographic identification of a customer shall be photographed.

(f) The form of the record of transaction shall have an 8-1/2 by 11-inch size and shall be as follows:

**RECORD OF TRANSACTION**

Dealer Certificate # \_\_\_\_\_ # \_\_\_\_\_

(Transaction Number)

(1) Description of Property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) \_\_\_\_\_, 20 \_\_\_\_ (3) \_\_\_\_\_

(Date) (Name of Dealer/Employee)

(4) \_\_\_\_\_.

(Name of Customer) (Date of Birth)

---

(Driver's license No./ (Street Address) (Mich. Personal ID Number)

---

(City and State) Zip

(5) \_\_\_\_\_

(Price Paid) (County of Residence)

(6) \_\_\_\_\_

(Check no., bank draft no., money order no., or cash)

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(Name of police agency of city, village, or township in which customer resides)

Thumbprint of Customer

---

Signature of Customer

(Ord. 397. Passed 5-7-12.)

#### **862.04 RETENTION OF TRANSACTION AND TRANSMITTAL TO POLICE DEPARTMENT.**

(a) Except as otherwise provided by State law, each record of a transaction shall be retained by the dealer for not less than one year after the transaction to which the record pertains.

(b) (1) Within 48 hours after receiving or purchasing a precious item, the dealer shall send a copy of the record of transaction form to the Clinton Township Police Department and, if the record of transaction form indicates that the customer resides outside the jurisdiction of the Township, the dealer shall send a copy of the record of transaction form to the police agency of the city, village, or township in which the customer resides as set forth on the record of transaction, or, if that city, village, or township does not have a police agency, to the sheriff's department of the county in which the customer resides as set forth on the record of transaction.

(2) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has transacted and all property coming into their possession. Reports must be electronically transmitted to the Police Chief or his or her designee. Within 48 hours of receipt by purchase, or otherwise of a precious item, a report must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Clinton Township Police Department's computerized system, as approved by the Police Chief, or his or her designee for identifying property coming into the possession of a licensor. A transaction report by electronic transmission under this subsection shall not be reported on paper forms, unless the Police Chief, or his or her designee so requires. All dealers must have the equipment installed in their place of business no later than April 1, 2012. Information must be reported electronically beginning April 1, 2012.

(c) The record of transaction forms received by a police agency or sheriff's department shall not be open to inspection by the general public. Each police agency or sheriff's department holding record of transaction forms shall be responsible for ensuring the confidentiality of the record of transaction forms and ensuring that the record of transaction forms are used only for the purpose for which they were received.

(Ord. 397. Passed 5-7-12.)

#### **862.05 CERTIFICATE OF REGISTRATION.**

No person shall carry on the business of a precious metal or gem dealer in the Township without first having a Certificate of Registration issued from the Township Police Department, authorizing such person or entity to carry on such business subject to the provisions of this chapter.

(Ord. 397. Passed 5-7-12.)

#### **862.06 APPLICATION; PREREQUISITES.**

A dealer shall apply to the Township for a certificate of registration, and pay a fee of fifty dollars (\$50.00) to cover the cost of processing and issuing the certificate of registration, by disclosing the following information:

(a) The name, address, and thumbprint of the applicant(s).

(b) The name and address under which the applicant does business.

(c) The name, address, and thumbprint of all agents or employees of the dealer. Within 24 hours after hiring a new employee, the dealer shall forward to the local police agency the name, address, and thumbprint of the new employee.

(d) The Certificate issued shall be valid for one year expiring December 31 each year subject to renewal and full payment of fees as provided in the fee schedule.

(Ord. 397. Passed 5-7-12; Ord. 447. Passed 1-14-19.)

#### **862.07 POLICE DEPARTMENT REVIEW.**

(a) The Police Department shall review the application and determine whether the application complies with the provisions of this chapter and the Precious Metal and Gem Dealer Act (Act 95 of 1981). The Department shall complete their examination and issue a determination within 30 days upon receipt of the application described herein.

(b) If denied an applicant may appeal in writing within ten days of denial to the Township and the Township Board shall hear such appeal within 21 business days and render a decision within 14 business days. Grounds for denials shall be inaccurate information in the application, any reason under the Precious Metal and Gem Dealers Act or any existing incurred violation of Township ordinances involving the business or premises.

(Ord. 397. Passed 5-7-12.)

#### **862.08 REVIEW BY BUILDING INSPECTOR.**

The Building Inspector shall, within 15 days of the submittal of an application, review the premises in order to determine whether the precious metal and gem dealer activities are compliant with township ordinances. Such determination shall be issued to the Police Department.

(Ord. 397. Passed 5-7-12.)

#### **862.09 CERTIFICATE OF REGISTRATION, DURATION; RENEWAL; CHANGES.**

Not less than ten days before a dealer changes the name or address under which the dealer does business, the dealer shall notify the Police Department in writing of the change.

(Ord. 397. Passed 5-7-12.)

#### **862.10 DISPLAY OF CERTIFICATE OF REGISTRATION.**

Upon receipt of the certificate of registration from the local police agency, the dealer shall post it in a conspicuous place in the dealer's place of business.

(Ord. 397. Passed 5-7-12.)

#### **862.11 PRECIOUS ITEM RETENTION; ALTERATION OR DEFACING UNLAWFUL.**

A precious item received by a dealer shall be retained by the dealer for nine calendar days after it was received, without any form of alteration other than that required for an accurate appraisal of its value.

(Ord. 397. Passed 5-7-12.)

#### **862.12 PRECIOUS ITEMS: ACCEPTANCE PROHIBITED AND UNLAWFUL.**

A dealer or an agent or employee of a dealer shall not:

(a) Knowingly receive or purchase a precious item from any person who is less than 18 years of age or any person known by the dealer or agent or employee of the dealer to have been convicted of theft or receipt of stolen property within the preceding five years, whether the person is acting in his or her own behalf or as the agent of another.

(b) Knowingly receive or purchase a precious item from a person unless that person presents a valid driver's license or a valid state of Michigan personal identification card.

(Ord. 397. Passed 5-7-12.)

#### **862.13 VIOLATIONS; PENALTY.**

Any violation of any provision of this act shall be a misdemeanor punishable by imprisonment of not more than 93 days and/or a fine of five hundred (\$500.00) dollars, or both in addition to any other penalty provisions provided for violation of a misdemeanor as set forth in the general penalty provisions of this code of ordinances.

(Ord. 397. Passed 5-7-12.)

#### **862.14 LICENSE REVOCATION.**

Any dealer, agent, or employee of a dealer who is convicted of any misdemeanor pursuant to this chapter, or under Section 535 of the Michigan Penal Code, 1931, Public Act 328, M.C.L. 750.535, or of the Precious Metal and Gem Dealer Act, M.C.L. 445.481,

shall not be permitted to operate as a dealer within this State for a period of one year after conviction. A dealer, or an agent, or employee of a dealer who is convicted of a felony under M.C.L. 445.481 et seq., Precious Metal and Gem Dealer Act, or under Section 535 of the Michigan Penal Code, 1931 Public Act 328, M.C.L. 750.535, shall not be permitted to operate as a dealer within this State for a period of five years after conviction.

(Ord. 397. Passed 5-7-12.)

## CHAPTER 864

### Surveillance Cameras Required for Certain Businesses

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- 864.01 Short title.
- 864.02 Definitions.
- 864.03 Video surveillance system required for business establishments.
- 864.04 Minimum coverage standards site assessment signage.
- 864.05 Notification of incidents and access to media.
- 864.06 Inspections.
- 864.07 Minimum technology standards.
- 864.08 Exemptions and appeals.
- 864.09 Video surveillance system compliance with codes.
- 864.10 Penalties.

#### **864.01 SHORT TITLE.**

This chapter shall be known and be cited as the Surveillance Camera for Business chapter of the Township of Clinton Code of Ordinances.

(Ord. 427. Passed 3-13-17.)

#### **864.02 DEFINITIONS.**

The following definitions and provisions shall govern the construction, meaning and application of the following words and phrases:

1. "Business Establishments" or "Establishment" shall mean establishments listed and defined as follows:

A. "Bank or financial institution" shall mean an establishment whose primary function is related to the custody, loan, exchange, issuance of money, extension of credit or transmission of funds such as by example banks, credit unions, or savings and loan.

B. "Check cashing business" shall mean a business commonly known as offering payday loans, cash advance, or check advance loans which is regulated under the State of Michigan Deferred Presentment Services Transaction Act 244 of 2005 as amended, or any similar state law.

C. "Coin dealer" shall mean any business who as a substantial portion of business buys and sells coins, gold or other precious metals as the term is defined elsewhere by ordinance.

D. "Firearm dealer" shall mean an establishment required to obtain a federal firearms license to sell firearms which engages in firearms transactions.

E. "Gas stations" shall mean a retail establishment at which motor vehicles are refueled.

F. "Hotel or motel" shall mean any building or structure equipped, used, advertised as, or held out to the public as a facility or place where sleeping quarters or other similar accommodations are furnished for a fee to transient guests.

G. "Liquor or alcohol business" shall mean any retailer required to obtain a permit by the State of Michigan Liquor Control Commission which authorizes the sale of beer, wine, or distilled spirits to be consumed on or off the premises where sold inclusive of brew pubs, distilleries, or other similarly licensed facilities.

H. "Media" shall mean material conforming to the minimum technical standards of this chapter upon which audio, video and electronic data can be recorded for the purpose of making a permanent record.

I. "Mobile communications dealer" shall mean any retailer of a wireless two-way communication device including a telephone used in cellular telephone service which represents, along with accessories related thereto more than 50% of the displayed goods for retail purchase accessible to or observable by patrons.

J. "Money transmission services" shall mean a retailer selling or issuing payment instruments, or stored value devices, or receiving money or monetary value for transmission. The term does not include the provision solely of delivery online, or



telecommunication services, or network access.

K. "Pawnbroker" shall mean a business required to obtain a license issued pursuant to the Code of Ordinances of the Charter Township of Clinton regulating pawnbrokers or used goods dealers.

L. "Pharmacy" shall mean a facility or part of a facility that is licensed under this part to dispense prescription drugs, or prepare prescription drugs for delivery or distribution and does not include the office of a dispensing prescriber, or an automated device.

M. "Scrap metal dealer" shall mean a person or entity that buys scrap metal and is not a first purchaser, including but not limited to a person whether or not licensed under state law or local ordinance that operates a business as a scrap metal recycler, scrap processor, secondhand and junk dealer, or other person that purchases any amount of scrap metal on a regular, sporadic, or one time basis.

N. "Video surveillance system" shall mean a continual digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR) and other related equipment used in conjunction which records in color with camera and lens of a type with minimum resolution number and location, meeting the terms of this ordinance or otherwise as approved by the Chief of Police or his or her designee. The system must be capable of producing retrievable and identifiable images and video recordings which can be enlarged through projection or other means and can make a permanent record for use and identification of individuals and for use in a criminal investigation.

(Ord. 427. Passed 3-13-17.)

#### **864.03 VIDEO SURVEILLANCE SYSTEM REQUIRED FOR BUSINESS ESTABLISHMENTS.**

Every business establishment as defined in this chapter is required to install and maintain, in working order, a video surveillance system compliant with this chapter. Establishments which as of the effective date of this chapter have a video surveillance system shall insure that such system is maintained and if necessary, upgraded to be in full compliance with this chapter. All video surveillance systems shall:

- (a) Be maintained in proper working order including prompt repair and/or replacement.
- (b) The video camera shall be sufficiently light sensitive and provide sufficient image resolution supported by additional lighting if necessary, to produce easily discernable images recorded at all times, including imagery sufficient to identify persons.
- (c) The video camera shall record at a minimum speed of eight frames per second.
- (d) The video camera images shall be capable of being viewed through the use of appropriate technology, including, but not limited to a computer screen, and a closed circuit television monitor.
- (e) The video camera shall be digital in nature and capable of transferring the recorded images to a portable digital form of media.
- (f) The video camera shall be in operation and recording twenty-four hours a day, seven days a week.
- (g) The recordings made by video camera installed and maintained shall be indexed by dates and times.
- (h) The video camera shall meet additional minimal technological standards established pursuant to this chapter.

(Ord. 427. Passed 3-13-17.)

#### **864.04 MINIMUM COVERAGE STANDARDS SITE ASSESSMENT SIGNAGE.**

The video system shall be capable of producing imagery allowing for facial recognition of persons who are in areas accessible to patrons facing each register or checkout stand, who would be entering each entrance/exit and shall additionally have a wide angle camera or cameras, allowing for imagery of the parking lot of an area designated for parking and the likely pedestrian approach way toward the facility. At gas stations additionally, all fueling areas shall have a video system so that facial recognition is allowed in the fueling areas. Cameras positioned at the entrance/exit and registers shall be positioned so as to view and record a full frame of the individual's face as they are entering the business establishment and to the extent practicable activity within fifteen feet around the area of each entrance, exit, register and checkout area, cameras as shall be positioned to show persons in an area for occupancy by patrons facing toward a register or checkout area and activity within fifteen feet of the area around such location.

(Ord. 427. Passed 3-13-17.)

#### **864.05 NOTIFICATION OF INCIDENTS AND ACCESS TO MEDIA.**

If a crime occurs, or any employees of an establishment believe or suspect a crime has occurred at the establishment premises, the establishment shall contact the police department immediately and shall provide the police department immediately access to media containing the recorded event. An establishment shall retain the continuous images recorded by the system for no less than thirty days. The recording shall be stored in a locked receptacle preferably located in a controlled access area to which only authorized persons had access and shall be secured to restrict access to such video recordings. A log of all instances of requests for access to and the use of recorded materials made by video cameras shall be maintained. Copies of the access log shall be provided to the police department upon demand.

(Ord. 427. Passed 3-13-17.)

#### **864.06 INSPECTIONS.**

The video surveillance system and the location for storage shall be subject to regular inspection by the Chief of Police or his or

her designee at reasonable times to determine conformance to this chapter. If imagery is sought for an incident which is unavailable for any reason, the video surveillance system shall be subject to inspection, testing and review by the police department to verify the functionality of the system at the time of the incident. Any failure to produce an image which otherwise properly should have been recorded, shall be considered a violation of this chapter unless the system has been under repair for a reasonable length of time. Any failure to permit an inspection or to timely repair and maintain the video surveillance system in working order shall be considered a violation of this chapter.

(Ord. 427. Passed 3-13-17.)

#### **864.07 MINIMUM TECHNOLOGY STANDARDS.**

Minimum technology standards shall be promulgated by the Police Chief after consultation with the Information Technology Department which shall be issued and maintained at the Police Department and made available upon request to business establishments subject to this chapter.

(Ord. 427. Passed 3-13-17.)

#### **864.08 EXEMPTIONS AND APPEALS.**

Business which is required to install a video surveillance system may apply to the Chief of Police or his or her designee for an exemption or an exception from all or a part of the provisions of this chapter. The Chief of Police and his or her designee may exempt for a period of time established and determine such business establishment upon a finding that the business has or will undertake alternate security procedures which are substantially equal to or more affective preventing criminal activity and in assisting in the apprehension of perpetrators of crime and for the protection of employees and patrons. Temporary extensions of time for full compliance with the insulation and maintenance of the video surveillance system and media shall be permitted upon a showing of good cause.

(Ord. 427. Passed 3-13-17.)

#### **864.09 VIDEO SURVEILLANCE SYSTEM COMPLIANCE WITH CODES.**

The video surveillance system must comply with all Township codes and state and federal codes with respect to the installation and maintenance of such system.

(Ord. 427. Passed 3-13-17.)

#### **864.10 PENALTIES.**

Any person or business who shall violate any of the provisions of this chapter or fails to comply with the court requirements shall be subject to a civil infraction with a minimum fine of one hundred fifty dollar (\$150.00) per day for each day said violation continues to exist. Each day said violation continues to exist shall constitute a separate and distinctive offense.

(Ord. 427. Passed 3-13-17.)

## **CHAPTER 866**

### **Removal or Sale of Earth, Sand or Gravel**

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866.01 Title.

866.02 Purpose.

866.03 License to remove required.

866.04 License to sell required.

866.05 Application for license.

866.06 Exception.

866.07 Equitable remedies.

866.99 Penalty.

#### **CROSS REFERENCES**

Nuisances generally - see GEN. OFF. Ch. 654

Drainage of excavations - see GEN. OFF.676.05

Grades and grading in land development - see P. & Z.1244.01, 1248.01(b)(2), 1248.03

Excavation performance standards - see P. & Z. 1298.03(h)

#### **866.01 TITLE.**

This chapter shall be known and may be cited as the "Clinton Township Soil Removal Chapter."

(Ord. 22. Passed 5-12-54.)

#### **866.02 PURPOSE.**

The purpose of this chapter is to promote the public health, safety and general welfare of the residents of the Township of Clinton to preserve the natural resources of the Township of Clinton and to prevent the creation of nuisances and hazards to public health.

(Ord. 22. Passed 5-12-54.)

#### **866.03 LICENSE TO REMOVE REQUIRED.**

A dealer shall apply to the Township for a certificate of registration, and pay a fee of fifty dollars (\$50.00) to cover the cost of processing and issuing the certificate of registration, by disclosing the following information:

- (a) The name, address, and thumbprint of the applicant(s).
- (b) The name and address under which the applicant does business.
- (c) The name, address, and thumbprint of all agents or employees of the dealer. Within 24 hours after hiring a new employee, the dealer shall forward to the local police agency the name, address, and thumbprint of the new employee.
- (d) The Certificate issued shall be valid for one year expiring December 31 each year subject to renewal and full payment of fees as provided in the fee schedule.

(Ord. 397. Passed 5-7-12; Ord. 447. Passed 1-14-19.)

#### **866.04 LICENSE TO SELL REQUIRED.**

It shall be unlawful, from and after the effective date of this chapter, for any person, persons or corporation or entities to remove and sell any top-soil, sub-soil, sand, gravel, earth or other materials present in the ground from lands lying within the Township of Clinton, without having first obtained a license for the same as hereinafter provided which license shall be subject to duration as set forth by the Township, and in all instances shall expire December 31 each year; requiring yearly renewal and full payment of fees as established in the fee schedule.

(Ord. 22. Passed 5-12-54; Ord. 447. Passed 1-14-19.)

#### **866.05 APPLICATION FOR LICENSE.**

Any person, persons or corporation desiring to remove or to remove and sell top-soil, sub-soil, sand, gravel, earth or other materials present in the ground from lands lying within the Township of Clinton may make an application in writing to the Township Board of the Township of Clinton for a license to remove such top-soil, sub-soil, sand, gravel, earth or other materials present in the ground from such lands. Such application shall state the purpose of the desired removal, the extent thereof, the location thereof and provisions to be made for the filling of the excavation resulting from the desired removal. In the event the said Township Board shall, in its discretion, determine that the granting of such application will not create a nuisance, will not result in the unreasonable depletion of the natural resources of the Township, will not create a hazard to public health and will not create a place of danger, said Township Board may issue a license for the removal of such top-soil, sub-soil, sand, gravel, earth or other materials present in the ground, and the said Township Board may impose such conditions as it may, in its discretion, deem necessary in connection with the removal of such materials in order to promote the health, safety and general welfare of the residents of the Township of Clinton, to prevent the unreasonable depletion of the natural resources of the Township, and to prevent the creation of a danger or hazard to public health.

(Ord. 22. Passed 5-12-54.)

#### **866.06 EXCEPTION.**

This chapter shall not prohibit the excavation or removal of top-soil, sub-soil, sand, gravel, earth or other materials present in the ground from lands lying within the Township of Clinton as may be necessary or desirable in conjunction with the erection of a building or buildings in accordance with the ordinances of the Township of Clinton in such case made and provided.

(Ord. 22. Passed 5-12-54.)

#### **866.07 EQUITABLE REMEDIES.**

The Township Board of the Township of Clinton may institute injunction, mandamus or any other appropriate action to prevent, enjoin or abate the continued violation of this chapter, in the Circuit Court for the County of Macomb in Chancery, and said Court shall have jurisdiction to grant the relief applied for.

(Ord. 22. Passed 5-12-54.)

#### **866.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## CHAPTER 880

### Taxi cabs

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EDITOR'S NOTE: This chapter, previously a codification of Ordinance 241, passed May 9, 1977 and Ordinance 412, passed January 26, 2015, was repealed by Ordinance 430, passed March 27, 2017, in order to maintain compliance with Act 345 of Public Acts of 2016, Section 15.

## CHAPTER 882

### Commercial and Noncommercial Solicitors

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EDITOR'S NOTE: This chapter, previously titled Transient Merchants, Peddlers, Outdoor Shopkeepers and Distributors, was repealed and re-enacted in its entirety by Ordinance 308, passed March 20, 1995.

- 882.01 Definitions.
- 882.02 Commercial solicitations.
- 882.03 Noncommercial solicitations.
- 882.04 Commercial solicitation licenses; procedures for issuance; revocation; appeals.
- 882.05 Registration for noncommercial solicitation.
- 882.06 Records; enforcement.
- 882.07 Violations as nuisances; abatement.
- 882.08 Entry upon private property expressly requesting no solicitation.
- 882.09 List of noncommercial solicitors.
- 882.99 Penalty.

#### **CROSS REFERENCES**

Hawkers and peddlers generally - see M.C.L.A. Secs. 445.371 et seq.

Transient merchants generally - see M.C.L.A. Secs. 445.371 et seq.

Vending on Metropolitan Parkway - see GEN. OFF.656.06

Peddling in loud and boisterous manner - see GEN. OFF.664.07(a)(5)

Sales of new and used cars from public and private property - see B.R. & T.886.10 et seq.

Outdoor sales - see P. & Z.1299.01(m)

#### **882.01 DEFINITIONS.**

As used in this chapter:

(a) "Commercial solicitor" means a peddler, transient merchant or other person who solicits by traveling about from place to place or from a fixed location or who is engaging temporarily in the retail sale of goods within the Township where such activity is for commercial purposes.

(b) "Distributor" means any person distributing or selling, or offering to distribute or sell, goods, or who solicits money, property of value or financial contributions in exchange for goods, services or both, at any location in the Township.

(c) "Employee" means any person who acts for or on behalf of any person required to be licensed under this chapter where such activity involves solicitation or assisting or furthering solicitation, whether such employee renders such service with or without compensation, regardless of age and regardless of whether such person is an independent contractor, agent or employee under common law or statutory definition.

(d) "Goods" means any property offered for sale, including wares, merchandise, written material, leaflets, petitions, newspapers, perishable items, farm products or any other items for which monies or other property of value is requested in exchange.

(e) "Noncommercial solicitation" means soliciting for political, charitable, religious or other noncommercial purposes.

(f) "Outdoor shopkeeper" means any person, not a transient merchant, who has an interest in the property where business is conducted as fee owner, land contract vendee, lessee or licensee, and who offers goods for sale from any place on the land not enclosed within a permanent structure previously approved as part of a site plan for the entire parcel under any ordinance of the Township, or otherwise within a fixed and permanent lawful structure upon the premises in conformity with all applicable Federal and State statutes and Township ordinances. This definition shall not include the sale of goods which are incidental or in addition to the principal lawful business conducted on the premises, where the goods sold are of the same or a similar kind as that sold pursuant to the principal lawful business, and the goods sold are sold by the principal lawful business on the premises. This

definition shall also not include the sale of perishable farm products, including vegetables and fruits produced and manufactured by the person on the premises, where such goods are offered for sale.

(g) "Peddler" means any person who goes about from place to place traveling by foot, vehicle or any other form of conveyance, selling or offering for sale any goods, wares or merchandise, including but not limited to selling or offering to sell by sample or description for delivery at a future time. Peddler shall also mean any person who goes about from place to place traveling by foot, vehicle or other form of conveyance offering to sell, selling or furnishing utility services such as by way of illustration, telecommunication services, electric or gas; or other services or combinations of goods and services. Excluded from this definition shall be a person whose activity involves solely in the business of acting as a wholesaler to retailers for resale or to manufacturers in the use of their processes.

(h) "Person" means any individual, partnership, corporation, public or private, or other form of legal entity.

(i) "Right-of-way" means any property in the Township acquired, owned, maintained or controlled by any public agency, including all paved or unpaved portions of any streets, highways or roadways, shoulders of such streets, highways or roadways, sidewalks within the public right-of-way, the median between paved portions of an established street, highway or roadway, and any other property constituting part of a public right-of-way.

(j) "Solicitation" means the act of offering or attempting to offer goods for immediate or future delivery in direct or indirect exchange for money or other property of value, or the act of seeking or attempting to seek contributions of money or other property of value for charitable, political, religious or other noncommercial or commercial purposes.

(k) "Transient merchant" means any person who engages temporarily in the retail sale of goods in any place in the Township and, for the purpose of conducting such activity, occupies or is located upon or in any developed or undeveloped parcel of land or any portion thereof, either within or without, in whole or in part, any building or structure of any kind. Excluded is any person selling goods raised, completely produced or completely manufactured by the individual offering the same for sale, on the premises where such retail business is being conducted.

(Ord. 308. Passed 3-20-95; Ord. 386. Passed 6-1-09; Ord. 435. Passed 6-26-17.)

## **882.02 COMMERCIAL SOLICITATIONS.**

No person shall sell or attempt to sell goods, or engage in or attempt to engage in the business of commercial solicitation, transient merchant, peddler, outdoor shopkeeper or distributor, except in strict compliance with the following regulations:

(a) Required Licenses and Permits. Each person shall acquire and maintain any and all licenses and permits required by Township and State laws. Badges, identification and other requirements pursuant to the ordinances of the Township and State law must be worn at all times during solicitation and while traveling to and from solicitation locations.

(b) Hours of Peddling; Residential Areas. Except between the hours of 11:00 a.m. and 8:00 p.m. local time, no solicitation shall be conducted in residential areas. Residential areas shall refer to any dwelling unit used and occupied as the personal dwelling unit of the occupants.

(c) Sound or Sound Devices to Attract Business. No person shall shout, cry, ring a bell or use any sound device, including loudspeakers or amplifiers, for any purpose whatsoever, including the attempt to attract attention to a business activity.

(d) Lighting Devices to Attract Business. No person shall use or cause to be employed in the activities regulated by this section any flashing light from motor vehicles or any other lighting device for the purpose of attracting attention to the business.

(e) Zoning Restrictions. No business activity shall be conducted in any location within the Township, except in strict compliance with the requirements of the Zoning Code, except that Christmas trees may be sold at any business zoning location which complies with the provisions of this chapter and any other applicable ordinances.

(f) Business Activities Within the Right-of-Way. No business activity shall be conducted in, nor shall any person or employee in connection with the activity stand in, upon or otherwise be within, the right of way. No provision, term or definition in this chapter is intended, nor shall it be construed, to authorize or permit the use or attempt to use any public right of way maintained or controlled by any public agency of the United States, the State, the County or the Township.

(g) Use of Private Property. Nothing in this chapter is intended or shall be construed as intending the use of any private property for any business activity to be licensed hereunder, except with the express permission of the owners of said property or any other person lawfully authorized to grant such permission, or as otherwise permitted by law.

(h) Using Areas Designated for Vehicular Traffic. No activity, for which a license is required pursuant to this chapter, shall be located upon or conducted upon any portion of property developed or used for another business which is designated or intended for the parking of vehicles or the movement or travel of motor vehicles, including driveways.

(i) Vehicular Stopping or Parking. No activity, for which a license is required under this chapter, shall be conducted in any place or in any manner that may tend to cause or result in motor vehicular traffic stopping, standing or parking within any right of way, street or road.

(j) Minimum Distance of Activity From Street, Road or Right-of-Way Boundary. No activity, for which a license is required under this chapter, shall be conducted within fifteen feet of the right-of-way boundary or a street or road, measured perpendicular to the business activity. Business activities upon property abutting more than one right-of-way boundary or a street or road shall comply with the minimum distance for all such boundaries.

(k) Touching of Persons or Property. No activity, for which a license under this chapter is required, shall be conducted in such a manner that any person shall touch the person of another or any property in his or her immediate physical possession without expressly requesting and obtaining permission prior thereto.

(l) Badges Required. No activity, for which a license is required under this chapter, shall be engaged in, except while wearing on the outer clothing, in a prominent place on the chest area, an identification badge to be issued under the licensing procedures of this chapter.

(m) Solicitation Activity in Concert with Unregistered Persons or Persons Registered Without Badges No activity for which a license is required under this chapter shall be engaged while in concert or participation with persons who are not registered and wearing badges. By way of example, assistants, trainees, demonstrators or other similar individuals shall be registered under this chapter and wearing badges during any solicitation activity.

(n) Refusal to Leave. No person shall remain upon the premises upon being requested to leave or persist in conversation upon being requested to leave by any occupant or owner of the premises.

(o) The Premises Access Restricted. Upon entry, any person engaged in solicitation activity shall not enter into areas of the premises without the express permission of the occupant or owner present and shall at all times, remain in physical presence of the occupant or owner such that any solicitor may be observed at all times by the occupant or owner present. If the occupant or owner must leave the line of sight of the solicitor, the solicitor shall remove themselves from within the dwelling unit until the occupant or owner returns.

(Ord. 308. Passed 3-20-95; Ord. Unno. Passed 9-9-02; Ord. Unno. Passed 8-1-05; Ord. 435. Passed 6-26-17.)

### **882.03 NONCOMMERCIAL SOLICITATIONS.**

No person shall solicit, attempt to solicit, engage in or attempt to engage in solicitation, except in compliance with the following regulations:

(a) Hours of Solicitation in Residential Areas Except between the hours of 11:00 a.m. and 8:00 p.m. local time, no solicitation shall be conducted in residential areas. Residential areas shall refer to any dwelling unit used and occupied as the personal dwelling unit of the occupants.

(b) Lighting. No person shall use or cause to be employed in soliciting any flashing light from a motor vehicle or any other lighting device for the purpose of attracting attention to the solicitation.

(c) Solicitation Within the Right-of-Way. No solicitation shall be conducted upon nor shall any person in connection with the soliciting activity stand in or upon or otherwise be within, the right-of-way. No provision of this chapter is intended, nor shall it be construed, to authorize or permit the use or attempted use of any such right-of-way or public property owned, maintained or controlled by any public agency of the United States, the State, the County or the Township.

(d) Use of Private Property. Nothing in this chapter is intended, nor shall it be construed, to authorize the use of any private property for any noncommercial soliciting activity, except with the express permission of the owners of such property or any other person lawfully authorized to grant such permission, or as otherwise permitted by law.

(e) Vehicular Stopping or Parking. No soliciting activity shall be conducted at any place or in any manner that may tend to cause or result in motor vehicular traffic stopping, standing or parking within any right of way, unless such stopping, standing or parking is otherwise permitted by law in such location.

(f) Touching of Persons. No noncommercial solicitation shall be conducted in a manner so that any person shall touch the person of another or any property in the immediate physical possession of such other person without expressly requesting and obtaining permission prior thereto.

(g) Inaccurate Representations. No person engaging in solicitation shall misrepresent the cause, purpose or organization on whose behalf monies or other property of value is being solicited.

(h) Remittance of Funds Received. Where funds are solicited on behalf of a cause, organization, candidate or group, such funds shall be remitted to such organization, candidate or group in full and may not be retained for personal use on behalf of the person soliciting.

(Ord. 308. Passed 3-20-95; Ord. Unno. Passed 9-9-02; Ord. Unno. Passed 8-1-05; Ord. 435. Passed 6-26-17.)

### **882.04 COMMERCIAL SOLICITATION LICENSES; PROCEDURES FOR ISSUANCE; REVOCATION; APPEALS.**

(a) License Required. Transient merchants, peddlers, outdoor shopkeepers, distributors and commercial solicitors are required to have a validly issued license prior to engaging in any of the activities set forth in Section 882.01 for such occupations.

(b) Wearing of Badges. Prior to engaging in any activity regulated pursuant to Section 882.01 for transient merchants, peddlers, outdoor shopkeepers, distributors or commercial solicitors, a person must be wearing a current and valid badge which conforms to this chapter.

(c) Types of Licenses. The following types of licenses may be issued upon qualification therefor under procedures set forth for each license:

(1) Ninety-day license. This license shall apply to any business activity regulated under this chapter, which the person seeking the license intends to conduct for a period of up to ninety days from the date of issuance. The fee on behalf of the person to whom the license is issued, shall be set forth in the Fee Schedule Ordinance 209, plus the additional sum and set forth in the Fee Schedule Ordinance 209 for each person engaging in a regulated business activity as an employee. Such license may be renewed upon payment of the prescribed fee for the license and for each person engaged in a regulated business activity as an employee, and upon submittal of the new application. In all cases, prior to the issuance of a license, a completed application shall be submitted and any investigation completed as required pursuant to this chapter, including the receipt of all information from the Police Department or any other department. The Township Clerk, or his or her designee, shall issue approvals or denials.

Conditional approval shall not be permitted.

(2) Christmas tree license. This type of license shall apply only to the sale of Christmas trees and shall be for a period commencing on the day following Thanksgiving Day through December 31 of each calendar year. The license shall be issued upon completion of application forms provided by the office of the Township Clerk or his or her designee and upon payment of a fee in the amount of one hundred ten dollars (\$110.00) for a single location and twenty dollars (\$20.00) for each additional location. A fee of thirty-five dollars (\$35.00) shall be charged for each employee. The license shall not be automatically renewable from year to year and shall otherwise be subject to licensing procedures and regulatory provisions of this chapter, except as modified by the following:

A. Hours of operation shall be from 8:00 a.m. to 10:00 p.m.; and

B. A one hundred dollar (\$100.00) cash bond shall be deposited with the Township Clerk's office, refundable upon presentation of written certification from the Building Department that all Christmas trees and debris have been removed from the premises not later than January 10 of the succeeding calendar year. In the event the Township is required to incur costs for the clean-up of debris and/or removal of trees, the cost will be charged against such bond, and only the remaining portion, if any, shall be subject to refund upon written application therefor. Further, if the Township incurs such costs, the same may serve as a basis for the denial of a future Christmas tree license where the applicant is the same entity or has employees who were employees of an entity where Township clean-up occurred.

(d) License Requirements and Procedures.

(1) Minimum requirements. The following are minimum requirements for license issuance:

A. The applicant and his or her partners, shareholders and employees have not been convicted of a felony or misdemeanor involving fraud, misrepresentation, deception, cheating, theft, dishonesty, breaking and entering or criminal sexual conduct within the prior ten years.

B. The applicant does not have any unsatisfied or unpaid judgments.

C. The applicant and his or her employees engaging in a business activity under this chapter are properly licensed and registered with appropriate public agencies under the applicable laws of the State.

D. The applicant and his or her employees have furnished to the Township Clerk's office copies of all required Michigan sales tax, transient merchant and/or other licenses and permits necessary under the applicable laws of the State for the particular business activity for which a license is requested under this chapter.

E. The applicant and/or his or her employees are at least eighteen years of age.

F. The applicant and his or her chief executive officer, and any employees who will engage in an activity regulated under this chapter within the Township, have completed all necessary applications, paid all fees and provided a legible copy of a current and valid photo identification issued by a state or governmental agency with the date of birth and a clear and intelligible photograph of at least the head and shoulders.

G. For transient merchants and outdoor shopkeepers, a copy of the written instrument under which the right to use the land and on which the business activity is requested to be conducted, has been furnished, including, if the owner or purchaser, a copy of the deed or land contract, or, if a tenant or licensee, a copy of the lease or license agreement. If documents furnished do not expressly authorize the particular business activity, a written statement from the owner of the property shall be provided indicating such authorization and describing in detail the business activity authorized in the form of a written affidavit.

H. For the applicant or chief executive of the applicant and for each employee, three current color photographs, two inches by two inches, depicting a frontal face, head and shoulders view, clear and unaltered, have been submitted.

I. The applicant and employees have not been convicted of violating any provision of this chapter or any similar ordinance or law elsewhere.

(2) Procedure for issuance of license. The Township Clerk or his or her designee shall issue a license, provided that:

A. All required fees are paid;

B. All required identification badges are issued;

C. Minimum requirements of this chapter for issuance of a license have been met;

D. Previously issued badges to the applicant or the applicant's employees (whether engaged in an activity for the applicant or otherwise for any other entity) have been returned upon expiration of the badge;

E. No violations of this chapter have occurred.

(e) Contents of Application. The application shall be made available by the office of the Township Clerk and shall contain at least the following information:

(1) The name, designation of entity (i.e. partnership, corporation, etc.), address, Federal tax identification number, sales tax identification number and, if a corporation, the corporate identification number and permanent and temporary addresses.

(2) The name, address, birthdate and Social Security number of all natural persons who are either applicants or employees of applicants.

(3) Each place where the applicant is licensed and registered as required under the laws of the State.

(4) If the applicant or the applicant's employee is regularly employed in another business or is the owner or operator of a

different business, the name and address of the employer and/or the name and address of such business.

(5) A brief description of the activity regulated under this chapter to be engaged in.

(6) If any vehicle is to be used, directly or indirectly, with the activity regulated under this chapter, a description of such vehicle, including the vehicle registration number and the license registration number, together with a copy of the insurance policy currently in effect for public liability and property damage for such vehicle.

(7) A statement as to whether the applicant has ever been convicted of any criminal offense, except traffic violations, and, if so, a statement as to when and where and an identification of the offense.

(8) A statement as to whether any civil judgment is outstanding and unpaid against the applicant, and, if so, an identification of the court case number and the nature of the claim.

(9) The street address or specific location area, if door-to-door sales are contemplated, where the activity for which the license is requested, is to be conducted, together with the nature of the applicant's interest in such premises as an owner or purchaser or as a tenant or licensee.

(10) Ten copies of a drawing to a scale of not less than one inch equals 150 feet depicting the following minimum information:

- A. The dimensions of the property;
- B. The locations and dimensions of all buildings and structures on the property;
- C. The locations and dimensions of all parking areas, driveways and other lanes for motor vehicle travel;
- D. The locations and dimensions of areas where merchandise will be located for sale;
- E. The locations and dimensions of buildings and structures on adjacent property situated within fifty feet of any property lines;
- F. All right-of-way lines, sidewalks, roadways and shoulders and distances dimensioned and noted from the same to the location where the regulated activity will occur;
- G. The locations for parking of vehicles and the identification or number of parking spaces;
- H. The locations for entrances and exits of vehicles and an indication of where they cross a public right of way. Included shall also be the written approval, by separate written document or on the drawing, of the Macomb County Road Commission or the Michigan Department of Transportation, whichever has jurisdiction of the roadway.

(11) A brief description and the number of any Michigan sales tax license, transient merchant's license or other license or permit required for the business activity to be conducted.

(12) If the business is to be conducted in a temporary or other structure, the following information:

- A. A description or photograph of the structure;
- B. The dimensions of the structure and materials of which the structure is constructed;
- C. The specific location of the structure on the premises where it will be situated;
- D. If the structure is not of a nature to be disassembled and transported from the premises on a daily basis, written certification from the Building Department and the Township that such structure complies with any applicable ordinance relating to buildings and structures that are not portable or readily removable in nature; and
- E. A statement that the applicant has received a copy of this chapter and agrees to comply with all of its provisions, as well as the provisions of all other applicable laws.

(f) Authority of Police Department. Upon receipt of a written, signed and fully completed application and all other required documents, a photostatic copy of the photograph provided and currently issued by a governmental agency, showing front of face, shall be forwarded to the Police Department which shall then make an investigation to verify the accuracy of the information provided and that the applicant meets the requirements of this chapter. Upon completion thereof, the Police Department shall advise the Township Clerk or his or her designee, recommending approval or disapproval. If disapproval is recommended, reasons shall be noted.

(g) Partial Refund of Fees in the Event of Denial In the event of the denial of a license or badge, the applicant may obtain a refund of one-half of the full fees paid to the Township Clerk by written request to the Township Clerk.

(h) Badge Required. All natural persons who are applicants and employees of applicants are required to wear a valid and current badge.

(1) Content. Badges shall be issued by the Township Clerk, or his or her designee, and shall contain the following:

- A. A two-inch by two-inch color photograph of the person to whom issued.
- B. The name, address and birthdate of the person to whom issued.
- C. The name, address and telephone number of the applicant.
- D. The expiration date of the badge, which coincides with the expiration date of the applicant's license, in bold print.

(2) Procedure for issuance. Persons desiring issuance of a badge shall complete an application therefor, unless all pertinent information has been set forth upon the original approved application of an applicant. The applicant shall submit:



- A. A completed application.
- B. Three color photographs, head and shoulders only, two inches by two inches.
- C. All required fees.
- D. A current and valid photo identification card and a valid drivers license or other government issued card showing the head and shoulders and the front of the face.

(3) Nonissuance. The badge shall be issued unless the person seeking the badge does not meet the minimum requirements otherwise set forth for issuance of a license, has otherwise violated any section of this chapter or any other similar ordinance in another community within the past three years or has otherwise made any false or erroneous statements in any application, pursuant to this chapter, to the Township. Persons who have previously been revoked or suspended pursuant to this chapter or any similar chapter or ordinance, shall at minimum, be withheld a badge for a period of six months if previously suspended and for a period of one year if previously revoked.

(i) License Suspension, Revocation. Any license or badge issued pursuant to this chapter to any business or person may be suspended and/or recommended for revocation by the Township Clerk upon recommendation by a representative of either the Police Department or Building Department or both. The Township Clerk shall furnish notice of the proposed reason for such suspension and/or recommendation of revocation to the address on the application and allow an opportunity to be heard and present evidence to the Township Clerk before such suspension becomes effective. Following such suspension or recommendation of revocation, a hearing before the Township Board shall be scheduled no sooner than seven days, no later than twenty-one days at which time the Township Board may act to affirm or modify the action of the Clerk and may act to revoke. Notice of the hearing date shall be furnished to the person holding the badge or license at the address furnished in the application or as updated within the application documents sent by first class mail no later than seven days before such hearing date. Suspension or revocation may occur for the following reasons:

- (1) Fraud, misrepresentation, false or inaccurate statement in any application.
- (2) A violation of the provisions of this chapter or any other similar ordinance or law.
- (3) A conviction for any felony, or any misdemeanor involving underlying assaultive behavior, dishonesty, theft, breaking and entering, criminal sexual conduct, fraud, misrepresentation, deception, cheating, or dishonesty.
- (4) Default in a payment of any taxes or fees to the Charter Township of Clinton by the applicant or any business in which the applicant is a member or shareholder other than a publicly traded company when the interest is less than ten percent.

(j) Procedure for Appeal. In the event either a license or badge is denied, suspended, or revoked, the applicant is entitled to an appeal from the decision of the Clerk upon written request delivered to the Township Clerk within ten days of such action. The Clerk shall place the matter upon the agenda before the Township Board not later than twenty-eight days following receipt of such request. The applicant may appear and present evidence supporting the applicant's request for relief. The Board shall also inquire of and receive evidence which may be presented by any person or department of the Township or any other person having information relevant. The Township Board shall render its decision within thirty days from the close of any proceeding before it, which decision shall be provided in writing to the applicant.

(Ord. 308. Passed 3-20-95; Ord. 391. Passed 7-19-10; Ord. 435. Passed 6-26-17.)

#### **882.05 REGISTRATION FOR NONCOMMERCIAL SOLICITATION.**

No later than twenty-four hours before engaging in noncommercial solicitation, a person must register with the Township Clerk's office upon a form to be provided. The form shall provide the following information:

(a) The name of the charity, political organization, religious organization or other noncommercial activity for which solicitation is desired, including the name of any person affiliated with such political organization, charity or other noncommercial activity and his or her address and telephone number, shall be furnished. Copies, if available, of charitable status rulings from the Internal Revenue Service or other agencies shall be furnished. A charity may furnish reports on the percentage of funds actually used for charitable purposes.

(b) The names, addresses and birth dates of all persons who may engage in noncommercial solicitation shall be furnished.

(c) The area where noncommercial solicitation may occur shall be identified, including addresses and locations within parcels of land where solicitations may occur at a fixed location, and the general area where door-to-door solicitation may occur shall be identified by streets and blocks.

(d) The application shall provide a recital that solicitation is not permitted in the right of way or in areas subject to vehicular traffic, such as driveways and parking lots.

(Ord. 308. Passed 3-20-95.)

#### **882.06 RECORDS; ENFORCEMENT.**

(a) Records. The Township Clerk's office shall maintain a record of each permit or badge issued hereunder, which shall include a copy of any photograph, application or supporting documents and shall contain the date of expiration of each permit, together with a notation of any violation which may occur and any other appropriate information.

(b) Enforcement. This chapter shall be enforced by the Police Department, the Ordinance Enforcement Department and the Building Department. All of such Departments are authorized to issue appearance tickets in addition to any other powers permitted by law.

(Ord. 308. Passed 3-20-95.)

#### **882.07 VIOLATIONS AS NUISANCES; ABATEMENT.**

Any violation of this chapter is deemed to constitute a public nuisance per se and may be abated by appropriate action before a court of competent jurisdiction.

(Ord. 308. Passed 3-20-95.)

#### **882.08 ENTRY UPON PRIVATE PROPERTY EXPRESSLY REQUESTING NO SOLICITATION.**

No person shall enter upon or call upon a place of residence or business within the Township and engage in solicitation or the activities of a peddler or a transient merchant after having been expressly notified by the occupant of the place of residence or place of business that no solicitation is desired, or if the place of residence or business visibly displays on its property or premises a sign indicating "No Soliciting," "No Solicitation" or other language conveying the message that no soliciting is desired.

(Ord. 308. Passed 3-20-95.)

#### **882.09 LIST OF NONCOMMERCIAL SOLICITORS.**

The Township may periodically publish, from information provided, a list of noncommercial solicitors which would include the mandatory and voluntary information provided herein.

(Ord. 308. Passed 3-20-95.)

#### **882.99 PENALTY.**

Any person violating the terms of Sections 882.02 or 882.03 shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) plus costs of prosecution or by imprisonment for not more than 90 days or by any of the foregoing at the discretion of the court.

(Ord. Unno. Passed 9-902.)

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 886**

### **Vehicle Sales**

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#### ***USED CAR SALES***

- 886.01 License required.
- 886.02 License application.
- 886.03 License fee; assignment; expiration.
- 886.04 Transfers.
- 886.05 Issuance of license.
- 886.06 Rules and regulations.
- 886.07 Revocation of license.
- 886.08 Enforcement.
- 886.09 Equitable remedies.

#### ***NEW AND USED CAR SALES FROM PUBLIC AND PRIVATE PROPERTY***

- 886.10 Purposes.
- 886.11 Vehicle defined.
- 886.12 License required.
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- 886.21 Revocation of license.
- 886.22 Enforcement.
- 886.23 Equitable remedies.
- 886.24 Display centers and sales.
- 886.99 Penalty.

**CROSS REFERENCES**

- Used vehicles defined - see M.C.L.A. Sec. 257.78
- Secondhand dealers - see M.C.L.A. Secs. 445.401 et seq.
- Used car lots - see M.C.L.A. Secs. 445.501 et seq.
- Sales of abandoned vehicles - see TRAF.410.04(UTC Sec. 2.5g)
- Junk yards and automobile wrecking yards - see B.R. & T.Ch. 838
- Open storage of motor vehicles - see P. & Z.1298.09

**USED CAR SALES**

**886.01 LICENSE REQUIRED.**

It shall be unlawful for any person, firm or corporation to carry on or to engage in the business of dealing in used automobiles or owning, operating or maintaining a used car lot without a license required hereunder. The term "used car lot," as used herein, shall be construed to mean any place where used motor vehicles are kept, displayed and offered for sale.

(Ord. 182. Passed 7-29-64.)

**886.02 LICENSE APPLICATION.**

Application for such license shall be made to the Township Clerk and shall be in writing on blanks provided by the Clerk. Such application shall set forth the name or names of the applicant or applicants, and if the same be a corporation, the names and addresses of the managing officers thereof; the place where said business is to be operated, and if any branch stores or used car lots are operated in connection with the business, the address of each such branch or lot; the name and location of previous businesses engaged in by the applicant; proposed hours of doing business; and any other information deemed necessary for the proper enforcement hereof.

(Ord. 182. Passed 7-29-64.)

**886.03 LICENSE FEE; ASSIGNMENT; EXPIRATION.**

A used car lot license fee shall be established and set forth within the General Fee Schedule Ordinance, Chapter 209 of this code. The license is nontransferable, except upon payment of a transfer fee and qualification of the transferee upon application. The license shall be valid only for the site upon which it was originally issued. All licenses expire on December 31, and are subject to renewal upon payment of the license fee.

(Ord. 182. Passed 7-29-64; Ord. 462. Passed 10-28-19.)

**886.04 TRANSFERS.**

Used car lot license fees are subject to assignment or transfer upon payment of a transfer fee established in the General Fee Schedule Ordinance, Chapter 209 of this code. Any proposed transferee must also furnish an application with the same information as required for original issuance of such license, and it shall be executed by both the transferee and transferor.

(Ord. 182. Passed 7-29-64; Ord. 462. Passed 10-28-19.)

**886.05 ISSUANCE OF LICENSE.**

Upon receipt of the license fee and/or transfer fee, as the case may be, the Township Clerk shall consider the application and either grant or deny a license or transfer, unless, in the discretion of the Clerk, additional time is deemed necessary to obtain further information concerning the application or applicant. The Township Clerk, before granting or denying a license hereunder, shall give consideration to the following but shall not be limited thereto:

- (a) Whether or not the applicant has made any false or fraudulent statements in his or her application.
- (b) Whether or not the proposed site meets with the requirements of the Township Zoning Code.
- (c) Whether or not the proposed activity would be detrimental to the public health, interest, safety, morals and general welfare of the citizens of Clinton Township.

After duly considering the application, the Township Clerk shall then either accept or reject the application and, if such application is accepted, shall issue a license to such applicant.

#### **886.06 RULES AND REGULATIONS.**

All applicants shall be deemed to understand and agree that they shall conduct used car lots in accordance with the following rules and regulations and that the violation of any of such rules and regulations shall constitute grounds for the revocation of or denial of a license hereunder:

(a) Each licensee shall display in a conspicuous place the license issued hereunder.

(b) Each used car dealer shall carry public liability and property damage insurance, meeting the requirements of Michigan statute, with minimum third person bodily injury coverage of one hundred thousand dollars (\$100,000.00) per person per occurrence upon each automobile which is permitted to be operated by customers.

(c) Each licensee shall keep his or her premises used for the display of used automobiles in a neat and clean condition, free from rubbish or debris and shall keep said used automobiles from encroaching upon the streets and sidewalks of said Township.

(d) No used car dealer shall remain open with display lights burning after 12:01 a.m. and such dealers shall direct all flood lights so as not to annoy occupants of nearby homes if near a residential area.

(e) No licensee shall suffer any loud or boisterous noises to emanate from his or her place of business, either by persons congregating thereon or by the playing of recording instruments, radios, and/or television sets or other sound reproducing apparatus.

(f) No licensee shall induce or attempt to induce any prospective purchaser of an automobile to execute a retail installment sales contract or other memorandum of sale in blank.

(g) No gambling shall be allowed on licensee's premises.

(Ord. 182. Passed 7-29-64; Ord. 462. Passed 10-28-19.)

#### **886.07 REVOCATION OF LICENSE.**

Upon a complaint being received by the Township Clerk of a violation by licensee or licensee's agents or employees of any felony involving assaultive conduct, dishonesty, or controlled substances, or the operation of the lot in a manner so as to constitute a nuisance to surrounding residents, or has made false statements with regard to the application for license, the Township Clerk shall give notice to the licensee, who shall be permitted to appear with or without representation at a date not more than fourteen days thereafter, to show cause why their license should not be revoked. Upon such hearing the Township Clerk shall make a final decision within ten days and may revoke or suspend the license. A written determination, setting forth the reasons for revocation or suspension, shall be furnished.

(Ord. 462. Passed 10-28-19.)

#### **886.08 ENFORCEMENT.**

Sections 886.01 through 886.09 shall be enforced by any police officer, the Clinton Township Building Inspector or such other persons as the Clinton Township Board may by resolution appoint.

#### **886.09 EQUITABLE REMEDIES.**

Any member of the Clinton Township Board or the person authorized to enforce Sections 886.01 through 886.09 may apply to a court of equity for injunction, mandamus or other appropriate suit or action to enforce the terms and provisions of Sections 886.01 through 886.09.

(Ord. 182. Passed 7-29-64.)

### **NEW AND USED CAR SALES FROM PUBLIC AND PRIVATE PROPERTY**

#### **886.10 PURPOSES.**

The provisions of Sections 886.10 through 886.14 are to regulate the sale of new and used vehicles on public and private property, except for areas which are licensed for that purpose or for the sale of a personal vehicle on the personal property of the owner; to prohibit the illegal mixture of land uses, such as advertising for sale and/or selling of vehicles in parking lots approved for other uses; and to eliminate hazards and nuisances related to sale of motor vehicles along public thoroughfares; all so as to protect the health, safety and welfare of the citizens of the Township of Clinton.

(Ord. 275. Passed 3-17-86.)

#### **886.11 VEHICLE DEFINED.**

For the purpose of Sections 886.10 through 886.14, a vehicle shall mean any vehicle required to be licensed by the State of Michigan or any other state for the purpose of operation upon the highways or streets of the state.

(Ord. 275. Passed 3-17-86.)

#### **886.12 LICENSE REQUIRED.**

It shall be unlawful for any person to sell, display or offer for sale any vehicle on any property within the Township of Clinton, which property is not owned by said person, unless such person is licensed to do so under Sections 886.01 et seq.

(Ord. 275. Passed 3-17-86.)

### **886.13 EXCEPTIONS.**

The provisions of Sections 886.10 through 886.12 and 886.14 shall not apply to those properties for which a license has been issued by the State of Michigan and for which approval has been granted by the Township of Clinton for operation of a new or used vehicle sales establishment, nor shall it prohibit any person from displaying a "For Sale" sign on a vehicle owned by said person and parked on the personal property of the owner.

(Ord. 275. Passed 3-17-86.)

### **886.14 ENFORCEMENT.**

The Clinton Township Chief of Police or any Clinton Township police officer or the Clinton Township Building Department or any of the enforcement officers of the Clinton Township Building Department shall be the appropriate persons to enforce Sections 886.10 through 886.13.

(Ord. 275. Passed 3-17-86.)

## **MOBILE HOME SALES**

### **886.15 LICENSE REQUIRED.**

It shall be unlawful for any person, firm or corporation to carry on or to engage in the business of dealing in motor vehicle and mobile home sales or owning, operating or maintaining a motor vehicle and mobile home sales lot without a license required hereunder. The term "motor vehicle and mobile home sales," as used herein, shall be construed to mean any place where motor vehicles and mobile homes are kept, displayed and offered for sale. For the purpose of defining a motor vehicle, a motor vehicle shall be considered as defined in Act 300 of the Public Acts of 1949, as amended, commonly referred to as the Motor Vehicle Code.

(Ord. 222. Passed 7-8-70.)

### **886.16 LICENSE APPLICATION.**

Application for such license shall be made to the Township Clerk and shall be in writing on blanks provided by the Clerk. Such application shall set forth the name or names of the applicant or applicants and, if the same be a corporation, the names and addresses of the managing officers thereof as well as the majority stockholders; the place where said business is to be operated, and if any branch stores or used car lots are operated in connection with the business, the address of each such branch or lot; the name and location of previous businesses engaged in by the applicant, proposed hours of doing business; and any other information deemed necessary for the proper enforcement hereof.

(Ord. 222. Passed 7-8-70.)

### **886.17 LICENSE FEE; ASSIGNMENT; EXPIRATION.**

A mobile home sales lot license fee shall be paid as established in the General Fee Schedule, Chapter 209 of this code. The mobile home sales lot license shall be issued and expire each year on December 31. The license shall not be assignable, except upon the payment of a transfer fee, and shall be valid only for the site for which said license was issued. The license shall be subject to renewal upon payment of the application fee.

(Ord. 222. Passed 7-8-70; Ord. 462. Passed 10-28-19.)

### **886.18 LICENSE TRANSFERS.**

The mobile home sales lot license issued shall be subject to transfer upon payment of a fee as set forth in the General Fee Schedule, Chapter 209 of this code. The transferee shall furnish the same information by application as required for issuance of an original license with the application being signed by both the transferee and transferor. The license shall be valid only for the location originally for which it was issued.

(Ord. 222. Passed 7-8-70; Ord. 462. Passed 10-28-19.)

### **886.19 ISSUANCE OF LICENSE.**

Upon receipt of an application and license fee and/or transfer fee, as the case may be, the Township Clerk shall consider the application and either grant or deny a license or transfer, unless, in the discretion of the Clerk, additional time is deemed necessary to obtain further information concerning the application or applicant. The Township Clerk, before granting or denying a license hereunder, shall give consideration to the following but shall not be limited thereto:

- (a) Whether or not the applicant has made any false or fraudulent statements in his or her application.
- (b) Whether or not the proposed site meets the requirements of the Township Zoning Code.
- (c) Whether or not the proposed activity would be detrimental to the public health, interest, safety, morals and general welfare of the citizens of Clinton Township.

After duly considering the application, the Township Clerk shall then either accept or reject the application and, if such application is accepted, shall issue a license to such applicant.

#### **886.20 RULES AND REGULATIONS.**

All applicants shall be deemed to understand and agree that they shall conduct a motor vehicle and mobile home sale in accordance with the following rules and regulations and that the violation of any such rules and regulations shall constitute grounds for the revocation of or denial of a license hereunder:

(a) Each licensee shall display in a conspicuous place the license issued hereunder.

(b) Each licensee shall keep his or her premises used for the display of motor vehicles and mobile home sales in a neat and clean condition, free from rubbish, debris, or parts and shall keep said motor vehicles or mobile homes from encroaching upon the streets and sidewalks in said Township.

(c) No motor vehicle or mobile home sales lot shall open before 9:00 a.m. or remain open after 11:00 p.m. Such lots shall direct all flood lights so as not to annoy any user or occupant of nearby premises.

(d) No licensee shall suffer any loud or boisterous noises to emanate from his or her said place of business either by persons congregating thereon or by the playing of recording instruments, radios and/or television sets or other sound reproducing apparatus.

(e) No licensee shall induce or attempt to induce any prospective purchaser of a motor vehicle or mobile home to execute a retail installment sales contract or other memorandum of sale in blank.

(f) No gambling or consumption of alcoholic beverages shall be allowed on the licensee's premises.

(g) There shall be no selling of articles not related to a motor vehicle or mobile home.

(h) The applicant shall file with the Township Clerk a one-hundred dollar (\$100.00) cash bond to insure compliance with the Township ordinances. In the event that the applicant has satisfactorily complied with all requirements of the Clinton Township ordinances for one year, the one-hundred dollar (\$100.00) cash bond may be returned with approval of the Township Board.

(i) There shall be no signs posted or motor vehicles or mobile homes parked on the public right-of-way or on the premises in such a manner that they cause an obstruction to vision.

(Ord. 222. Passed 7-8-70.)

#### **886.21 REVOCATION OF LICENSE.**

Upon a complaint being received by the Township Clerk of a violation by licensee or licensee's agent or employees of any felony involving assaultive conduct, dishonesty, or controlled substances, or the operation of the lot in a manner so as to constitute a nuisance to surrounding residents, or has made false statements with regard to the application for license, the Township Clerk shall give notice to the licensee, who shall be permitted to appear with or without representation at a date not more than fourteen days thereafter, to show cause why their license should not be revoked. Upon such hearing the Township Clerk shall make a final decision within ten days and may revoke or suspend the license. A written determination, setting forth the reasons for revocation or suspension, shall be furnished.

(Ord. 462. Passed 10-28-19.)

#### **886.22 ENFORCEMENT.**

Sections 886.15 through 886.24 shall be enforced by any of the Township building officials, the Clinton Township Police Department or such other persons as the Clinton Township Board may by resolution appoint.

#### **886.23 EQUITABLE REMEDIES.**

The Clinton Township Board or the persons authorized to enforce Sections 886.15 through 886.24 may apply to a court of equity for injunction, mandamus, or other appropriate suit or action to enforce the terms and provisions of Sections 886.15 through 886.24.

(Ord. 222. Passed 7-8-70.)

#### **886.24 DISPLAY CENTERS AND SALES.**

Any applicant may, with special approval of the Clinton Township Clerk, apply for a license under Section 886.15 for the display, sales, and related uses of such a display center or sales of a mobile home or a motor vehicle, and in the event the Township Clerk approves the same, one license shall suffice for said premises with such multiple permitted uses. The words "mobile home," for the purposes of Sections 886.15 through 886.24, shall be construed as synonymous with "house trailer."

#### **886.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## Gratiot Cruise Regulations

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- 888.01 Short title.
- 888.02 Definitions.
- 888.03 Permit required.
- 888.04 Application for permit.
- 888.05 Classes of permits.
- 888.06 Fee schedule.
- 888.07 Issuance of a permit.
- 888.08 Additional responsibilities.
- 888.09 Penalty.

### **888.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Gratiot Cruise Ordinance".

(Ord. 349. Passed 6-1-04.)

### **888.02 DEFINITIONS.**

For the purpose of this chapter the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

(a) "Cruise events" are those activities that are associated with the annual Gratiot Cruise and that occur in Clinton Township that are outside of the normal course of business and that have not received the approval of Clinton Township independent of this chapter and which can reasonably be expected to exceed the interior capacity of the building as set by the Clinton Township Fire Department, occur at a location not contemplated by the applicable site plan, and/or to block, close, hinder, or impair the flow of vehicular or pedestrian traffic on any street, road, parking lot, or other public right of way within Clinton Township.

(b) "Cruise area" is that property as identified by the Clinton Township Downtown Development Authority as its Downtown Development District.

(Ord. 349. Passed 6-1-04.)

### **888.03 PERMIT REQUIRED.**

(a) It shall be unlawful for any person, organization, group or entity to stage or hold a cruise event without first obtaining a permit therefor from the Clinton Township Clerk. The Township Clerk shall have the authority to grant or deny a permit request. Denials shall be based on cause.

(b) Permits will only be available for property sites located within the cruise area.

(c) Any denial of a permit may be appealed, in writing, to the Clinton Township Board of Trustees within ten days of the denial.

(Ord. 349. Passed 6-1-04.)

### **888.04 APPLICATION FOR PERMIT.**

(a) Every applicant for a permit to stage or hold a cruise event associated with the Gratiot Cruise shall file an application at least thirty days prior to the event with the Township Clerk's office upon a form provided by Clinton Township.

(b) The application shall contain the following information:

(1) The name, address and telephone number of the person (contact person) requesting the permit that will be present at the site, including a copy of the individuals driver's license or state identification card, and the name of the owner of the property;

(2) If the applicant for the permit is other than the property owner, an executed land owner's affidavit.

(3) Zoning classification.

(4) A complete description of the cruise event, the number of employees needed to work the cruise event, and the estimated number of those expected to attend the cruise event;

(5) The date the cruise event is to be conducted and the hour or hours the cruise event will commence and terminate, including time for set-up and clean-up;

(6) A proposed site plan describing parking, ingress and egress to the site (pedestrian and vehicular), security, crowd control, traffic control, sanitation facilities, location of any structures, trailers, signage, noise and dust control, lighting, and cleanup of the area of the event;

(7) Whether any music will be provided, either live or recorded, and whether loudspeakers and/or amplifying devices will be

used and their locations;

(8) The applicant shall be required to indemnify Clinton Township for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the cruise event.

(9) Any other information deemed pertinent by Clinton Township in evaluating the effect cruise events may have on the health, safety and welfare of the residents of the Township.

(c) Upon receipt of such application, the Township Clerk will refer same to the Chief of Police, Fire Chief, Building Department Superintendent, Department of Public Works Superintendent, and any other Township official(s) deemed necessary for investigation and a recommendation concerning the application.

(Ord. 349. Passed 6-1-04.)

#### **888.05 CLASSES OF PERMITS.**

The following classes of permits are established for cruise event permits:

(a) New sales permit. Outdoor on-premises sales by an existing licensed business of a type not normally carried on by that business.

(b) Outdoor sales permit. For outdoor on-premises sales by an existing licensed business of the type that is normally carried on inside of the business or incidental to it's business, not including the sale of alcohol.

(c) Third-party permit. Either indoor or outdoor, conducted by an individual or entity on premises normally occupied by an existing licensed business, pursuant to any form of agreement with the existing licensed business.

(Ord. 349. Passed 6-1-04.)

#### **888.06 FEE SCHEDULE.**

(a) New sales permit - fifty dollars (\$50.00).

(b) Outdoor sales permit - fifty dollars (\$50.00).

(c) Third-party permit for:

(1) Profit business - thirty-five dollars (\$ 35.00);

(2) Non-profit business - thirty-five dollars (\$35.00). (Satisfactory proof must be submitted to the Clerk of non-profit status.)

(Ord. 349. Passed 6-1-04.)

#### **888.07 ISSUANCE OF A PERMIT.**

A permit shall be issued by the Township Clerk if the following criteria are met:

(a) The application was fully and accurately completed.

(b) Adequate provisions have been made for the protection of the health, safety, and welfare of the community.

(c) The cruise event will not unreasonably affect the use or enjoyment of private or public property and will not cause unreasonable traffic hazards or delays.

(d) The cruise event will not constitute a public nuisance.

(e) The cruise event will not adversely impact or unreasonably affect the use or enjoyment of the private property in the vicinity of the cruise event.

(f) The Township may require additional information from the applicant as would be deemed necessary to meet the objectives of this chapter.

(Ord. 349. Passed 6-1-04.)

#### **888.08 ADDITIONAL RESPONSIBILITIES.**

(a) Care of Area. All permit holders agree to keep their area in a clean and sanitary condition during the term of the cruise event, and to restore the area to a thoroughly clean condition after the cruise event. All permit holders having any throw-away materials and/or food must provide trash containers with plastic trash bags to be placed in a visible location in their vending area for public use. All bags must be sealed and placed in a designated area at the close of the cruise event.

(b) Sale of Food. The Macomb County Health Department requires licensing of all food concessions within the county. This permit must be obtained from said department prior to the cruise. The Health Department will be notified to conduct inspections during the cruise.

(c) Hours of Operation. All permit holders agree to provide, at all times, the presence of an authorized representative who has the authority to make changes as may be directed by an official of Clinton Township. All exhibitors/vendors must display a Gratiot Cruise Special Event Permit at all times. The cruise event shall commence at 7:00 a.m. on the scheduled day of the event and terminate at 11:00 p.m. that same day.

(d) Sub-Contracting. Permit holders agree that there is no sub-contracting of permit holders license or space.



(e) Cruise Event Equipment. May include, but is not limited to: signs, trailers, tents, port-a-johns, chairs, temporary parking, barriers, tables, flags/banners and fences. The location of the equipment is to be provided in the site plan application. Equipment shall not be set up earlier than seventy-two hours before the cruise event commencement time and date.

(f) Location of Cruise Event Equipment. The location of cruise event equipment shall not impede on-site or off-site vehicular or pedestrian traffic. Cruise event equipment shall be located so as not to project into or overhang any public right of way, driveway, or sidewalk. Nor shall it be located in such a manner that would be injurious to the public health and/or safety.

(g) Removal of Cruise Event Equipment. Cruise event equipment shall be removed from applicants premises no later than forty-eight hours after expiration of the cruise event permit. Failure to comply with any and all of the above regulations or failure to completely remove the cruise event equipment within forty-eight hours after the permit has expired shall result in forfeiture of the cash deposit. In addition to the forfeiture of the cash deposit, applicant grants Township the unconditional right to access the property as a condition of the permit, to remove any cruise event equipment or any debris, portion or part thereof, which remains on the premises for more than forty-eight hours after the permit has expired. Removal of cruise event equipment or any portion or part thereof by the Township more than forty-eight hours after the permit has expired shall result in the assessment of an additional fee equal to the cost of removal of the cruise event equipment or part thereof, storage, and all other incidental expenses associated therewith.

(h) Signs. The maximum size of a cruise event sign shall be thirty-two square feet in display area. The maximum height of a cruise event sign shall be eight feet.

(i) Location of Signs. A cruise event sign shall be located only on the premises of the property upon which the cruise event is conducted. In a circumstance where more than one parcel of land is involved, only one cruise event sign shall be permitted.

(j) Parking. No parking for a fee shall occur unless a proper permit is received.

(k) Terms and Conditions. Permit holders acknowledge and agree that the terms and conditions of a cruise event permit and the ability to secure same is limited to the Gratiot Cruise only.

(Ord. 349. Passed 6-1-04.)

#### **888.99 PENALTY.**

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor upon conviction and shall be punished by imposition of a fine not to exceed five hundred dollars (\$500.00) and/or by imprisonment for a period not to exceed ninety days within the discretion of the Court.

(Ord. 349. Passed 6-1-04.)

## **TITLE FOUR - Taxation**

Chap. 890. Property Tax Exemptions.

### **CHAPTER 890**

#### **Property Tax Exemptions**

##### **General Provisions**

- 890.01 Definitions.
- 890.02 Class of housing developments.
- 890.03 Tax exemption and establishment of annual service charge.
- 890.04 Qualification of housing development as member of the class.
- 890.05 Termination of exemption.
- 890.06 Payment of service charge.
- 890.07 Contractual effect of subchapter.
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##### **Oxford Square Apartments Tax Exemption Ordinance**

- 890.10 Short title.
- 890.11 Definitions.
- 890.12 Class of housing developments.
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- 890.14 Qualification of housing development as member of the class.

- 890.15 Termination of exemption.
- 890.16 Payment of service charge.
- 890.17 Contractual effect of subchapter.
- 890.18 Nonexempt housing projects.

**CROSS REFERENCES**

Levy and collection of taxes; uncollected taxes - see Michigan Charter Township Act (Act 359 of 1947)  
 Exemptions - see M.C.L.A. Secs. 141.632, 141.642, 141.652, 141.654, 141.655  
 Real estate transfer; documentary stamp tax - see M.C.L.A. Secs. 207.501 et seq.  
 Municipal tax rates - see M.C.L.A. Secs. 211.107a, 211.203  
 Exemption of Economic Development Corporation from taxation - see ADM.276.54

*General Provisions*

**890.01 DEFINITIONS.**

The following terms are defined as indicated unless the specific context requires another definition:

- (a) "Act" means the State Housing Development Authority Act, being Act 346 of the Public Acts of 1966, as amended.
- (b) "Annual contract rents" means the total rents collected during a calendar year for all apartment units in the housing development, representing rents or occupancy charges, whether to be derived from occupants or from governmental authorities exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.
- (c) "Family" means a household with a head of the household a single or married person who is an adult and the family is of low income meeting the definition of "low income or moderate income persons" pursuant to Act 346.
- (d) "Housing development" means a housing development under the definitional term "housing development" provided pursuant to Act 346.
- (e) "HUD" means the United States Department of Housing and Urban Development.
- (f) "Low income person" means persons and families eligible to occupy a housing development under Act 346.
- (g) "Mortgage loan" means a loan made or to be made to the sponsor for the construction, rehabilitation and/or permanent financing of a housing development, which loan is insured by HUD.
- (h) "Rehabilitation plan" means a written proposal setting forth the rehabilitation work to be performed at a housing development by the owner. The rehabilitation plan shall include a schedule of the dates by which certain aspects of the work will be completed and must clearly identify the work which must be completed by October 31 of each calendar year. The rehabilitation plan must also describe the improvements that will be made to enhance public safety and, if the housing development has a single entrance, the owner or sponsor must agree as part of the rehabilitation plan to install an entry gatehouse which will be manned by on-site security personnel twenty-four hours a day until the completion of the rehabilitation work and on an "as needed" basis thereafter as jointly agreed between the owner and the Chief of Police of the Charter Township of Clinton. The names of all security staff shall be furnished to the Police Department of the Charter Township of Clinton and procedures for contacting security persons at all times shall be established and set forth in the rehabilitation plan. The written proposal shall be in sufficient detail to allow the Planning Director to review and understand the nature and scope of all of the work that is to be performed and the dates by which the work will be completed.
- (i) "Sponsor" means the HUD sponsor of a housing development.

(Ord. 285. Passed 7-30-90.)

**890.02 CLASS OF HOUSING DEVELOPMENTS.**

The class of housing developments to which the provisions of this subchapter shall apply and for which a service charge shall be paid in lieu of taxes shall be housing developments located east of Gratiot Avenue and north of North River Road in the Township of Clinton containing more than 150 dwelling units for persons of low income which are or were constructed with funds provided in the form of a mortgage loan insured by HUD under Section 236 of the National Housing Act of 1937 and are rehabilitated pursuant to an approved rehabilitation plan with funds provided in the form of a mortgage loan insured by HUD under Section 241 of the National Housing Act of 1937, and where all of the units in such housing development are occupied by tenants who are receiving assistance from HUD under Section 8 of the National Housing Act of 1937 at the time the rehabilitation is undertaken.

(Ord. 285. Passed 7-30-90.)

**890.03 TAX EXEMPTION AND ESTABLISHMENT OF ANNUAL SERVICE CHARGE.**

- (a) Pursuant to Act 346, the class of housing developments set forth in Section 890.02 shall be exempt from all property taxes from and after the commencement of construction or rehabilitation and until all of the mortgage loans have been repaid.
- (b) Clinton Township, acknowledging that the sponsor or owner has established the economic feasibility of a housing development in reliance upon the enactment and continuing effect of this subchapter and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this chapter, and in

consideration of the sponsor's offer, subject to receipt of a loan from HUD to purchase and rehabilitate and operate the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes from and after the start of rehabilitation. The annual service charge shall be equal to four percent of the annual contract rents. This provision shall remain in effect and shall not terminate so long as the mortgage loan or mortgage loans remain outstanding and unpaid or HUD has any interest in the property, provided that rehabilitation of a housing development pursuant to an approved rehabilitation plan must commence and be performed in accordance with the time schedules and deadlines set forth in the approved rehabilitation plan; otherwise the exemption from all property taxes shall terminate as provided herein.

(Ord. 285. Passed 7-30-90.)

#### **890.04 QUALIFICATION OF HOUSING DEVELOPMENT AS MEMBER OF THE CLASS.**

In order for a housing development to qualify as a member of the class of housing developments to which this subchapter will apply, the owner or sponsor must satisfy the following requirements:

- (a) The owner or sponsor shall provide the Assessing Department with verification of its status as a limited dividend housing corporation.
- (b) The owner or sponsor shall provide the Assessing Department with verification of the existence of a mortgage loan secured by HUD under Section 236 of the National Housing Act of 1937, which is or was used to fund construction of the housing development and verification of the existence of a mortgage loan insured by HUD under Section 241 of the National Housing Act of 1937, which is or was used to fund rehabilitation of the Housing Development.
- (c) The owner or sponsor shall provide the Assessing Department with verification of assistance under Section 8 of the National Housing Act of 1937 for all of the tenants in the housing development at the time of the commencement of rehabilitation.
- (d) The owner or sponsor shall obtain from the Planning Director and submit to the Assessing Department a written approval of its rehabilitation plan and written approvals of any modifications of the rehabilitation plan.
- (e) On or before October 31 of each year, the owner or sponsor shall provide the Assessing Department with a certificate pursuant to which the owner or sponsor certifies to the Township of Clinton the status of the completion of the work under the rehabilitation plan in comparison to the time schedules and deadlines set forth in the approved rehabilitation plan.
- (f) Upon completion of the rehabilitation of a housing development pursuant to an approved rehabilitation plan, the owner or sponsor shall submit to the Assessing Department certificate(s) of completion which confirm the completion of the work described in the rehabilitation plan, which certificates have either been prepared by HUD or an architect engaged by the owner or sponsor to examine the work as it is being performed.
- (g) The owner or sponsor shall continue to maintain and repair the improvements made pursuant to the rehabilitation plan for as long as the housing development shall be exempt from all property taxes pursuant to this chapter.
- (h) Annually, by March 31 of each year, the owner or sponsor shall deliver to the Assessing Department a certificate setting forth the annual contract rents for the prior calendar year or the audited statement of operations for the prior calendar year which was submitted to HUD.

(Ord. 285. Passed 7-30-90.)

#### **890.05 TERMINATION OF EXEMPTION.**

The exemption from all property taxes provided to a housing development which qualifies under this subchapter may be terminated by resolution of the Board of Trustees of the Charter Township of Clinton if any of the following events occurs and the owner or sponsor does not satisfy the requirements it has failed to satisfy within thirty (30) days after the date of a notice sent to the sponsor or owner informing the sponsor or owner that it has failed to satisfy certain requirements set forth in this subchapter:

- (a) The owner or sponsor fails to complete the work described in the approved rehabilitation plan within the time for performance of the work described in the approved rehabilitation plan.
- (b) The owner or sponsor fails to submit the certificates as required under Section 890.04(e) or (f).
- (c) The owner or sponsor fails to maintain or repair the improvements as required under Section 890.04(g).
- (d) The owner or sponsor fails to submit the certificate or audited statement of operations as required under Section 890.04(h).
- (e) The owner or sponsor fails to maintain the entry gatehouse as provided in the rehabilitation plan or as thereafter determined in accordance with Section 890.01(h) above by the Chief of Police and the owner or sponsor.

In the event an owner or sponsor receives a notice that one of the events described above has occurred, the owner or sponsor shall be entitled to a hearing on the determination that the owner or sponsor has failed to satisfy a requirement of this subchapter before the Board of Trustees if the owner or sponsor requests such a hearing in writing within thirty (30) days after receipt of the notice described above. At the hearing, the Board of Trustees may, for good cause shown, extend the time for compliance with the requirements of this subchapter or approve modifications to the rehabilitation plan.

(Ord. 285. Passed 7-30-90.)

#### **890.06 PAYMENT OF SERVICE CHARGE.**

The service charge in lieu of taxes as determined pursuant to this subchapter shall be payable at the Treasurer's office for the Charter Township of Clinton annually on or before the first day of December, each year.

(Ord. 285. Passed 7-30-90.)

#### **890.07 CONTRACTUAL EFFECT OF SUBCHAPTER.**

Notwithstanding the provisions of Section 15(a)(5) of Act 346 to the contrary, a contract between the Charter Township of Clinton and the sponsor, with HUD as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes as previously described, is effectuated by enactment of this subchapter. The Charter Township of Clinton will not be obligated to continue the tax exemption provided for herein pursuant to this section if the exemption is terminated in accordance with the provisions of Section 890.05.

(Ord. 285. Passed 7-30-90.)

#### **890.08 NONEXEMPT HOUSING PROJECTS.**

(a) Definitions. The following terms shall have the definitions indicated unless the context in which they are used clearly indicates another definition:

(1) "Consumer housing cooperative" means a non-profit corporation incorporated pursuant to the corporation laws of this State and qualified by the Michigan State Housing Development Authority pursuant to Act 346.

(2) "Housing project" is as defined in Section 11 of Act 346 including:

A. Residential real property developed or to be developed for receiving benefits pursuant to Act 346.

B. Specific work or improvement either for rental or subsequent sale to an individual purchaser undertaken by a non-profit housing corporation, mobile home park corporation or mobile home park association pursuant to or receiving benefits under the Act to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and improvements, and social, recreational, commercial and communal facilities necessary to serve and improve residential areas in which housing pursuant to the Act is located or planned as determined by the Michigan State Housing Development Authority.

(3) "Limited dividend housing corporation" means a corporation incorporated or qualified pursuant to the corporation laws of this state and Chapter 6 of Act 346, and a limited dividend housing association organized and qualified pursuant to Chapter 7 of Act 346.

(4) "Mobile home park association" means a mobile home park association organized and qualified pursuant to Chapter 9 of Act 346.

(5) "Mobile home park corporation" means a corporation incorporated pursuant to the corporation laws of this state and qualified pursuant to Chapter 8 of Act 346.

(6) "Non-profit housing corporation" means a non-profit corporation incorporated pursuant to the corporation laws for the State of Michigan and qualified as a non-profit housing corporation by the Michigan State Housing Development Authority pursuant to Act 346.

(b) Elimination of Tax Exemption. Tax exemption available pursuant to Section 15a of Act 346 shall not apply to any of the following:

A non-profit housing corporation, consumer housing cooperative, limited dividend housing corporation, mobile home park corporation, or mobile home park association, which are situated within the boundaries of the Charter Township of Clinton, Macomb County, Michigan. All such housing projects shall be subject to taxation in the same manner and to the same extent as provided by law for any other real property situated within the Township.

(c) Severability. This section and the various parts, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. In the event the exclusion from a service charge to be paid in lieu of taxes is found not to apply, then in each such case the service charge to be paid in lieu of taxes is hereby established to be paid December 1 each year in such amount equal to the taxes that would have been paid but for the Act as calculated and determined by the Charter Township of Clinton. If any part, subsection, sentence, phrase or clause is determined invalid or unenforceable by a court of competent jurisdiction, the surviving provisions of this section shall remain in full force and effect.

(Ord. 211A. Passed 7-2-90.)

### **Oxford Square Apartments Tax Exemption Ordinance**

#### **890.10 SHORT TITLE.**

This subchapter shall be known and cited as the Charter Township of Clinton Oxford Square Apartments Tax Exemption Ordinance.

(Ord. 360. Passed 2-27-06.)

#### **890.11 DEFINITIONS.**

The following terms are defined as indicated unless the specific context requires another definition:

(a) "Act" means the State Housing Development Authority Act, being Act 346 of the Public Acts of 1966, as amended.

(b) "Annual contract rents" means the total rents collected during a calendar year for all apartment units in the housing development, representing rents or occupancy charges, whether to be derived from occupants or from governmental authorities exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.

(c) Authority means the Michigan State Housing Development Authority.

(d) "Family" means a household with a head of the household a single or married person who is an adult and the family is of low income meeting the definition of "low income or moderate income persons" pursuant to Act 346.

(e) Federally-aided mortgage means any of the following:

(1) A below market interest rate mortgage insured, purchased or held by HUD;

(2) A market rate interest rate mortgage insured by HUD and augmented by a program of rent supplements;

(3) A mortgage receiving interest reduction payments provided by HUD;

(4) A mortgage on a housing project to which the Authority allocates low income housing tax credits;

(5) A mortgage receiving special benefits under other federal law designated specifically to develop low and moderate income housing, consistent with Act 346.

(f) "Housing development" means a housing development under the definitional term "housing development" provided pursuant to Act 346.

(g) "HUD" means the United States Department of Housing and Urban Development.

(h) "Low income person" means persons and families eligible to occupy a housing development under Act 346.

(i) "Rehabilitation plan" means plans and specifications acceptable to the Township setting forth the rehabilitation work to be performed at a housing development by the owner. The rehabilitation plan shall include a schedule of the dates by which certain aspects of the work will be completed and must clearly identify the work which must be completed by October 31 of each calendar year. The rehabilitation plan must also describe the improvements that will be made to enhance public safety and, if the housing development has a single entrance, the owner or sponsor must agree as part of the rehabilitation plan to install an entry gatehouse which will be manned by on-site security personnel twenty-four (24) hours a day until the completion of the rehabilitation work and on an "as needed" basis thereafter as jointly agreed between the owner and the Chief of Police of the Charter Township of Clinton. The names of all security staff shall be furnished to the Police Department of the Charter Township of Clinton and procedures for contacting security persons at all times shall be established and set forth in the rehabilitation plan. The written proposal shall be in sufficient detail to allow the Planning Director to review and understand the nature and scope of all of the work that is to be performed and the dates by which the work will be completed.

(j) "Sponsor" means the HUD sponsor of a housing development.

(Ord. 360. Passed 2-27-06.)

#### **890.12 CLASS OF HOUSING DEVELOPMENTS.**

The class of housing developments to which the provisions of this subchapter shall apply and for which a service charge shall be paid in lieu of taxes shall be housing developments located south of 15 Mile Road, east of Gratiot, north of Laurel Street and west of Harper in the Township of Clinton containing more than 200 dwelling units for persons of low income which are or were constructed with funds provided in the form of a mortgage loan insured by HUD under Section 236 of the National Housing Act of 1937 and are rehabilitated pursuant to an approved rehabilitation plan with funds provided in the form of a federally-aided mortgage, and where 201 or the 206 units in such housing development are occupied or will be occupied by tenants who are receiving assistance from HUD under Section 8 of the National Housing Act of 1937 at the time the rehabilitation is undertaken.

(Ord. 360. Passed 2-27-06.)

#### **890.13 TAX EXEMPTION AND ESTABLISHMENT OF ANNUAL SERVICE CHARGE.**

(a) Pursuant to Act 346, the class of housing developments set forth in Section 890.12 shall be exempt from all property taxes from and after the commencement of construction or rehabilitation and until all of the mortgage loans have been repaid.

(b) Clinton Township, acknowledging that the sponsor or owner has established the economic feasibility of a housing development in reliance upon the enactment and continuing effect of this subchapter and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this chapter, and in consideration of the sponsor's offer, subject to receipt of financing in the form of a federally-aided mortgage to purchase and rehabilitate and operate the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes from and after the start of rehabilitation. The annual service charge shall be equal to six percent (6%) of the annual contract rents. This provision shall remain in effect and shall not terminate so long as the housing development remains subject to a Regulatory Agreement entered into between the housing development and the Authority pursuant to which the housing development shall be maintained as affordable housing, provided that rehabilitation of a housing development pursuant to an approved rehabilitation plan must commence and be performed in accordance with the time schedules and deadlines set forth in the approved rehabilitation plan; otherwise the exemption from all property taxes shall terminate as provided herein.

(Ord. 360. Passed 2-27-06.)

#### **890.14 QUALIFICATION OF HOUSING DEVELOPMENT AS MEMBER OF THE CLASS.**

In order for a housing development to qualify as a member of the class of housing developments to which this subchapter will apply, the owner or sponsor must satisfy the following requirements:

(a) The owner or sponsor shall provide the Assessing Department with verification of its status as a limited dividend housing

corporation.

(b) The owner or sponsor shall provide the Assessing Department with verification of the existence of a mortgage loan secured by HUD under Section 236 of the National Housing Act of 1937, which is or was used to fund construction of the housing development and verification of the existence of financing in the form of a federally-aided mortgage which is or was used to fund rehabilitation of the Housing Development.

(c) The owner or sponsor shall provide the Assessing Department with verification of assistance under Section 8 of the National Housing Act of 1937 for 201 of the tenants in the housing development at the time of the commencement of rehabilitation.

(d) The owner or sponsor shall obtain from the Planning Director and submit to the Assessing Department approvals received for its rehabilitation plan.

(e) On or before October 31 of each year, the owner or sponsor shall provide the Assessing Department with a certificate pursuant to which the owner or sponsor certifies to the Township of Clinton the status of the completion of the work under the rehabilitation plan in comparison to the time schedules and deadlines set forth in the approved rehabilitation plan.

(f) Upon completion of the rehabilitation of a housing development pursuant to an approved rehabilitation plan, the owner or sponsor shall submit to the Assessing Department certificate(s) of completion which confirm the completion of the work described in the rehabilitation plan, which certificates have either been prepared by HUD or an architect engaged by the owner or sponsor to examine the work as it is being performed.

(g) The owner or sponsor shall continue to maintain and repair the improvements made pursuant to the rehabilitation plan for as long as the housing development shall be exempt from all property taxes pursuant to this chapter.

(h) Annually, by March 31 of each year, the owner or sponsor shall deliver to the Assessing Department a certificate setting forth the annual contract rents for the prior calendar year or the audited statement of operations for the prior calendar year which was submitted to HUD.

(Ord. 360. Passed 2-27-06.)

#### **890.15 TERMINATION OF EXEMPTION.**

The exemption from all property taxes provided to a housing development which qualifies under this subchapter may be terminated by resolution of the Board of Trustees of the Charter Township of Clinton if any of the following events occurs and the owner or sponsor does not satisfy the requirements it has failed to satisfy within thirty (30) days after the date of a notice sent to the sponsor or owner informing the sponsor or owner that it has failed to satisfy certain requirements set forth in this chapter:

(a) The owner or sponsor fails to complete the work described in the approved rehabilitation plan within the time for performance of the work described in the approved rehabilitation plan.

(b) The owner or sponsor fails to submit the certificates as required under Section 890.14(e) or (f).

(c) The owner or sponsor fails to maintain or repair the improvements as required under Section 890.14(g).

(d) The owner or sponsor fails to submit the certificate or audited statement of operations as required under Section 890.14(h).

In the event an owner or sponsor receives a notice that one of the events described above has occurred, the owner or sponsor shall be entitled to a hearing on the determination that the owner or sponsor has failed to satisfy a requirement of this subchapter before the Board of Trustees if the owner or sponsor requests such a hearing in writing within thirty (30) days after receipt of the notice described above. At the hearing, the Board of Trustees may, for good cause shown, extend the time for compliance with the requirements of this subchapter or approve modifications to the rehabilitation plan.

(Ord. 360. Passed 2-27-06.)

#### **890.16 PAYMENT OF SERVICE CHARGE.**

The service charge in lieu of taxes as determined pursuant to this subchapter shall be payable at the Treasurer's office for the Charter Township of Clinton annually on or before the first day of December, each year.

(Ord. 360. Passed 2-27-06.)

#### **890.17 CONTRACTUAL EFFECT OF CHAPTER.**

Notwithstanding the provisions of Section 15(a)(5) of Act 346 to the contrary, a contract between the Charter Township of Clinton and the sponsor to provide tax exemption and accept payments in lieu of taxes as previously described, is effectuated by enactment of this subchapter. The Charter Township of Clinton will not be obligated to continue the tax exemption provided for herein pursuant to this section if the exemption is terminated in accordance with the provisions of Section 890.15.

(Ord. 360. Passed 2-27-06.)

#### **890.18 NONEXEMPT HOUSING PROJECTS.**

(a) Definitions. The following terms shall have the definitions indicated unless the context in which they are used clearly indicates another definition:

(1) "Consumer housing cooperative" means a non-profit corporation incorporated pursuant to the corporation laws of this State and qualified by the Michigan State Housing Development Authority pursuant to Act 346.

(2) "Housing project" is as defined in Section 11 of Act 346 including:

A. Residential real property developed or to be developed for receiving benefits pursuant to Act 346.

B. Specific work or improvement either for rental or subsequent sale to an individual purchaser undertaken by a non-profit housing corporation, mobile home park corporation or mobile home park association pursuant to or receiving benefits under the Act to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and improvements, and social, recreational, commercial and communal facilities necessary to serve and improve residential areas in which housing pursuant to the Act is located or planned as determined by the Michigan State Housing Development Authority.

(3) "Limited dividend housing corporation" means a corporation incorporated or qualified pursuant to the corporation laws of this state and Chapter 6 of Act 346, and a limited dividend housing association organized and qualified pursuant to Chapter 7 of Act 346.

(4) "Mobile home park association" means a mobile home park association organized and qualified pursuant to Chapter 9 of Act 346.

(5) "Mobile home park corporation" means a corporation incorporated pursuant to the corporation laws of this state and qualified pursuant to Chapter 8 of Act 346.

(6) "Non-profit housing corporation" means a non-profit corporation incorporated pursuant to the corporation laws for the State of Michigan and qualified as a non-profit housing corporation by the Michigan State Housing Development Authority pursuant to Act 346.

(b) Elimination of Tax Exemption. Tax exemption available pursuant to Section 15a of Act 346 shall not apply to any of the following:

A non-profit housing corporation, consumer housing cooperative, limited dividend housing corporation, mobile home park corporation, or mobile home park association, which are situated within the boundaries of the Charter Township of Clinton, Macomb County, Michigan. All such housing projects shall be subject to taxation in the same manner and to the same extent as provided by law for any other real property situated within the Township.

(c) Severability. This section and the various parts, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. In the event the exclusion from a service charge to be paid in lieu of taxes is found not to apply, then in each such case the service charge to be paid in lieu of taxes is hereby established to be paid December 1 each year in such amount equal to the taxes that would have been paid but for the Act as calculated and determined by the Charter Township of Clinton. If any part, subsection, sentence, phrase or clause is determined invalid or unenforceable by a court of competent jurisdiction, the surviving provisions of this section shall remain in full force and effect.

(Ord. 2360. Passed 2-27-06.)

## PART TEN – STREETS, UTILITIES AND PUBLIC SERVICES CODE

### TITLE TWO - Street and Sidewalk Areas

Chap. 1020. Street Lighting.

Chap. 1022. Sidewalks.

Chap. 1024. Trees and Foliage.

### TITLE FOUR - Utilities

Chap. 1040. Water and Sewers Generally.

Chap. 1042. Water and Sewer Rates, Charges and Fees.

Chap. 1044. Water Supply Cross-Connection Control.

Chap. 1046. Discharge of Wastewater into Wastewater Collection and Treatment Systems.

Chap. 1048. Items and Fees Relating to Water and Sewers.

Chap. 1050. Items and Fees Relating to Drainage Debt Service Districts.

Chap. 1052. Water Supply Cross-Connection Control. (Recodified)

### TITLE SIX - Other Public Services

Chap. 1060. Garbage and Rubbish Collection and Disposal.

Chap. 1062. Parks.

## TITLE TWO - Street and Sidewalk Areas

Chap. 1020. Street Lighting.

Chap. 1022. Sidewalks.

Chap. 1024. Trees and Foliage.

## CHAPTER 1020

### Street Lighting

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1020.01 Procedure for creation of special assessment districts and special street lighting districts.

#### **CROSS REFERENCES**

Ordinances regulating streets - see Michigan Charter Township Act (Act 359 of 1947)

Streets in subdivisions - see P. & Z.1226.02, 1228.02

Street lighting in subdivisions - see P. & Z.1228.04(d)

Zoning requirements for lighting - see P. & Z.1298.05

#### **1020.01 PROCEDURE FOR CREATION OF SPECIAL ASSESSMENT DISTRICTS AND SPECIAL STREET LIGHTING DISTRICTS.**

(a) This section is adopted to establish a procedure for the creation of special assessment districts for street lighting purposes pursuant to M.C.L.A. 41.411 or M.C.L.A. 41.289.

(b) Upon request to the Township Clerk's office, an assessment petition to install street lights for a certain area shall be processed for the Township Board's approval as follows:

(1) For single-family homes.

A. The Township Clerk shall obtain a preliminary district and a preliminary estimate of the cost from the Department of Public Works. From this preliminary district, the Clerk's office will prepare the petition in proper form for the individual to circulate for signatures. Signatures representing not less than fifty-one percent of the land area in the district must be obtained. Husband and wife must both sign where ownership is joint. The Township may, on its own motion, create a district.

B. The circulator shall return the signed petition, properly notarized by the circulator, to the Clerk's office.

C. The Clerk's office shall obtain a certification from a title company that the petition contains valid signatures representing not less than fifty-one percent of the area in the district and shall present the petition to the Township Board.

D. Upon certification that the petition represents not less than fifty-one percent of the area in the district, the Township Clerk shall submit the petition to the Township Board for its consideration in accordance with Act 80 of the Public Acts of 1989, as amended, or any other Act then permitted for the creation of a street lighting assessment district, at which time the Township Board shall determine whether to adopt the first resolution, and if the Township Board decides to adopt Resolution No. 1 and defray the expenses by a special assessment district, then the Board shall set a date for a public hearing as provided with the by law with the proper requirements of publication and the like.

E. If the Township Board determines to create the special assessment district and to defray part or all of the cost thereof, the Township Board shall order the assessment to be spread upon the assessment roll on a front footage basis and become due and collected as other taxes are assessed, levied and collected, and the same shall be returned in the same manner for non-payment, and the Township shall thereupon direct the Township Clerk to forward the order to the Detroit Edison Company for proper construction of the improvements.

F. Before the Township Clerk shall commence any of the work concerning the procedure for a street lighting district, he or she shall receive the amount of fifty dollars (\$50.00) to defray the estimated cost of certifying the petitions and the publication proposed.

(2) For Residential Districts other than single-family.

A. In the event a street lighting district petition is delivered or a street lighting district is requested for a residential development other than single family, then, prior to the inauguration of the steps set forth in paragraphs (b)(1)D., E. and F. hereof, the petitioner shall present to the Township Clerk the necessary legal instruments indicating that the petitioner has the authority to make this request and legally accept the responsibility for the assessments in the future, or that the petitioner has the right to collect the assessments from the occupiers of the property, and the petitioner shall present to the Township Clerk a letter from its own attorney indicating the documents and section numbers or appropriate reference to facilitate the Township's verification of this information, and the petitioner shall certify, under oath, that the documents presented to the Clerk's office are the latest effective documents pertaining to this matter and that the petitioner is the proper entity to make this request. There shall be an additional charge of thirty-five dollars (\$35.00) for the Township's verification of the petitioner's information over and above the fee provided in paragraph (b)(1)F. for single-family homes.

B. The rates mentioned in this section may be adjusted from time to time, as needed, by the Clinton Township Board by proper resolution of said Board.

## CHAPTER 1022

### Sidewalks

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- 1022.01 Construction, maintenance and repair; compliance required.
- 1022.02 When sidewalks are required.
- 1022.03 Duties of property occupants and owners involving maintenance and removal of obstruction.
- 1022.04 Construction or repair; permit required.
- 1022.05 Permit fee.
- 1022.06 Specifications.
- 1022.07 Alignment and grade.
- 1022.08 Sidewalks on corner lots.
- 1022.09 Identification and liability of contractor; stenciling.
- 1022.10 Sidewalk fund.
- 1022.11 Duty to make repairs, eliminate defects and encroachments and install sidewalks.
- 1022.12 Appeals.
- 1022.13 Construction contract notice.
- 1022.14 Dedication.
- 1022.15 Authority for issuance of appearance tickets.
- 1022.16 Equitable remedies.
- 1022.99 Penalty.

**CROSS REFERENCES**

Public walkways in subdivisions - see P. & Z.1226.03(b), 1228.04(b)

Sidewalks in subdivisions - see P. & Z.1228.04(a)

Sidewalks in land development - see P. & Z.1244.05, 1248.01(b)(5), 1248.07(a)

Sidewalks in MH Mobile Home Park Districts - see P. & Z.1266.05

**1022.01 CONSTRUCTION, MAINTENANCE AND REPAIR; COMPLIANCE REQUIRED.**

The construction, maintenance and repair of any sidewalk located on any public right-of-way or any other place open to the public within the Charter Township of Clinton shall be in compliance with the requirements of this chapter, and any waiver, of or variance from such requirements shall be in accordance with the provisions of this chapter.

(Ord. 195-A-2. Passed 5-7-90.)

**1022.02 WHEN SIDEWALKS ARE REQUIRED.**

(a) Sidewalks shall be required whenever a building permit is issued in connection with the construction of a principal structure or improvements, additions or modifications to a structure resulting in an enclosed structure of 300 square feet or more. Enclosed structure shall mean an addition or detached structure with walls and a roof. In all other instances the owners of land held jointly and severally shall be required to install sidewalks where the Township Board determines that such installation is in the interest of public health, safety and welfare.

(Ord. 195-A-2. Passed 5-7-90.)

(b) Sidewalks shall be required to be installed in compliance with the provisions of this chapter by adjacent property owners where sidewalks will be located along major or secondary thoroughfares as defined by the Macomb County Road Commission. The Superintendent of the Department of Public Works shall determine and recommend to the Board of Trustees whether the installation of sidewalks will assist in the completion of an inter-connected system for pedestrian traffic along such a thoroughfare. Upon making such determination, notice shall be provided to the property owners of record, as determined by either assessment records of the Charter Township of Clinton or records of the Macomb County Register of Deeds. Persons objecting shall have an opportunity to appeal the recommendation of the Superintendent of Public Works by filing such appeal on a form with the Department of Public Works within seven days after the date notice is mailed. The appeal shall be heard by a Sidewalk Review Committee consisting of three persons appointed by the Supervisor of the Township. Appointments shall be for one year and those appointed shall be subject to removal for cause. The Committee shall review the question of necessity determining the need for safe travel for pedestrians in relation to any hardship to the property owner.

The Township Board may order the construction, repair or maintenance of, or may construct, repair or maintain sidewalks in a designated area within the Township because of the health, safety, or welfare of the residents of the Township.

(Ord. 195-A-4. Passed 11-23-92; Ord. 346. Passed 6-30-03.)

**1022.03 DUTIES OF PROPERTY OCCUPANTS AND OWNERS INVOLVING MAINTENANCE AND REMOVAL OF OBSTRUCTION.**

It is the duty of every owner and/or occupant of land within the Charter Township of Clinton to keep and maintain the paved sidewalk, paved bicycle path, or paved hike/bike trail upon the public right-of-way contiguous to such owner's property. Such duty shall not apply to any such paved surface which is at the rear or side yard of the property and parallel to a thoroughfare or collector road where such property has a paved sidewalk, bicycle path, or hike/bike trail contiguous to the front yard of such property. In all cases, such paved surface shall be maintained in the following manner:

- (a) It shall be kept free from defects in the paved surface of every kind and nature and maintained in a condition of repair.
- (b) It shall be kept free from deposits of debris, rubbish, or other objects including the growth of vegetation between cracks or within the area for travel.
- (c) It shall be kept clear from accumulations of snow, sleet, ice and water.
- (d) It shall be kept free from the obstruction or encroachment from adjacent property of vegetation, tree limbs, bushes, and other objects.
- (e) It shall be kept free from obstructions from adjacent property interfering with sight distance lines at driveways and other sidewalks intersecting such sidewalk, such that a clear and unobstructed sight triangle is maintained, using as a base leg from the sight obstruction to any sidewalk or driveway 15 feet.

Owner of land shall mean the record owner as disclosed through records at the office and the County Register of Deeds or through the office of the Assessor of the Township. In the event of more than one owner and/or occupant, each shall be jointly and severally liable for failure to comply with this section.

In the event that an accumulation of snow, ice, sleet, or water has not been removed within a twenty-four (24) hour period following the conclusion of any rain or snow event from which it arose in whole or in part, the Township may issue a written notification to the owner of record, demanding removal of ice or snow within 48 hours. In the event ice or snow is not removed, the Township may remove the ice and snow and assess the cost to the adjoining property which if it remains unpaid for an excess of 30 days, may as an additional remedy for collection, be added to and collected in the same manner as ad valorem, real property taxes, including interest and penalties. The initial charge shall be a minimum of one hundred fifty dollars (\$150.00) with a charge of two dollars (\$2.00) per foot for any footage in excess of 50 feet. This remedy shall be considered supplemental to and not in conflict with the remedies provided under Section 1022.11.

(Ord. 195-A-2. Passed 5-7-90; Ord. 419. Passed 12-14-15.)

#### **1022.04 CONSTRUCTION OR REPAIR; PERMIT REQUIRED.**

No person, firm or corporation shall construct or repair any sidewalk in the Charter Township of Clinton without a permit. The Department of Public Works is authorized to issue such permit upon application on forms provided by such Department. Such permit shall contain at least the following information:

- (a) Date of issuance and name and address of owner of the property.
- (b) Description of the sidewalk to be constructed or repaired, including estimated square feet of work to be done and a description of location relative to public right-of-way.
- (c) A statement signed by the applicant and owner agreeing to conform to the specifications and regulations of this chapter.

Where the sidewalk to be constructed will be located in whole or in part in the right-of-way adjacent to a road under the jurisdiction of the State Transportation Department or County Road Commission, no sidewalk permit shall issue from the Department of Public Works until written approval of such applicable governmental entity is obtained.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.05 PERMIT FEE.**

The Department of Public Works shall charge a fee for the issuance of any sidewalk permit in an amount as established by resolution of the Township Board. Driveway approaches, aprons and other areas of concrete to be used by the general public located within the street right-of-way shall be included.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.06 SPECIFICATIONS.**

All sidewalks or the repair thereof shall comply with the specifications provided within the Township Standard Paving Detail Sheet as amended.

(Ord. 195-A-2. Passed 5-7-90; Ord. 369. Passed 5-14-07.)

#### **1022.07 ALIGNMENT AND GRADE.**

All sidewalks shall conform to the following alignment and grade requirements:

- (a) Alignment. Sidewalks constructed within the street right-of-way shall be located in a manner such that the edge of the sidewalk parallel to and farthest from the roadway shall be one foot from the right-of-way line or at any other location as approved by the Township Engineer and as permitted by the Macomb County Road Commission or the Michigan Department of Transportation. In any such case where sidewalks have been constructed prior to the effective date of this chapter, any additional sidewalk to be constructed hereafter may be in alignment with the existing sidewalk to the roadway of the nearest intersecting

street. It is the duty of the contractor or other person installing such sidewalk to accurately survey or otherwise determine the location of the right-of-way line prior to installing such sidewalk.

(b) Enclosed Storm Drainage Necessary for Construction of Sidewalks in Streets Having a Right-of-Way of Sixty Feet or Less Where streets have a right-of-way of sixty feet or less, enclosed storm drainage shall be installed parallel to any required sidewalk utilizing permanent corrugated tubing or pipe placed in a grade and manner for proper street drainage with materials and design subject to approval by the Macomb County Road Commission and the Charter Township of Clinton. Catch basins may be required at no greater than 200 feet intervals and final grade shall be subject to approval by the Township Engineer.

(c) Grade of Sidewalks Where Right-of-Way is Sixty Feet or Less Where the adjacent road has a curb the sidewalk shall be constructed to a grade established at a slope of three-eighths of an inch per foot above the curb as measured from the curb to the nearest edge of the sidewalk to the curb. When the road does not have a curb, the sidewalk shall be constructed in a manner such that the edge of the sidewalk farthest from the roadbed shall be established at an elevation midway between the elevation of the center line of the street and the elevation of the adjoining houses, subject to a minimum elevation of six inches below the outside grade of adjacent houses and not more than an elevation of nine inches above the center line of the street or as approved by the Township Building Official.

(d) Grade of Sidewalks on Streets With Right-of-Way Greater Than Sixty Feet The grade of sidewalks shall be established by the Township Engineer in a manner consistent with grade specifications set forth above altered as necessary for existing conditions and the width of such right-of-way.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.08 SIDEWALKS ON CORNER LOTS.**

Sidewalks shall be constructed on the front and side of corner lots and at the rear or other portion of any such lot abutting a public right-of-way. Any sidewalk located upon or adjacent to any corner lot shall be continued to the edge of the roadway adjoining said corner lot. In addition to the specifications hereinbefore set forth, the contractor or other person constructing said sidewalk shall install any necessary length of culvert pipe or head wall, in accordance with specifications provided by the Township Engineer, in the road ditch to enable the sidewalk to be constructed to the edge of the roadway.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.09 IDENTIFICATION AND LIABILITY OF CONTRACTOR; STENCILING.**

All sidewalk improvements, additions, modifications, repairs or installations in the Charter Township of Clinton shall require the following:

(a) At the time of filing for a permit, the contractor or person installing such sidewalk shall furnish his or her true and correct address and any other identifying data as established and required by resolution of the Township Board.

(b) A stencil marking shall be indented into the concrete work at both ends of any project site identifying the installer's name and the year of installation such that the commencement and end of the project area can be readily ascertained. Stencil markings shall be located two feet from the property line and two feet from the outside edge of the beginning and end of the project.

(c) As a condition of permit issuance, the contractor shall remain liable for any and all defects and repairs for a period of eighteen months, including both defects and repairs occasioned by settling, the weather, erosion, tree roots or any other causes as determined by the Township Building Department. This section does not relieve the adjoining property owner from liability as provided in other sections of this chapter. The adjoining property owner or owners shall be entitled to indemnification from such contractor for any repairs performed for a period of two years.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.10 SIDEWALK FUND.**

In addition to any other permits or fees required herein the Township Board shall establish by resolution a sidewalk fund charge. Upon the issuance of any permit hereunder, an additional portion of such permit fee shall be required to be paid which shall be deposited in a sidewalk repair fund which shall be used exclusively to repair sidewalks. Establishment of this fund does not modify the obligation of the adjoining property owners with regard to repair and maintenance of sidewalks nor does it limit or relieve persons installing such sidewalk from liability thereon for defects in workmanship, materials or the like. The Township Board, upon the recommendation of the Department of Public Works, may authorize expenditures for repairs and maintenance required within eighteen months from issuance of a permit.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.11 DUTY TO MAKE REPAIRS, ELIMINATE DEFECTS AND ENCROACHMENTS AND INSTALL SIDEWALKS.**

Sidewalks damaged prior to occupancy shall be fully repaired prior to the date of issuance of a final occupancy certificate or, in lieu thereof, a cash escrow for repairs shall be posted with the township in an amount as determined by the Building Department or the Department of Public Works.

An owner or owners of property shall, jointly and severally, in accordance with the provisions of this chapter, maintain the sidewalk free from defects and encroachments and in good repair.

When the sidewalk to be installed or requiring repair, maintenance or reconstruction is contiguous or adjacent to more than one lot or parcel, costs of such work shall be prorated on the basis of front footage between the property owners. Failure of one abutting

property owner to undertake such work where the sidewalk abuts more than a single parcel shall not excuse the remaining property owner from the duties established herein.

Property owners are jointly and severally liable pursuant to the following subsections:

(a) Notice. Upon a determination by the Board of Trustees of the Charter Township of Clinton that a sidewalk is required to be constructed, repaired or maintained, the Department of Public Works shall serve a written notice upon the owner or owners.

Owners of the property shall be determined either from the most current Township tax assessment rolls or from records containing any address as may be available in the office of the Register of Deeds for the County of Macomb. Such owner or owners shall be notified in any of the following ways: personal delivery of a copy of such notice; leaving a copy of such notice with some person of suitable age and discretion who is a member of the household at the residence of such owner; or mailing a copy of such notice, first class mail, addressed to the last known address of such owner. The notice shall be in substantially the following form:

**DEFECTIVE/INSTALLATION SIDEWALK NOTICE**

TO: (insert name of all property owners)

**NOTICE IS HEREBY GIVEN THAT THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF CLINTON HAS DETERMINED THAT CONSTRUCTION, REPAIR OR MAINTENANCE OF SIDEWALKS IS NECESSARY BECAUSE OF THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWNSHIP. (State repair needed.)**

**YOU ARE FURTHER NOTIFIED THAT YOU SHALL IMMEDIATELY CAUSE THE NECESSARY CONSTRUCTION, REPAIRS OR MAINTENANCE AS SET FORTH IN THIS NOTICE IN COMPLIANCE WITH APPLICABLE LAW. WORK MUST BE COMPLETED PRIOR TO (Insert Date). THE SIDEWALK REVIEW COMMITTEE WILL MEET ON (Insert Date) TO CONSIDER ANY TIMELY APPEALS. APPEALS ARE CONSIDERED ON THE BASIS OF HARDSHIP AND UNIQUE CIRCUMSTANCES. APPEALS MUST BE FILED IN WRITING WITHIN THE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS WITHIN SEVEN (7) DAYS AFTER THE DATE OF THIS NOTICE.**

**YOU ARE FURTHER NOTIFIED THAT IN THE EVENT YOU DO NOT TIMELY COMPLETE THE REQUIRED WORK IN A SATISFACTORY MANNER, THE TOWNSHIP WILL COMPLETE THE REQUIRED WORK AND ASSESS COSTS TO THE PROPERTY OR PROPERTIES INVOLVED, PAYABLE OVER A FIVE (5) YEAR PERIOD WHICH WILL INCLUDE ADMINISTRATIVE COSTS AND PROFESSIONAL FEES, IF ANY. SUCH COSTS IF REMAINING UNPAID IN EACH YEAR SHALL BE COLLECTED IN THE SAME MANNER AS AD VALOREM REAL PROPERTY TAXES WITH THE SAME INTEREST AND PENALTIES.**

(b) Procedures for Construction, Repair and Maintenance. The Department of Public Works shall investigate and make a recommendation to the Township Board, identifying a project area for construction, repair or maintenance of a sidewalk. Following receipt of the recommendation from the Department of Public Works, the Township Board shall hold a public meeting relative to ordering sidewalk construction, repair or maintenance after advising property owners by first class mail of the time and place for hearing. If the Board determines that construction, repair or maintenance is necessary, upon the exhaustion of appeal procedures before the Sidewalk Review Committee as appointed pursuant to Section 1022.02, the Department of Public Works shall review the subject property to determine whether a timely or proper installation, repair or reconstruction has occurred. If the same has not occurred, the Township may construct, repair or maintain the sidewalks and assess costs to the property involved, payable over a five year period, including administrative costs and professional fees, if any. Assessments, if unpaid shall be collected in the same manner as ad valorem real property taxes, including interest and penalties.

(c) Proration of Costs. If the sidewalk to be constructed, repaired or maintained is contiguous to one lot or parcel of land, the total cost of such work as completed, shall be prorated for assessment purposes on the basis of the front footage of the lots affected.

(d) Authority with Roadway Jurisdiction. Following approval by the Township, the Township Clerk shall transmit to the agency having jurisdiction over the highway or road, either the Board of County Road Commissioners for Macomb County, or the Michigan Department of Transportation, a request for approval of construction, repairs or maintenance. Approval from such highway authority having jurisdiction for such work shall be obtained.

(Ord. 195-A-3. Passed 9-30-91; Ord. 346. Passed 6-30-03.)

**1022.12 APPEALS.**

(a) Inclement Winter Weather. In the event of a hardship resulting from inclement winter weather an applicant may request that the official of the Department of Public Works delay the requirement for installation of sidewalks. Upon a request and review, the official of the Department of Public Works may extend the time for completion of sidewalks not to exceed a period of nine months and shall require an acceptable cash escrow or performance bond equal to the estimated cost of construction.

(b) Other Appeals.

(1) The Township Board shall be empowered to grant variances or to vary the specifications of this chapter, or to waive the requirements of this chapter when satisfied by majority vote after the presentation of competent evidence that any of the following is true:

- A. A unique circumstance is present.
- B. An unnecessary hardship will result.

(2) In determining whether a variance or a waiver shall be granted, the Township Board shall consider the following factors and any other relevant evidence:

A. The presence or absence of underground facilities, such as water or sewers, beneath the area where the sidewalk would be installed.

B. Unusual physical characteristics resulting in engineering difficulty in design or installation.

C. The existence of temporary conditions such as weather affecting construction.

(c) Procedures for Application, Appeal and Review. Any person seeking appeal from the provisions of this chapter shall submit an application for appeal upon a form provided by the Department of Public Works and pay any fee established by resolution of the Township Board for the Charter Township of Clinton complying fully with the following time requirements:

(1) In the event of an appeal to vary or waive the requirement for installation of a sidewalk or portion thereof, such appeal must be made within ten days of the submittal of an application for a building permit or site plan approval.

(2) Appeal from issuance of a notice for repair or removal of encroachment must be made within ten days from date of mailing or personal service of the notice form provided pursuant to Section 1022.11.

(d) Escrow for Future Construction. The Department of Public Works, utilizing Standards set forth herein, may determine that a sidewalk shall be constructed in the future. In such event, the Township Board shall comply with the following procedures and requirements.

(1) Escrow guarantee. Where such sidewalk is to be constructed in the future the Township Board shall order that a sum certain in cash money be deposited in an escrow account to guarantee such construction. The amount of deposit shall be determined, with input from the Department of Public Works, to equal the estimated cost of construction and shall be refunded to the applicant upon completion of the construction conforming to the specifications and standards of this chapter upon inspection by the Department of Public Works and notification of compliance from the Building Department to the Township Board.

(2) Time for completion. The Township Board shall establish a time for commencement and completion of the project. Time for commencement shall not exceed one year. The time for completion shall be established with input from the Department of Public Works. In the event commencement does not take place within the time provided by the Township Board, funds deposited in the escrow account are deemed forfeited to the Township without the need of further notice or action and the Township shall use such funds for construction of sidewalks at the proposed location. Any surplus shall be deposited into the General Fund of the Township and in the event of any deficiency, the cost of completion of the sidewalk shall be charged against the owners of the property in accordance with the provisions of Section 1022.11. In the event the sidewalk has not been completed within the time provided, the Township may complete construction utilizing funds in escrow. Upon completion, any surplus greater than twenty percent of such original escrow amount shall be refunded to the owner with the balance deposited in the Township General Fund. Any deficiency shall be collected in a manner as provided pursuant to Section 1022.11(b).

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.13 CONSTRUCTION CONTRACT NOTICE.**

All persons contracting for the construction, improvement or sale of a house shall, in any agreement between the parties, indicate if the construction cost of a sidewalk is not within the contract price and, if not, provide the following notice in boldface type, at least four points larger than the body of the contract:

##### **NOTICE:**

**THIS AGREEMENT DOES NOT INCLUDE THE COST OF CONSTRUCTION OF A SIDEWALK. YOU WILL BE REQUIRED TO PAY FOR THE INSTALLATION OF A SIDEWALK AND OBTAIN A SIDEWALK CONSTRUCTION PERMIT FROM THE CLINTON TOWNSHIP BUILDING DEPARTMENT. YOU MAY RETAIN ANY QUALIFIED PERSON OR COMPANY FOR THE INSTALLATION OF THE SIDEWALK.**

No occupancy permit shall issue until a sidewalk is fully installed complying with the provisions of this chapter, or such requirement eliminated through the appeal provisions of this chapter.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.14 DEDICATION.**

The terms and provisions of this chapter remain in full force and effect notwithstanding any attempt to dedicate a sidewalk to the Township or to the public in general by any owner or owners thereof. Unless the Township Board for the Charter Township of Clinton expressly authorizes the receipt of such property attempted to be dedicated through Board resolution, the Township shall not be deemed to have accepted any property dedicated for public use in general or expressly to the Township. Notwithstanding any such dedication, the terms and provisions of this chapter remain in full force and effect with regard to duties of adjoining property owners and all other terms and provisions of this chapter.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.15 AUTHORITY FOR ISSUANCE OF APPEARANCE TICKETS.**

Employees of the Department of Public Works and Building Department are hereby authorized to issue and serve appearance tickets with respect to any offense occurring under the provisions of this chapter if such employee has reasonable cause to believe that an offense has occurred.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.16 EQUITABLE REMEDIES.**

In addition to or in lieu of other penalties herein provided, the Charter Township of Clinton may apply to any court of competent jurisdiction to abate any nuisance created by a violation of this chapter or to enjoin a continuing violation.

(Ord. 195-A-2. Passed 5-7-90.)

#### **1022.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1024**

### **Trees and Foliage**

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1024.01 Intent.

1024.02 Definitions.

1024.03 Duties re trimming, maintenance and location.

1024.04 Obstruction of overhead utilities; placement in public utility easements prohibited.

1024.05 Failure to comply; right of Township to eliminate defects; imposition of charges upon property owners.

1024.06 Protection of trees on public rights of way.

1024.07 Proximity of trees and foliage to public sidewalks and driveways.

1024.08 Permitted trees.

1024.09 Disposal of tree and foliage cuttings and trimmings.

1024.10 Dedication of property.

1024.11 Authority for issuance of appearance tickets.

1024.12 Declaration of nuisance.

1024.99 Penalty.

#### **CROSS REFERENCES**

Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241, 750.382, 752.701 et seq.

Vegetation generally - see GEN. OFF. Ch. 694

Trees in parks - see S.U. & P.S.Ch. 1062

Tree preservation - see P. & Z.Ch. 1214

Trees in subdivisions - see P. & Z.1228.04(e)

Trees required in land development - see P. & Z.1244.06

Zoning requirements for vegetation - see P. & Z.1298.04

#### **1024.01 INTENT.**

This chapter is intended to provide for the duties of owners and occupants of property to remove, trim and maintain trees and foliage upon their property and the public property abutting their property; a procedure for notification and removal of defects; the imposition of costs against such property owners for the removal of defects by the Township; the protection of trees on public property; and the establishment of permitted tree species.

(Ord. 316. Passed 3-3-97.)

#### **1024.02 DEFINITIONS.**

The following definitions shall apply unless the context of this chapter clearly indicates that a different meaning applies:

(a) "Foliage" means all other types of vegetation, besides trees, growing to a height in whole or in part exceeding twenty-four inches.

(b) "Tree" means any growing vegetation with a trunk, root system, branches and leaves, including, but not limited to, deciduous and coniferous species.

(Ord. 316. Passed 3-3-97.)

#### **1024.03 DUTIES RE TRIMMING, MAINTENANCE AND LOCATION.**

Every owner or occupant of property upon which trees or foliage are located, or who has caused, or whose predecessors in interest have caused, the placement of trees and foliage in the public right-of-way, shall cause such trees and foliage to be trimmed, maintained and properly located. Trees and foliage shall be trimmed, maintained and located such that a clear space of twelve feet above the surface of any public right-of-way, sidewalk or other area for pedestrian travel is maintained and an adequate height is maintained above the surface of public streets, driveways and paved surfaces for vehicular traffic so as to avoid any physical contact between vehicles and trees or foliage, or any obstruction of view of pedestrian or vehicular traffic. Owners and occupants of property shall promptly remove all broken, dead, diseased or dangerous parts of any tree or foliage, including portions of any dead, diseased or dangerous parts of any trees which, in the opinion of the Superintendent of the Department of Public Works or his or her designee, may potentially cause injury upon contact, may cause injury or damage to persons or property through falling or spreading disease or which otherwise pose a danger to persons or property. Trees and foliage shall not be located or maintained so as to interfere with or obstruct vision where sidewalks, driveways or paved surfaces intersect with public sidewalks, driveways or paved surfaces.

(Ord. 316. Passed 3-3-97.)

#### **1024.04 OBSTRUCTION OF OVERHEAD UTILITIES; PLACEMENT IN PUBLIC UTILITY EASEMENTS PROHIBITED.**

Owners and occupants of property shall not allow for the placement and/or growth of trees and foliage which will come into contact with overhead utilities. No trees or foliage shall be planted which, upon attaining mature size, shall be likely to come into contact with overhead utilities. Any tree or foliage situated such that, upon maturity, it is likely to come into contact with overhead utilities, shall be considered a danger to persons and property and shall be subject to corrective action pursuant to Sections 1024.03 and 1024.05. No trees or foliage shall be placed or permitted to grow into the area accorded public utility easements granted in favor of the Charter Township of Clinton or its assignees. Trees so situated shall be subject to corrective action, pursuant to Sections 1024.03 and 1024.05.

(Ord. 316. Passed 3-3-97.)

#### **1024.05 FAILURE TO COMPLY; RIGHT OF TOWNSHIP TO ELIMINATE DEFECTS; IMPOSITION OF CHARGES UPON PROPERTY OWNERS.**

(a) Owners and occupants of property who have or whose predecessors in interest have caused trees and foliage to be situated in the public right-of-way shall keep trees and foliage properly maintained under the provisions of this chapter.

(b) In the event a property owner fails to comply with the terms of this chapter following notice under procedures set forth herein, the Township may enter upon such property as is necessary in order to eliminate conditions not in compliance with the terms of this chapter and shall assess the costs to the property or properties involved, sending a statement to such owner's last known address as determined from assessment records maintained by the Township. Such costs, if remaining unpaid, each year shall be collected in the same manner as ad valorem real property taxes, with the same interest and penalties.

(c) Costs shall include, where work is performed by employees of the Township, a per-hour labor cost, including wages and fringe benefits for employees involved, and time records shall be maintained. An additional ten percent administration fee shall be added to such costs. Where work is performed by contract, the costs shall include the contract costs plus an additional ten percent administration fee.

(d) Procedures for notice to property owners are as follows:

(1) Upon a determination by the Department of Public Works or other Township department that a condition of noncompliance exists with this chapter, written notice shall be served upon the owner or owners of private property where trees or foliage are located or to the owner or owners of property adjacent thereto.

(2) Owners of the property shall be determined either from the most current Township tax assessment roll or from records containing any address as may be available in the office of the Register of Deeds for the County of Macomb. Such owner or owners shall be notified in any of the following manners: personal delivery of a copy of such notice; leaving a copy of such notice with a person of suitable age and discretion who is a member of the household at the residence of such owner; or mailing a copy of such notice by first class mail, addressed to the last known address of such owner.

(3) Notice shall be in substantially the following form:

#### **DEFECTIVE TREES OR FOLIAGE**

TO: (insert name of all property owners)

NOTICE IS HEREBY GIVEN that the Department of Public Works for the Charter Township of Clinton on the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_ has determined that a dangerous and defective condition exists as a result of the location of trees or foliage to the right-of-way for the following property:

(insert property description or address)

You are hereby directed to take the following corrective action:

(describe needed action)

YOU ARE FURTHER NOTIFIED that you shall immediately cause the corrective action set forth in this notice in accordance with applicable ordinances of the Charter Township of Clinton, including Chapter 1024 of the Codified Ordinances. In the event corrective action does not occur within days from issuance of this notice, the Department of Public Works for the Charter Township of Clinton shall undertake necessary corrective action, and the cost for such action involved, including administrative costs, shall be imposed as a lien upon the property and collected in the same manner as ad valorem real property taxes with the same interest

and penalties.

(e) When the corrective action involves trees or foliage interfering with the right-of-way contiguous to more than one lot or parcel of land, the costs of such work, if completed by the Township, shall be prorated for collection purposes on the basis of the estimated degree of intrusion into each right-of-way contiguous to each parcel by the Department of Public Works.

(Ord. 316. Passed 3-3-97.)

#### **1024.06 PROTECTION OF TREES ON PUBLIC RIGHTS OF WAY.**

No person shall cause disruption to the root system of any tree located upon a right-of-way or public property, causing damage or injury to such trees; use any such tree as an anchor; fasten or affix any material to or hang material on any such tree; or place any screws, nails or other materials penetrating the bark on such tree.

(Ord. 316. Passed 3-3-97.)

#### **1024.07 PROXIMITY OF TREES AND FOLIAGE TO PUBLIC SIDEWALKS AND DRIVEWAYS.**

No tree shall be planted nearer to the intersection of any two or more streets than twenty-five feet from the point of intersection of two right-of-way lines. Trees and foliage shall not be located so as to interfere with or obstruct vision where driveways, sidewalks or paved surfaces intersect with driveways, sidewalks or paved surfaces in the public right-of-way.

(Ord. 316. Passed 3-3-97.)

#### **1024.08 PERMITTED TREES.**

The Township Board shall from time to time establish a list of permitted species of trees, which shall be maintained on file with the office of the Township Clerk and the Public Works Department, and which may be amended or revised from time to time by the Township Board. Upon the revision or amendment of such list, notice of such amendment or revision shall be published once in a newspaper of general circulation in the Township at least ten days prior to such resolution becoming effective.

(Ord. 316. Passed 3-3-97.)

#### **1024.09 DISPOSAL OF TREE AND FOLIAGE CUTTINGS AND TRIMMINGS.**

Each owner and occupant of property shall be jointly and severally liable for providing for the complete removal of cuttings and trimmings at his or her sole expense within twenty-four hours after such material has been cut or trimmed. In the event material is cut or trimmed by a property owner or his or her immediate family member only, such material may be disposed of in accordance with the provisions of other Township ordinances, including Chapter 1060.

(Ord. 316. Passed 3-3-97.)

#### **1024.10 DEDICATION OF PROPERTY.**

The terms and provisions of this chapter shall remain in full force and effect notwithstanding any attempt to dedicate property to the Township or to the public in general by any property owner. Unless the Township Board for the Charter Township of Clinton expressly authorizes, through Board resolution, the receipt of such property attempted to be dedicated, the Township shall not be deemed to have accepted any property dedicated for public use in general or expressly to the Township. Notwithstanding any such dedication, the terms and provisions of this chapter shall remain in full force and effect in regard to the duties of adjoining property owners.

(Ord. 316. Passed 3-3-97.)

#### **1024.11 AUTHORITY FOR ISSUANCE OF APPEARANCE TICKETS.**

Employees of the Department of Public Works and the Building Department and Ordinance Enforcement Officers of the Department of Planning and Community Development are hereby authorized to issue and serve appearance tickets for any offense occurring under the provisions of this chapter if such employee or officer has reasonable cause to believe an offense has occurred.

(Ord. 316. Passed 3-3-97.)

#### **1024.12 DECLARATION OF NUISANCE.**

Any violation of this chapter shall be deemed a nuisance per se and the Charter Township of Clinton may apply to any court of competent jurisdiction to abate any such nuisance or to enjoin any continuing violation, and shall be entitled as additional costs to any true and actual attorney fees incurred.

(Ord. 316. Passed 3-3-97.)

#### **1024.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



- Chap. 1040. Water and Sewers Generally.
- Chap. 1042. Water and Sewer Rates, Charges and Fees.
- Chap. 1044. Water Supply Cross-Connection Control.
- Chap. 1046. Discharge of Wastewater into Wastewater Collection and Treatment Systems.
- Chap. 1048. Items and Fees Relating to Water and Sewers.
- Chap. 1050. Items and Fees Relating to Drainage Debt Service Districts.
- Chap. 1052. Water Supply Cross-Connection Control. (Recodified)

## **CHAPTER 1040**

### **Water and Sewers Generally**

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EDITOR NOTE: This chapter, previously a codification of Ordinance 29, passed November 24, 1954, Ordinance 49, passed June 25, 1956, Ordinance 56, passed November 28, 1956, Ordinance 63, passed August 28, 1957, Ordinance 79, passed February 25, 1959, and new matter, was repealed and re-enacted in its entirety by Ordinance 319, passed December 22, 1997.

- 1040.01 Title.
- 1040.02 Definition; abbreviations.
- 1040.03 Systems; Department; Superintendent; authority; plans and specifications; construction permits; license requirements; bond and deposit.
- 1040.04 Water main and service pipe specifications.
- 1040.05 Sanitary sewer and service pipe specifications; downspouts; sump pumps.
- 1040.06 Site protection and completion deposit.
- 1040.07 Forfeiture and refund of deposit.
- 1040.08 Implied consent to entry.
- 1040.09 Enforcement.
- 1040.10 Toilet facilities required.
- 1040.11 Private sewage disposal systems.
- 1040.12 Fire hydrants and fire protection.
- 1040.13 Meters.
- 1040.14 Application for water main or sewer service connections; deposit and fees.
- 1040.15 Inspection fees; sewer system development fees.
- 1040.16 Use of water.
- 1040.17 Water rates.
- 1040.18 Abatement of nuisances; overcharges; interruption of water or sewer service.
- 1040.19 Irrigation restrictions; limitations on water use during emergencies.
- 1040.20 Vandalism.
- 1040.21 Right of entry.
- 1040.22 Notice to correct; equitable remedies.
- 1040.99 Penalty.

#### **CROSS REFERENCES**

- Department of Water and Sewers - see ADM.Ch. 246
- Water and Sewers Department fees - see ADM.290.15
- Water pollution - see GEN. OFF.676.06
- Water and sewer rates, charges and fees - see S.U. & P.S.Ch. 1042
- Water supply cross-connection control - see S.U. & P.S.Ch. 1044
- Industrial wastewater pretreatment - see S.U. & P.S.Ch. 1046

Items and fees relating to water and sewers - see S.U. & P.S.Ch. 1048

Pollution of water in parks - see S.U. & P.S.1062.10

Water and sewers in subdivisions - see P. & Z.1228.03(a) to (c)

Water supply and distribution systems - see P. & Z.1244.03, 1248.05

Sewage collection and disposal systems - see P. & Z. 1244.04, 1248.06

Water supply performance standards - see P. & Z.1298.03(e)

Sewer performance standards - see P. & Z.1298.03(f), (g)

Water distribution permit fees - see B. & H. 1442.02(b)

#### **1040.01 TITLE.**

This chapter shall be known and may be cited as the "Charter Township of Clinton Water and Sewers Chapter."  
(Ord. 319. Passed 12-22-97.)

#### **1040.02 DEFINITION; ABBREVIATIONS.**

(a) The following definitions shall apply wherever used in this chapter unless another definition is specifically stated or another meaning is obviously and clearly intended.

(1) "Board" shall mean the Charter Township of Clinton Board.

(2) "Department" shall mean the Charter Township of Clinton Water and Sewers Department.

(3) "Dwelling unit" shall mean a structure designed for and intended for occupancy exclusively by a person or persons.

(4) "Entity" shall mean a person, partnership, corporation, firm or other legally recognized organization capable of identification as a single entity.

(5) "Main" or "mains" shall mean any pipes other than service pipes used for conveying or distributing water.

(6) "Premises" shall mean a single-family dwelling unit or apartment designed for occupancy as a dwelling unit, together with land and out buildings immediately adjacent used exclusively in connection with such occupancy. "Premises" shall also mean the area occupied for nonresidential purposes, together with out buildings and surrounding adjacent land used exclusively in connection therewith by a person or entity.

(7) "Sewage disposal system" shall mean any part of the equipment or material attached to sanitary sewers, including pipes located in publicly dedicated right-of-ways or easements, and including appurtenances such as manholes, pumping facilities, and meters operated by the Department.

(8) "Sewer" or "sewers" shall mean any pipes or conduits used for the conveyance of waste water or sewage or any connections and appurtenances thereto.

(9) "Sewer service pipe" shall mean the pipe conveying waste water or sewage from a building to the public sewer.

(10) "Superintendent" shall mean the Superintendent of the Water and Sewers Department for the Charter Township of Clinton.

(11) "Township" shall mean the Charter Township of Clinton, Macomb County, Michigan.

(12) "User" shall mean any entity or its agents actually owning, leasing or occupying any premises or portion thereof supplied or to be supplied with water by the Township or connected to the Township sewers.

(13) "Water service pipe" shall mean pipe tapped into the water main and thence extending to the meter.

(14) "Water supply system" shall mean any part of the equipment or material attached to the water mains conveying water furnished by the Township, including pipes located in publicly dedicated right-of-ways or easements, and including appurtenances such as hydrants, valves, meters, reservoirs, and pumping facilities.

(b) Abbreviations used in this chapter, with their meanings, are as follows:

(1) ASA shall mean the American Standards Association.

(2) ASTM shall mean the American Society for Testing Materials.

(3) AWWA shall mean the American Water Works Association.

(4) CSDS shall mean the Clinton Township Sewage Disposal System.

(5) CWSS shall mean the Clinton Township Water Supply System.

(6) MCDPW shall mean the Macomb County Department of Public Works.

(7) MCHD shall mean the Macomb County Health Department.

(8) MDEQ shall mean the Michigan Department of Environmental Quality.

(9) MDPH shall mean the Michigan Department of Public Health.

(10) RCMC shall mean the Road Commission of Macomb County.

(11) WEF shall mean Water Environment Federation.

(Ord. 319. Passed 12-22-97.)

**1040.03 SYSTEMS; DEPARTMENT; SUPERINTENDENT; AUTHORITY; PLANS AND SPECIFICATIONS;  
CONSTRUCTION PERMITS; LICENSE REQUIREMENTS; BOND AND DEPOSIT.**

(a) The water supply system of Clinton Township, including all property and employees in connection therewith, shall be known as the "Clinton Township Water Supply System (CWSS)" and shall be under the control of the Clinton Township Board.

(b) The sewage disposal system of Clinton Township, including all main and lateral sewers and all property and employees in connection therewith, shall be known as the "Clinton Township Sewage Disposal System (CSDS)" and shall be under the control of the Clinton Township Board.

(c) The Charter Township of Clinton Water Supply System and Charter Township of Clinton Sewage Disposal System shall be operated presently under a department known as the Charter Township of Clinton Department of Public Services or under any other department as reorganized and approved through resolution of the Charter Township of Clinton Board of Trustees. Appropriate state licensure shall be maintained with necessary employees in order to deliver water and sewer services compliant with applicable state and federal laws. The department and any successor departments shall control and regulate the supply of water to all public and private premises and the disposition of all waste water and sewage from such premises within the Township. Premises currently served by well water and/or septic systems are excluded, unless otherwise regulated pursuant to other ordinances within this Code of Ordinances.

(d) The Board may appoint a Department Head for the Department of Public Services to manage the water supply system and sewage disposal system as well as perform other tasks who shall, compliant with all applicable Township ordinances and regulations hire employees subject to the approval of the Township Board as may be necessary for the proper operation of the department. Such Director shall have direct control and responsibility for the operation and maintenance of the Department, shall supervise maintenance, improvement and repair, and shall provide for enforcement of this chapter all of which is subject to the oversight of the Township Supervisor and the direction and control of the Township Board.

(e) The Township Treasurer shall be responsible for all monies, including that collected by the Department, due the Clinton Township water supply system and the sewage disposal system, and shall keep an accurate separate account of each system.

(f) The Department, with approval of the Board, shall supervise the acquisition of rights-of-way and easements and the installation, purchase, maintenance, alteration and repair (in the Township and in other places as permitted by law) of buildings, reservoirs, fixtures, machinery, pipes, public wells and other works, including, but not limited to, service pipes from the main to the curb stop and the installation of meters and other incidentals.

(g) The water main or sewer systems of the Township are under the exclusive control of the Township Board and no person or persons other than agents or employees of the Department shall disturb, tap, change, obstruct, or interfere with them in any way, unless said person is properly licensed and performs said work pursuant to permit of the Township.

(1) Contractors who expect to install water and/or sanitary sewer service lines connecting to public water and sewer systems of the Township shall be licensed by the Township. To become eligible for licensing with the Township, a contractor must be licensed by the State Department of Licensing and Regulation in one of the following categories: master plumber, drain layer contractor (Class A or B), residential building or maintenance and alteration contractor (trade code D or L).

(2) To be licensed with the Township, an eligible contractor must annually comply with the following requirements:

A. Fees. Contractor shall pay an initial filing fee for a license which shall be valid for one (1) year from the date of issuance and if desiring to renew a license shall pay a renewal fee for each subsequent calendar year. Initial filing fees and renewal fees shall be in an amount as set forth in the General Fee Schedule, part of this Code of Ordinances.

B. Insurance requirement. While a contractor is licensed, he or she shall procure and maintain insurance, with the Township named as coinsured, covering the items listed in the following subsections:

1. Comprehensive general liability insurance. The contractor shall procure and maintain, during the life of his or her license period, comprehensive general liability insurance, which is intended to protect the insured from claims, any and/or all of which may arise out of or result from the contractor's operations in the Township during the license period. Such insurance is further intended to cover all of the contractor's operations, including the operations of any subcontractor or any person that is directly or indirectly employed by the contractor and/or his or her subcontractor. Such insurance shall also include coverage for explosion, collapse and/or underground damage. The claims from which the insured is to be protected include the following:

a. Claims for damages because of bodily injury, sickness, disease or death of any person other than the contractor's employees. The limits of liability for bodily injury, including death, shall be one million dollars (\$1,000,000) per occurrence.

b. Claims for injury or destruction of tangible property, including loss of use resulting therefrom. The limits of liability for property damage shall be one hundred thousand dollars (\$100,000) per occurrence and two hundred thousand dollars (\$200,000) aggregate limit.

2. Comprehensive motor vehicle liability insurance. The contractor shall provide this insurance in an amount not less than two hundred fifty thousand dollars (\$250,000) for each person and five hundred thousand dollars (\$500,000) per occurrence for bodily injury, including accidental death; and one hundred thousand dollars (\$100,000) for property damage for each occurrence. The policy shall include coverage for owned, non-owned and hired motor vehicles.

(3) The Township reserves the right to revoke any contractor's license, at any time for any one of the following reasons:

- A. If the contractor violates Township ordinances or construction standards and/or specifications.
- B. If the contractor refuses to restore his or her construction area to the condition that existed prior to his or her construction operations within thirty days after starting work.
- C. If the contractor has breached any bond requirements and fails within a reasonable time to cure said breach.

(4) For each period for which the contractor expects to be licensed, he or she shall furnish the Township with a five thousand dollar (\$5,000) surety bond that will be payable to the Township if the contractor:

- A. Fails to satisfactorily complete any building services sewer connections;
- B. Fails to restore his or her construction site to the condition that existed prior to commencement of his or her work; or
- C. Fails to abide by any other conditions listed on his or her license application.

(h) Extensions of, or changes in, the Township-funded water mains or sewers shall be made only by the direction of the Board. Petitions for the construction of new mains or sewers shall be addressed to the Board, which will thereupon consider the same and advise the petitioners of its decision. If the petition is granted, the Board shall stipulate the proportions of the cost to be borne by the petitioners and by the Department. All petitions for installation of sewers or water mains by special assessment shall be brought under Act 188 of the Public Acts of 1954 and amendments thereto.

(i) Any person, firm, or corporation installing site improvements at his, her or its own expense shall first submit two copies of complete plans and specifications for such work to the Department for approval. Engineers who propose to prepare plans and specifications for site improvements within the Township shall obtain from the Department or the Township Engineer the current edition of Engineering and Construction Standards. This publication contains the detailed procedures to accomplish this goal.

(Ord. 319. Passed 12-22-97; Ord. 342. Passed 6-30-03; Ord. 393. Passed 7-11-11.)

#### **1040.04 WATER MAIN AND SERVICE PIPE SPECIFICATIONS.**

(a) The Superintendent shall maintain and make available a document captioned Engineering and Construction Standards. This document, adopted as a separate ordinance by the Township Board, shall contain specifications for acceptable materials, joint types, installation procedures for water mains, fire hydrants, fittings, service pipe and other water main appurtenances. Copies of this document may be obtained at the current cost from the Water and Sewers Department.

(b) All water service pipe on either private or public property shall be laid on a solid bottom not less than five feet below the established grade. Water service pipe shall be at least ten feet horizontally distant from the sewer. In no case shall water service pipe be laid on a fill.

(c) All water service pipe between the main and the meter shall be of the type and material called for in Engineering and Construction Standards and shall be not less than one inch in diameter. All curb stops shall be at least one inch extra heavy, placed seven feet inside the right-of-way line and set on a brick or concrete foundation to prevent settlement. The top of the stop box shall be so placed that it is never below the grade.

(d) A separate stop and waste cock, or valve and waste, must be placed on the water service pipe just inside the building wall so that the water may be turned off and drained from the pipe in case of accident or in order to make repairs. Such stop shall be equal in quality to the curb stop.

(e) The water service pipe from the main to the curb stop, as well as the stop box, will be provided a place by the Department under a fee for a water permit hereinafter provided. Water service pipe from the main to the curb stop/stop box shall be maintained by the Department, but this clause shall not apply to services installed by the owner of the premises. Stop boxes shall be kept free from dirt, stones, or other substances that will prevent access to the curb stop and, if found in such condition, shall immediately be cleaned out by the user. If, after due notice, the user fails to clean out such stop boxes, the Department will proceed with the work and bill the user for the cost thereof. The cost will be part of the water bill with all remedies for collection as provided by law.

(f) All water service pipe on private property shall be installed under the supervision of the Superintendent. No trench shall be back filled until inspected and approved by the Superintendent. There shall be no joints between the curb stop and the meter unless commercial lengths are not available to allow for this provision (in the event of excessive building setbacks). All joints between the main and the meter shall be flared-type joints. No person shall interfere in any way with water service pipe installed by the Department. No person is permitted to turn water on or off except for the purpose of testing his or her work, in which case the curb stop shall be left in the same condition and position as he or she found it. In the event the curb stop is found in an open position without authorization, a water bill will be issued based on the date of the water tap or the expiration of temporary water service as allowed under Section 1040.13(a). Any plumber violating the provisions of this subsection shall be reported to the State of Michigan Licensing and Regulation Department.

(g) All old iron and/or lead water service pipe requiring repairs shall be replaced by copper under the same regulation as required for new services. Existing iron and/or lead service pipe extending from the main to the building, when requiring repairs or replacement, shall be replaced only by materials approved by the Superintendent. Under no condition shall iron water service pipe be repaired. Upon the appearance of a leak in any such water service pipe, the owner of the premises shall immediately pay the Department to install a new pipe from the main to the curb stop and the owner shall cause the balance of the iron pipe from the curb stop to the dwelling to be replaced with copper before the water can be turned on.

(h) All holes or trenches dug in the public streets or alleys shall be backfilled by thoroughly tamping dry sand in layers not to exceed four inches. All excavating materials shall be entirely removed from the street. Excavated materials that are wet, or otherwise unfit for backfill, shall be entirely removed and the backfilling done with suitable dry sand hauled in for that purpose.

(i) Tunneling under private streets will be prohibited except by written permission of the Superintendent.

(j) Connections under hard-surfaced paving shall be made only by boring or jetting.

(k) The cost of repairing, restoration and maintenance of street and alley surfaces, pavements and sidewalks, where holes or trenches have been dug and/or other disturbances have been caused, shall be paid by the person requiring the connection. All necessary permits from the Macomb County Road Commission or other applicable authorities shall be obtained prior to this work.

(l) Before an owner, user, or contractor installs a water service pipe from a building to a right-of-way line, he or she shall obtain clearance from the Superintendent as to its location and the location of the designated terminus of the water service pipe at the right-of-way line. The terminus of the water service pipe shall be located such that, when the water service pipe is installed from this point to the main in a straight line perpendicular to the main, there is no obstruction such as driveways, manholes, trees, fire hydrants, or any other obstacles.

(Ord. 319. Passed 12-22-97.)

#### **1040.05 SANITARY SEWER AND SERVICE PIPE SPECIFICATIONS; DOWNSPOUTS; SUMP PUMPS.**

(a) The Superintendent, upon recommendation from the Township Engineer, shall make available a document captioned "Land Development Ordinance" (Ordinance 281, passed October 2, 1989, being Title Six of the Planning and Zoning Code). This document shall contain specifications for acceptable materials, joint types and installation procedures regarding the installation of sanitary sewers, manholes, fittings, service pipe and other sanitary sewer appurtenances. Copies of the Land Development Ordinance may be obtained at the current cost for publication or copying.

(b) All sewer service pipe laid within a right-of-way, easement, street or alley shall be furnished, installed and maintained at the expense of the owner or user. The currently published fee for tapping the main sewer shall be charged as hereinafter provided.

(c) Sewer service pipe installed within and outside of the right-of-way of any street shall have a minimum diameter of six inches and an approved watertight joint. All such sewer service pipe shall be laid in a manner described in Engineering and Construction Standards. All such service pipe shall be laid with a fall from the building to the sewer. Such fall, insofar as practical, shall be uniform throughout the length of the sewer service pipe and shall be a minimum amount of one-eighth of an inch per foot (one percent). All sewer service pipe shall be furnished, installed and maintained at the expense of the user.

(d) All sewer service pipe shall be installed by a licensed contractor.

(e) No sewer service pipe shall be covered until it is inspected and approved by the Superintendent or other authorized employees of the Water and Sewers Department.

(f) Stormwater from any source (i.e., downspouts, footing drains, etc.) shall not be permitted to enter the sanitary sewers. For buildings which are to be served by sanitary sewers and which have footing drains, the builder shall install a sump pump that discharges to a stormwater sewer or drain.

(g) During the construction period of basement homes, the builder shall back fill the basement as soon as possible after its construction, and shall take the necessary steps to keep any drainage water out of the sanitary sewer. To accomplish this, the installation of the building's sewer service pipe shall be done under the following conditions:

(1) Any person requesting a sewer tap and paying the charges therefor under existing Township ordinances shall not be allowed to install the building's sewer service pipe until such time as the basement floor is installed, the roof is on, the sump pump is operable, and the site and location where the building's sewer service pipe is to connect to the building's sewage plumbing are in a condition such that water, debris, and other foreign materials will not enter the Township sewer system (in the opinion of an inspector of the Water and Sewers Department), unless the person complies with paragraph (g)(2) hereof.

(2) An applicant shall have the right to install a building's sewer service pipe all the way inside the footing, at the time the building is started, provided that he or she places the currently published deposit in escrow; and provided, further, that the openings into the building's sewer service pipe are sealed in a manner acceptable to the Superintendent.

(3) The applicant will forfeit the option set forth in paragraph (g)(2) hereof, if he or she has been found in violation of this chapter within twelve months preceding his or her application, but in no event shall the twelve-month period commence prior to January 26, 1995.

(Ord. 319. Passed 12-22-97.)

#### **1040.06 SITE PROTECTION AND COMPLETION DEPOSIT.**

Any person or entity installing all or part of a building sewer pipe service which will connect to a Charter Township of Clinton public sewer, installing water service or installing other water or sewer facilities shall pay a deposit at the rate currently published in the Fee Schedule Ordinance for the Charter Township of Clinton at the same time that payment is made for a water and/or sewer tap or other applicable permit.

(Ord. 319. Passed 12-22-97; Ord. 374. Passed 1-28-08.)

#### **1040.07 FORFEITURE AND REFUND OF DEPOSIT.**

(a) Any person or entity requesting the installation of either the partial or full building sewer service pipe or any water service, a manhole or other facility to be Township owned associated with water and sewer who violates any provision of this chapter or who causes and fails to correct within thirty days or any other length of time as prescribed in writing by the Water and Sewer Department, any Township owned facilities, including, but not limited to, stop boxes or catch basins or their components or who fails to install required improvements relating to water and sewer or storm water, including but not limited to downspout extensions

shall forfeit said deposit. The entity shall also pay the Township the actual cost plus fifteen percent when the Township or its designees make corrections. This provision does not relieve any obligation to correct or require the Township to make any such corrections and is a cumulative remedy. All requests for refunds in whole or in part of any of such deposit shall be made in writing within a period of two years from the date that the permit is issued for the sewer tap, water service or other improvement. If such demand is not made any funds remaining on deposit shall be forfeited and deposited in the general operating funds of the Water and Sewer Department and the Charter Township of Clinton.

(b) Only the entity who or which made the deposit, or his, her or its agent or representative, shall be entitled to the refund of the deposit.

(c) The remedies provided for herein shall be in addition to the penalty provided in Section 1040.99.

(Ord. 319. Passed 12-22-97; Ord. 374. Passed 1-28-08.)

#### **1040.08 IMPLIED CONSENT TO ENTRY.**

Any person requesting the installation of a building sewer lead prior to the house being at a point of completion as allowed above, shall, at the time he or she makes such request, consent to the fact that the Township, through its proper representative in the Water and Sewers Department, shall have the right of ingress and egress to inspect the installation, and for any breach of the duty imposed on such person by the conditions herein established, or for failure to make any corrections after inspections as required, and such request shall operate as a matter of law to give the Township or its representative the right to enter upon the premises and make the proper connections, including the dismantling of the building sewer if that is felt to be necessary by the Township.

(Ord. 319. Passed 12-22-97.)

#### **1040.09 ENFORCEMENT.**

This chapter shall be enforced by the Township Water and Sewers Department, the Township Building Department, or any representative of said departments. Such representatives shall be empowered to issue ordinance violations.

(Ord. 319. Passed 12-22-97.)

#### **1040.10 TOILET FACILITIES REQUIRED.**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the Township of Clinton and abutting on any street, alley or right-of-way in which a public sanitary sewer is located, is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this chapter, within ninety days after official notice to do so, provided that such public sanitary sewer is within 200 feet of the property line nearest thereto. An official notice may not be issued if the current waste disposal system in use meets approval by the local and State health departments.

(Ord. 319. Passed 12-22-97.)

#### **1040.11 PRIVATE SEWAGE DISPOSAL SYSTEMS.**

(a) It shall hereafter be unlawful for any person or corporation to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage upon premises abutting on any street, alley or right-of-way in which a public sanitary sewer is installed.

(b) At such time as a public sanitary sewer becomes available to premises served by a private sewage disposal system, the owner thereof will be required to connect such facilities directly with the public sanitary sewer in accordance with the provisions of this chapter, within ninety days after official notice to do so, provided that such public sanitary sewer is within 200 feet of the property line of such premises. An official notice may not be issued if the current waste disposal system in use meets approval by the local and State health departments. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material after connecting with the public sewers.

(Ord. 319. Passed 12-22-97.)

#### **1040.12 FIRE HYDRANTS AND FIRE PROTECTION.**

(a) Where outlets are provided for fire protection on any premises, or where hose connections for fire apparatus are provided on any pipe, each connection or opening on said pipe shall have not less than twenty-five feet of fire hose constantly attached thereto, and no water shall be taken through such openings or hose for any purpose other than for extinguishing fires, except for the purpose of testing such fire equipment.

(b) Fire hydrants are to be opened and used only by the employees of the Water and Sewers Department and the Fire Department.

(c) No person, firm, or corporation shall in any manner obstruct or prevent free access to any fire hydrant by parking a motor vehicle, or by placing or storing, temporarily or otherwise, any car, object, material, snow, debris, or structure of any kind, within a distance of fifteen feet of the same.

(d) Hydrants shall be installed along the water main at least every 500 feet in single-family residential districts. All other districts shall have fire hydrants installed not more than every 300 feet or as required by the Fire Marshall. Fire hydrants shall be physically located at a distance as close to fifty feet from buildings wherever reasonably practicable. The final location shall be subject to the approval of the Fire Marshall.

### **1040.13 METERS.**

(a) All premises using water supplied by the Water and Sewers Department shall be metered. The premises shall pay for water and sewerage at the rates established by resolution of the Township Board from time to time, copies of which shall be kept at the Township Clerk's office. All water supplied shall be charged at the established water and sewer rate. For new construction supply purposes, a minimum bill will be charged for each premises for a three- month period and payments shall be made in advance. The minimum bill shall be three times the 1" readiness to serve unit fee and fifteen times the per unit usage charge. Temporary water service shall automatically shut off three months after the water tap is made.

(b) Meters will be furnished by the Department and are, and shall remain, the property of the Department and will at all times be under its control.

(c) For single-family homes, townhouses, detached condominium units, attached condominium units designed for single-family use, and similar units designed to be occupied by one family, a 1" meter will be installed for all new construction. For residential multiple dwelling buildings with two to ten dwelling units, the meter size shall be 1". Where a meter larger than 1" is sought, the Superintendent of Clinton Township Water and Sewer Department, whose decision is final, shall determine the meter size by evaluating the probable effect of the proposed demand on capacity upon water and sewer mains and other facilities which would serve the proposed demand. The user or users shall furnish, in a timely manner, all plans, drawing specifications, and other information relating to the proposed demand reasonably requested by the Superintendent in order for a determination to be made as to meter size. Upon all information being presented, the Superintendent shall make a determination within fourteen days.

(d) Meters and outside reading devices shall be set in an accessible location and in a manner satisfactory to the Superintendent. A drawing and/or the procedure may be given to the entity upon written request, when the permit application is made. In no case shall a meter be set in a location where it is liable to injury or cannot be readily reached by the meter reader. In all cases where the premises contain no basement or cellar, the meter shall be installed in a location which shall be approved by the Superintendent. Where it is necessary to set the meter in a pit inside of a building, such pit shall be built as directly by the Superintendent and to his or her entire satisfaction.

(e) Meters will be sealed by the Department and no one except an authorized employee of the Department shall break such seals. No person other than an authorized employee of the Department shall change the location of, alter or interfere in any way with, any meter. If the seal is discovered broken, a penalty as set forth in Chapter 209 of the Administration Code, or as otherwise provided by law, shall be assessed.

(f) The expense of installing and maintaining meters will be borne by the Department, provided that where replacements, repairs or adjustments of the meter are made necessary by an act or negligence or carelessness of the user or occupant of any premises, the expense to the Department caused thereby shall be charged against and collected from the user of the premises. Failure to pay the expenses will become a lien on the property.

(g) The owner or user of any premises where a meter is installed will be held responsible for its care and protection from freezing and from injury or interference by any person. In case of damage to the meter or in case of its stoppage or defective condition, the owner or user shall give immediate notice to the Department.

(h) All Department water used on any premises must pass through the meter. Any by-pass or connection between the meter and the main is prohibited unless it is sealed in a manner satisfactory to the Superintendent.

(i) If any meter is not working properly or fails to register, the consumer will be charged at the average quarterly consumption rate as shown by the meter when registering. The accuracy of the meter on any premises will be tested by the Department upon written request of the owner, who shall pay in advance the current published fee to cover the cost of the test. If, on such test, the meter shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefor, the fee will be refunded to the user of the premises and the water bill may be adjusted in such manner as may be fair and just. For tests of meters larger than two inches, the user must pay for the cost of the test.

(j) Water service installed to supply fire sprinkler systems for fire protection will be subject to detector check metering for the purpose of monitoring the system for leaks and/or cross connections. The applicant must pay the sprinkler meter charge, and obtain the template for the detector check meter assembly from the Township. Installation of the detector check meter template shall be the responsibility of the plumber, contractor, or owner and shall be installed prior to the issuance of any type of certificate of occupancy for the building receiving the private fire sprinkling system. The Township shall perform a startup of the water meter on the detector check bypass after the plumber, contractor, owner, or other person sets the backflow auxiliary bypass assembly. The Township will begin monitoring the readings on the meter, and any water passing through said meter will be charged in accordance with rates set forth in the General Fee Schedule, Chapter 209 of this code. The Township may from time-to-time establish charges by resolution that are appropriate for monitoring private fire lines with a detector check meter under Chapter 209.

(k) Complete submittals for proposed fire sprinkler system detector check system shall be submitted to the Township before connection to the water distribution system shall be made. Fire sprinkling backflow assemblies must have a bypass that can accommodate a detector check water meter assembly.

(l) Existing users with fire sprinkling systems require the installation of a Township detector check water meter. The Township will provide the user written notification of the requirement which will include a time line to install a detector check meter assembly.

(m) Notwithstanding anything in this section to the contrary, the following regulations shall apply to separately metered outdoor faucets and in-ground sprinkler systems which shall be allowed only on the following terms and conditions:

(1) Separate meters for connection to outside faucets and sprinkler systems shall be permitted if the water is not deposited into a sanitary sewer system by other than accidental absorption; and is used for watering lawns, watering ornamental flower gardens and residential vegetable gardens for personal consumption by occupants of the premises, pools, water operated backup

sump pumps; and is used solely upon and at the property where the separate meter is located; and is not used for any business or commercial purpose other than those set forth in this division or by resolution of the Board.

(2) All plumbing and meter installation work shall commence only after appropriate permits have been obtained and fees paid in full. All plumbing and meter installation shall be shown on a sketch to ensure full compliance with this section.

(3) All costs associated with the installation of the separate meter and related plumbing, including but not limited to, meter cost, permit and inspection fees, and labor and material costs shall be paid by the property owner. Meter cost (including reader) shall be the standard current charge established by the Township.

(4) Separate meters for outdoor use (deduct meters) shall be read at the same time as the reading on the first meter. Rates for water use applicable to the separate meters for outdoor use shall be those set forth in this code for water rates only, except that the reduced charges per billing period shall only be applicable to such separate meters in a billing period during which there is actual water use through the meter. All other penalties, interest, liens, and remedies related to nonpayment of charges set forth in this section for the building domestic meter shall apply equally to separate meter for outdoor use. In event of nonpayment, service to both meters may be discontinued until payment is made.

(5) In the event of tampering or misuse of the separate meter for outdoor use, a notice of violation will be sent to the customer and the privilege shall be discontinued. The customer has thirty days to comply with the notification of violation or file an appeal. The Public Services Director reserves the right to review and make a determination of the appeal within thirty days of receipt of such appeal. Discontinuation or reinstatement of the deduct privileges does not relieve a customer from prosecution or relief by the Township under any other ordinance provision or laws.

(Ord. 319. Passed 12-22-97; Ord. 444. Passed 6-11-18; Ord. 461. Passed 9-30-19.)

#### **1040.14 APPLICATION FOR WATER MAIN OR SEWER SERVICE CONNECTIONS; DEPOSIT AND FEES.**

(a) Before any connection shall be made to any water main or sewer, an application for the same shall be made in writing to the Water and Sewers Department by the owner of the premises to be served, or by his or her authorized agent. Such application shall be made on forms provided by the Department. The owner, user, and/or applicant for a sewer or water tapping permit, by such application, impliedly agrees to abide by all the rules and regulations of the Department in all respects, but more especially with those respecting responsibility for the payment for water and sewage disposal, and this subsection is expressly made a part of such application.

(b) No connection shall be made until the applicant has paid the necessary currently-published deposit or fee for the same. The fees charged for water service shall be full payment for a service connection to a point within seven feet of the right-of-way line, including the stop and stop box. The person for whose benefit the connection is made shall, on behalf of himself or herself, or his or her heirs, executors, administrators or assigns, hold the Township harmless for any loss or damage that may in any way be occasioned by the making of such connection.

(c) Connections to the Township water mains or sewers by property owners outside of the Township limits will be permitted only after application through the Department to the Board and approval by them, and then under such conditions as the Board may see fit to impose. All such connections, if granted, shall comply with the Township specifications for the construction of mains, services, and appurtenances.

(d) In addition to the connection charges required in subsection (b) hereof, the Township shall charge the applicant, and the applicant shall pay, a Water System Development Fee (WSDF) and a Sewer System Development Fee (SSDF) as set forth in Chapter 209 of these Codified Ordinances-the General Fee Schedule. All applicable debt service fees shall be paid in full prior to the issuance of an occupancy permit or activation of the actual water service.

(e) The Township will review and keep current its General Fee Schedule and methods and policies in calculating debt service fees, system benefit fees, connection fees, and any other applicable fees. This review will also include water and sewer capacity unit recalculations, if any.

(Ord. 319. Passed 12-22-97.)

#### **1040.15 INSPECTION FEES; SEWER SYSTEM DEVELOPMENT FEES.**

(a) Before any person, other than a representative of the Water and Sewers Department, installs a water service pipe or sanitary sewer service, he or she shall schedule an inspection at least twenty-four hours in advance of the time that he or she intends to do so. He or she shall cover the inspection cost from the building to the stop box or sewer riser and such expense shall be in addition to the established tapping fee. Failure to schedule an inspection twenty-four hours in advance will result in a second inspection fee being charged.

(b) An inspection fee as set forth in Chapter 209 of these Codified Ordinances- (the General Fee Schedule) shall be charged for inspection of the tapping of a sewer service pipe to a public sewer. No such tap shall be made without a permit and payment of such fee.

(c) In addition to the sewer inspection fee provided for in subsection (b) hereof, the Township shall charge the applicant and the applicant shall pay a Sewer System Development Fee (SSDF).

(d) No sewer service permit will be issued for sewer service connections crossing roads or highway rights-of-way unless satisfactory evidence of a cash deposit or bond, placed with the Road Commission of Macomb County or MDOT, is submitted to the Department. The release of this cash deposit or bond, back to the person who placed it, is conditioned upon the applicant's agreement to restore said road or highway to its original condition.

(Ord. 319. Passed 12-22-97.)



#### **1040.16 USE OF WATER.**

(a) When new water service pipes are put into any premises, the curb stop shall be left closed and may thereafter be opened by the Water and Sewers Department upon request of the owner or his or her agent. No person shall be permitted to turn the curb stop on or off except a licensed plumber for test purposes only, in which case the curb stop shall be left in the same condition and position as found by said plumber.

(b) Where a building, originally built as a single building or premises and fitted with one service pipe, shall thereafter be subdivided by sale, rent, lease or otherwise, the separate divisions so made must be connected to the main by separate service pipes and meters within sixty days after such division.

(c) Water shall be taken and used only through water service pipes under the supervision of the Department and no connection through which water may pass from one property to another shall exist, even though the ownership of both properties may be the same.

(d) Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaky plumbing or fixtures, is strictly prohibited. For disregard or repeated violation of this requirement, the water may be turned off by the Department.

(e) Where the water has been turned off by the Department for any reason, no person, except authorized employees or agents of the Department, may turn it on again. When this rule is violated, the person so doing shall be liable to foreclosure and the penalties hereinafter provided, and the water may be shut off at the corporation cock at the main, in which case the owner shall, before it is turned on again, pay in advance the charge of the Department therefor, which shall be fixed by the Superintendent based on time and material plus fifty percent.

(f) No person shall obstruct or interfere with any stop cock, valve or fixture connected with the Department by placing in or about it building materials, rubbish, soil, snow or other hindrance to easy and free access thereto.

(g) Any official, the Township Engineer or an inspector, foreman or other authorized employee of the Department shall have free access at all reasonable hours to any premises supplied with Department water for the purpose of making an inspection and/or repair thereof, including the examination of the entire water supply and plumbing system on said premises. No person shall refuse to admit the authorized inspectors and employees of the Department to any premises for any such purpose. In case any authorized employee is refused admittance to any premises, or, once being admitted, is hindered or prevented from making such examination, the water shall be turned off from such premises after giving twenty-four hours notice to the owner or occupant thereof

(Ord. 319. Passed 12-22-97.)

#### **1040.17 WATER RATES.**

(a) All charges for water and/or sewer made against the user of the premises supplied, shall be due and payable within 15 days after billing. The charges for service shall become a lien against the premises furnished service upon such service being provided. If not paid within 30 days, the water may be turned off to any premises against which such charges are outstanding. Upon the water being turned off, the water will not be turned on again until the charges have been paid, together with the current turn-on fee. A lien against the premises exists upon the service being furnished.

(b) Charges for services furnished to a premise may be placed within the discretion of the Township, by decision of the head of the Department of Public Services or such department head's designee, upon the next tax roll or subsequent tax rolls and shall be collected and enforced in the same manner as provided for the collection of real property taxes assessed. The department head may select the tax roll upon which such charge shall be placed and collected.

(c) Where a single water meter or meters provide water and/or sewer services to more than a single addressed premises, the lien shall be calculated by dividing the outstanding amount unpaid by the number of addressed premises, whether occupied or unoccupied.

(d) When a tenant is responsible for payment of the water and/or sewer bill in a written lease, a landlord may file an affidavit verifying that the lease has been properly executed and is in effect attaching a copy of the lease to the affidavit with the Department of Public Services. At the same time, a deposit as specified in the fee schedule, by resolution of the Township Board, shall be paid in full. Additionally, the landlord shall, within 20 days, provide notice of any cancellation, change in lease terms with respect to the water, or termination of the lease. Upon full compliance by the landlord with the foregoing, no lien shall accrue against the premises. The landlord shall be responsible upon expiration, termination or change of any lease terms for filing another proper affidavit with a copy of the lease. In the event the water bill remains unpaid for in excess of 30 days, all or any portion of the deposit may be applied toward any outstanding charges. The cash deposit or any depleted portion of it, so used, shall be restored in full within 30 days of any depletion, or a lien otherwise may be imposed, service not restored or shut off.

(e) The proceedings set forth herein are cumulative and any other lawful enforcement methods for the payment of charges for water service may be enforced.

(f) In the case of temporary vacancy of any premises, the water will be turned off at the curb stop and the meter removed by the department upon written request of the owner of the premises to the department and will be turned on the meter reset when requested, upon payment of all applicable fees and charges. Water turn-ons will be scheduled with the department during regular working hours. Water turn-ons occurring beyond regular working hours will result in double special service charge as otherwise set forth in the fee schedule ordinance. Charges shall be billed for each visit, regardless of whether by water turn-on or water turn-off actually occurs.

(g) A bill shall be delivered or mailed to the premises to which the water is supplied, or to a designated mailing address. The Township assumes no responsibility for the loss or failure of such a bill to reach the proper person. A charge will be made for all water registered by a meter and no deduction shall be made for leaks, any alleged inaccuracy of the meter, or other claimed

causes, except as provided in Section 1040.13(i).

(h) Payment of all water and sewer charges and other accounts due shall be made to the Township at locations within the Township as designated by the Township.

(Ord. 319. Passed 12-22-97; Ord. 398. Passed 5-7-12.)

#### **1040.18 ABATEMENT OF NUISANCES; OVERCHARGES; INTERRUPTION OF WATER OR SEWER SERVICE.**

(a) Any building, structure, or other improvement which is erected, altered, installed or maintained in violation of any of the provisions of this chapter is hereby declared to be a nuisance per se and the person charged with enforcement of this chapter may apply to a court of equity for abatement of such nuisance. The Township shall recover the attorney fees, if successful in this litigation.

(b) Adjustments to water charges may be permitted for a period of time retroactively six years from the date a written request for adjustment is submitted. Written requests must be submitted to the Superintendent of the Department of Public Services in writing with receipt of acknowledgement in writing or delivered electronically with electronic receipt. No adjustment may be made for a period greater than six years from the date of receipt of such request for adjustment. A customer may submit evidence that they determine as relevant within seven days of the application and a determination shall be made upon the submittal of evidence in 14 days by the Director of the Department of Public Services. The Director of the Department of Public Services shall consider and determine whether an adjustment is appropriate. The burden of proof is upon the party seeking adjustment. Only the customer of record for periods for which adjustment is sought, may seek adjustment and receive adjustment. The Township shall be the sole and final decision maker determining whether a preponderance of evidence exists, warranting adjustment. Any party aggrieved from the decision of the Director of Public Services, may apply in writing, within fourteen days to a committee consisting of the Township Supervisor, Clerk and Treasurer through submitting such requests in writing to the office of the Township Supervisor. A hearing shall be scheduled within thirty days and a decision thereafter made within ten days following such request.

(c) Should it become necessary to shut off water from any section of the Township because of accidents or for the purpose of making repairs or extensions, the Water and Sewers Department will endeavor to give timely notice to the consumers affected thereby, and will as far as practical use its best efforts to prevent inconvenience and damage arising from any such causes. However, the failure to give such notice shall not render the Department responsible or liable for damages that may result therefrom, or from any other cause.

(d) Should a scheduled interruption of sewer service become necessary, the Department will endeavor to give timely notice to customers who may be affected thereby, and will as far as practical use its best efforts to prevent inconvenience and damage arising from such an interruption. However, the failure to give notice shall not render the Department responsible or liable for damages that may result therefrom, or from any other cause. Furthermore, any other sewer service interruption shall not render the Department responsible or liable for damages that may result therefrom.

(Ord. 319. Passed 12-22-97; Ord. 428. Passed 3-13-17.)

#### **1040.19 IRRIGATION RESTRICTIONS; LIMITATIONS ON WATER USE DURING EMERGENCIES.**

(a) Irrigation System Restrictions. Property which has an automatic activated or manually operated lawn and landscape irrigation system which is connected to the municipal water system is restricted from irrigating pursuant to the following restrictions between May 15 and October 15 of each calendar year:

- (1) Properties with an even numbered address shall be allowed to irrigate on even numbered dates within the month.
- (2) Properties with an odd numbered address shall be allowed to irrigate on odd numbered dates within the month.
- (3) Lawn automatic landscape irrigation is prohibited between the hours of 5:00 a.m. and 11:00 p.m. Eastern Standard Time.

(4) If a property has a mixture of odd and even numbered addresses or an undetermined address, the Water and Sewer Superintendent, or his designee, may assign an odd-even designation for compliance with this section.

(5) A property with a newly-seeded or sodded lawn may for the first twenty-one days following planting irrigate such lawn as often as required, except that irrigation is prohibited between 5:00 a.m. and 9:00 a.m.

(b) A water user may manually irrigate residential landscaping utilizing garden hoses and sprinklers provided the irrigation is not connected to an automatic system, is attended and monitored by the water user, except that irrigation is prohibited between 5:00 a.m. and 9:00 a.m.

(c) Superintendent of the Charter Township of Clinton may whenever deemed necessary to conserve water for uses within the Township declare an emergency and require that irrigation, including sprinkling of lawns and/or gardens and/or private car washing be limited or banned as deemed advisable for such periods as deemed advisable. Prior to imposing such a restriction, unless emergency circumstances prohibit furnishing notice, notice shall be provided in writing to the Board of Trustees indicating the proposed restriction and effective date of such restriction.

(d) Whenever the Superintendent of the Department of Water and Sewer shall declare an emergency as specified in subsection (a) hereof, and notice of the determination and of the rules and regulations relating to the periods and setting forth the regulations governing domestic use of water shall be published in a newspaper of general circulation in the Township. Violation of the regulation so determined and published shall constitute a violation of this Chapter.

(e) This Chapter may be enforced by members of the Water and Sewer Department, Building Department, Police Department, and/or any other employees authorized to issue appearance tickets.

(Ord. 319. Passed 12-22-97; Ord Unno. Passed 4-7-03; Ord. 383. Passed 1-12-09.)

#### **1040.20 VANDALISM.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Township's water supply or sewage disposal system.

(Ord. 319. Passed 12-22-97.)

#### **1040.21 RIGHT OF ENTRY.**

The Superintendent of the Water and Sewers Department or his or her designees, bearing proper credentials and identification, shall be permitted to enter upon all premises situated within the Township for the purpose of inspection, operation and/or maintenance, measurement, and/or sampling and testing.

(Ord. 319. Passed 12-22-97.)

#### **1040.22 NOTICE TO CORRECT; EQUITABLE REMEDIES.**

(a) Any person found to be violating any provision of this chapter shall be served by the Township with a written notice specifying 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 and correct the same.

(b) Violations of this chapter may be restrained by a court of equity by the issuance of injunctions in such manner and on such terms as the court shall determine. The Township shall recover the attorney fees if it is successful in this litigation.

(Ord. 319. Passed 12-22-97.)

#### **1040.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1042**

### **Water and Sewer Rates, Charges and Fees**

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EDITOR'S NOTE: This chapter, previously a codification of Ordinance 10, passed June 27, 1951, Ordinance 197-B, passed July 10, 1978, Ordinance 197-C-1, passed May 22, 1989, Ordinance 197-C-2, passed July 17, 1989, Ordinance 197-B-7, passed June 18, 1990, and new matter, was repealed and re-enacted in its entirety by Ordinance 319, passed December 22, 1997.

1042.01 Operating year.

1042.02 Rate schedule.

1042.03 No free service.

1042.04 Unreasonable burdens upon system.

1042.05 Fixing of rates for provision of funds.

1042.06 Deposit of revenues.

1042.07 Estimated and actual water and sewer privilege fee calculations and adjustments.

#### **CROSS REFERENCES**

Water and Sewers Department fees - see ADM.209.15

Department of Water and Sewers - see ADM.Ch. 246

Water pollution - see GEN. OFF.676.06

Water and sewers generally - see S.U. & P.S.Ch. 1040

Water supply cross-connection control - see S.U. & P.S.Ch. 1044

Industrial wastewater pretreatment - see S.U. & P.S.Ch. 1046

Items and fees relating to water and sewers - see Ch. 1048

Water and sewers in subdivisions - see P. & Z.1228.03

Water supply and distribution systems - see P. & Z.1244.03, 1248.05

Sewage collection and disposal systems - see P. & Z.1244.04, 1248.06

Water supply performance standards - see P. & Z.1298.03(e)

Sewer performance standards - see P. & Z.1298.03(f), (g)

Water distribution permit fees - see B. & H. 1442.02(b)

## 1042.01 OPERATING YEAR.

The system shall be operated on the basis of an operating year commencing on April 1 and ending on March 31.

(Ord. 319. Passed 12-22-97.)

## 1042.02 RATE SCHEDULE.

Water supply rates and sewage supply rates are based on two charge components. The first is a "usage charge." Where a water meter is installed, the usage charge is based on the consumption of water measured in units or fractions of units with one unit being the volume of one hundred cubic feet of water. The second charge is a "readiness to serve charge" which is based on the capacity of the user to draw water from the public system, and it is calculated by using the size of the water meter.

(a) Water Rates. For purposes of this section, where a residential use is present, "unit" shall be considered that portion of a structure occupied or designed for occupancy by one, or two or more persons living together and occupying that part of a building as a separate housekeeping unit with a common and single set of culinary facilities. Rates for water and sewage furnished by the Township shall be as published in Chapter 209, General Fee Schedule, of this code. The Township shall pay at current rates for water used by the Township, or its departments.

(1) Water connection fee. In addition to all other charges herein provided, each premises connecting to the water mains of the system shall pay a connection fee. No connection shall be made to the water mains of the system until the applicant has paid the necessary connection fee for the same in accordance with Chapter 209 of these Codified Ordinances-the General Fee Schedule. The fees charged for a water connection shall be full payment for service connection to a point within seven feet of the right-of-way line, including the curb stop and stop box; furnishing and installing a meter on the premises; inspection of the water service line between the meter and curb stop; and not more than three months of unmetered water use during building construction on the premises. The person for whose benefit the connection is made shall, on behalf of himself or herself, or his or her heirs, executors, administrators or assigns, hold the Township harmless for any loss or damage that may in any way be occasioned by making such connection. All water meters shall remain the property of, and under the sole control of, the Township.

(2) Water system development fee. In addition to all other charges provided herein, the Township shall charge each premises connecting to the water mains of the system a water system development fee. Said charge shall be paid at the time that an application for permission to connect to the water mains of the system is taken out. The water system development fee shall be considered payment of the applicant's fair share of existing major capital improvements of the Township water system, such as trunk water mains, master water meters, and similar items that benefit all customers of the System.

For residential use, the water system development fee shall be paid for per single-family living unit as one capacity unit.

For occupational uses other than residential uses, the water system development fee shall be paid for multiples of capacity unit based on the amount of metered water expected to be used. A single capacity unit shall be considered the annual use of 7,200 cubic feet of metered water. The applicant shall pay a water system development fee at the current rate times the number of capacity units of expected annual water demand for each occupational use as set forth in the Table of Water and/or Sewer Capacity Unit Factors provided in subsection (c) hereof.

(3) Water debt service charge. In addition to all other charges provided herein, each premises abutting an existing water main of the system shall pay a water debt service charge, unless the premises have directly participated in the cost of installation of said abutting water main. The charge shall be in the manner set forth from time to time in the general fee schedule. The width of parcels liable for debt service charges may be computed in accordance with the Township policy adopted by the Township Board on February 10, 1965 and any revisions or successions thereto. The above debt service provision shall not apply to lots and subdivisions which were developed and platted before the effective date of this paragraph unless those lots connect the water service to such debt service line. Water debt service charges shall be paid prior to the beginning of site improvements and the issuance of a building permit.

An applicant may demonstrate his or her inability to pay water debt service charges in full by presenting to the Water and Sewer Department Superintendent or the Superintendent's designee evidence that the applicant meets the criteria of eligibility for a housing rehabilitation loan under the standards supplied by the Department of Planning and Community Development for determining community development block grant housing rehabilitation eligibility. Upon a determination by the Superintendent or his designee, the applicant may execute an agreement in recordable form which provides that debt service shall be due in full upon the sale or conveyance of any interest in the subject property. This hardship exception shall apply solely to premises which are occupied for residential purposes only and further, shall not apply to new construction property used for non-residential purposes or property which is being redeveloped.

The Superintendent of the Water and Sewer Department shall further be permitted to establish procedures to allow a water debt service charge to be paid on an installment basis over a ten year period by an applicant at an interest rate set forth in the fee schedule provided a recordable debt service agreement and tax lien form is executed and recorded at applicant's expense.

Whenever a debt service line has been installed following a declaration by the Superintendent of the Water and Sewers Department of a public health and safety emergency, persons abutting such line otherwise obligated under this section shall, upon application, be permitted to pay said debt service charge on an installment basis over a ten-year period with seven percent interest executing a debt service agreement and tax lien in a form substantially similar to that provided for in paragraph (c)(2) hereof.

(4) Miscellaneous service. For any water furnished other than through meters, the Water and Sewers Department shall fix a reasonable rate based on the number of connections or any other special consideration. For temporary use or use during construction, the Superintendent is authorized to measure the quantity of water used and bill the user accordingly.

(b) Sewer Rates.

(1) Sewage Disposal Charge. Except as otherwise provided herein, the sewage disposal charges provided by the system

consisting of "usage charge" and "readiness to serve charge" shall be set forth and as indicated in Chapter 209 of the Codified Ordinances - General Fee Schedule. Charges shall be paid by each building or premises having a connection with the system.

Where more than one family unit on a premises is served by a single water connection, the minimum monthly sewage disposal charge for such premises shall be the rate calculated for a single unit multiplied by the number of family units served by such single water connection. A family unit shall be considered that portion of a structure occupied by one, or two or more persons living together and occupying part of the building as a separate housekeeping unit with a common and single set of culinary facilities. The Township shall pay for all sewage disposal service provided to it, or any of its departments at the current rates.

Where no water meter exists a flat charge shall be imposed equal to the "readiness to serve charge" imposed for single family unit multiplied by the number of family units served, and the "usage charge" multiplied by five. Sewage can also be charged as an alternative based on a meter size "readiness to serve charge" using the readiness to serve rates for sewer and a "usage charge" where an approved meter to measure water from the nonpublic source of water for the premises has been purchased from the Township, lawfully installed, and inspected by the Township.

(2) Sewer connection inspection charges. In addition to all other charges herein provided, each premises connecting to the sewers of the system shall pay a sewer connection inspection fee as indicated in Chapter 209 of these Codified Ordinances-the General Fee Schedule, for inspection of a tapping of a sewer service pipe to a public sanitary sewer. Said charge shall be paid in full at the time that an application for a connection is taken out.

(3) Sewer system development fee. In addition to all other charges provided herein, the Township shall charge each premises connecting to the sewers of the system a sewer system development fee. Said charge shall be paid at the time that an application for a permit to connect to the sewers of the system is made.

For residential use, the sewer system development fee shall be paid for as one capacity unit per single-family living unit.

For occupational uses other than residential uses, the sewer system development fee shall be multiples of capacity units based on the amount of metered water expected to be used. A single unit shall be considered the annual use of 7,200 cubic feet of metered water. The applicant shall pay a sewer system development fee, at the current rate, times the number of capacity units of expected annual water demand for each occupational use as set forth in the Table of Water and/or Sewer Capacity Unit Factors provided in subsection (c) hereof.

(4) Sewer debt service charge. In addition to all other charges provided herein, each premises abutting an existing sewer main of the system shall pay a sewer debt service charge, unless the premises have directly participated in the cost of installation of said abutting sewer main. The charge shall be in the manner set forth from time to time in the general fee schedule. The width of parcels liable for debt service charges may be computed in accordance with the Township policy adopted by the Township Board on February 10, 1965 and any revisions or successions thereto. The above debt service provision shall not apply to lots and subdivisions which were developed and platted before the effective date of this paragraph unless those lots connect the sewer service to such debt service line. Sewer debt service charges shall be paid prior to the beginning of site improvements and the issuance of a building permit.

An applicant may demonstrate his or her inability to pay sewer debt service charges in full by presenting to the Water and Sewer Department Superintendent or the Superintendent's designee evidence that the applicant meets the criteria of eligibility for a housing rehabilitation loan under the standards supplied by the Department of Planning and Community Development for determining community development block grant housing rehabilitation eligibility. Upon a determination by the Superintendent or his designee, the applicant may execute an agreement in recordable form which provides that debt service shall be due in full upon the sale or conveyance of any interest in the subject property. This hardship exception shall apply solely to premises which are occupied for residential purposes only and further, shall not apply to new construction property used for non-residential purposes or property which is being redeveloped.

The Superintendent of the Water and Sewer Department shall further be permitted to establish procedures to allow a sewer debt service charge to be paid on an installment basis over a ten year period by an applicant at an interest rate set forth in the fee schedule provided a recordable debt service agreement and tax lien form is executed and recorded at applicant's expense.

(5) Miscellaneous service. For any sewer service furnished other than to a premises having a metered water connection, the Township Board shall fix a reasonable rate based on the number of connections or any other special consideration; except for a single-family use, the minimum sewer rates shall apply. Special rates may be established by the Township Board to meet special circumstances or situations where in its judgment a special rate is deemed proper, advisable, fair and equitable.

(c) Other Conditions.

(1) The schedule of water and/or sewer capacity units shall be set forth in the fee schedule ordinance and subject to periodic review and adjustments as part of the fee schedule ordinance by the Board of Trustees for the Charter Township of Clinton, through Township Board Resolution. See Section 209.15 for the Table of Water and/or Sewer Capacity Unit Factors.

When the unit factor in the table refers to 1,000 square feet, it shall mean the gross floor area of the building measured from outside of wall to outside of wall on each floor of the building, including the basement area, if used for any use except as a storage room, furnace room or air conditioning equipment room. The water and/or sewer system development fee is also chargeable for any additions to a Building. Said fee shall be paid upon application for a building permit for the addition.

The total number of units assigned to a particular usage on a single premises (defined as a single use by a single lessee or owner) as computed from the above table shall be a whole number and any fractional portion thereof equal to 0.5 of one unit or more shall be considered the next higher whole number.

The Township reserves the right to review and adjust the total amount of the water and/or sewer development fees as computed at any time and shall review said fees upon receipt of the applicant's demand in writing within two years after the date of payment of the water and/or sewer system development fee as computed under the terms of this section. The basis for the Township's review of the original water and/or sewer system development fee shall be as follows:

The total recorded metered water use (in cubic feet) of each of the applicant's premises for a minimum period of twelve consecutive months after full occupancy and full projected use shall be divided by 7,200 cubic feet (defined in this section as one unit) to determine the number of adjusted units (rounded off to the nearest whole number) which when multiplied by the water and/or sewer system development fee per unit as specified elsewhere herein produces the total adjusted water and/or sewer development fee for that premises. The Township shall be the sole judge of the time when full occupancy and full projected use has begun.

On the above review basis, the Township shall refund the amount of the original water and/or sewer system development fee which is in excess of 125 percent of the adjusted water and/or sewer system development fee. The Township shall not be required to review the amount of any original water and/or sewer system development fee unless the applicant's demand in writing is received by the Township within two years of the date of payment of the original water and/or sewer system development fee.

(2) Debt service agreement and tax lien. When water and/or sewer debt service charge payment by installment is approved by the Township Board, the applicant shall execute a debt service agreement and tax lien, the form of which is on file with the Department.

For the purposes of granting authority, by the adoption of this subsection, the Township of Clinton hereby authorizes and directs that the Superintendent of the Water and Sewers Department execute the above cited debt service agreement and tax lien for and on behalf of the Township of Clinton, that the collection and administration of accounts under such debt service agreement and tax lien shall be administered by the Treasurer's Office of the Township of Clinton, and the Treasurer shall appropriately report any delinquency in payments and interest in order that the same may be properly recorded as a tax deficiency according to said agreement.

However, the Township Board shall have the right to withhold the property from the tax sale and maintain a five percent interest penalty from the date of default, and the Township may provide as a condition to the entering of a debt service agreement that all payments shall be due July 1 of each year regardless of the date of execution of the service agreement, and said payments shall include the principal and interest next due.

For the purposes of said debt service agreement and tax lien, an applicant shall be considered to be any person or persons, partnership, association, corporation or other legal entity which has a fee title interest in said property, whether or not it is encumbered by a mortgage.

Whenever an applicant is requesting water and/or sewer services and is subject to debt service charges, he or she shall be required to furnish a legal description of the parcel of land involved clearly indicating the number of feet for which he or she desires water or sewer service (i.e., the footage which borders the easement and/or right-of-way in which the sewer is located).

In locations where such water mains or sewers are installed in roads having existing or proposed rights-of-way wider than eighty-six feet and where such roads have a then-existing pavement width exceeding thirty-six feet, no premises located on the opposite side of such water mains or sewer shall be connected directly with the service connection into such water mains or sewers. In locations where such water mains or sewers are installed in roads having existing or proposed rights-of-way wider than eighty-six feet and where such roads have a then-existing pavement width of thirty-six feet or less, premises located on the opposite side of such pavement from such water mains or sewers may be connected directly with a service connection only with approval of each such proposed connection by the Township Board.

(3) Deposit. A cash deposit for property which may distinguish between classifications of the property is authorized as security for payment of water and sewage disposal rates in such amounts as may be established by the Board of Trustees of the Charter Township of Clinton in such instances as deemed advisable to secure payment within the discretion of the Board or otherwise as required pursuant to the provisions of Section 21 of Act 94 of the Public Acts of 1933, as amended.

(4) Billing. Charges for water and sewage disposal service shall be collected monthly. Bills shall become due and payable when received, and if not paid by the due date, a five percent penalty shall be added thereto.

(5) Enforcement. Charges for water and/or sewage disposal service and debt service charges shall constitute a lien on the property serviced, and if not paid within six months after the due date of the bill, shall be certified by the officer or employee charged with the duty of collecting said charges, to the Township Supervisor on or before March 1 of each year, and the Supervisor shall place the same on the general tax roll to be collected as part of the general Township taxes.

The Township shall have the right to shut off and discontinue the supply of water to any premises for non-payment, when due, of water and/or sewage disposal service charges. For turn-on charges, a fee shall be paid, in accordance with Chapter 209 of these Codified Ordinances - the General Fee Schedule, prior to turning on the water to such premises.

(Ord. 319. Passed 12-22-97; Ord. 343. Passed 6-30-03; Ord. 377. Passed 1-28-08; Ord. 389. Passed 8-24-09; Ord. 421. Passed 1-25-16; Ord. 460. Passed 9-30-19.)

### **1042.03 NO FREE SERVICE.**

No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality. Any such services furnished the Township, except water furnished through fire hydrants, shall be charged against the Township at the established rates, and shall be paid for monthly as the services accrue, from current funds, or from the proceeds of taxes which the City is authorized and required to levy in an amount sufficient for that purpose.

(Ord. 319. Passed 12-22-97.)

#### **1042.04 UNREASONABLE BURDENS UPON SYSTEM.**

If the character of sewage from any manufacturing or industrial plant or any other building or premises shall be such as to impose an unreasonable additional burden upon the sewers of the system, then an additional charge may be made over and above the regular rates, or it may be required that such sewage be treated by the person, firm or corporation responsible therefor before being emptied into the sewer, or the right to empty such sewer may be denied, if necessary, for the protection of the sewer and sewage disposal facilities of the system or the public health or safety.

(Ord. 319. Passed 12-22-97.)

#### **1042.05 FIXING OF RATES FOR PROVISION OF FUNDS.**

The rates currently fixed are estimated to be sufficient to provide for the payment of the interest upon and the principal of all the bonds as and when the same become due and payable; to provide for the erection of a reserve therefor as required by this chapter; to provide for the payment of the expenses of administration and operation and such expenses for maintenance of said system as are necessary to preserve the same in good repair and working order; and to provide for such other expenditures and funds for said system as this chapter may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed at all times to fix and maintain such rates for services furnished by the system as shall be sufficient to provide for the foregoing.

(Ord. 319. Passed 12-22-97.)

#### **1042.06 DEPOSIT OF REVENUES.**

The revenues of the system are hereby ordered to be set aside, as collected, and deposited in a bank selected by the Township Board, in an account to be designated the Water Supply and Sewage Disposal System Receiving Fund, and said revenues so deposited are pledged for the purposes of paying obligations of the Water and Sewers Department.

(Ord. 319. Passed 12-22-97.)

#### **1042.07 ESTIMATED AND ACTUAL WATER AND SEWER PRIVILEGE FEE CALCULATIONS AND ADJUSTMENTS**

Upon demand, in writing, by an applicant within two years or at any time within the sole discretion of the Township, the water and/or sewer privilege computed under the terms of this chapter may be reviewed and adjusted. The review shall occur through the selection of a twelve-consecutive-month period by the Township, during which period the total recorded metered water use (in cubic feet) for each of the applicants shall be divided by 7,200 cubic feet (defined in this chapter as one unit) to determine the number of adjusted units (rounded off to the nearest whole number) which, when multiplied by the water and/or sewer privilege fee per unit as specified elsewhere herein, produces the total adjusted water and/or sewer privilege fee for that premises. The Township, during such period, shall also be permitted to review the occupational use category currently in effect for the subject premises and apply the appropriate per unit factor based on the actual occupational use in the event a change of use has occurred from the original water and sewer privilege fee calculation.

Upon the above review basis, the Township shall refund the amount of original water and/or sewer privilege fee which is in excess of 125 percent of the adjusted water and/or sewer privilege fee. The Township shall impose a water and sewer privilege fee which shall be immediately due and payable where the adjusted water and/or sewer privilege fee is in excess of 125 percent of the original water and/or sewer privilege fee or where a change in occupational use category has occurred, or both. The Township shall not be required to complete the review process more frequently than once during any twenty-four-month period upon the request of the applicant. Unpaid adjusted charges may serve as a basis for disconnection and compliance with other applicable laws and ordinances and, further, may be collected in the same manner as ad valorem real property taxes, including interest and penalties, if unpaid.

Where a change in use or expansion is projected to occur prior to the issuance of any building permit or occupancy permit of any kind, a water and/or sewer privilege fee shall be paid to the Water and Sewers Department. Said privilege fee shall be based upon the proposed use factor and estimated quantities of use or other method of calculation as set forth in the applicable ordinances less any previously paid water privilege fee. No refund of a previously paid water privilege fee shall be permitted unless the subsequent change in use or expansion is occurring within two years from the initial payment of water and/or sewer privilege fees.

(Ord. 319. Passed 12-22-97.)

## **CHAPTER 1044**

### **Water Supply Cross-Connection Control**

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EDITOR'S NOTE: This chapter, previously codified as Chapter 1052, was recodified as Chapter 1044 by Ordinance 319, passed December 22, 1997.

1044.01 Definitions.

1044.02 State Department of Public Health Rules adopted.

1044.03 Inspections for cross-connections.

- 1044.04 Right of entry.
- 1044.05 Discontinuance of service.
- 1044.06 Notice of unsafe water.
- 1044.07 Relation of chapter to Plumbing Codes.
- 1044.08 Declaration of nuisance; abatement.
- 1044.09 Violations.
- 1044.99 Penalty.

### **CROSS REFERENCES**

- Water pollution - see GEN. OFF. 676.06
- Water generally - see S.U. & P.S.Ch. 1040
- Water rates, charges and fees - see S.U. & P.S.Ch. 1042
- Water supply and distribution systems - see P. & Z.1244.03, 1248.05
- Water supply performance standards - see P. & Z.1298.03(f), (g)
- Water distribution permit fees - see B. & H. 1442.02(b)

### **1044.01 DEFINITIONS.**

As used in this chapter:

- (a) "Department" means the Department of Water and Sewers of the Charter Township of Clinton.
- (b) "Potable water supply" means water available for human consumption through drinking.
- (c) "Public water supply" means any privately or publicly owned facilities for the transmission of water which are connected to water supply facilities owned by the Charter Township of Clinton, or which are connected to facilities which in turn are connected to water supply facilities owned by the Township, and which are used for the transmission of drinking water.

(Ord. 299. Passed 11-29-93.)

### **1044.02 STATE DEPARTMENT OF PUBLIC HEALTH RULES ADOPTED.**

The Charter Township of Clinton hereby adopts by reference, in their entirety, the Water and Supply Cross-Connection Rules, in effect at the time of the adoption of this chapter, of the Michigan Department of Public Health, being R325.11401 to R325.11407 of the Michigan Administrative Code.

(Ord. 299. Passed 11-29-93.)

### **1044.03 INSPECTIONS FOR CROSS-CONNECTIONS.**

The Department of Water and Sewers shall cause inspections to be made periodically of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections shall be as established by the Department, upon approval by the Michigan Department of Public Health. In any case where reasonable information exists to suspect a cross-connection, inspections shall occur.

(Ord. 299. Passed 11-29-93.)

### **1044.04 RIGHT OF ENTRY.**

Any representative of the Department of Water and Sewers shall have the right to enter, at any reasonable time, property served, directly or indirectly, by connection to the public water supply system of the Charter Township of Clinton for the purpose of inspecting the water supply system, private or publicly owned, for cross-connections. It is the duty of the property owner, lessee or occupant of any such property to forthwith furnish to the Department information regarding the water supply on such property, including, but not limited to, the location, the plans, if any, a description of the system, the names of contractors or suppliers associated with the installation or maintenance of the system and any other information relating to the nature, location, maintenance and performance of the system. Refusal of access, or refusal to provide information when requested, shall be deemed prima-facie evidence of the presence of cross-connections.

(Ord. 299. Passed 11-29-93.)

### **1044.05 DISCONTINUANCE OF SERVICE.**

The Department of Water and Sewers is authorized to discontinue water service after reasonable notice, in no case less than fourteen days, unless an imminent health hazard exists warranting sooner action, to any property wherein any connection in violation of this chapter exists and to take 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-connections have been fully eliminated in compliance with the provisions of this chapter.



(Ord. 299. Passed 11-29-93.)

#### **1044.06 NOTICE OF UNSAFE WATER.**

The potable water supply made available on property served by the public water supply shall be protected from possible contamination as specified by this chapter and by the State and Township Plumbing Codes. Any water outlets which could be used for potable or domestic purposes, and which are not supplied by the potable system, must be labeled in a conspicuous manner as WATER UNSAFE FOR DRINKING.

(Ord. 299. Passed 11-29-93.)

#### **1044.07 RELATION OF CHAPTER TO PLUMBING CODES.**

This chapter shall not supersede, shall be fully harmonized with, and shall be deemed to supplement, the State and Township Plumbing Codes.

(Ord. 299. Passed 11-29-93.)

#### **1044.08 DECLARATION OF NUISANCE; ABATEMENT.**

Any violation of this chapter shall be deemed to be a public nuisance warranting abatement by injunctive relief, and the Township shall be entitled to reimbursement for attorney's fees and costs associated with abating such nuisance.

(Ord. 299. Passed 11-29-93.)

#### **1044.09 VIOLATIONS.**

No person shall violate or fail to comply with any of the provisions of this chapter or any written order of the Department of Water and Sewers issued pursuant to this chapter.

(Ord. 299. Passed 11-29-93.)

#### **1044.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1046**

### **Discharge of Wastewater into Wastewater Collection and Treatment Systems**

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EDITOR'S NOTE: This chapter, previously titled "Industrial Wastewater Pretreatment," and being a codification of Ordinance 321, passed March 23, 1998, was re-titled "Discharge of Wastewater into Wastewater Collection and Treatment Systems" upon the adoption of Ordinance 375, passed January 28, 2008, which re-enacted this chapter in its entirety.

- 1046.01 Delegation of authority.
- 1046.02 Purpose and objectives.
- 1046.03 Authority.
- 1046.04 Definitions.
- 1046.05 Discharge prohibitions.
- 1046.06 Fees.
- 1046.07 Wastewater discharge permits.
- 1046.08 Monitoring facilities.
- 1046.09 Inspection, sampling and record-keeping.
- 1046.10 Confidential information.
- 1046.11 Statutes, laws and regulations.
- 1046.12 Enforcement.
- 1046.13 Reconsideration and appeal.
- 1046.99 Penalty
- Appendix A: National categorical pretreatment standards.
- Appendix B
- Appendix C: Interim discharge limitations.

## **CROSS REFERENCES**

Water and sewers generally - see S.U. & P.S.Ch. 1040

Items and fees relating to water and sewers - see S.U. & P.S.Ch. 1048

Water and sewers in subdivisions - see P. & Z.1228.03

Sewage collection and disposal systems - see P. & Z. 1244.04, 1248.06

Sewer performance standards - see P. & Z. 1298.03(f), (g)

### **1046.01 DELEGATION OF AUTHORITY.**

The City of Detroit, through the Detroit Water and Sewerage Department, as the State approved control authority, is authorized to administer and enforce the provisions of this chapter on behalf of the Charter Township of Clinton. The Charter Township of Clinton has executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this chapter, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of control authority pursuant to State and Federal law.

(Ord. 375. Passed 1-28-08.)

### **1046.02 PURPOSE AND OBJECTIVES.**

(a) The purpose of this chapter is the protection of the environment, and of public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the Charter Township of Clinton and enabling the Charter Township of Clinton to comply with all applicable State and Federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. § 1251, et seq., and the General Pretreatment Regulations, being 40 C.F.R. Part 403.

(b) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, or will pose a hazard to the health or welfare of the people or of employees of the City of Detroit Water and Sewerage Department;

(2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and

(4) To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.

(c) This chapter provides for the regulation of contributors to the Detroit and Charter Township of Clinton wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

(Ord. 375. Passed 1-28-08.)

### **1046.03 AUTHORITY.**

By virtue of the obligations and authority placed upon the Charter Township of Clinton by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. §§ 1251 et seq.; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being M.C.L. 323.1 et seq.; M.S.A. 3.521 et seq.; the 1997 Charter Township of Clinton Charter; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit Publicly Owned Treatment Works (POTW); the Consent Judgment in *U.S. EPA v. City of Detroit et al* Federal District Court for the Eastern District of Michigan Case No. 77-1100, as amended; and existing or future contracts between the Board of Water Commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this chapter shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

(Ord. 375. Passed 1-28-08.)

### **1046.04 DEFINITIONS.**

(a) For purposes of this chapter and unless the context specifically indicates otherwise, the following terms and phrases, shall have the meanings ascribed to them by this section:

(1) "Act" or "the act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. §§ 1251 et seq.

(2) "Authorized representative of industrial user" means:

A. Responsible corporate officer, where the industrial user submitting the reports required by this chapter is a corporation, who is either the president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any

other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or

B. A general partner or proprietor where the industrial user submitting the reports required by this chapter is a partnership or sole proprietorship respectively.

(3) "Available cyanide" means the quantity of cyanide that consists of cyanide ion (CN<sup>-</sup>) hydrogen cyanide in water (HCNaq), and the cyano-complexes of zinc, copper, cadmium, mercury nickel and silver, determined by EPA method OIA-1677, or other method designated as a standard method or approved under 40 CFR 136.

(4) "Best management practices (BMP)" means programs, practices, procedures or other directed efforts initiated and implemented by the user which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but are not limited to the Detroit sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

(5) "Biochemical oxygen demand (BOD)" means the quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at twenty degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

(6) "Board" means the Board of Water Commissioners of the City of Detroit.

(7) "Bypass" means the intentional diversion of a waste stream from any portion of an industrial user's treatment facility. (See 40 C.F.R. § 403.17.)

(8) "Centralized waste treatment (CWT) facility" means any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker truck, trailer roll-off bins, drums, barges, or any other forms of shipment including:

A. A facility that treats industrial waste received exclusively from off-site; and

B. A facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

(9) "Compatible industrial wastewater" means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

(10) "Compatible pollutant" means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

(11) "Composite sample" means a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four aliquot per twenty-four hours shall be used where the sample is manually collected. (See 40 C.F.R. § 403, Appendix E.)

(12) "Confidential information" means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. (See Section 1046.10)

(13) "Control authority" means the Detroit Water and Sewerage Department which has been officially designated as such by the State of Michigan under the provisions of 40 C.F.R § 403.12. (See 40 C.F.R. § 403.12(a).)

(14) "Cooling water" means the non-contact water discharged from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

(15) "Days" mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this chapter.

(16) "Department" means the City of Detroit Water and Sewerage Department, and authorized employees of the Department.

(17) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

(18) "Director" means the Director of the Detroit Water and Sewerage Department, or the Director's designee.

(19) "Discharger" means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.

(20) "Domestic sewage" means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.

(21) "Environmental Protection Agency or administrator or EPA administrator" means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

(22) "Facility" means a location, which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

(23) "Fats, oils or grease (FOG)" means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable or mineral origin that's extractable by solvent in accordance with standard methods.

(24) "Flow proportional sample" means a composite sample taken with regard to the flow rate of the waste stream.

(25) "Grab sample" means an individual sample collected over a period of time not exceeding fifteen minutes, which reasonably reflects the characteristics of the stream at the time of sampling.

(26) "Indirect discharge or discharge" means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. § 1317(b),(c) or (d).

(27) "Industrial user" means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single-family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

(28) "Industrial waste" means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

(29) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. § 1345, the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(30) "May" means permissive.

(31) "National categorical pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. § 1317(b) and (c) which applies to a specific class or category of industrial users.

(32) "National Pollutant Discharge Elimination System (NPDES) permit" means a permit issued pursuant to 33 U.S.C. § 1342.

(33) "New source" means:

A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 33 U.S.C. § 1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, that: the building, structure, facility or installation is constructed at a site where no other source is located; or the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered;

B. Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph A. of this definition but otherwise alters, replaces, or adds to existing process or production equipment; or

C. Construction of a new source has commenced where the owner or operator has: begun, or caused to begin as part of a continuous on-site construction program: any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

(34) "Pass through" means discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

(35) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or their legal representative, agent or assigns.

(36) "pH" means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

(37) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

(38) "Pollution" means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

(39) "Pretreatment" means the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by Federal, State or local law, rules and regulations.

(40) "Pretreatment requirements" means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user. (See 40 C.F.R. § 403.3(r).)

(41) "Pretreatment standards" means all national categorical pretreatment standards, the general prohibitions specified in 40 C.F.R. § 403.5(a), the specific prohibitions delineated in 40 C.F.R. § 403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. § 403.5(c), including the discharge prohibitions specified in Section 1046.05.

(42) "Public sewer" means a sewer of any type controlled by a governmental entity.

(43) "Publicly owned treatment works (POTW)" means a treatment works as defined by 33 U.S.C. § 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. § 1362, including:

A. Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;

B. Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or

C. The municipality, as defined in 33 U.S.C. § 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(44) "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

(45) "Quantification level" means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

(46) "Representative sample" means any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the waste stream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

(47) "Sanitary wastewater" means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

(48) "Shall" means mandatory.

(49) "Significant noncompliance" means any violation which meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;

B. Technical review criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Department determines has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;

E. Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within ninety days after the scheduled date;

F. Failure to provide required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty days after the due date;

G. Failure to accurately report noncompliance; or

H. Any other violation or group of violations which the Department determines will adversely affect the operation or implementation of the local pretreatment program.

(50) "Significant industrial users" means any user of the POTW who:

A. Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water;

B. Has discharges subject to the national categorical pretreatment standards;

C. Requires pretreatment to comply with the specific pollutant limitations of this chapter;

D. Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. § 1317, or other applicable Federal and State laws or regulations, that are in concentrations and volumes which are subject to regulation under this chapter as determined by the Department;

E. Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this State or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and

Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or

F. Is found by the City of Detroit or Charter Township of Clinton to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

(51) "Slug" means any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

(52) "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

(53) "Standard methods" mean methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants." Where these two references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.

(54) "State" means the State of Michigan.

(55) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(56) "Suspended solids (total)" mean the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

(57) "Total PCB" means the sum of the individual analytical results for each of the PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level being treated as zero.

(58) "Total phenolic compounds" means the sum of the individual analytical results for each of the phenolic compounds of 2-chlorophenol, 4-chlorophenol, 4-chloro-3-methylphenol, 2,4-dichlorophenol, 2,4-dinitrophenol, 4-methylphenol, 4-nitrophenol, and phenol during any single sampling event expressed in mg/l.

(59) "Township" means the Charter Township of Clinton.

(60) "Toxic pollutant" means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. § 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or by other Federal or State laws, rules or regulations.

(61) "Trade secret" means the whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.

(62) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under this chapter or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(63) "User" means any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.

(64) "Wastewater or wastestream" means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, storm water, and cooling water.

(65) "Wastewater discharge permits" mean permits issued by the Department in accordance with Section 1046.07.

(66) "Waters of the State" mean groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this State as well as bordering this State in the form of the Great Lakes.

(b) For purposes of this chapter, the following acronyms shall have the meanings designated by this section:

(1) BMR - Baseline monitoring report.

(2) BOD- Biochemical oxygen demand.

(3) C.F.R. - Code of Federal Regulations.

(4) EPA - Environmental Protection Agency.

(5) FOG - Fats, oil or grease.

(6) l - liter.

(7) MDEQ - MI. Department of Environment Quality.

- (8) mg - milligrams.
- (9) mg/l - milligrams per liter.
- (10) NPDES - National Pollutant Discharge Elimination System.
- (11) POTW - Publicly Owned Treatment Works.
- (12) RCRA -Resource Conservation and Recovery Act, being 42 U.S.C. §§ 6901 et seq.
- (13) SIC - Standard Industrial Classification.
- (14) SWDA - Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq.
- (15) TSS - Total suspended solids.
- (16) U.S.C. - United States Code.

(Ord. 375. Passed 1-28-08.)

#### **1046.05 DISCHARGE PROHIBITIONS.**

(a) General Pollutant Prohibitions. No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or to any other Federal, State, or local pretreatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:

(1) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, wastestreams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 C.F.R. § 261.21;

(2) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones;

(3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units;

(4) Any wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference, or pass through, or constitute a hazard to humans or animals;

(5) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair;

(6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. § 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with State criteria applicable to the sludge management method being used;

(7) Any substance which will cause the POTW to violate either the Consent Judgment in U.S. EPA v. City of Detroit et al, Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit;

(8) Any discharge having a color uncharacteristic of the wastewater being discharged;

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F or which will cause the influent at the wastewater treatment plant to rise above 104°F (40°C);

(10) Any pollutant discharge which constitutes a slug;

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable Federal or State regulations;

(12) Any floating fats, oil or grease which are sufficient to cause interference with or pass through the POTW; or

(13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half inch or greater which are sufficient to cause interference with the POTW.

(b) Specific Pollutant Prohibitions. No user shall discharge wastewater containing in excess of the following limitations:

(1) Compatible pollutants. See Appendix C.

(2) Non-compatible pollutants. No user shall discharge wastewater containing in excess of:

mg/l

Arsenic (As)	1.0
Cadmium (Cd)	See Appendix C
Chromium (Cr)	25.0
Copper (Cu)	2.5
Cyanide (CN) (Available)	1.0
Iron (Fe)	1000.0
Lead (Pb)	1.0
Nickel (Ni)	5.0
Silver (Ag)	1.0
Zinc (Zn)	7.3
Total Phenolic Compounds.	1.0

or See Appendix B

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 C.F.R. Part 136.

A. The limitation for total PCB is non-detect. Total PCB shall not be discharged at detectable levels, based upon U.S. EPA Method 608, and the quantification level shall not exceed 0.2 ug/m/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of total PCB, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the total PCB concentration is below the detection level, or submission of a BMP in accordance with Section 1046.12(d).

B. The limitation of mercury (Hg) is non-detect. Mercury (Hg) shall not be discharged at detectable levels, based upon U.S. EPA Method 245.1, and the quantification level shall not exceed 0.2 ug/m/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one or more samples indicate detectable levels of mercury, the user shall be required to demonstrate compliance. For the purposes of this section, this demonstration may be made using analytical data showing that the mercury concentration is below the detection level, or submission of a BMP in accordance with Section 1046.12(d).

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 CFR Part 136.

(3) Compliance period. Within thirty days of the effective date of this chapter, the Department shall notify all industrial user's operating under an effective wastewater discharge permit of the requirement to submit a compliance report within 180 days after the effective date of this chapter. The compliance report shall demonstrate the user's compliance or non-compliance with these limitations, and, in the event of non-compliance, include the submission of a plan and schedule for achieving compliance with the stated limitation. In no event shall a compliance schedule exceed eighteen months from the effective date of this chapter. An industrial user who does not demonstrate compliance may petition the Department for a second extension as part of an Administrative Consent Order. The Department shall include appropriate monitoring, reporting, and penalties into an Administrative Consent Order that relates to a second extension, and shall enter into such an agreement only upon a good-faith showing by the industrial user of the actions taken to achieve compliance with this provision.

(c) National Categorical Pretreatment Standards. All users shall comply with the applicable national categorical pretreatment standards and requirements promulgated pursuant to the act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, that where a more stringent standard or requirement is applicable pursuant to State law or regulation, or to this chapter, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 C.F.R. part 403 and as established by the Department. The national categorical pretreatment standards which have been promulgated as of the effective date of this section are delineated in Appendix A.

(1) Intake water adjustment. Industrial users seeking adjustment of national categorical pretreatment standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. § 403.15. Upon notification of approval by the Department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.

(2) Modification of national categorical pretreatment standards. The Department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of Environmental Quality, whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. § 403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the Department, any industrial user desiring to obtain such credit shall make an application to the Department, consistent with the provisions of 40 C.F.R. § 403.7 and of this chapter. Any credits which may be granted under this section may be subject to modification or revocation as specified in 40 C.F.R. § 403.7, or as determined by the Department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the Board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to



reflect, any credit granted pursuant to this section.

(3) New sources. Industrial users who meet the new sources criteria shall install, maintain in operating condition, and 'start-up' all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time and not to exceed ninety days, new sources must meet all applicable pretreatment standards.

(4) Concentration and mass limits. When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be calculated in accordance with Sections 40 C.F.R. § 403.6(c)(3) and/or 40 C.F.R. §403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 U.S.C. § 1317(d) and of this chapter. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(5) Reporting requirements for industrial users upon effective date of categorical pretreatment standards-baseline report  
Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 C.F.R. § 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the Department a report containing the information listed in 40 C.F.R. § 403.12(b)(1-7). Where reports containing this information have already been submitted to the Director or regional administrator in compliance with the requirement of 40 C.F.R. § 128.140(b), the industrial user will not be required to resubmit this information. At least ninety days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the Department a report which contains the information listed in 40 C.F.R. § 403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. § 403.12(b)(4) and (5).

(d) Dilution Prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation or requirement imposed by the Charter Township of Clinton, the City of Detroit or by the State of Michigan.

(e) Hauled in Wastewater. Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this chapter including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the Department for unloading such waste in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the Board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in Section 1046.07. The Department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this chapter.

(1) It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the Department. Any authorization granted, or permit issued, by the Department to a Centralized Waste Treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the Department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the Department to discharge wastewater is not required to obtain further authorization from the Department before discharging such wastewater. An industrial user, that provides centralized waste treatment services and files an application for the treatment and discharge of such types of wastewater to the POTW, shall provide the following minimum information in support thereof:

A. The general nature, source and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to national categorical pretreatment standards as delineated in Appendix A, shall be so designated;

B. The identity of the toxic pollutants known or suspected to be present in the wastewater;

C. At least one sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in paragraph (f)(1)A. hereof;

D. A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);

E. The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the State, or by any other governmental agency. Upon request, the Centralized Waste Treatment (CWT) facility shall provide a copy of its permit and/or license to the Department; and

F. Other information requested by the Department including, but not limited to, information required by Section 1046.07(c)(1) through (18), or by rules adopted by the Board.

(2) The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in Section 1046.07, will be deemed approved for discharge into the POTW. The Centralized Waste Treatment (CWT) facility shall comply with all applicable provisions contained in Section 1046.07 regarding permits. In furtherance of its obligations as control authority, the Department may include in the permit a requirement to report at selected intervals the information mandated in paragraphs (f)(1)A. through F. hereof.

(3) All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Department.

(g) Groundwater Discharges.

(1) Unless authorization has been granted by the Department, the discharge of any groundwater into the POTW is prohibited.

(2) The Department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within 180 days after its enactment.

(3) If a person, who proposes to discharge groundwater resulting from purge, response activity, or UST projects, has applied for and received a permit from the Department, the Department may authorize the discharge of such wastewater. Permits shall be issued in accordance with the procedures contained in Section 1046.07, or in accordance with any rules adopted by the Board.

(h) Charter Township of Clinton Right of Revision The City of Detroit and the Charter Township of Clinton reserve the right to establish rules or regulations adopted by the Board, additional or more stringent limitations or requirements on discharges to the POTW. [These rules and regulations shall be adopted in accordance with the rule-making procedures Section 2111 of the 1997 Detroit City Charter in the 1997 \_\_\_\_, if any.] Ninety days after adoption by the Board, industrial users shall comply with such rules and regulations.

(i) Accidental Discharges.

(1) Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter, and all significant industrial users shall submit to the Department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within sixty days of the effective date of this chapter. New significant industrial users shall submit such a plan prior to the time they commence discharging.

For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five percent or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than fifty-five gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or cause interference with the POTW.

The industrial user shall promptly notify the Department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.

(2) At least once every two years, the Department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 C.F.R. § 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within thirty days of notification by the Department.

(j) Notification Requirements. Unless a different notice is provided by this chapter or applicable law, within one hour of becoming aware of a discharge into the POTW which exceeds or does not conform with Federal, State or Charter Township of Clinton laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with subsection (l) hereof, the industrial user shall telephone the Department at its control center and notify the Department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and when required by the Department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.

(k) Notice to Employees. A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the Department in the event of an actual or excessive or prohibited discharge.

(l) Recovery of Costs. Any user discharging in violation of any of the provisions of this chapter, which produces a deposit or obstruction, or causes damage to or impairs the Department's POTW, or causes the Department to violate its NPDES permit, shall be liable to the Department for any expense, loss, damage, penalty or fine incurred by the Department because of said violation or discharge. Prior to assessing such costs, the Department shall notify the user of its determination that the user's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the City's NPDES permit and the Department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of this chapter. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this chapter, or this Code, or other statutes and regulations, or at law or in equity.

(m) Hazardous Waste Notification. All industrial users, who discharge into the Charter Township of Clinton Collection System, shall notify the Department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. § 403.12(p).

(n) Authorized Representative. The authorized representative, as defined in Section 1046.04, may designate a duly authorized representative of the individual designated in Section 1046.04 where:

- (1) The authorization is made in writing by the individual defined in Section 1046.04;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (3) The written authorization is submitted to the Department.

(o) Pollution Prevention. The Department shall encourage and support industrial users to develop and implement pollution prevention programs that are designed to eliminate or reduce pollutant contributions beyond the levels required by this chapter. The Department may require an industrial user to implement pollution prevention initiatives or BMP, as part of an enforcement response, or as necessary to comply with its NPDES permit.

(Ord. 375. Passed 1-28-08.)

#### **1046.06 FEES.**

(a) The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by Board action.

(b) The Board shall adopt charges and fees which shall include, but not be limited to:

- (1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Department's industrial waste control and pretreatment programs;
- (2) User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal;
- (3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and
- (4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

(Ord. 375. Passed 1-28-08.)

#### **1046.07 WASTEWATER DISCHARGE PERMITS.**

(a) Required. It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of Section 1046.05. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the Detroit Water and Sewerage Department. Unless otherwise expressly authorized by the Department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this chapter.

(1) All significant industrial users, which are in existence on the effective date of this chapter, shall apply for a wastewater discharge permit within thirty days of the effective date of this chapter. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this provision. These applications are to include all information specified in subsection (c) hereof and, where applicable, any additional information which may be needed to satisfy the Federal baseline monitoring report requirements of 40 C.F.R. § 403.12(b).

(2) All new significant users shall apply for a wastewater discharge permit at least ninety days prior to commencement of discharge. The application must include all information specified in subsection (c) hereof and, where applicable, any additional information that may be needed to satisfy the Federal BMR requirements of 40 C.F.R. § 403.12(b). Until a permit is issued and finalized by the Department, no discharge shall be made into the POTW.

(3) Any user, who proposes to discharge any wastewater other than sanitary or noncontact cooling water into the POTW, shall request approval from the Department for the discharge(s) at least thirty days prior to the commencement of the discharge.

(b) Permit Application or Reapplication. The Department may require any user to complete a questionnaire and/or a permit application and to submit the same to the Department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within thirty days of being so notified, a user shall comply with the Department's request in the manner and form prescribed by the Department. Failure of the Department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this chapter.

(1) A user, which becomes subject to a new or revised national categorical pretreatment standard, shall apply for a wastewater discharge permit within ninety days after the promulgation of the applicable national categorical pretreatment standard, unless an earlier date is specified or required by 40 C.F.R. § 403.12(b). The existing user shall provide a permit application which includes all the information specified in subsections (c) and (g) hereof.

(2) A separate permit application shall be required for each separate facility.

(3) Existing permittees shall apply for permit reissuance a minimum of ninety days prior to the expiration of existing permits on a form prescribed by the Department.

(c) Application or Reapplication Information. In support of an application or reapplication for a wastewater discharge permit, the

industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Corporate or individual name, any assumed name(s), Federal employer identification number, address, and location of the discharging facility;

(2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;

(3) All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;

(4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in Section 1046.05, those pollutants limited by national categorical pretreatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Detroit Water and Sewerage Department. For each parameter, the expected or experienced maximum and average concentrations during a one year period shall be provided. For industries subject to national categorical pretreatment standards or requirements, the data requested herein shall be separately shown for each categorical process wastestream. Combined wastestreams proposed to be regulated by the combined wastestream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. § 1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

(5) A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to national categorical pretreatment standards or requirements, shall be so designated. As pertains to paragraph (c)(4) hereof, identify which pollutants are associated with each process;

(6) Restricted to only those pollutants referred to in paragraph (c)(4) hereof, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in paragraph (c)(4) hereof. Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;

(7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven days of the week;

(8) Denote: the average and maximum twenty-four hour wastewater flow rates including, if any, daily, monthly and seasonal variations; each national categorical process wastestream flow rate and the cooling water, sanitary water and storm water flow rates separately for each connection to the POTW; and each combined wastestream;

(9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process wastestream and which connections receive storm water, sanitary water or cooling water; also show which lines handle each combined wastestream. This schematic shall be cross-referenced to the information furnished in paragraph (c)(8) hereof;

(10) Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the national categorical pretreatment standards or requirements only;

(11) A statement regarding whether or not the requirements of this chapter and of the national categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;

(12) Basic information on the program for the prevention of accidental discharges in accordance with the requirements of Section 1046.05;

(13) Proposed or actual hours of operation of each pretreatment system for each production process;

(14) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;

(15) If other than Detroit Water and Sewerage Department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;

(16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this chapter and the national categorical pretreatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;

(17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and

(18) Any other information as may reasonably be required to prepare and process a wastewater discharge permit.

(d) Permit Issuance. Upon receipt of an application, the Department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:

(1) The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;

(2) The industrial user does meet the definition of a significant industrial user but is found by the Department to have no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, and is

not required to have a wastewater discharge permit. The Department shall make such determination in accordance with the requirements of 40 C.F.R. § 403.8(f)(6);

(3) The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. § 403.12 or by the Department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user is notified regarding specific information that is missing, or that the application is unacceptable;

(4) The industrial user is required to have a wastewater discharge permit. The Department shall notify the industrial user of its determination and the basis of the determination.

The Department may withhold issuance of a permit to a significant user, which has not submitted an adequate or timely report, or permit application, to the Department as the control authority in accordance with the reporting requirements of 40 C.F.R. § 403.12, or whose discharge is in violation of this chapter. If the Department determines that an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail. The notification shall contain a copy of the draft permit, so marked, for the industrial user's review. An industrial user has thirty days from the date of mailing to file a response to the draft permit and, in accordance with the procedures contained in Section 1046.13, twenty days from the date of mailing to file an appeal regarding a permit issued as final. Upon disposition by the Department of any contested terms or conditions, a permit shall be issued as final. Only one facility location shall be included in each permit.

(e) Permit Conditions. Wastewater discharge permits shall contain all requirements of 40 C.F.R. § 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this chapter, other applicable laws, rules, regulations, and user charges and fees established by the City of Detroit or Charter Township of Clinton without repetition therein. In addition, permits may contain the following:

(1) Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in Section 1046.05, or the applicable national categorical pretreatment standards;

(2) Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;

(3) Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;

(4) Restrictions on which of the user's discharge wastestreams are to be allowed to be discharged at each point of connection to the POTW;

(5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;

(6) Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;

(7) Restrictions based on the information furnished in the application;

(8) Additional reporting requirements:

A. All permittees shall submit a report on the form prescribed by the Department, or on an alternative form approved by the Department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit by this chapter. Unless required more frequently, the reports shall be submitted at six-month intervals on a schedule to be established by the Department. Analytical data generated by the Department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.

B. Permittees not subject to national categorical pretreatment standards or requirements shall submit a report in accordance with the requirements of paragraphs (e)(8)D. and E. hereof. The report shall show the concentration of each substance for which there is a specific limitation in the permit, or which may be identified by the Department in accordance with paragraphs (e)(9) and (11) hereof.

C. Permittees subject to national categorical pretreatment standards or requirements shall submit compliance reports at the times and intervals specified by Federal regulations and by the Department. A compliance report shall be submitted to the Department no later than ninety days following the final compliance date for a standard, or in the case of a new source, no later than ninety days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. § 403.12(d). A report on continued compliance shall be submitted at six-month intervals thereafter on the schedule established by the Department and incorporated into the industrial users discharge permit and in accordance with paragraphs (e)(8)D. and E. hereof. The reports shall be either on a form prescribed by the Department or on an alternate form approved by the Department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pretreatment standards, or which there is a specific limitation in the permit, or which may be identified by the Department in accordance with paragraphs (e)(9) and (11) hereof. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the Department, provided there have been no changes to the elements composing the combined wastestream.

D. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 C.F.R. Part 403, or by the Department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does

not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

If an industrial user monitors any pollutant more frequently than required by the Department using the procedures as prescribed in this section, the results of this monitoring shall be included in such report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the industrial user into compliance with the applicable pretreatment standards.

E. This report, and those required under Section 1046.05(c)(5) and paragraphs (e)(8)B. and C. hereof, shall include the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations." Said certification shall be signed by the facility's authorized representative, as defined in Section 1046.04. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the authorized representative definition must be submitted to the Department prior to, or together with, any reports to be signed by an authorized representative.

F. If sampling performed by a permittee indicates a violation, the user shall notify the Department within twenty-four hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Department within thirty days after said user becomes, or should have become, aware of the violation.

(9) In the event the Director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Department has the authority to develop and enforce effluent limits applicable to the user. To the extent the Department seeks to impose restrictions in a permit which are more restrictive than established in this chapter, the Department shall provide written documentation to explain the greater restriction for protection against pass through, interference, or violation of the NPDES permit;

(10) Requirement for pollution prevention initiatives; and

(11) Other requirements reasonably necessary to ensure compliance with this chapter.

(f) Permit Duration. Permits shall be issued for a specified time period. Except as deemed necessary by the Department, or as otherwise provided for under this chapter, permits shall be issued for a specified period of not more than five years nor less than one year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the Department, shall be automatically extended until a permit is issued as final.

(g) Permit Modification. The terms and conditions of the permit may be subject to modification by the Department during the term of the permit as limitations or pretreatment standards and requirements identified in Section 1046.05 are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

(1) Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an application form and apply for a modification of the permit within thirty calendar days of the change;

(2) Change(s) in the Department's NPDES permit;

(3) Embodiment of the provisions of a legal settlement or of a court order;

(4) Any changes necessary to fulfill the Department's role as control authority;

(5) An industrial user's noncompliance with portions of an existing permit;

(6) A change of conditions within the POTW;

(7) A finding of interference or pass through attributable to the industrial user;

(8) Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 C.F.R. Part 403 and those delineated in Appendix A of this chapter. Permittees shall request an application form and apply to the Department for a modified permit within ninety days after the promulgation of a new or revised national categorical pretreatment standard to which the industrial user shall be subject. Information submitted pursuant to this section shall be confined to that information related to the newly promulgated or amended national categorical pretreatment standard or requirement. However, information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the Department may initiate this action;

(9) Changes in the monitoring location. (See Section 1046.08);

(10) Typographical errors or omissions in permits;

(11) The Department may modify the permit on its own initiative based on its findings or reasonable belief of the above; or

(12) The user may request a modification of the permit.

When initiated by the Department, the industrial user shall be informed of any proposed change in its permit. The Department will issue a draft permit and an industrial user has thirty days to file a response to the draft modified permit. Thereafter, the Department will issue a final permit and, unless appealed in accordance with the procedures contained in Section 1046.13, the permit will

become effective twenty days after issuance.

(h) Permit Custody and Transfer. Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without notice to and written approval of the Department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Department of any such change at least thirty days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the Department prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it has occurred, the Department may revoke a permit. If a change takes place, the Department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Department allows to be retained.

(i) Permit Notification Requirements. All industrial users shall promptly notify the Department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which initial notification under 40 C.F.R. § 403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least thirty calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this chapter.

(Ord. 375. Passed 1-28-08.)

#### **1046.08 MONITORING FACILITIES.**

(a) Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Department and the industrial user, and to enable the Department to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits and standards as provided for in this chapter. In the event the Department determines that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified, or provided, which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the Department, said facility shall be provided within ninety days of receipt of notification by the Department. The industrial user shall provide the Department with:

(1) A drawing showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW;

(2) A flow schematic showing: which connections receive each national categorical process wastestream, which connections receive storm water, sanitary water or cooling water, and which lines handle each combined wastestream. This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the Department may install such structure or device and the significant user shall reimburse the Department for any costs incurred therein.

(b) The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the Department. When such a location would be impractical or cause undue hardship to the industrial user, the Department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other government agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the Department's requirements and all applicable local construction standards and specifications. (See Section 1046.05.)

(Ord. 375. Passed 1-28-08.)

#### **1046.09 INSPECTION, SAMPLING AND RECORD-KEEPING.**

(a) For purposes of administering and enforcing this chapter, any other applicable provisions of this Code or applicable State or Federal laws and regulations, the Department may inspect the establishment, facility or other premises of the industrial user. The Department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.

(b) Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the Department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling. The Department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.

(c) While performing work on private property, employees or authorized representatives of the Department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the Department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a duly authorized representative of the industrial user. Duly authorized Department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take photographs of facilities subject to this chapter, which shall be maintained by the Department as confidential in accordance with Section 1046.10.

(d) Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements

with the security personnel so that, upon presentation of appropriate credentials, personnel from the Department will be permitted to enter for the purposes of performing their specific responsibilities.

(e) Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The Department may require such samples to be split with the Department for the Department's independent analysis.

(f) Industrial users shall maintain records of all information from monitoring activities required by this chapter, or by 40 C.F.R. § 403.12(n). Industrial users shall maintain the records for no less than three years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the City of Detroit's Industrial Waste Program, or when requested by the Department, by the State, or by the EPA.

(g) Upon the request of the Department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the Department at all reasonable times, and allow the Department to copy such records.

(h) In the event the Department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the Department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the Department shall be controlling unless proven invalid.

(i) In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the Department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two or more times greater than the numeric limitations as listed in Section 1046.05, or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the Department within fourteen days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two times the limitation in the future.

(Ord. 375. Passed 1-28-08.)

#### **1046.10 CONFIDENTIAL INFORMATION.**

(a) (1) Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

(2) When submitted to the Department, all information claimed to be confidential must be clearly marked 'confidential'. When requested by the person furnishing the report, the portions of a report determined by the Department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this chapter, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the State Disposal System permit and/or the pretreatment programs, provided, however that information shall be treated as confidential by the governmental agency, until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users, which the Department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own confidentiality procedures. The Department cannot control how another governmental agency handles such confidential information, and assumes no responsibility for the disposition of the information released to the governmental agency. The Department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim.

(3) The Department shall determine whether the information requested to be treated as confidential, in fact, satisfies the requirements of confidential information as defined herein. The decision of the Department shall be made in writing.

(4) Wastewater constituents and characteristics will not be recognized as confidential information.

(b) Except as otherwise determined by the Department or provided for by applicable law, all information with respect to an industrial user on file with the City shall be made available upon request by such user or the user's authorized representative during normal business hours.

(Ord. 375. Passed 1-28-08.)

#### **1046.11 STATUTES, LAWS AND REGULATIONS.**

The national categorical pretreatment standards defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof. Unless otherwise provided, any reference in this chapter to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any private organization, or by any element or organization of government other than the Charter Township of Clinton shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of this chapter.

(Ord. 375. Passed 1-28-08.)

#### **1046.12 ENFORCEMENT.**

(a) Violations. It shall be a violation of this chapter for any user to:



- (1) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;
- (2) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in Section 1046.07(g)(1);
- (3) Refuse reasonable access to the industrial user's premises, waste discharge, or sample location for the purpose of inspection or monitoring;
- (4) Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request reasonable access to the facility is promptly provided to the Department;
- (5) Restrict, interfere, tamper with, or render inaccurate any of the Department's monitoring devices including, but not limited to, samplers;
- (6) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;
- (7) Fail to comply with any limitation, prohibition, or requirement of this chapter including any rule, regulation, or order issued hereunder. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this chapter shall be deemed to be in compliance with the requirements of this chapter, and such permits shall remain in effect and be enforceable under this chapter until a superseding permit is effective. Industrial users shall comply with applicable national categorical pretreatment standards and requirements on the date specified in the Federal regulations, regardless of compliance schedules.

(b) Upsets. An upset shall constitute an affirmative defense to an action brought for noncompliance with national categorical pretreatment standards where the requirements of paragraph (b)(1) hereof are met.

(1) An industrial user who wishes to establish the affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- A. An upset occurred and the industrial user can identify the cause(s) of the upset;
- B. At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- C. The industrial user has submitted the following information to the Department, orally or in writing, within twenty-four hours of becoming aware of the upset and where this information is provided orally, a written submission must be provided within five days:
  1. A description of the discharge and cause of noncompliance;
  2. The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;

(3) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this chapter upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(c) Bypass. Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of paragraphs (c)(1) and (c)(2) hereof.

(1) Notice of anticipated bypass. Industrial users anticipating a bypass shall submit notice to the Department at least ten days in advance.

(2) Notice of unanticipated bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours from the time the industrial user becomes or should have become aware of the bypass. A written submission shall be provided within five days of the time the industrial user becomes or should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected, to prevent reoccurrence of the bypass.

(3) Prohibition of bypass and enforcement. Bypass is prohibited, and the Department may take enforcement action against a user for a bypass, unless:

- A. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- C. The industrial user properly notified the Department as described in paragraph (c)(2) hereof.

(4) Bypass approval. Where it meets all conditions in paragraph (c)(3) hereof, the Department may approve an anticipated

bypass.

(d) Pollution Prevention Initiative. Where one or more of the measurements taken for any pollutant defined in Section 1046.05(b) during a six month period exceed by any magnitude the daily maximum non-detect limit for the same parameter, the industrial user may develop and implement pollution prevention initiatives, or a BMP, as part of its response. The Department may, as part of an administrative order, also require development of a BMP as a part of the Department's enforcement response. Upon approval of the Department, these pollution prevention initiative, or BMPs shall be made an enforceable part of the wastewater discharge permit. Industrial users shall provide, at six month intervals, analytical results and certifications in support of its implementation of an approved pollution prevention initiative or BMPs. Upon demonstration of compliance, the industrial user may request to be relieved of this implementation requirement.

(e) Emergency Suspensions and Orders. The Department may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where, in the opinion of the Department, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the Department provides informal notification under this section, written confirmation and an order shall be provided within twenty-four hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the Director shall notify the industrial user within twenty-four hours in writing of such action and order, and the specific recourse available. In any event, the Department shall provide the industrial user with an opportunity for a hearing before the Director, or his designated representative, within ten days of such action. The industrial user shall submit a detailed written statement to the Department within fifteen days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the noncomplying discharge, the Department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.

(f) Notice of Violation. Except in the case of an actual or threatened discharge as specified in subsection (e) hereof, whenever the Department has reason to believe that any industrial user has violated or is violating this chapter, the Department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the Department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the Department to issue a notice of violation shall not preclude the Department from escalating its enforcement response.

(g) Administrative Actions. Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pretreatment standard or requirement or any prohibition of this chapter, the Department may initiate appropriate administrative enforcement action, except in the case of emergency or flagrant violation, in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.

(1) A. Conferences. The Department may order any person, who violates this chapter, to attend a conference wherein the Department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation shall be served at least ten days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by a representative of the Department. The industrial user shall present a plan and schedule for achieving compliance with this chapter. Nothing contained herein shall require the Department to accept or agree to any proposed plan or schedule, or to prevent the Department from proceeding with a show cause hearing as set forth in paragraph (g)(2) hereof. If the attendees agree upon a compliance schedule, the user and the Department's duly authorized representative may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this chapter and any procedures, requirements, and agreements hereunder.

B. Compliance schedules. The user and the Department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the industrial user to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;

2. No single increment referred to in paragraph (g)(1)B.1. hereof shall exceed nine months;

3. Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Department including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and

4. Any deviations from the compliance schedule may result in the industrial user being found in violation of this chapter.

C. Administrative orders. The Department may order any industrial user, who violates or continues to violate this chapter or a duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a

unilateral administrative order.

(2) Show cause hearing. The Department may order any industrial user, who violates this chapter or allows such violation to occur, to show cause before the Department why a proposed enforcement action should not be taken. A notice shall be served upon the industrial user specifying the time and place of a hearing before the Department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.

A. Hearing proceeding. The hearing shall be conducted in accordance with the procedures adopted by the Board. A hearing officer shall conduct the show cause hearing and take the evidence, and may:

1. In the name of the Board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing; and

2. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.

B. Transcript. At any show cause hearing held pursuant to this chapter, testimony shall be recorded by a court reporter.

(3) Actions. After a show cause hearing has been conducted, the hearings officer shall issue order to the industrial user directing any of the following actions:

A. Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this chapter, or applicable local, State or Federal law or regulation;

B. Pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;

C. Submission of compliance reports on effluent quality and quantity as determined by self-monitoring and analysis during a specified time period;

D. Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;

E. Control of discharge quantities;

F. Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the Department during compliance efforts; and/or

G. Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed.

H. A finding the user has demonstrated by a preponderance of the evidence that a violation either of this chapter or of a duly issued permit did not occur.

(4) Public notification of significant noncompliance. The Department shall publish in the largest daily newspaper published in the City of Detroit and a list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous twelve months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least thirty days before publication and allowed an opportunity to comment as to its accuracy.

(h) Legal actions.

(1) Criminal action. Any user, who violates any provision of this chapter including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this chapter, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each violation per day, or by imprisonment for not more than ninety days, or by both. The Department is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this chapter.

(2) Civil action. Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this chapter, the Director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The Department or Board may also seek additional legal and/or equitable relief. The commencement of suit neither constitutes an exclusive election of remedies nor prohibits the Department, Director, Board, or City of Detroit from commencing action in Federal Court for discharges believed to be in violation of this chapter, State and Federal requirements contained in the Clean Water Act, the City of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the City of Detroit may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this chapter, or the orders, rules, regulations and permits issued hereunder.

(3) All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Detroit Water and Sewerage Department.

### **1046.13 RECONSIDERATION AND APPEAL.**

Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the Department which result from its construction, application and enforcement of this chapter. The procedures contained within this section govern reconsideration and appeal with respect to construction, application, and enforcement of this chapter.

(a) Selection of reconsideration or of appeal

(1) Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action, determination, or decision that is made by, or on behalf of, the Department by the Director, or an authorized representative, and that interprets, implements or enforces the provisions of this chapter.

(2) An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharge or other discharger, who is adversely affected by a permit issued as final by the Department, or by an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.

(3) Unless otherwise expressly provided for by this chapter, a request for reconsideration or appeal must be signed by an authorized representative, and received at the Department's General Offices within twenty days from the date of the occurrence of the action, determination, or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.

(4) A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the General Offices of the Department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to reconsideration appeal may be deemed waived.

(b) Reconsideration. Within fifteen days after receipt of a timely and proper request for reconsideration, the Department shall notify the applicant of the time and place for a hearing.

(1) A hearing for reconsideration shall be conducted by a hearings officer who is designated by the Director and may be an employee of the Department. The decision of the hearings officer shall be in the form of a recommendation to the Director and embodied in an administrative order. Except for an administrative consent order that was negotiated and agreed to by both parties, an administrative order is appealable in accordance with subsection (c) hereof.

(2) Where improperly or untimely submitted, the Department may reject a request for reconsideration. The Department shall notify the requester in writing that the request has been rejected.

(3) Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten days nor more than thirty days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.

(4) The hearing for reconsideration shall be an informal consultation and conference where the requester in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the Department or from the court reporter.

(5) Within thirty days after the close of the hearing, the hearings officer shall issue a final decision, which shall contain a recommendation to the Director. The hearings officer shall send such decision to the requester by certified mail.

(6) Unless such action is necessary to prevent pass-through, interference or other harm to the POTW, to the public or to the waters of this State, the filing of a request for reconsideration in accordance with this section shall stay the action by the Department that is the subject of the hearing for reconsideration.

(c) Appeal. Within thirty days after receipt of a timely and proper request for an appeal, the Department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the Board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:

(1) Any request for an appeal must be made within twenty days of the Department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this chapter.

(2) Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the Department may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.

(3) The Department shall appoint a hearings officer. The hearings officer shall review the evidence, and within fifteen days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the Department.

(4) The written recommendation of the hearings officer shall be submitted to the Board which shall render a final decision within thirty days of its next regularly scheduled meeting.

(5) In accordance with applicable law, the user or the Department may appeal any final decision of the Board to a court of competent jurisdiction.

(6) Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the

waters of this State, the filing of a request for appeal in accordance with this section shall stay the action by the Department that is the subject of the appeal.

(Ord. 375. Passed 1-28-08.)

#### **1046.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

#### **Appendix A: National Categorical Pretreatment Standards**

Aluminum Forming 40 C.F.R. Part 467  
Asbestos Manufacturing 40 C.F.R. Part 427  
Battery Manufacturing 40 C.F.R. Part 461  
Builder's Paper and Board Mills 40 C.F.R. Part 431  
Canned and Preserved Fruits/Vegetables 40 C.F.R. Part 407  
Canned and Preserved Seafood Proc 40 C.F.R. Part 408  
Carbon Black Manufacturing 40 C.F.R. Part 458  
Cement Manufacturing 40 C.F.R. Part 411  
Centralized Waste Treatment 40 C.F.R. Part 437  
Coal Mining 40 C.F.R. Part 434  
Coil Coating 40 C.F.R. Part 465  
Copper Forming 40 C.F.R. Part 465  
Dairy Products Processing 40 C.F.R. Part 405  
Electrical and Electronic Components I & II 40 C.F.R. Part 469  
Electroplating 40 C.F.R. Part 413  
Explosives Manufacturing 40 C.F.R. Part 457  
Feed Lots 40 C.F.R. Part 412  
Ferroalloy Manufacturing 40 C.F.R. Part 424  
Fertilizer Manufacturing 40 C.F.R. Part 418  
Glass Manufacturing 40 C.F.R. Part 426  
Grain Mills 40 C.F.R. Part 406  
Gum and Wood Chemicals Mfg 40 C.F.R. Part 454  
Hospital 40 C.F.R. Part 460  
Ink Formulating 40 C.F.R. Part 447  
Inorganic Chemicals Manufacture (I & III) 40 C.F.R. Part 415  
Iron and Steel 40 C.F.R. Part 420  
Landfills 40 C.F.R. Part 445  
Leather Tanning & Finishing 40 C.F.R. Part 425  
Meat Products 40 C.F.R. Part 432  
Metal Finishing 40 C.F.R. Part 433  
Metal Molding and Casting 40 C.F.R. Part 464  
Metal Products and Machinery 40 C.F.R. Part 438  
Mineral Mining and Processing 40 C.F.R. Part 436  
Nonferrous Metals Forming 40 C.F.R. Part 471  
Nonferrous Metals Mfg. I 40 C.F.R. Part 421  
Nonferrous Metals Mfg. II 40 C.F.R. Part 421  
Ore Mining and Dressing 40 C.F.R. Part 440  
Organic Chemicals, Plastics, and Synthetic Fibers 40 C.F.R. Part 414

Paint Formulating 40 C.F.R. Part 446  
Paving and Roofing Material 40 C.F.R. Part 443  
Pesticide Chemicals 40 C.F.R. Part 455  
Petroleum Refining 40 C.F.R. Part 419  
Pharmaceutical 40 C.F.R. Part 439  
Phosphate Manufacturing 40 C.F.R. Part 422  
Photographic 40 C.F.R. Part 459  
Plastics Molding and Forming 40 C.F.R. Part 463  
Porcelain Enameling 40 C.F.R. Part 466  
Pulp, Paper, and Paperboard 40 C.F.R. Part 430 & 431  
Rubber Manufacturing 40 C.F.R. Part 428  
Soap and Detergent Mfg 40 C.F.R. Part 417  
Steam Electric 40 C.F.R. Part 423  
Sugar Processing 40 C.F.R. Part 409  
Textile Mills 40 C.F.R. Part 410  
Timber Products 40 C.F.R. Part 429  
Transportation Equipment Cleaning 40 C.F.R. Part 442  
Waste Combusters 40 C.F.R. Part 444  
(Ord. 375. Passed 1-28-08.)

### **Appendix B**

An industrial user may elect, in lieu of the total phenols limitation specified in Section 1046.05(b)(2), to substitute specific limitations for each of the eight individual phenolic compounds identified under the total phenols limitation. The following specific limitations, expressed in mg/l, shall be applied in lieu of the total phenols limitation, upon election;

2-Chlorophenol 2.0 mg/l  
4-Chlorophenol 2.0 mg/l  
4-Chloro-3-methylphenol 1.0 mg/l  
2,4-Dichlorophenol 5.5 mg/l  
2,4-Dinitrophenol 2.0 mg/l  
4-Methylphenol 5.0 mg/l  
4-Nitrophenol 15.0 mg/l  
Phenol 14.0 mg/l

Following election, the wastewater discharge permit shall be modified to incorporate these substituted parameters and an industrial user shall be responsible for monitoring and reporting compliance with these parameters.

(Ord. 375. Passed 1-28-08.)

### **Appendix C: Interim Discharge Limitations**

No user shall discharge wastewater containing any of the following pollutants in excess of the following interim pollutant discharge limitations:

(1) Compatible Pollutants:

- a. Any Fats, Oil or Grease (FOG) in concentrations greater than 1,500 mg/l based on an average of all samples collected within a twenty-four (24) hour period.
- b. Any Total Suspended Solids (TSS) in concentrations greater than 7,500 mg/l.
- c. Any Biochemical Oxygen Demand (BOD) in concentrations greater than 7,500 mg/l.
- d. Any Phosphorus (P) in concentrations greater than 250 mg/l.

Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a User's discharge, and in accordance with 40 C.F.R. Part 146.

(2) Non-Compatible Pollutants

Cadmium (Cd) 1.0 mg/l  
(Ord. 375. Passed 1-28-08.)

## CHAPTER 1048

### Items and Fees Relating to Water and Sewers

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EDITOR'S NOTE: This chapter, previously titled "Sanitary Sewer Building Leads," was repealed and re-enacted in its entirety by Ordinance 319, passed December 22, 1997, under its current title.

- 1048.01 Water and sewage disposal service charges.
- 1048.02 Water connection fees.
- 1048.03 Meter charges.
- 1048.04 Water and sewer systems development fees.
- 1048.05 Water and sewer debt service charges.
- 1048.06 Sewer connection inspection charges.
- 1048.07 Deposit for special water use.
- 1048.08 Deposit for filling swimming pools.
- 1048.09 Special service charges.

#### **CROSS REFERENCES**

General fee schedule - see ADM.Ch. 209

Water and sewers generally - see S.U. & P.S.Ch. 1040

Water and sewer rates, charges and fees - see S.U. & P.S.Ch. 1042

Industrial wastewater pretreatment - see S.U. & P.S.Ch. 1046

Water and sewers in subdivisions - see P. & Z.1228.03(a) to (c)

Sewage collection and disposal systems - see P. & Z. 1244.04, 1248.06

Sewer performance standards - see P. & Z.1298.03(f), (g)

#### **1048.01 WATER AND SEWAGE DISPOSAL SERVICE CHARGES.**

Water and sewage disposal service furnished by the Department of Water and Sewers is subject to charges based on the consumption of water that is normally measured by a meter installed and controlled by the Department. Consumption of water is measured in units or fractions thereof. One unit is defined as the volume of 100 cubic feet of water. The monthly charges shall be as set forth in the General Fee Schedule as amended from time to time.

(Ord. 319. Passed 12-22-97; Res. Unno. Passed 4-20-98; Res. Unno. Passed 4-19-99; Ord. 344. Passed 6-30-03.)

#### **1048.02 WATER CONNECTION FEES.**

The fee for water connection includes the tapping of the main, the curb stop and box, and the service pipe from the main to the curb stop. The fee will be as set forth in the General Fee Schedule as amended from time to time.

(Ord. 319. Passed 12-22-97; Ord. 344. Passed 6-30-03.)

#### **1048.03 METER CHARGES.**

The cost of meter replacement shall not exceed the cost of a new water meter. The cost for the installation or replacement of water meters, whether compound meters and strainers or otherwise, shall be as set forth in the General Fee Schedule, as amended from time to time.

(Ord. 319. Passed 12-22-97; Ord. 344. Passed 6-30-03.)

#### **1048.04 WATER AND SEWER SYSTEM DEVELOPMENT FEES.**

The water and sewer system development fees shall be based on the Table of Water and Sewer Capacity Unit Factors set forth in Section 1048.02 as amended, or any replacement section. Fees shall be as set forth in the General Fee Schedule, as amended from time to time.

(Ord. 319. Passed 12-22-97; Ord. 344. Passed 6-30-03.)

#### **1048.05 WATER AND SEWER DEBT SERVICE CHARGES.**

Water and sewer debt services charges shall be set forth in the General Fee Schedule as amended from time to time.

(Ord. 344. Passed 6-30-03.)

#### **1048.06 SEWER CONNECTION INSPECTION CHARGES.**

Sewer connection and inspection charges shall be set forth in the General Fee Schedule as amended from time to time.

(Ord. 319. Passed 12-22-97; Ord. 344. Passed 6-30-03.)

#### **1048.07 DEPOSIT FOR SPECIAL WATER USE.**

When water is requested for other than use in a building, the Department of Water and Sewer may provide such water with or without a meter. This service is called a special water use. To obtain special water use, the user must pay for the amount of water to be used. Before obtaining this supply of water, the applicant, subject to a deposit, previously called a gate well deposit, to be applied toward the payment for special water use in an amount as set forth in the General Fee Schedule, as amended from time to time, or as otherwise based upon the projected use as determined by the Superintendent of the Water and Sewer Department.

(Ord. 319. Passed 12-22-97; Ord. 344. Passed 6-30-03.)

#### **1048.08 DEPOSIT FOR FILLING SWIMMING POOLS.**

The deposit for filling swimming pools shall be set forth in the General Fee Schedule as amended from time to time.

(Ord. 319. Passed 12-22-97; Ord. 344. Passed 6-30-03.)

#### **1048.09 SPECIAL SERVICE CHARGES.**

In the event that a user of water and/or sewage disposal service is delinquent in paying for services rendered, that user shall be subject to the "special service charge". A use shall be considered delinquent when the user does not pay their bill when due or when the user submits payment that is dishonored.

Whenever a user is delinquent, the Township may turn off the water to the user's premises with or without a written notice.

A "special service charge" shall be imposed per incident in accordance with a rate set forth in the General Fee Schedule, Ordinance 209. An "incident" is defined as any of the following:

- (a) A visit to the premises' site with the intent to shut off water, but not doing so based on information from the user.
- (b) A visit to the building's site with the intent to shut off the water and doing so. The subsequent visit to turn on the water is considered a part of this "incident."

If a non-delinquent user requests the Department either to turn off or to turn on water during normal business hours, the visits to accomplish the same will not be subject to a "special service charge". If either a non-delinquent user or a delinquent user requests the Department to turn water on at times other than normal Department business hours, a charge of double the "special service charge" shall be imposed.

(Ord. 319. Passed 12-22-97; Ord. 461. Passed 9-30-19.)

## **CHAPTER 1050**

### **Items and Fees Relating to Drainage Debt Service Districts**

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EDITOR'S NOTE: This chapter, previously titled "Drainage Debt Service Districts," was re-titled "Items and Fees Relating to Drainage Debt Service Districts" by Ordinance 319, passed December 22, 1997.

- 1050.01 Definitions.
- 1050.02 Payment of drainage debt service charge required; basis of charge.
- 1050.03 Time of payment; determination of credited acreage.
- 1050.04 Unauthorized use of debt service drainage facilities.
- 1050.05 Hardship appeals; review criteria; installment payments.
- 1050.06 Violations as nuisance; abatement.
- 1050.99 Penalty.

#### **CROSS REFERENCES**

Drainage of lots, lands, excavations, etc. - see GEN. OFF.676.05

Storm drains - see S.U. & P.S. 1022.07(b)



Drainage in land development - see P. & Z.1244.01, 1248.03

Storm drain permit fees - see B. & H. 1442.02(c)

Drainage generally - see B. & H.Ch. 1470

#### **1050.01 DEFINITIONS.**

As used in this chapter:

(a) "Debt service drainage facilities" means drainage facilities and related improvements installed at the expense of, or at the direction of, the Township.

(b) "District project" means the land area to be potentially benefitted by debt service drainage facilities, which areas shall be established by the Township Board upon recommendation by the Township Engineer and the Superintendent of the Department of Public Works.

(c) "District project costs" means the costs for debt service drainage facilities, within the district project area, established as actual construction costs by the Township Board, upon recommendation of the Township Engineer, which shall include construction, legal, engineering and, if applicable, bonding costs, plus five percent of the aforementioned costs for administrative expenses and an interest cost, calculated upon the unpaid balance annually for debt service drainage facilities within the district project, of eight percent per annum compounded annually, calculated from the date of project completion, as certified by the Township Engineer.

(d) "Net benefitted acreage" means the total acreage within the district project, less areas credited for the previous payment of the installation of facilities by property owners or their designees, such credits to be calculated proportional to the remaining facilities benefitting the property, or credits for areas of property which are served by other nondebt service drainage facilities. The Township Engineer shall calculate the proportionate areas of property served by nondebt service drainage facilities based upon the anticipated property outflow and drainage facilities involved. Where a property owner or his or her designee has paid in whole or in part for the installation of drainage facilities, the credit in no situation shall exceed what otherwise would have been the debt service charge. The credit shall be determined by calculating the costs paid by the property owner or his or her designee in proportion to the total system costs factored against the property owner's property area in proportion to the total project area.

(Ord. 297. Passed 10-18-93.)

#### **1050.02 PAYMENT OF DRAINAGE DEBT SERVICE CHARGE REQUIRED; BASIS OF CHARGE.**

A drainage debt service charge shall be paid, based upon a charge per acre, which shall be prorated based upon actual property size. A charge per acre shall be based upon the district project cost divided by the net benefitted acreage within the district project.

(Ord. 297. Passed 10-18-93.)

#### **1050.03 TIME OF PAYMENT; DETERMINATION OF CREDITED ACREAGE.**

Property owners shall pay the drainage debt service charge, in full, for their property area, less any credited acreage, when drainage facilities are connected or used, as determined by the Township Engineer, and, in cases where property development is contemplated, no later than the issuance of a building permit. Credited acreage shall be determined in the same manner provided in Section 1050.02 for calculating net benefitted acreage.

(Ord. 297. Passed 10-18-93.)

#### **1050.04 UNAUTHORIZED USE OF DEBT SERVICE DRAINAGE FACILITIES.**

Unauthorized use of debt service drainage facilities without full payment of the drainage debt service charge is hereby prohibited.

(Ord. 297. Passed 10-18-93.)

#### **1050.05 HARDSHIP APPEALS; REVIEW CRITERIA; INSTALLMENT PAYMENTS.**

(a) Existing developed properties wishing to connect to drainage facilities shall be permitted to submit a hardship appeal upon payment of an application fee of two hundred dollars (\$200.00) to the Township Board. The appeal shall be reviewed and a recommendation made by the Superintendent of the Department of Public Works. Criteria for determining whether to grant a hardship appeal shall include:

- (1) Drainage debt service charges for the subject property;
- (2) The income of the property owner and his or her ability to pay; and

(3) The value of the currently developed property and its income potential in proportion to the cost of debt service drainage facilities and the resultant increase in property value or productivity upon connection.

(b) Relief upon appeal shall be the allowance of annual installment payments for a period up to ten years, provided that interest is paid at the rate of eight percent per year.

(Ord. 297. Passed 10-18-93.)

#### **1050.06 VIOLATIONS AS NUISANCE; ABATEMENT.**

Any person, including, but not limited to, a natural person, corporation, partnership or other entity in charge of property, who or which causes or permits to continue any violation of this chapter, shall be deemed to be causing or permitting a nuisance per se. The cost of an action to abate such a nuisance, including actual attorney's fees, shall be recoverable by the Township.

(Ord. 297. Passed 10-18-93.)

#### **1050.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1052**

### **Water Supply Cross-Connection Control**

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EDITOR'S NOTE: This chapter was recodified by Ordinance 319, passed December 22, 1997. See Chapter 1044.

## **TITLE SIX - Other Public Services**

Chap. 1060. Garbage and Rubbish Collection and Disposal.

Chap. 1062. Parks.

## **CHAPTER 1060**

### **Garbage and Rubbish Collection and Disposal**

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EDITOR'S NOTE: This chapter, previously a codification of Ordinance 230, passed June 28, 1972, as amended by Ordinance 230-A-2, passed December 5, 1977, Ordinance 230-A-3, passed November 13, 1978, Ordinance 230-A-4, passed March 30, 1987, an unnumbered resolution of Council, passed July 30, 1990, and Ordinance 230-A-5, passed August 13, 1990, was repealed in its entirety and re-enacted by Ordinance 326, passed February 22, 1999, as amended by Ordinance passed December 2, 2002.

- 1060.01 Definitions.
- 1060.02 Compliance required.
- 1060.03 Disposal of refuse.
- 1060.04 Preparation of refuse; containers.
- 1060.05 Unauthorized waste disposal.
- 1060.06 Election of non-municipal licensed waste hauler.
- 1060.07 Licensing and regulation of waste hauler.
- 1060.08 Scavenging.
- 1060.09 Large bulky items; freon.
- 1060.10 Bundled brush.
- 1060.11 Days and time of collection and time of depositing of refuse for collection.
- 1060.12 Authorized hauling; duties of collectors; insurance.
- 1060.13 Charges for service.
- 1060.14 Prohibited deposit of waste and other items into unauthorized containers.
- 1060.99 Penalty.

#### **CROSS REFERENCES**

Garbage and refuse generally - see M.C.L.A. Secs. 46.171 et seq., 123.241 et seq., 123.361 et seq.

Municipal authority - see M.C.L.A. Secs. 123.301 et seq.

Unlawful deposits of garbage and rubbish - see GEN. OFF.676.01 et seq.

Transfer of offensive substances - see GEN. OFF.676.04

Pollution of water in parks - see S.U. & P.S.1062.10

Littering prohibited in parks - see S.U. & P.S.1062.30

Waste containers and rubbish removal for drive-in restaurants - see B.R. & T.818.05, 818.06

Application of Zoning Code to solid waste disposal - see P. & Z.1299.01(n)

## **1060.01 DEFINITIONS.**

For the purpose of this chapter the following definitions of terms hereinafter listed shall apply:

(a) Contractor. "Contractor" shall mean a person or firm contracting with the Township for the disposal of refuse, recyclables, compost or any combination thereof or for performing any other refuse disposal services as part of a municipal system in the Township.

(b) Unacceptable Material. "Unacceptable material" is defined as:

(1) Waste materials resulting from the destruction of structures or buildings, including materials such as concrete blocks, broken concrete, plaster, wire and other similar non-combustible materials;

(2) Industrial wastes, such as metal shavings and the like, waste from brick, concrete block, roofing, shingle or tile plants, debris and wastes accumulated from land clearing, building, rebuilding and/or altering of buildings, structures, roads, streets, sidewalks, parkways and excavations;

(3) Materials which are the result of land clearing operations wherein rocks, grass clumps, dirt clods and similar materials are accumulated; and

(4) Large quantities of glass or crockery, metal furniture, auto bodies or parts, or similar waste materials or refuse not usual to housekeeping.

(c) Hazardous and Flammable Materials. "Hazardous and flammable materials" are herein defined as those materials which are explosive or which would be hazardous to the health, safety and welfare of any haulers or workers or to those employees in the operation of an incinerator plant for the disposal of refuse. These materials would, by way of illustration, but not by limitation, include and be similar to the following: gasoline, fuel oil, kerosene and other petroleum products as well as chemical products, including a large volume of pressurized containers, that would be dangerous to the operation of an incineration process and industrial products that would be hazardous or dangerous to the operation of an incineration process.

Wastes from an institution such as a hospital or an institution of a like nature, and wastes from pharmaceutical establishments and doctors' offices, that do not fall in the classification garbage, food products, paper and trash, shall be considered hazardous unless the proper health authority permits the collection and disposal of the same and other refuse from said institutions with ultimate disposal by the incineration methods. Carcasses of dead animals which were pets of a resident within the Township of Clinton and which pet was not part of a business enterprise will be disposed of with approval of the Superintendent provided the Superintendent receives the proper approval by the regulatory authorities and provided further that the carcass does not exceed fifty pounds.

(d) Hauling, Transporting and Handling. The words "hauling, transporting and handling" shall be deemed to mean the collection, hauling and/or transportation of any materials regulated by the provisions of this chapter in or upon the streets, alleys, public rights-of-way or any other public places in the Township of Clinton.

(e) Non-Municipal Refuse Hauler. "Non-municipal refuse hauler" shall mean a fully-qualified and licensed hauler with a valid license issued by the Township pursuant to the provisions of this chapter and who is in compliance with the terms and provisions of this chapter and all other ordinances of the Township, and any other applicable State or Federal laws.

(f) Owner-Occupant. "Owner-occupant" shall be deemed to mean any person or persons, owner or owners, occupant or occupants, tenant or tenants, corporation or corporations, lessee or lessees, firm or firms, partnership or partnerships, or any legal entity or entities, who or which have control over any building or structure or occupy the same in the Township. For the purposes of this chapter the primary and initial responsibility for compliance with this chapter shall be on the owner-occupant who is actually occupying the premises with the ultimate responsibility to be placed upon the legal owner, but such responsibility for enforcement and compliance shall be several as well as joint.

(g) Posting. "Posting" shall mean placement upon the Township website and placement upon the government channel as a message for a duration to be established for each, by the Department of Public Services.

(h) Refuse. The word "refuse" is herein defined as:

(1) Garbage consisting of animal and vegetable matter produced wherever food is handled raw or prepared for consumption (excluding, however, the waste of slaughterhouses, meat-packing establishments, wholesale produce establishments, canneries, and waste of similar businesses);

(2) Rubbish and trash consisting of materials such as paper, paper or wooden cartons and boxes, cans, crockery, rags, rubber, leather, wood, glass, tin cans, combustible inorganics such as plastics and household ashes, all of which are usual to housekeeping and to the operation of stores, offices and other business places;

(3) Any combination of garbage, rubbish and trash as normally collected in a combined pick-up from residences and commercial establishments;

(4) Bundled brush, pursuant to Section 1060.09, or amendments thereto, excluding items to be accepted for composting; and

(5) Solid waste, as defined under applicable State law, not in conflict with the above.

(i) Residential Unit. "Residential unit" shall be deemed to mean either a single-family residential dwelling unit, which presupposes one family occupying a home with cooking and living quarters, a mobile home or trailer, each apartment unit in an

apartment building and each residential unit in any type of multiple complex or condominium complex. For motels and hotels, a single-family unit shall be defined as that unit for which the owner paid a tap fee for sewer or water under the Township's ordinances (for example, if a motel has twenty rooms and paid a sewer tap fee equivalent to five single-family residential homes, then such owner shall be charged with having five single units for the purpose of this chapter).

(j) Storage. The word "storage" shall be deemed to mean the accumulation of materials regulated by the provisions of this chapter which are awaiting final collection, transportation and disposal.

(k) Director. "Director" shall be deemed to mean the head of the Township's Department of Public Works or his or her delegated agent or the Township's delegated agent for the purposes of enforcement of this chapter.

(Ord. 326. Passed 2-22-99; Ord. 422. Passed 5-31-16.)

#### **1060.02 COMPLIANCE REQUIRED.**

It shall be unlawful for the owner, occupant, tenant or lessee of, or any person occupying, any building, structure, property or premises within the Township, to dispose of, store, collect, haul or transport any garbage, food waste, rubbish, refuse and brush or other materials except in compliance with this chapter. All refuse, garbage, food waste, rubbish or other materials shall be collected, hauled, transported and disposed of by the Township or its designees as part of the Township Municipal waste disposal system, or by a non-municipal licensed waste hauler.

(Ord. 326. Passed 2-22-99.)

It shall be unlawful to deposit, place, scatter, strew, bury or burn any refuse upon private or public property or premises within the Township, in contravention of this chapter.

(Ord. 423. Passed 5-31-16.)

#### **1060.03 DISPOSAL OF REFUSE.**

It shall be unlawful to haul, transport, or store any refuse in the Township in contravention of this chapter.

It shall be unlawful to mix refuse in any container with unacceptable materials, or with hazardous and flammable materials.

It shall be lawful to have residential garbage disposal units so long as all of the applicable local, State and Federal laws are complied with, and large users may secure a special incinerator permit provided they meet all of the standards and receive approval from the local, State and Federal authorities.

During the week while refuse is being stored and accumulated for ultimate disposal, all refuse must be stored inside of a building and in a container equal to the quality of the container and standards hereinafter specified, for deposit to be picked up by the refuse hauler, provided, however, that refuse may be stored outside of the building or structure while the same is being accumulated for pick-up if the same is in a watertight container and is without holes, cracks, or other condition which would allow insects to penetrate the container, and such container must be placed in a manner that it will be free of rodents and insects, clean and neat and erected in such a manner as not to allow the same to blow over and dump the refuse inside or in such a manner as to be a nuisance or hazard to the health, safety, or welfare of the inhabitants of the neighborhood. Outside placement during the week shall not be in any portion of the premises which lies between the front building line and the nearest public or private street.

(Ord. 326. Passed 2-22-99; Ord. 422. Passed 5-31-16.)

#### **1060.04 PREPARATION OF REFUSE; CONTAINERS.**

All refuse, solid waste, recyclable materials and compost shall be placed curbside or at the end of the driveway pursuant to the policies and procedures of Clinton Township Department of Public Services for weekly collection by 6:30 a.m. on the scheduled day of collection, but not before 6:00 p.m. of the day preceding this collection. The area for collection is in front of the curb or driveway (street side of the curb) in front of the residence, or side of the residence, if approved by the waste hauler. Containers shall be placed in such a way as to not be obstructed by vehicles, including vehicles parked in the driveway, or upon the street, and containers shall be readily accessible for collection. In the event of snow on the street/road surface, the containers may be placed at the end of the driveway of the residence. The Department of Public Services shall have authority to designate the location for collections, if necessary.

(a) Refuse and Solid Waste.

All refuse and solid waste shall be placed in plastic bags at least 2 mills in thickness and all such plastic bags shall be placed in the Township or hauler provided container or containers with the lid closed.

Every owner, occupant, tenant or lessee receiving residential refuse collection shall be utilized and maintain refuse containers of sufficient number and size in order to store such refuse tending to accumulate on such premises during the week between collections. Said containers shall be ninety-six-gallon containers or 64 gallon containers provided and approved by the Department of Public Services, and/or its waste hauler. The first ninety-six-gallon refuse container shall be provided by the Township at no cost to the property address receiving residential refuse collection. Any additional containers or replacement containers shall be paid for by the person receiving residential refuse collection. Refuse containers that deteriorate or otherwise fail to meet the requirements of this section may be disposed of as refuse and, after due notice to the parties responsible for such container, shall be collected as refuse.

All refuse containing sharp objects, such as broken glass, can lids and similar materials which are to be enclosed in plastic bags permitted under this chapter, shall be first placed within another container, or otherwise sufficiently wrapped in a manner to prevent injury to the collector of the refuse which would otherwise result from such objects protruding through or cutting through the

plastic rubbish bags.

(b) Recyclable Materials.

Recycling bins. Recyclable materials, other than yard waste, placed curbside or at the end of the driveway for collection shall be in the approved eighteen-gallon recycling bin or the sixty-four gallon recycling cart initially furnished to the property address by the Department of Public Services or the approved waste hauler. Replacement or additional carts may be purchased from the Township by the person receiving residential refuse collection.

(c) Yard Waste.

All leaves, grass and other yard waste must be placed in either paper compost bags or thirty-two gallon trash cans with no bags. The trash cans must be affixed with a compost sticker which is available at the Department Public Services. Compost containers must not be heavier than 50 pounds.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 9-8-03; Ord. 369. Passed 5-14-07; Ord. 422. Passed 5-31-16.)

#### **1060.05 UNAUTHORIZED WASTE DISPOSAL.**

(a) Definition of Unauthorized Waste. Unauthorized waste includes leaves, grass clippings, twigs, brush, and other organic yard waste or other plant material, which shall be permitted to be disposed of curbside as compost, in approved craft paper bags, or 30 gallon containers marked "compost" or unacceptable material, or flammable and hazardous material.

(b) Unauthorized Waste Disposal Prohibited. It shall be unlawful to mix refuse in any container with unauthorized waste as defined in division (a) of this section, or to include in any refuse container for solid waste disposal, unauthorized waste or otherwise attempt to dispose of as solid waste any unauthorized waste. It shall also be unlawful to permit a container to be placed upon or to remain upon property which contains unauthorized waste. The presence of the container with unauthorized waste which is observable upon inspection of such container or upon opening of any bags or containers located within such container is prima facie evidence of permitting a container to be placed upon property which contains unauthorized waste.

(c) Enforcement and Penalty. Enforcement and penalty shall be in accordance with the terms and provisions of Section 202.05 of these Codified Ordinances.

(Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.06 ELECTION OF NON-MUNICIPAL LICENSED WASTE HAULER.**

(a) For new construction, the owner-occupant of the premises shall have sixty days from the issuance of either a temporary or permanent certificate of occupancy or actual occupancy, whichever is earlier, within which to deliver upon the prescribed form notice of an election to receive non-municipal waste hauler service through a licensed hauler.

(b) Commencing in the calendar year following the adoption of this chapter, and continuing thereafter for a period from June 1 through June 30 each year, persons receiving Municipal waste service shall be permitted to elect a licensed non-municipal waste hauler under the provisions of this chapter by delivering to the Department of Public Works, on the prescribed form, notice within the period from June 1 to June 30.

(c) Generators of waste, whether former Municipal customers or new customers, shall be eligible to reapply at any time and to receive Municipal service.

(d) Rate increases for Municipal service may be implemented only between the commencement of an opt-out period and the next opt-out period. If the proposed rate increase has been announced by the Township and published in a newspaper of general circulation within the Township prior to the commencement of the opt-out period, the proposed increase will take effect following such commencement.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.07 LICENSING AND REGULATION OF WASTE HAULERS.**

The following provisions shall apply to Municipal waste haulers and to non-municipal waste haulers within the Township:

(a) Application for License. Each waste hauler shall submit an application on a form prescribed by the Township, paying a fee of five hundred dollars (\$500.00) for such application and two hundred fifty dollars (\$250.00) for any renewal. A further annual inspection fee shall be paid in the amount of fifty dollars (\$50.00) per vehicle used for waste disposal, recycling or composting, or any combination thereof, within the Township. The application must be fully completed. Any omission or incorrect information shall serve as a basis for denial of an application or license revocation, and any hauler so denied shall be ineligible for a period of one year for reapplication.

(b) License. A license shall be issued for a period of one year to each licensed waste hauler upon the submission of a completed application and the qualification of vehicles and equipment following inspection, the execution of an indemnification agreement and the provision and verification of insurance. Such license shall be subject to renewal each year upon provision of the same information and re-inspection of each vehicle and receptacle as required for an original application.

(c) License Revocation and Non-Renewal. A licensee shall have the opportunity to cure violations involving spillage within twenty- four hours' notice of a violation being issued and within seventy-two hours for all other violations. Three uncured violations or five violations, whether cured or uncured, involving any type of violation, shall serve as a basis for revocation. Any proposed licensee shall be ineligible for a minimum of one year, or a longer period if specified, from license eligibility. The licensee must notify, in writing, all customers of a license revocation or non-renewal.

(d) Vehicle and Equipment Inspection. Each vehicle shall be inspected by the Township or its designee at a location designated by the Township. No vehicle, including chassis and major components, shall be older than five years. All vehicles shall be painted, and no vehicle shall have primer or undercoating visible. Each vehicle shall bear the name, address and telephone number of the hauler and a truck number of not less than six inches in size in three locations, on both sides of the fender and on the back of the dump body. Each vehicle shall bear on its driver's side door a decal issued by the Township with a date included for last inspection. All vehicles shall be demonstrated, at the time of inspection, to be in good working order and shall be maintained in good working order pursuant to regulations issued by the Department of Public Services. All dumpsters shall have operable covers and be in good condition without dents or loose parts and shall be fully painted, covering all bare metal, primer and rust. Dumpsters and receptacles shall be placed in properly designated and authorized areas for receptacles as determined by the approved site plan for the location or, in the event no site plan is required to be filed, at locations as determined by the Township. Dumpsters shall be positioned and maintained so that the name and address of the licensee is clearly visible.

(e) Route List. Upon license issuance and prior to commencement of service, a customer route list shall be provided to the Township, which shall be organized by the nature of pick-up locations, including residential, commercial and industrial, and by the nature of the pick-up, including dumpster or bag pick-up, setting forth the number and size of dumpsters, and providing the name and address for each pick-up location. Prior to terminating service or commencing service at any location, the list shall be updated and submitted to the Township. This route list information shall be submitted by document and computer disk formatted to be compatible with the Township data processing system.

(f) Insurance. All vehicles and equipment of a licensee shall be insured for claims resulting from injuries associated with providing hauling services in the form of comprehensive, property, personal injury and bodily injury coverage with a minimum coverage of one million dollars (\$1,000,000) per person and three million dollars (\$3,000,000) per occurrence. The Township shall be named as an additional insured primary non-contributory. Certificates of insurance and insurance policies shall be delivered to the Township Clerk. Such coverage shall provide that coverage shall not be subject to cancellation prior to thirty day notice to the Township.

(g) Indemnification. Each hauler shall execute an indemnification agreement on a form provided by the Township in favor of the Township and its residents against claims arising from the manner in which waste is hauled and disposed of.

(h) Geographic Route Restrictions. Each hauler shall comply with restrictions in the geographic region and days of pick-up in each geographic region as periodically designated by the Township, including holiday pick-up.

(i) Pick-up Times. No solid waste, recycling or composting shall be picked up prior to 7:00 a.m. nor later than 7:00 p.m.

(j) Recycling, Composting and Bulky Item Pick-Up. Each hauler shall offer recycling and composting for each business and household, including single-family, condominium and multiple residential customers. Recycling offered for single-family, condominium and multiple residential customers shall be by curbside sorting, utilizing plastic curbside bins as approved by the Township. Curbside bins shall be provided by each hauler. Composting services shall be offered commencing April 1 and concluding December 1 of each year, or as determined by the Director of Public Services. Each hauler shall comply with regulations issued by the Township for recycling and composting. Uniform pricing shall be established and charged to all single-family residential, condominium and multiple-residential customers eligible to receive curbside pick-up, whether or not recycling or composting is utilized by such customers, except that composting services for multiple, residential and non-detached condominiums is excluded. Bulky item pick-up must be provided for large items such as washing machines, dryers, water heaters and similar refuse, the cost of which shall be included as part of the uniform pricing, whether or not this service is utilized by customers. Freon and bulky items shall be removed in compliance with applicable laws by the hauler.

(k) Receptacle Location and Maintenance. Any receptacles utilized for waste disposal services, including dumpsters and roll-off boxes, shall be maintained free of dents and in operable condition and shall be painted covering all primer, metal and rust, and shall bear the name and address of each hauler on the front of each receptacle. Overfilling of dumpsters, as determined by the Township, occurring on two or more occasions within any sixty-day period, shall be conclusive evidence of an insufficient number of dumpsters or pick-ups. Haulers and site generators are jointly and severally liable for providing an adequate number and size of receptacles and frequency of pick-up. Receptacles shall be placed only in properly designated and authorized areas for receptacles as determined by any filed site plan and where no filed site plan is on record by the Township.

(l) Vehicle Weight. All vehicles used for waste hauling, composting and recycling shall comply with all applicable weight restrictions. All licensed haulers shall consent at any time to the inspection and weighing of any vehicle used for waste disposal by the Township.

(m) Disposal Site. The location for waste disposal shall be provided, as well as verification of the licensing of such disposal facility. Requested verification that waste is being disposed of at such disposal site shall be furnished to the Township. Insurance by a Best A-rated company or better, naming the Township and its residents, subject to cancellation only upon thirty days written notice to the Township, shall be provided in an aggregate annual amount of fifteen million dollars (\$15,000,000) insuring against any claims arising as a result of the disposal of waste.

(n) Ownership of Waste Recycling and Composting Materials. Upon placement at curbside by any customer, non-hazardous solid waste, recyclables and composting shall be deemed to be owned and controlled by the waste hauler. Waste generators remain responsible for avoiding spills and cleaning up spills other than those caused by the hauler.

(o) Hazardous Waste. Each hauler shall provide, in writing, to each customer procedures by the hauler for the disposal of hazardous household solid waste, such as paint, batteries and other household products containing hazardous materials.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.08 SCAVENGING.**

It shall be unlawful for any person to scavenge refuse left for disposal or rifle the same and no person shall damage or destroy the bags or containers of refuse placed for storage.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.09 LARGE BULKY ITEMS; FREON.**

Any owner-occupant who has large bulky items for disposal under the Municipal system, such as washing machines, dryers, water heaters and similar refuse, may have such items picked up but only based upon special arrangements being made in advance with the Superintendent or the licensed Municipal hauler, which arrangements shall include the time and place of pickup. It shall be the responsibility of such owner-occupant to have the refuse at the location designated by the Superintendent by the time of pick-up. Collectors shall not enter buildings or structures for pick-up of this refuse. Freon shall be removed in compliance with applicable laws by the hauler.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.10 BUNDLED BRUSH.**

Brush, such as minor tree limbs, twigs and lumber not exceeding five feet in length and a diameter not more than six inches, will be picked up with the regular refuse collection for that premises, provided that such items are securely bundled together and tied in bundles not exceeding fifty pounds in weight. Such bundles shall not contain nails or other sharp protruding objects of a type which could cause damage to the collectors.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.11 DAYS AND TIME OF COLLECTION AND TIME OF DEPOSITING OF REFUSE FOR COLLECTION.**

Every premises within the Township which are being used for residential, business, commercial or industrial purposes shall have their refuse collected according to the district in which they are located in accordance with pick-up schedules established by the Department of Public Works.

It shall be the responsibility of all persons to have said refuse at the point of collection by 6:30 a.m. of the day specified and all persons are prohibited from depositing said refuse for collection prior to 7:00 p.m. of the preceding evening. These hours may be modified by resolution of the Township Board.

In the event that the Township or the hauler or collector of refuse has a legal holiday within any calendar week, then and in that event the refuse will be collected the following day excluding holidays and Sundays, unless posted to the contrary.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.12 AUTHORIZED HAULING; DUTIES OF COLLECTORS; INSURANCE.**

(a) It shall be unlawful for any person, firm, partnership, corporation, association or business entity of any type to collect or haul refuse deposited for collection under this chapter unless the same are Township employees or persons who are authorized to make such collections by a resolution of the Township Board, or licensed non-municipal haulers.

(b) Any hauler or collector shall be responsible for any act of omission or commission which results in the discharge of any contents of a vehicle upon the streets, alleys, and other public or private places in said Township and it shall be the driver's duty to forthwith remove from any such street, alley or other public or private places in said Township any refuse which has been so discharged. It shall be the duty of the Superintendent to enforce the provisions of this chapter and he or she shall have the right to impound any vehicle violating this section until this chapter has been complied with.

(c) The contractor shall furnish at his or her own expense and keep in force during the term of the contract, and supply a copy of same to the Township of Clinton, Macomb County, Michigan, insurance which shall not be cancelled without thirty days written notice to the Township, and a provision to this effect shall be contained in said policy. Liability insurance shall be supplied in an amount of not less than one million dollars (\$1,000,000) for injuries, including wrongful death, to any one person, and property damage insurance in an amount of not less than one million dollars (\$1,000,000) for any occurrence. The Township shall be added as an additional insured primary non-contributory.

(d) The contractor shall also comply with the requirements of the Michigan Workers' Compensation law, and shall, at his or her own expense, maintain such insurance as will protect him or her from claims under said law, and from any other claims for personal injuries, including death, which may arise from operations under any contract with the Township, whether such operation be by himself or herself or anyone directly or indirectly employed by him or her. The contractor will protect, defend, and hold harmless the Township of Clinton, Macomb County, Michigan, from any damage, claim, liability or expense whatsoever, or any amount paid in compromise thereof, arising out of or connected with the performance of the rubbish contract.

(e) The contractor shall supply all necessary insurance required by the State of Michigan and the Federal government.

(f) The contractor shall furnish or cause to be issued to the Township Clerk, certificates of such insurance coverage for the approval and acceptance by the Township of Clinton, Macomb County, Michigan.

(Ord. 326. Passed 2-22-99; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16.)

#### **1060.13 CHARGES FOR SERVICE.**

(a) The owner-occupant using Municipal service and having control over a residential unit shall be charged at a rate per month for refuse collection and disposal recycling, and composting as established by resolution of the Clinton Township Board from time to time.

(b) Charges for refuse collection and disposal shall be subject to a change in billing procedure as determined by the resolution of

the Township Board for the Charter Township of Clinton. Such resolution shall be published in a newspaper which has general circulation throughout the Charter Township of Clinton thirty days prior to the effective date of a change in billing and collection. The initial bill may be less than or greater than a one-month or one-quarter period. Bills shall be furnished to each owner-occupant having control over the premises in the Township for the services rendered during the preceding month and/or quarter of any calendar year or fraction thereof. Such bill may be contained within the regular water billings of the Township or in any other manner as determined by the Township.

(c) If said bill for Municipal services is not paid by receipt of the charges thereon by the Township no later than the due date, an additional five percent penalty shall be added and such charge with its penalty shall be carried to the next billing and added on with an additional penalty to be added to each successive billing after the first billing until the account is paid in full. The Township may use whatever appropriate legal action is available for the collection of said billings, including the placing of any delinquent bill on the property tax rolls for collection.

It shall be the duty of any owner-occupant to notify the Superintendent if the premises are being vacated between billing periods and to pay for all services rendered based upon the number of pick-ups and charge for any compactor-type equipment or based upon the monthly charge for other types of collection with any portion of a month being billed for the entire month. It shall be the duty of any owner-occupant entering into any premises in the Township of Clinton to contact the Superintendent immediately in order that the new name of the person to be fully billed will be immediately registered and to avoid delays in collection. No charge shall be levied on any owner-occupant for a calendar month in which the premises are vacated for said entire month, but no owner-occupant shall allow or place refuse for collection other than that which originates from his or her premises.

Effective with all refuse collection bills bearing a due date on and after April 1, 2021, the following rates shall be charged for:

<b>FEE SCHEDULE</b>	
<b>REFUSE RATES</b>	
<b>Type</b>	<b>Monthly Rate</b> <b>April 1, 2021</b>
<b>FEE SCHEDULE</b>	
<b>REFUSE RATES</b>	
<b>Type</b>	<b>Monthly Rate</b> <b>April 1, 2021</b>
Single family	\$16.50
Detached residential condos	\$16.50
Attached residential condos	\$13.80
Multiples – curbside	\$13.50
Townhouses	\$13.25
Mobile homes	\$15.00
Commercial – curbside	\$18.00
House – side pick up	\$22 per month in addition to regular refuse rate
Replacement cost for waste disposal container	\$65.00

(Ord. 326. Passed 2-22-99; Res Unno. Passed 1-3-01; Ord. Unno. Passed 12-2-02; Ord. 422. Passed 5-31-16; Res. Unno. Effective 4-1-21.)

**1060.14 PROHIBITED DEPOSIT OF WASTE AND OTHER ITEMS INTO UNAUTHORIZED CONTAINERS.**

No person, firm, or any other legal entity may deposit, attempt to deposit or aid and abetting or cause the deposit of any refuse, waste, materials, rubbish, trash, or any other items into any waste container which is not owned, leased, or authorized to be used. Persons, firms or entities shall seek and obtain written authorization for deposit of only authorized materials for waste and disposal under the terms of this chapter in writing prior to any such deposit or attempt to deposit.

(Ord. 358. Passed 10-24-05; Ord. 422. Passed 5-31-16.)

**1060.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

**CHAPTER 1062**

**Parks**



- 1062.01 Short title.
- 1062.02 Definitions.
- 1062.03 Enforcement of chapter.
- 1062.04 Park hours and closed areas.
- 1062.05 Entering closed areas; violation of notices or orders.
- 1062.06 Erection of buildings or installation of utilities.
- 1062.07 Climbing trees; walking, standing or sitting on property not designated for such purposes.
- 1062.08 Removal of sand, soil, vegetation.
- 1062.09 Interference with rails, posts, fences, etc.
- 1062.10 Pollution of water; control of waste materials.
- 1062.11 Destruction of public property prohibited.
- 1062.12 Destruction of flowers, shrubs, etc. prohibited.
- 1062.13 Use of facilities designated for opposite sex generally.
- 1062.14 Maintenance of restrooms and washrooms.
- 1062.15 Traffic regulations generally.
- 1062.16 Bicycle regulations.
- 1062.17 Cleaning, servicing or repairing vehicles.
- 1062.18 Remote controlled devices and archery restricted.
- 1062.19 All terrain vehicles, snow mobiles and unlicensed motor vehicles prohibited.
- 1062.20 Open burning; kindling fires.
- 1062.21 Use of drinking fountains and plumbing fixtures.
- 1062.22 Going onto ice.
- 1062.23 Hawking, peddling, sales, activities where fees are paid or donations received are prohibited.
- 1062.24 Advertising prohibited.
- 1062.25 Playing golf prohibited.
- 1062.26 Possession of alcoholic beverages.
- 1062.27 Picnic regulations.
- 1062.28 Domestic animals restrained, waste disposal, dogs running at large.
- 1062.29 Gambling prohibited.
- 1062.30 Littering prohibited.
- 1062.31 Use of cleated footwear prohibited.
- 1062.32 Athletic activities in wet weather prohibited.
- 1062.33 The fighting contest prohibited.
- 1062.34 Temporary placement and use of apparatus prohibited.
- 1062.35 Amplified music loud noise is prohibited.
- 1062.36 Organized activities requiring permits.
- 1062.37 Fireworks prohibited.
- 1062.38 Additional restrictions applicable to George George Park.
- 1062.39 Improper parking or standing; minimum fine.
- 1062.99 Penalty.

**CROSS REFERENCES**

Sale of park property - see M.C.L.A. Sec. 117.5

Misapplication of park funds - see M.C.L.A. Sec. 123.67

Department of Parks and Recreation - see ADM.Ch. 242

Parks and Recreation Committee - see ADM.Ch. 286  
Parking - see TRAF. Ch. 420  
Bicycles - see TRAF. Ch. 430  
Motorcycles and motor-driven cycles - see TRAF.Ch. 440  
Traffic regulations - see TRAF. Ch. 460  
Consumption of alcoholic beverages in public places - see GEN. OFF.608.02  
Dog control - see GEN. OFF. 610.02  
Gambling - see GEN. OFF.Ch. 630  
Defacing public or private property prohibited - see GEN. OFF.634.04  
Nuisances - see GEN. OFF. Ch. 654  
Destruction and defacing of signs, bills or notices - see GEN. OFF660.06  
Recreational trespass - see GEN. OFF.660.07  
Peace disturbances - see GEN. OFF. Ch. 664  
Littering - see GEN. OFF. 676.02  
Vegetation - see GEN. OFF. Ch. 694  
Trees and foliage - see S.U. & P.S.Ch. 1024  
Garbage and rubbish collection and disposal - see S.U. & P.S.Ch. 1060  
Fireworks - see F.P. Ch. 1620

#### **1062.01 SHORT TITLE.**

This chapter shall be known and may be cited as the Clinton Township Park Chapter.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

- (a) "Alcoholic beverage" means any beer, wine, liquor, or other beverage for human consumption containing alcohol, or otherwise regulated by the Michigan Liquor Control Commission.
- (b) "Audio equipment" means any electronic device, or appliance designed for and capable of transmitting audible sounds, or playing music, or other audible sounds.
- (c) "Bicycle" means a device propelled by human power upon which a person may ride, having either two or more wheels.
- (d) "Board" means the Charter Township of Clinton Board of Trustees.
- (e) "Conveyance" means any wheeled form of conveyance, whether motor powered, animal drawn, or self propelled. The term includes but is not limited to roller skates, roller blades, skateboards, wheeled shoes, mopeds, scooters, trailers, golf carts, all terrain vehicle, of any size, kind or description. Conveyances in the service of the Township shall be exempt from regulations of this chapter.
- (f) "Director" means the Director of the Department of Public Services, the Township, or the Director's designee.
- (g) "Fireworks" means fireworks as defined with the State law for the State of Michigan and any ordinance of the Township.
- (h) "Litter" means any waste material, or refuse of whatsoever nature, or content, including but not limited to, bottles, cans, paper, or other debris.
- (i) "Operator/operating" means the physical control or attempted control of a bicycle conveyance, or vehicle.
- (j) "Park" means a park, reservation, playground, beach, recreation center, arboretum, or any other area in the Township, the Township Building Authority, or any other public agency for or on behalf of the Township and devoted to active or passive recreation.
- (k) "Person" means any natural person and any corporation, limited liability company, partnership or other recognized legal entity.
- (l) "Person responsible" means any person as defined in subsection (k) hereof, who requests and obtains permission as may be required for use of any park.
- (m) "Recreation Committee" means the committee established, now or hereafter, by the Board of Trustees of the Charter Township of Clinton to exercise functions as designated by the Board over parks.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.03 ENFORCEMENT OF CHAPTER.**

The Director, the Director's designees and the Police Department and its officers, shall in connection with their duties imposed by law have enforcement authority to issue appearance, tickets and otherwise enforce the provisions of this chapter.

(Ord. 403. Passed 3-11-13.)

### **1062.04 PARK HOURS AND CLOSED AREAS.**

(a) Hours. Except for unusual and unforeseen emergencies, such as by way of illustration, weather events, parks shall be open to the public commencing on May 1 of each year and closing on October 1 each year, subject to further modification time to time by resolution of the Board of Trustees of the Charter Township of Clinton. Hours during the days that the parks are open shall be between 9:00 a.m. and 8:00 p.m., or dusk, subject to modification from time to time by resolution of the Board of Trustees of the Charter Township of Clinton.

(b) Closed Areas. Any park, or any part or section of any park, may be declared closed to the public by the supervisor of the Township, or the supervisor's designee at anytime and for any interval of time, either temporarily or at regularly stated intervals, (daily or otherwise), and either entirely or merely to certain uses.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.05 ENTERING CLOSED AREAS; VIOLATION OF NOTICES OR ORDERS.**

No person in the park shall enter an area posted as "closed to the public" or shall any person use or abet the use of any area in violation of a posted notice, or fail to follow any lawful order or request of any police officer, park ranger, or employee of the Department of Public Service.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.06 ERECTION OF BUILDINGS OR INSTALLATION OF UTILITIES.**

No person shall construct or erect any buildings or structure of whatever kind, whether permanent, or temporary in character, or run, or string any public utility service into, upon, or across such park lands except upon issuance of a written permit by the Township for such purpose.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.07 CLIMBING TREES; WALKING, STANDING OR SITTING ON PROPERTY NOT DESIGNATED FOR SUCH PURPOSES.**

No person in a park shall climb any tree, shrub, or other vegetation; climb upon, walk, stand, or sit upon monuments, bases, fountains, railings, fences, or any other property not designated, or customarily used for such purposes.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.08 REMOVAL OF SAND, SOIL, VEGETATION.**

No person shall dig, or remove any sand, soil, rocks, stones, downed timber, or other wood, or materials, or make any excavation by tool, equipment, blasting, or other means, or agency, in any park. No person shall cut, remove, mutilate, destroy, or trim vegetation of any kind whatsoever, whether living or dead.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.09 INTERFERENCE WITH RAILS, POSTS, FENCES, ETC.**

No person shall take down, climb over, or upon, interfere with, disturb, or displace, or work upon any fences, rails, posts, chains, signage, or other structures in any park, or playground, or portion thereof, except with written permission of the Director of the Department of Public Services.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.10 POLLUTION OF WATER; CONTROL OF WASTE MATERIALS.**

(a) No person shall throw, discharge, or otherwise place, or cause to be placed in waters of any fountain, pond, lake, river, stream, bay, or any other body of water in or adjacent to any park, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in pollution of said waters.

(b) No person shall bring into a park, or dump, deposit, or leave in a park, litter, or any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash or debris. No such refuse, litter, or trash shall be placed in any waters, in or contiguous to any park, or left anywhere on the grounds thereof, which shall be placed in a proper receptacle, where those are provided. Where receptacles are not so provided, all such litter, garbage, refuse, or other trash, shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.11 DESTRUCTION OF PUBLIC PROPERTY PROHIBITED.**

No person shall destroy, or deface any Township property, or other public property in any park, or playground.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.12 DESTRUCTION OF FLOWERS, SHRUBS, ETC., PROHIBITED.**

No person shall mutilate, destroy, or injure any tree, branch, shrub, flower, flowerbed, or turf, or other vegetation in any public park or playground.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.13 USE OF FACILITIES DESIGNATED FOR OPPOSITE SEX GENERALLY.**

No person in a park shall occupy any seat or bench, or enter into, or loiter, or remain in any pavilion, or other park structure, or section, thereof, which may be reserved and designated for the use of the opposite sex. Exception is made for children five (5) years of age and younger. No person over the age of five (5) years shall use a park restroom, or washroom designated for the opposite sex.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.14 MAINTENANCE OF RESTROOMS AND WASHROOMS.**

No person shall fail to cooperate in maintaining restrooms and washrooms in the park in a neat and sanitary condition.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.15 TRAFFIC REGULATIONS GENERALLY.**

No person in a park shall:

- (a) Fail to comply with all applicable provisions of the motor vehicle traffic laws of the State and the Township with regard to equipment and the operation of vehicles.
- (b) Fail to obey all police officers, park rangers and employees of the Department of Public Services, or other Township Departments, such persons being authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto and in accordance with the provisions of these regulations and such supplementary regulations as may be issued by the Director of the Department of Public Services.
- (c) Fail to observe carefully all traffic signs indicating speed direction, caution, stopping, or parking and all others posted for the proper control and safeguard of life and property.
- (d) Drive a vehicle at a rate of speed exceeding 15 m.p.h., except upon such roads and areas as the director may designate by posted speed signs.
- (e) Drive any vehicle in or upon any area except the paved park roads or parking areas, or such areas as may be specifically designated for temporary vehicle use by the Director of the Department of Public Services.
- (f) Park a vehicle in other than an established or designated parking area.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.16 BICYCLE REGULATIONS.**

No person in the park shall:

- (a) Ride a bicycle on other than a paved vehicular road, or path designated for the purpose of operating bicycles in the park. A bicyclist shall be permitted to wheel or push a bicycle by hand over grassy areas, wooded trails, or paved areas reserved for pedestrian use.
- (b) Ride a bicycle or operate a conveyance other than on the right side of the road or path pavement as close as condition permits. Bicyclists and other persons operating conveyances shall at all times, operate their bicycles and conveyances with reasonable regard for the safety of others.
- (c) Leave a bicycle or conveyance unattended in a place other than a bicycle rack, when a bicycle rack is provided at the park.
- (d) Leave a bicycle or other conveyance laying on the ground or pavement, or set against a tree, where at a place or position where other persons may trip over, or be injured by such bicycle or conveyance.
- (e) Operate any bicycle or conveyance in any area where the operation of bicycles or conveyances has been specifically prohibited.
- (f) Fail to yield the right of way to any pedestrian while operating a bicycle or other conveyance on a paved road or path. Bicyclist and operators of other conveyances shall give an audible signal before overtaking and passing any such pedestrian, another bicyclist, or similarly situated person.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.17 CLEANING, SERVICING OR REPAIRING VEHICLES.**

No person shall clean, wash, polish, or repair, or in any manner, service any motor vehicle, or trailer at any park or cause the same to be done. The term "repair" shall mean the replacement of parts of the vehicle with new or used parts. The term "service" shall mean the draining of oil, sludge, gasoline, water, or other engine cooling fluids, for the purpose of replacing the same with a new supply. This section shall not prohibit changing of deflated tires, or performing necessary emergency work on a disabled car for the purpose of immediate movement.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.18 REMOTE CONTROLLED DEVICES AND ARCHERY RESTRICTED.**

The operation of a remote controlled device, such as, model planes, helicopters, cars, boats, other objects, and archery shall be permitted only within the areas and times designated and a validly issued written permit by the Township Director of the Department of Public Services.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.19 ALL TERRAIN VEHICLES, SNOW MOBILES AND UNLICENSED MOTOR VEHICLES PROHIBITED.**

The operation of all terrain vehicles, snow mobiles, and unlicensed motorized vehicles, including, but not limited to, golf carts and scooters upon park property is prohibited.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.20 OPEN BURNING; KINDLING FIRES.**

No persons shall kindle or build a fire in any public park, or playground, except in receptacles provided therefor for public use, or in private receptacles, or grills, provided the same are placed in areas designated for such purpose in writing, by the Director of the Department of Public Services. No campfire shall be kindled or built, except by written permission of the Director of the Department of Public Services.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.21 USE OF DRINKING FOUNTAINS AND PLUMBING FIXTURES.**

No person shall in any manner, use any drinking fountain or plumbing fixture, or like appurtenances in any public park or playground, except for the purpose for which they were designed and intended. Dogs and other animals shall not be permitted to use such devices, unless a specific separate device has been made available solely for such animal use.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.22 GOING ONTO ICE.**

No person shall enter upon the ice of any waters in any park, except such areas and at such times as designated in writing by the Director of the Department of Public Services and where such signage for approval of use exists.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.23 HAWKING, PEDDLING, SALES, ACTIVITIES WHERE FEES ARE PAID OR DONATIONS RECEIVED ARE PROHIBITED.**

No mobile vending including, but not limited to ice cream trucks, and mobile food sales, commercial photography shall be permitted in any public park or playground, except upon issuance of a written permit by the Township. No booth, tents, stalls, or other structure shall be erected for any purpose and no hawking, peddling, or selling of goods and services shall be permitted in any public park, or playground, except upon issuance of a written permit by the Township. No activities shall be permitted where fees are paid for the conduct of the activity, or donations received unless upon the issuance of a written permit by the Township. This shall include the conduct of classes or the rental and/or use of devices, or personal property where in either case, fees are paid or a donation received.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.24 ADVERTISING PROHIBITED.**

No person shall distribute, post, place, or display advertising of any kind, or nature, in any public park or playground for the commercial or non-commercial. No person shall distribute, post, place, or display any plaque or notice of advertisement, whether commercial or non-commercial in any public park or playground, except in places and at times as permitted by the Director of Public Services.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.25 PLAYING GOLF PROHIBITED.**

No person shall drive, or putt any golf balls, or otherwise practice the game of golf in any public park, or playground, except within such areas and at such times as may be designated by the Director of the Department of Public Services.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.26 POSSESSION OF ALCOHOLIC BEVERAGES.**

No person shall bring in to possess, consume, or abet in the consumption of alcoholic beverages in any township park, or playground.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.27 PICNIC REGULATIONS.**

No person in the park shall:

(a) Picnic or lunch in an area other than those designated for such purpose. Persons shall abide by the directives of any employees of the Department of Parks and Recreation, park rangers, or police officers as provided in order to prevent congestion in secure comfort and convenience of all, with regard to picnic activity.

(b) Violate the regulation of the use of tables, benches and other areas generally follows the rule of "first come, first serve" unless other regulations apply.

(c) Use any portion of the picnic areas, or of any buildings or structures for the purpose of holding picnics to the exclusion of other persons for use of such area facilities for an unreasonable period of time if such facilities for an unreasonable period of time, if such facilities are crowded.

(d) Leave a picnic area before any fire is completely extinguished, if permitted, and before all trash, refuse, and debris is placed in proper disposal receptacles where provided, or if no trash receptacle is available where such litter, refuse, trash, and debris has not been fully packed up and carried away, to be properly disposed of elsewhere.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.28 DOMESTIC ANIMALS RESTRAINED, WASTE DISPOSAL, DOGS RUNNING AT LARGE.**

All dogs shall be restrained at all times on adequate leashes, not greater than six feet in length. Any and all dog waste generated, shall be immediately picked up and disposed of in a safe sanitary manner with removal from the park upon the person in possession of the dog leaving the park. These provisions do not apply to any specific dog park which shall be subject to regulations provided therefore, as approved by the Township Board of Trustees.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.29 GAMBLING PROHIBITED.**

No person shall gamble, or participate in, or abet any game of chance in the park.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.30 LITTERING PROHIBITED.**

No person shall discard, throw away, or dispose of any item, except in a receptacle for the acceptance of trash, waste or debris, where available.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.31 USE OF CLEATED FOOTWEAR PROHIBITED.**

No person shall use cleated footwear, except when participating in an organized activity approved through the issuance of a written permit by the Township and then only in the area designated and allowed within the permit.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.32 ATHLETIC ACTIVITIES IN WET WEATHER PROHIBITED.**

The playing of baseball, football, soccer, softball and other similar activities during periods of wet weather which may result in damage to turf and other vegetation, is prohibited.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.33 THE FIGHTING CONTEST PROHIBITED.**

No person shall engage in, abet, or aid in any fighting competition in any public park or playground which involves the use of any of an individual's body parts or the use of weapons.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.34 TEMPORARY PLACEMENT AND USE OF APPARATUS PROHIBITED.**

No person shall engage in, allow, or permit, the use of any apparatus on a temporary basis, including but not limited to, inflatable items which are to be climbed upon or bounced upon, dunk tanks, animal acts or rides, motorized rides, or other similar devices unless a permit has been issued by the Township.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.35 AMPLIFIED MUSIC LOUD NOISE IS PROHIBITED.**

The playing of musical instruments through amplification is prohibited unless a written permit has been obtained from the Township. No musical instruments, or other noises shall be created, allowed, or permitted which are disturbing to persons situated outside of the park, or to persons within areas of the park. The Township by separate rules may regulate the areas and portions of parks where music may be played.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

### **1062.36 ORGANIZED ACTIVITIES REQUIRING PERMITS.**

(a) In addition to any other provision of this chapter requiring a permit prior to engaging in a given activity, no person in the park shall conduct, operate, manage, take part in, cause to occur, aid or abet the following activities unless a permit is obtained prior to the start of such activity:

- (1) Any picnic, outing, or gathering sponsored by a person, composed of twenty (20) or more persons.
- (2) Any contest, exhibit, dramatic performance, play, motion picture, radio, or television broadcast, fair, circus, music event, or similar event.
- (3) Any public meeting, assembly, or parade including, but not limited to, drills, maneuvers, ceremonies, addresses, speeches, or political meetings.
- (4) Use of any park facility by any organized athletic league, or any team from such organized athletic league. Organized athletic league refers to any organization which either charges persons for participation, participates in league play, or regularly participates in games and practices under the direction of a coach.
- (5) Classes or activities where a fee is charged or paid, or donations received.
- (6) The launching, storage, and use of canoes, kayaks and other similar watercraft where a fee is charged for their use, or donation received.
- (7) The use of any apparatus, including but not limited to, inflatable items which are to be climbed upon or bounced upon, dunk tanks, animal acts or rides, motorized rides, or other similar devices.

(b) Application Required.

- (1) A person seeking the issuance of a permit for an activity in a park, including but not limited to, a shelter, pavilion, or field reservation, shall file an application upon a form prescribed by the Director of the Department of Public Services.
- (2) The application at minimum shall state the following:
  - A. Name, address, and telephone number of applicant.
  - B. Use or activity is to be conducted on behalf of any person other than the applicant, name, address and telephone number of such person.
  - C. The exact nature of use or activity for which a permit is sought.
  - D. Date and hours for which the permit is desired.
  - E. The park, or portion of the park desired to be used.
  - F. An estimate of anticipated attendants, including participants and spectators, if applicable.
  - G. Evidence of general liability insurance naming the Township and its employees and agents as additional insureds, primary non-contributory, cancellable only upon thirty (30) days' written notice to the Township and minimum limit of \$1,000,000 per occurrence/aggregate.
  - H. Any other information as required by the Township.

(c) Applications shall be filed not less than seven (7) business days to allow for inclusion of a weekly schedule of rangers and not more than twelve (12) months prior to the date of the proposed user activity.

(d) Permit Issuance.

- (1) Standards for Issuance. The Township and Department of Public Services shall issue a permit unless it finds:
  - A. Unreasonable Interference. Post activity or use of the park will unreasonably interfere with or detract from the general public's use and enjoyment of the park.
  - B. Interference with Public Health, Safety and Welfare. The proposed activity or use of the park will only reasonably interfere with or detract from public health, safety, welfare and recreation.
  - C. The Likelihood of Harm to Persons. If the conduct of the proposed activity or use is reasonably likely to result in injury to persons participating, or observing.
  - D. Disturbance Surrounding Property. If the proposed activity will cause noise, congestion, or other disturbance to surrounding properties and persons.

E. Likelihood of Harm to Park. If the proposed activity will cause undo damage or harm to the park itself. Cash deposits, bonds or other reasonable financial assurances may be considered in evaluating this potential harm.

F. Prior Reservations. If the facilities have been reserved for another activity or use at a day and hour requested.

G. Extraordinary Township Expense. That the proposed activity will entail extraordinary expense or burdensome expense by the Township including but not limited to Township personnel.

(2) Conditions or Restrictions. The Township may impose reasonable conditions or restrictions on the issuance of a permit including, but not limited to any of the following:

A. Restrictions on amplified sound, use of alcoholic beverages, dancing, sporting activities, use of animals, equipment, vehicles, number of persons to be present, location of persons and equipment.

B. Deposit. A requirement of a security deposit for repair of any damaged park property, or the cost of clean up, including any supplies or other similar costs.

C. Cost for Security. A requirement that the applicant pay a reasonable fee to defray all to costs of security by the Township for the proposed use or activity.

D. Additional Refuse. A requirement that the permittee provide a deposit or pay costs and expenses associated with the collection of refuse based on the activity for which the permit is being sought.

E. Nontransferable. Permits shall not be transferable without the written consent of the Township.

F. Exhibit on Request. No person in the park shall refuse or fail to produce and exhibit any permit upon request of any employee of the Township who wishes to inspect such permit.

G. Insurance. Persons to whom a permit is issued may be required to provide insurance in an amount as determined necessary by the Township, above other requirements of this section providing that the insurance is non-cancellable without thirty (30) days' prior notice to Township and providing that the Township is named as an additional insured primary, non-contributory.

H. Decision and Right of Appeal. Within twenty (20) business days after receipt of a fully completed application, action shall be taken to approve with or without conditions or deny a permit requested. Reasons for denial shall be furnished to the applicant.

(3) Activities for which a permit has issued shall have priority over other usage and persons failing to immediately move and allow use by the permitted activity, shall be trespassers, subject to enforcement under the trespass ordinance provisions of the Township.

(4) Any persons aggrieved from the decision to deny, resolve or modify a permit shall have a right to appeal, in writing, within seven (7) days after being notified that their permit was denied to the Township Clerk's office. Written appeals are reviewed by the Township Board.

(5) Final Decision. The Township Board shall consider the application under the standards set forth under this chapter and shall issue a ruling upon any such appeal within thirty (30) days after filing of such appeal which shall be final. The reasons for grantor denial of such appeal, shall be furnished in writing.

(6) Revocation. The Township shall have authority to revoke, or modify a permit upon a finding of any violation of any rule or provision of this Code, or any condition, or restriction under which the permit was issued.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.37 FIREWORKS PROHIBITED.**

The possession or use of fireworks in any park is prohibited, except, where a written permit is issued by the Township.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.38 ADDITIONAL RESTRICTIONS GEORGE GEORGE PARK.**

The following additional restrictions apply to the Charter Township of Clinton Park, named George George Park:

(a) The park shall be used only for passive recreational purposes and shall not be used for any sporting events.

(b) The park shall not be used for public entertainment purposes, including but not limited to musical broadcasts, concerts, fairs, conventions or other similar purposes.

(c) The park shall not be used by any party, for any use or activity, the purpose of which is to receive compensation, or make a profit.

(d) No parking and/or standing is allowed or permitted within the park except in clearly designated areas. Conveyances or vehicles parked within any such area, are subject to towing as and the repayment of all such towing expenses in addition to the relief provided for violation of this chapter elsewhere.

(e) No cooking of food.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.39 IMPROPER PARKING OR STANDING; MINIMUM FINE.**

No vehicle shall stand or park upon any area of public right-of-way or Township property used for park purposes which obstructs,



or interferes with entrance or egress, or obstructs or interferes with the use of any designated parking areas. Minimum fine for a first offense is three hundred dollars (\$300.00); second offense, six hundred dollars (\$600.00) and third or more offense, one thousand dollars (\$1,000.00).

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

#### **1062.99 PENALTY.**

(a) The violation of any provision of this chapter is a municipal civil infraction and shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) per violation plus additional costs and expenses as imposed by the court and costs of restitution, if any, for damages to park property.

(b) Violation of Section 1062.39 shall be a minimum fine of three hundred dollars (\$300.00) for first offense; second offense, six hundred dollars (\$600.00); and one thousand dollars (\$1,000.00) for third or more offenses.

(Ord. 271. Passed 6-27-83; Ord. 403. Passed 3-11-13.)

## **PART TWELVE – PLANNING AND ZONING CODE**

### TITLE TWO - Planning

Chap. 1210. Planning Commission.

Chap. 1212. Master Plan for Future Land Use.

Chap. 1214. Tree Preservation.

### TITLE FOUR - Subdivision Regulations

Chap. 1220. General Provisions and Definitions.

Chap. 1222. Administration, Enforcement and Penalty.

Chap. 1224. Subdivision Procedure.

Chap. 1226. Design Layout Standards.

Chap. 1228. Improvements.

Chap. 1230. Partitioning or Dividing of Land.

### TITLE SIX - Land Development Regulations

Chap. 1240. General Provisions and Definitions.

Chap. 1242. Administration, Enforcement and Penalty.

Chap. 1244. Site Improvements Required for the Development of Land.

Chap. 1246. Procedure for Procurement of a Permit for Construction of Site Improvements and/or Public Utilities.

Chap. 1248. Standards for Engineering Design, for Preparation of Engineering Plans and Specifications, and for Construction of Site Improvements.

### TITLE EIGHT - Zoning

Chap. 1250. General Provisions and Definitions.

Chap. 1252. Administration, Enforcement and Penalty.

Chap. 1254. Board of Appeals.

Chap. 1256. Districts Generally and Zoning Map.

Chap. 1258. R-0 Through R-5 One-Family Residential Districts.

Chap. 1260. RT Two-Family Residential District.

Chap. 1262. RML Multiple-Family Residential Low-Rise District.

Chap. 1264. RMH Multiple-Family Residential High-Rise District.

Chap. 1266. MH Mobile Home Park District.

Chap. 1268. OS Office/Service District.

Chap. 1270. OS-2 Office/Service Mid-Rise District.

Chap. 1272. OS-3 Office/Service Mid-Rise District.

Chap. 1274. B-1 Neighborhood Business District.

Chap. 1276. B-2 Community Business District.

- Chap. 1278. B-3 General Business District.
- Chap. 1279. B-4 Regional Business District.
- Chap. 1280. I-1 Light Industrial District.
- Chap. 1282. I-2 General Industrial District.
- Chap. 1283. TR Technical Research District.
- Chap. 1284. P Parking District.
- Chap. 1286. SP Special Purpose District.
- Chap. 1288. RC Regional Center District. (Repealed)
- Chap. 1290. FW Floodway District, Flood Hazard Areas and Wetlands.
- Chap. 1292. Land Use Regulations.
- Chap. 1294. Nonconforming Uses.
- Chap. 1296. Off-Street Parking and Loading.
- Chap. 1298. Supplementary Regulations.
- Chap. 1299. General Exceptions.
- Appendix I - Sketches.
- Appendix II - Zoning Map Changes.

## TITLE TWO - Planning

- Chap. 1210. Planning Commission.
- Chap. 1212. Master Plan for Future Land Use.
- Chap. 1214. Tree Preservation.

### CHAPTER 1210

#### Planning Commission

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EDITOR'S NOTE: There are no sections in Chapter 1210. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

- Municipal planning commissions - see M.C.L.A. Secs. 125.31 et seq.
- County planning commissions - see M.C.L.A. Secs. 125.101 et seq.
- Planning and Community Development Department - see ADM. Ch. 248
- Review of subdivision plats - see P. & Z.1224.03(a)(5)
- Authority re Zoning Code - see P. & Z.1252.02, 1254.07

### CHAPTER 1212

#### Master Plan for Future Land Use

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EDITOR'S NOTE: Copies of the latest Master Plan to be adopted by the Charter Township of Clinton, titled the Master Plan for Future Land Use, may be obtained, without charge, from the Department of Planning and Community Development.

There are no sections in Chapter 1212. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

- Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.
- Notice of hearing of municipal planning commission re master plan - see M.C.L.A. Sec. 125.38
- Planning and Community Development Department - see ADM. Ch. 248

Planning Commission - see P. & Z. Ch. 1210

Zoning Map - see P. & Z. Ch. 1256

## CHAPTER 1214

### Tree Preservation

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1214.01 Short title.

1214.02 Intent.

1214.03 Tree removal; required description.

1214.99 Penalty.

#### **CROSS REFERENCES**

Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241, 750.382, 752.701 et seq.

Vegetation generally - see GEN. OFF. Ch. 694

Trees and foliage - see S.U. & P. S.Ch. 1024

Trees in subdivisions - see P. & Z.1228.04(e)

Land Development Regulations for trees - see P. & Z.1244.06

Zoning requirements for vegetation - see P. & Z.1298.04

#### **1214.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Clinton Township Tree Preservation Ordinance."

(Ord. 327. Passed 3-22-99.)

#### **1214.02 INTENT.**

The intent of this chapter is to preserve the pleasant aesthetics of wooded areas to the extent that such preservation is compatible with reasonableness, and it is intended that this chapter not be excessively restrictive or prohibitive, all so as to protect the health, safety and welfare of the public.

(Ord. 327. Passed 3-22-99.)

#### **1214.03 TREE REMOVAL; REQUIRED DESCRIPTION.**

(a) All new development or redevelopment requiring plat approval, site plan approval or special land use approval shall require the submittal, as part of the review process, of a detailed description of existing natural features and characteristics of the land proposed for development.

No tree removal shall be performed prior to submittal and approval of the plat, site plan, or special land use.

(b) All owners of property desirous of removing, in any one-year period, five or more trees having trunks of four or more inches in diameter, shall submit to the Clinton Township Department of Planning and Community Development a detailed description of existing natural features and characteristics of the property for approval by the Clinton Township Planning Commission.

No tree removal shall be performed prior to approval by the Planning Commission.

(c) The detailed description of natural features and characteristics shall contain the following minimum information:

(1) A drawing, at a minimum scale of one inch equals 100 feet, or an aerial photograph indicating the location, either individually or in groups, of existing trees having trunks of four or more inches in diameter.

(2) A preliminary survey identifying the species of existing trees having trunks of four or more inches in diameter.

(3) Plans and/or specifications describing the location and species of trees having trunks of four or more inches in diameter which are proposed for removal individually or in groups.

If applicable, the plans or specifications shall describe the method by which remaining vegetation will be protected during periods of construction.

(d) In reviewing the information submitted and in approving a request for tree removal, the Planning Commission shall examine the reasonableness of the request in consideration of the development being proposed and may require that trees and/or other ground cover be replaced by the developer utilizing the following standards:

(1) The proportionate area of the parcel covered by tree canopy before and after the proposed development.

(2) The age, species and condition of the trees requested for removal.

- (3) The location and feasibility of proposed areas where replacement trees or other ground cover can be installed with the reasonable likelihood of such vegetation thriving.
- (4) The proposed cost for replacement trees or ground cover in relationship to the total proposed project cost.
- (5) Whether other feasible design alternatives exist for the proposed development which would further minimize the removal, damage or destruction to trees.
- (6) Such other considerations as deemed reasonably related to the proposed removal of trees by the Planning Commission.
- (Ord. 327. Passed 3-22-99.)

**1214.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **TITLE FOUR - Subdivision Regulations**

- Chap. 1220. General Provisions and Definitions.
- Chap. 1222. Administration, Enforcement and Penalty.
- Chap. 1224. Subdivision Procedure.
- Chap. 1226. Design Layout Standards.
- Chap. 1228. Improvements.
- Chap. 1230. Partitioning or Dividing of Land.

### **CHAPTER 1220**

#### **General Provisions and Definitions**

- 1220.01 Short title.
- 1220.02 Purposes.
- 1220.03 Compliance standards.
- 1220.04 Interpretation; conflicts.
- 1220.05 Separability.
- 1220.06 Definitions.

#### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Fees - see P. & Z. 1222.01

Variances - see P. & Z. 1222.02, 1222.03

#### **1220.01 SHORT TITLE.**

This Title Four shall be known and may be designated as the "Township of Clinton Subdivision Regulations" and shall be referred to herein as "these Regulations."

(Ord. 268. Passed 7-27-81.)

#### **1220.02 PURPOSES.**

The purposes of these Regulations are to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; to provide a reasonable and proper basis for the design and construction of residential, commercial or industrial projects; and to provide logical procedures for the achievement of these purposes.

(Ord. 268. Passed 7-27-81.)

### **1220.03 COMPLIANCE STANDARDS.**

The approvals required under the provisions of these Regulations shall be obtained prior to the installation of any subdivision or project improvements within the Municipality, in public streets, public alleys, public rights of way and public easements, and/or under the ultimate jurisdiction of the Municipality. All subdivision or project improvements within the Municipality installed in public streets, public alleys, public rights of way, or public easements, and/or under the ultimate jurisdiction of the Municipality, shall comply with all of the provisions and requirements of these Regulations, the Land Development Regulations (Title Six of Part Twelve of these Codified Ordinances) and any other related ordinance.

(Ord. 268. Passed 7-27-81.)

### **1220.04 INTERPRETATION; CONFLICTS.**

The provisions of these Regulations shall be held to be the minimum requirements necessary for the promotion and preservation of the public health, safety and general welfare of the Municipality. In the event that any of the provisions of these Regulations impose a greater restriction than is imposed by existing statutes of the State, it is intended that the provisions of these Regulations shall control and be deemed the minimum regulation or restriction, as the case may be.

(Ord. 268. Passed 7-27-81.)

### **1220.05 SEPARABILITY.**

If any section, paragraph, clause, phrase or part of these Subdivision Regulations is, for any reason, held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Regulations, and the application of those provisions to any person or circumstances shall not be affected thereby.

(Ord. 268. Passed 7-27-81.)

### **1220.06 DEFINITIONS.**

For the purpose of these Regulations, certain words, terms and phrases shall be defined as follows and shall control in these Regulations unless indicated to the contrary in this section.

(1) "Block" means property abutting one side of a street and lying between the two nearest intersecting streets or between the nearest such street and a railroad right of way, unsubdivided acreage, a river or live stream, or

between any of the foregoing and any other barrier to the continuity of development.

(2) "Commission" means the Planning Commission of the Township of Clinton.

(3) "Clerk" means the Clerk of the Township of Clinton.

(4) "Date of filing" means:

A. For tentative approval of preliminary plats, the date of the initial Planning Commission meeting at which the proprietor presents the preliminary plat for consideration.

B. For final approval of preliminary plats, the date on which the proprietor files, with the Department of Planning and Community Development, the tentatively approved preliminary plat and a certified list of all authorities required for approval.

C. For approval of final plats, the date on which the proprietor files, with the Township Clerk, the original and the necessary prints of the final plat.

(5) "Easement" means a grant by the owner for the use of land by the public, a corporation or persons, for specific uses and purposes, to be designated as a "public" or "private" easement, depending on the nature of the use.

(6) "Governing body" means the Township Board of the Township of Clinton.

(7) "Improvements" means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities and other additions to the natural state of land which increase its value, utility or habitability.

(8) "Land Development Regulations" means the Clinton Township Land Development Regulations, being Title Six of Part Twelve of these Codified Ordinances.

(9) "Land Regulation Control Committee" means a committee consisting of the Township Treasurer, Township Assessor, Township Superintendent of Building, and Township Director of Planning and Community Development, or their assistants.

(10) "Lot" means a measured portion of a parcel or tract of land which is described or fixed in a proposed or recorded plat.

(11) "Master Plan" means the comprehensive land use plan for the Township of Clinton, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, and all physical developments of the Township, and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof adopted by the Planning Commission.

(12) "Major Streets or Thoroughfare Plan" means that part of the Master Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

- (13) "Municipality" means the Township of Clinton, Macomb County, Michigan.
- (14) "Municipal Engineer" or "Engineer" means the staff engineer or consulting engineer of the Municipality.
- (15) "Outlot," when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use, or reserved for private use.
- (16) "Ordinance" is to be used synonymously with rules and regulations.
- (17) "Planning Department" means the Clinton Township Department of Planning and Community Development.
- (18) "Plat" means a map or chart of a subdivision of land.
- A. "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration, prepared in conformance with the Subdivision Act.
- B. "Final plat" means a map of all or part of a subdivision providing substantial conformance to the preliminary plat of the subdivision prepared in conformance with the requirements of the Subdivision Act and these Regulations and suitable for recording in the County Register of Deeds.
- (19) "Parcel" or "tract" means a continuous area or acreage of land which can be described as provided for in the Subdivision Act.
- (20) "Procedures Guide" means a guide for the platting of land in Clinton Township, including application forms for the same, available from the Clinton Township Department of Planning and Community Development, and consisting of a general guideline to proprietors, including a resumé of the method of processing of plats.
- (21) "Proprietor" or "owner" means a natural person, firm, association, partnership, corporation, or combination of any of them, who or which may hold any ownership interest in land, whether recorded or not.
- (22) "Secretary" means the Secretary of the Clinton Township Planning Commission.
- (23) "Shall" is mandatory; "may" is permissive.
- (24) "Street" means any dedicated avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or Municipal roadway, or a street, as defined above, or way, shown in a plat heretofore approved pursuant to law; or a street, as defined above, or way, on a plat duly filed and recorded in the office of the County Register of Deeds. A street, as defined above, includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns.
- A. "Major thoroughfare" means an arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate Municipality area and the region beyond, and may be designated in the Major Thoroughfare Plan of the Municipality as a major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.
- B. "Collector street" means a street intended to serve as a major means of access from minor streets to major thoroughfares which has considerable continuity within the framework of the Major Thoroughfare Plan.
- C. "Minor street" means a street of limited continuity used primarily for access to abutting residential properties.
- D. "Marginal access street" means a minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
- E. "Boulevard street" means a street developed in two, two-lane, one-way pavements, separated by a median.
- F. "Turn-around" means a short boulevard street permanently terminated by a vehicular turn-around.
- G. "Cul-de-sac street" means a short minor street having one end permanently terminated by a vehicular turn-around.
- H. "Alley" means a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.
- (25) "Subdivision Act" means the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- (26) "Subdivision" means the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development, where the active division creates five or more parcels of land, each of which is ten acres or less in area, or where five or more parcels of land, each of which is ten acres or less in area, are created by successive divisions within a period of ten years.
- (27) "Township" means the Township of Clinton, Macomb County, Michigan.
- (28) "Words." Singular words shall include the plural and masculine words shall include the feminine and neuter.
- (29) "Zoning Code" means Ordinance 260, passed July 9, 1979, as amended, codified as Title Eight of Part Twelve of these Codified Ordinances.

(Ord. 268. Passed 7-27-81.)

## CHAPTER 1222

## **Administration, Enforcement and Penalty**

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1222.01 Fees.

1222.02 Variances for hardship.

1222.03 Variances for complete neighborhoods.

1222.99 Penalty.

### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Compliance standards - see P. & Z. 1220.03

### **1222.01 FEES.**

(a) Time of Payment. All fees shall be paid by the proprietor at the time of submission of plats or plans for review.

(b) Planning Commission Review Fee. The Commission shall charge fees in accordance with the current Fee Schedule for Planning Commission Review, as adopted by resolution of the Township Board.

(c) Attorney's Fees. Any services required from the Municipal Attorney will be paid for at the same hourly rate being charged by the Attorney to the Township or the Township Board for his or her services.

(d) Other Fees. Additional fees, if any, may be charged in accordance with the aforementioned Fee Schedule as the Township Board, by resolution, may adopt from time to time.

(Ord. 268. Passed 7-27-81.)

### **1222.02 VARIANCES FOR HARDSHIP.**

The governing body may authorize a variance from these Regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the governing body shall prescribe only conditions which it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the governing body shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the governing body finds:

(a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of his or her land.

(b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

(Ord. 268. Passed 7-27-81.)

### **1222.03 VARIANCES FOR COMPLETE NEIGHBORHOODS.**

(a) Conditions. The governing body may authorize a variance from these Regulations in the case of a plan for a complete community or neighborhood where such development is permitted by the Zoning Code and which, in the judgment of the governing body, and after a recommendation is received from the Commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required herein below, the governing body shall take into account the nature of the proposed use and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed development upon traffic conditions in the vicinity. The governing body shall find:

(1) That there is adequate acreage and population in the proposed plan so as to support at least one elementary school.

(2) That the standards and requirements of the Zoning Code are met.

(3) That the Commission has reviewed the plan and submitted its recommendation to the governing body relating to the standards and intent of the Master Plan as it relates to facility needs.

(4) That, in granting the variance, it shall be valid only as long as the plan for the complete neighborhood is carried out as approved. Any departure from the plan shall immediately rescind any variance granted.

(5) That the governing body shall establish a time schedule to be met on the various aspects of the complete neighborhood

plan.

(b) Application. A request for any such variance shall be submitted, in writing, by the proprietor at the time the preliminary plat is filed, stating fully and clearly all facts relied upon by the proprietor, and shall be supplemented with maps, plans or other additional data which may aid in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

(Ord. 268. Passed 7-27-81.)

#### **1222.99 PENALTY.**

Any person, firm or corporation who or which violates any of the provisions of these Regulations shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the County jail for a period not to exceed ninety days, or both, such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate violation.

(Ord. 268. Passed 7-27-81.)

## **CHAPTER 1224**

### **Subdivision Procedure**

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1224.01 Compliance required.

1224.02 Initial investigation.

1224.03 Preliminary plat preparation and review.

1224.04 Final plat preparation and review.

#### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

#### **1224.01 COMPLIANCE REQUIRED.**

The preparation of a subdivision for platting shall be carried out through two phases: preliminary plat and final plat, all in accordance with the procedure set forth in this chapter.

(Ord. 268. Passed 7-27-81.)

#### **1224.02 INITIAL INVESTIGATION.**

(a) Prior to the preparation of a preliminary plat, it is suggested that the proprietor investigate the procedures and standards of the Municipality with reference to these Regulations and the proposals of the Master Plan as they affect the area in which the proposed subdivision is located. The proprietor should not submit the preliminary plat at this time.

(b) The proprietor shall concern himself or herself with the following factors:

(1) The proprietor shall secure a copy of the Zoning Code, Subdivision Regulations, Land Development Regulations, application to plat land (refer to the Procedures Guide) and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself or herself aware of the requirements of the Municipality.

(2) The area for the proposed subdivision shall be properly zoned for the intended use.

(3) An investigation of the adequacy of existing schools and the adequacy of public open spaces, including parks and playgrounds, to serve the proposed subdivision shall be made by the proprietor.

(4) The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the proprietor.

(5) Standards for sewage disposal, water supply and drainage of the Municipality shall be investigated by the proprietor.

(Ord. 268. Passed 7-27-81.)

#### **1224.03 PRELIMINARY PLAT PREPARATION AND REVIEW.**

The procedure for the preparation and review of a preliminary plat requires tentative and final approval as follows:

(a) Tentative Approval.



(1) Filing.

A. Copies of a valid and complete preliminary plat of the proposed subdivision, together with the application and supporting data as required by the Procedures Guide and the Subdivision Act, shall be filed with the Planning Department.

B. Copies of the plat of the proposed subdivision shall be submitted to the Macomb County Plat Coordinating Committee in concurrence with submittal to the Planning Department.

C. The preliminary plat shall be prepared in accordance with Section 111 of the Subdivision Act and in accordance with the requirements of these Regulations.

(2) Identification and description. The preliminary plat shall include:

A. The proposed name of the subdivision.

B. The location by section, town and range, or by other valid legal description.

C. The names and addresses of the proprietor, the owner and the planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his or her interest in the land.

D. The scale of the plat. One inch equals 100 feet is the minimum acceptable scale.

E. The date.

F. The northpoint.

(3) Existing conditions. The preliminary plat shall include:

A. An overall area map at a scale of not less than one inch equals 2,000 feet, showing the relationship of the subdivision to its surroundings, such as section lines and/or major streets or collector streets.

B. The boundary line of the proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.

C. The property lines of contiguous adjacent tracts of subdivided and unsubdivided land shown, including roadways, up to 300 feet, in relation to the tract being proposed for subdivision, including those of areas across abutting roads with those unplatted landowners being designated by name.

D. The location, widths and names of existing or prior platted streets and private streets and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.

E. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.

F. The location of major stands of trees within the tract proposed for subdivision, as well as a written description of such stand of trees, including the types of trees and life expectancy.

G. The topography drawn as contours with an interval of at least two feet in elevation, except that if the grade exceeds five percent, the contour interval shall be five feet. Topography shall be based on U.S.G.S. datum. Bench marks for the work shall be indicated on the plat. The contours shall extend a minimum of 150 feet beyond the boundary of the plat.

H. The school board or school board superintendent of the school district having jurisdiction in the area concerned shall be informed and made aware of the proposed preliminary plat by the proprietor. A copy of said letter to the school board or school board superintendent shall be submitted to the Planning Department with the preliminary plat.

(4) Proposed conditions. The preliminary plat shall include:

A. The layout of streets, indicating proposed street names, right of way widths, and connections with adjoining platted streets, and also the widths and locations of alleys, easements and public walkways.

B. The layout, numbers, dimensions and lot areas in square feet, including building setback lines showing dimensions.

C. An indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.

D. An indication of the ownership and the existing and proposed use of any parcels identified as "excepted" in the preliminary plat. If the proprietor has an interest or owns any parcel identified as "excepted," in the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.

E. Proposed preliminary plats with direct access to major and secondary thoroughfares shall provide a full paved width of pavement across the entire plat frontage with respective acceleration and deceleration lanes, as well as passing lanes, unless waived by the Commission and governing body. Such paving specifications shall be determined by the Macomb County Road Commission or the Michigan Department of Highways and Transportation, as applicable or Township Paving Detail Sheet, as amended, whichever is stricter, as determined by the Township Engineer.

F. An indication of the required underground utilities.

G. An indication of a system for sewage.

H. An indication of a system proposed for water supply.

I. Storm drainage, including any retention basins and point of outlet at the subdivision line, proposed by a method approved

by the governing body after recommendation from its Municipal Engineer.

J. In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

K. If the subdivision is proposed to be developed under the subdivision open space plan, said subdivision shall meet the requirements of Section 1226.04.

(5) Planning Commission review - tentative approval.

A. The Planning Department shall receive the proposed plat and accompanying data as stated in paragraph (a)(1)A. hereof. Should any of the required data be omitted, the proprietor shall be informed of the data required and the application will be held pending receipt of the required data.

B. The Planning Department shall send the preliminary plat and petition to various reviewing agents as regulated by their Rules of Procedure. Upon receipt of correspondence from reviewing agents and the Macomb County Plat Coordinating Committee, the Planning Department shall review the preliminary plat in accordance with all details of the proposed subdivision within the framework of the Zoning Code, various elements of the Master Plan, standards of these Regulations and comments of reviewing agents. Upon finding that the preliminary plat meets all requirements, the plat shall be placed on the next regular Commission meeting agenda, at which meeting the proprietor will be scheduled to appear, such day to be considered the date of filing. However, should the preliminary plat not comply with these Regulations or the Subdivision Act, the Planning Department shall notify the petitioner, in writing, of matters to be resolved, and the application will be held at Departmental level until compliance with these Regulations and the Subdivision Act is made.

C. Upon the recommendation of the Planning Department, the Commission shall act on the preliminary plat within sixty days after the date of filing, unless the proprietor agrees to an extension, in writing, of the time required for approval by the Commission.

D. Should the Commission approve the preliminary plat, it shall notify the governing body of this action in a written report and forward the same, together with pertinent data of record, to the governing body for review.

E. Should the Commission find that the preliminary plat is not acceptable, it shall record the reason in its official minutes and forward a written report, together with pertinent data of record, to the governing body, and recommend that the governing body disapprove the preliminary plat.

(6) Governing body - tentative approval.

A. The governing body will not review a preliminary plat until it has received the review and recommendations of the Commission, provided that the Commission acted within the prescribed time frame. Following the receipt of such recommendations, the governing body shall consider the preliminary plat at such meeting that the matter is placed on the regularly scheduled agenda. The governing body shall take action on the preliminary plat within ninety days of the date of initial filing of the plat as described in Section 1224.03(a)(5)B.

B. Should the governing body tentatively approve the preliminary plat, it shall record its approval on the plat and return one copy to the proprietor.

C. Should the governing body disapprove the preliminary plat, it shall promptly notify the proprietor, in writing, stating the reasons for disapproval.

D. Tentative approval shall not constitute final approval of the preliminary plat.

E. No installation or construction of any improvements shall be made at this time.

F. Tentative approval by the governing body shall confer upon the proprietor, for a period of one year from the date of approval, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the governing body, in writing. The proprietor must realize that ordinances and/or laws relevant to health, safety and welfare may be adopted after tentative approval has been granted, which do not relate to lot sizes, orientation or street layout, and that all such new requirements shall be applicable, unless waived by the Commission and the governing body.

(b) Final Approval.

(1) The proprietor shall file a valid preliminary plat, as tentatively approved by the governing body, with the Planning Department, together with a certified list of all authorities required to approve the preliminary plat as specified in Sections 112 to 119 of the Subdivision Act, and copies of the preliminary plat as approved by the required authorities. Upon receipt of the above, the Planning Department shall forward the plat with cited data to the governing body.

(2) The governing body shall take action at its next regular meeting or within twenty days of the date of filing.

(3) The Clerk shall promptly notify the proprietor of approval or rejection, in writing. If the plat is rejected, reasons shall be given and shall be recorded in the minutes pertaining thereto. The minutes of the meeting shall be open for inspection.

(4) Final approval of the preliminary plat shall confer upon the proprietor, for a period of two years from the date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the governing body, in writing. Written notice of the extension shall be sent by the governing body to other approving authorities. The proprietor must realize that ordinances and/or laws relevant to health, safety and welfare may be adopted after tentative approval has been granted, which do not relate to lot sizes, orientation or street layout, and that all such new requirements shall be applicable, unless waived by the Commission and

the governing body.

(5) No installation or construction of any improvements shall be made before the proprietor has met the following conditions:

A. Final approval by the governing body of the preliminary plat.

B. Recommendations from the Municipal Engineer to the governing body of engineering plans which shall include the location of houses, public water and sewer plans, plans for road construction, including the top of the backslope of roads, lot grading and run-off pattern, and the location of all utilities.

C. Deposits required by the Land Development Regulations have been received by the Township.

(Ord. 268. Passed 7-27-81; Ord. 369. Passed 5-14-07.)

#### **1224.04 FINAL PLAT PREPARATION AND REVIEW.**

The procedure for preparation and review of a final plat shall be as follows:

(a) Preparation.

(1) The final plat shall comply with the provisions of the Subdivision Act and these Regulations.

(2) The final plat shall conform substantially to the preliminary plat, as approved, and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time, provided, however, that such portion conforms to these Regulations.

(3) The proprietor shall submit, as evidence of title, to the Clerk, an abstract of title certified to date with the written legal opinion thereon, or, at the option of the proprietor, a policy of title insurance for examination in order to ascertain whether or not the proper names appear on the plat.

(b) Review.

(1) One mylar copy and fifteen paper prints of the final plat shall be filed by the proprietor with the Clerk, and such sums of money as the governing body may require herein, or by other ordinances or resolutions, shall be deposited. Such final plat shall have been processed in accordance with Act 288 of the Public Acts of 1967, Sections 162 through 165, as amended, prior to submission to the Township for its review.

(2) The final plat shall be reviewed by the Planning and Community Development Department as to compliance with the approved preliminary plat, and by the Municipal Engineer as to compliance with the plans for utilities and other improvements.

(3) The Planning and Community Development Department and the Municipal Engineer shall notify the governing body of their recommendations for either approval or rejection of the final plat within ten days of its date of filing.

(4) The governing body shall review all recommendations and take action on the final plat within twenty days of its date of filing in accordance with the procedures of Act 288 of the Public Acts of 1967, Sections 166 through 167, as amended.

(5) Upon approval of the final plat by the governing body, the subsequent approvals shall follow the procedures set forth in the Subdivision Act.

(6) The placing of required monuments and lot corner markers may be waived by the governing body for a period of one year from the date of approval of the final plat by the governing body, provided that the proprietor shall have delivered to the Clerk cash, a certified check or an irrevocable bank letter of credit running to the Municipality, whichever the proprietor selects, in an amount equal to twenty-five dollars (\$25.00) per monument remaining to be placed, plus ten dollars (\$10.00) per lot corner marker remaining to be placed. In no case shall said deposit be less than one hundred dollars (\$100.00).

Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the governing body shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat at a cost not to exceed the amount of the security deposited and shall pay the surveyor. Any unexpended balance of the deposit shall then be returned to the party from whom it was received.

(7) In lieu of the proprietor having installed improvements, the governing body shall require of the proprietor, as a condition of final plat approval, a deposit in the form of cash, a certified check or an irrevocable bank letter of credit, whichever the proprietor selects, running to the Municipality for the full cost, as estimated by the Municipal Engineer, of improvements required in the Land Development Regulations, other than public streets and street drainage facilities, to ensure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the final plat by the governing body. The Municipality shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(8) Five copies of the proposed subdivision restrictions shall be furnished to the governing body.

(Ord. 268. Passed 7-27-81.)

## **CHAPTER 1226**

### **Design Layout Standards**

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- 1226.01 Standards as development guides; review of final plans.
- 1226.02 Streets.
- 1226.03 Blocks.
- 1226.04 Lots.
- 1226.05 Subdivision open space plan.
- 1226.06 Natural features.
- 1226.07 Flood plains.

**CROSS REFERENCES**

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Street improvements - see P. & Z.1228.02

**1226.01 STANDARDS AS DEVELOPMENT GUIDES; REVIEW OF FINAL PLANS.**

The subdivision design layout standards set forth under this chapter are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the governing body in accordance with these Regulations and the Land Development Regulations.

(Ord. 268. Passed 7-27-81.)

**1226.02 STREETS.**

Streets shall conform to at least all minimum requirements of the general specifications and typical cross-sections as set forth in this section and other conditions set forth by the governing body and the Macomb County Road Commission.

(a) Location and Arrangement

(1) The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the location and width indicated on such plan insofar as possible.

(2) The street layout shall provide for the continuation of local or collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided, or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.

(3) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

(4) Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

(5) Should a proposed subdivision border on or contain a railroad, expressway or other limited-access highway right of way, the Commission may require the location of a street approximately parallel to and on each side of such right of way at a distance suitable for the development of an appropriate use of the intervening land, such as for parks and Residential Districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(6) Half-streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half-street, the other half shall be platted or the adjacent half-street shall be vacated.

(7) All entrances to subdivisions of eighty lots or more shall be boulevard streets designed in accordance with Macomb County Road Commission or Michigan Department of Highways and Transportation specifications, as applicable.

(b) Right-of-Way Widths. Street right of way widths shall conform to at least the following minimum requirements:

<u>Street Type</u>	<u>Right of Way Widths (ft.)</u>
(1) Major thoroughfares	In conformance with the Major Thoroughfare Plan of Clinton Township, as amended
(2) Collector streets	86
(3) Industrial service streets	70

- (4) Multiple-family residential streets,  
where platted 60
- (5) Minor (single-family residential)  
streets 60
- (6) Marginal access streets 50
- (7) Turn-around (loop) streets 120
- (8) Alleys 20
- (9) Cul-de-sac streets/turn-arounds:
  - A. Industrial 75 in radius
  - B. Residential and others 60 in radius

The maximum length for residential cul-de-sac streets shall generally be ten times the average width of lots on the street, but in no instance shall such streets exceed 600 feet in length. Maximum length for industrial and other cul-de-sac streets shall not exceed 500 feet, provided, however, that in such cases where it can be satisfactorily demonstrated that a greater length will not endanger the public health, safety or welfare, a greater length may be requested and submitted to the Planning Commission for its recommendation and to the governing body for its approval.

(c) Street Geometrics. Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by ordinance or published rules of the governing body and shall, in no case, be less restrictive than the standards of the Macomb County Road Commission.

(d) Street Intersections. Streets shall be laid out so as to intersect as nearly as possible to ninety degrees. Curved streets, intersection with major thoroughfares and collector thoroughfares, shall do so with a tangent section of centerline fifty feet in length, measured from the right of way line of the major or collector thoroughfare, where said minor streets are on a curve with a radius of at least 400 feet, which tangent does not make a ninety degree intersection with the thoroughfare being intersected.

(e) Grading and Centerline Gradients. In accordance with the Land Development Regulations.

(f) Street Jogs. Street jogs with the centerline offsets of less than 125 feet shall be avoided.

(g) Truck Wells. Truck wells and receiving and shipping depots will be so located as to provide adequate vehicular movement on the site and shall not face directly onto a public right of way unless at least 100 feet from the right of way, and shall be subject to the review of the Macomb County Road Commission.

(Ord. 268. Passed 7-27-81.)

(h) Driveways. All driveway locations shall be subject to the review and approval of the Macomb County Department of Roads or the Michigan Department of Transportation, whichever shall have jurisdiction of the abutting highway or road, as applicable. Driveway locations for residential homes with detached garages or one-car attached garages shall not exceed twenty-eight feet in width at the roadway and twenty feet in width at the property line. Driveway locations for residential homes with two-car, three-car or larger attached garages shall not exceed thirty-five feet in width at the roadway and thirty feet in width at the property line.

(Ord. 319. Passed 12-22-97; Ord. Unno. Passed 4-23-01; Ord. 260-A-467. Passed 9-25-17.)

### **1226.03 BLOCKS.**

Blocks within subdivisions shall conform to the following standards:

(a) Sizes.

(1) The maximum length for blocks shall be 1,400 feet, except where, in the opinion of the Commission, conditions may justify a greater distance.

(2) The widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(b) Public Walkways.

(1) The location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities, such as, but not limited to, schools and parks.

(2) The widths of public walkway easements, other than such easements parallel with the street right of way, shall be at least twelve feet, shall be in the nature of an easement for this purpose and shall be improved with a five-foot wide concrete walk.

(c) Easements.

(1) The location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public ground. Such easements shall be a total of not less than twelve feet wide, six feet from each parcel.

(2) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.

(3) Easements three feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the Detroit Edison Company."

(4) Drainage easements, when required by the Municipality, after recommendation by its Engineer, the Macomb County Public Works Commission or the Macomb County Road Commission, shall be shown on the plat.

(Ord. 268. Passed 7-27-81.)

#### **1226.04 LOTS.**

Lots within subdivisions shall conform to the following standards:

(a) Sizes and Shapes.

(1) The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

(2) Lot areas and widths shall conform to at least the minimum requirements of the Zoning Code for the district in which the subdivision is proposed.

(3) Building setback lines shall conform to at least the minimum requirements of the Zoning Code.

(4) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than three to one is desirable.

(5) Corner lots in residential subdivisions shall be platted at least ten feet wider than the minimum width permitted by the Zoning Code.

(6) Lots intended for purposes other than residential uses shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks and other requirements, in accordance with the Zoning Code.

(b) Arrangement.

(1) Every lot shall front or abut on a street.

(2) Side lot lines shall be at right angles or radial to the street lines, when possible.

(3) Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, with side lot lines parallel to the major traffic streets, or with extra depth and extra building setback to permit additional distances between buildings and such trafficways.

(4) Lots shall have a front-to-front relationship across all streets where possible, provided that surrounding conditions warrant the same.

(5) Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot, provided that the lot has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

(Ord. 268. Passed 7-27-81.)

#### **1226.05 SUBDIVISION OPEN SPACE PLAN.**

The following requirements apply in addition to all other requirements of these Regulations where a preliminary plat is filed for approval under the Subdivision Open Space Plan of the Zoning Code (Section 1292.03).

(a) Consideration by the Commission and the governing body of the proposed optional use of the Subdivision Open Space Plan shall reflect the following basic principles:

(1) The Subdivision Open Space section of the Zoning Code provides an optional method of subdividing property, and approval of any Subdivision Open Space Plan is subject to the discretion of the governing body.

(2) Particular attention shall be given to the effect of a Subdivision Open Space Plan upon the immediate area, where the character of that area has been established by previous development. Consideration shall be given by the Commission and the governing body to the benefits to be derived by the residents of the proposed subdivision and the Municipality because of the Subdivision Open Space Plan, with reasonable consideration to be given to the proprietor.

(3) The following objectives shall govern the approval or disapproval of the proposed Subdivision Open Space Plan:

A. Provides a more desirable living environment by preserving the natural character of stands of trees, brooks, topography and similar natural assets.

B. Provides a more creative approach in the development of residential areas.

C. Provides a more efficient, aesthetic and desirable use of open area, allowing the developer to bypass natural obstacles within the site.

(b) The Subdivision Open Space Plan shall contain the following, in addition to the information required by the other sections of these Regulations:

(1) A completed description of the land proposed to be deeded or dedicated to the Municipality or to the common use of lot owners (herein called open land) shall be provided, including the following as a minimum:

- A. A legal description of open land.
- B. A topographical survey of open land.
- C. The types of soil in open land.
- D. A description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc.).
- E. Any other relevant factors.

(2) The proposed plan of development of the open land shall be submitted with the plat and shall include the following as a minimum:

- A. The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision.
- B. The proposed manner of collection of maintenance costs, financing costs or assessments so that non-payment will constitute a lien on the property, thus avoiding Municipal responsibility in the future.
- C. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the governing unit.
- D. The proposed method of notifying the Municipality when any change is contemplated in plans which would affect the original specifications approved by the Municipality.
- E. The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.
- F. The proposed uses of open land and the proposed improvements which are to be constructed by the proprietor.

(3) The Open Space Plan shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the Municipality by approval of the proposed Subdivision Open Space Plan, with particular reference to the objectives stated in paragraph (a)(3) hereof.

(c) If the Commission is satisfied that the proposed Subdivision Open Space Plan meets the letter and spirit of the Zoning Code and should be approved, it shall recommend such approval to the governing body with the conditions upon which such approval should be based. Thereafter, the governing body shall take action upon such application in accordance with Section 1224.03.

(d) If the Commission is not satisfied that the proposed Subdivision Open Space Plan meets the letter and spirit of the Zoning Code or finds that the approval of said Subdivision Open Space Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the governing body with the reasons therefor. The proprietor shall be entitled to a hearing upon said proposal before the governing body upon written request therefor filed with the Clerk.

(Ord. 268. Passed 7-27-81.)

#### **1226.06 NATURAL FEATURES.**

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features, such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the dedication and provision of adequate barriers (dams, bulkheads, retaining walls, etc.), where appropriate, shall be required.

(Ord. 268. Passed 7-27-81.)

#### **1226.07 FLOOD PLAINS.**

Any areas of land within the proposed subdivision which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water, shall require specific compliance with the Subdivision Control Act, the Zoning Code and its review by the Michigan Department of Natural Resources.

(Ord. 268. Passed 7-27-81.)

## **CHAPTER 1228**

### **Improvements**

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1228.01 General requirements.

1228.02 Streets.

1228.03 Utilities.

1228.04 Other improvements.

## **CROSS REFERENCES**

Public improvements; determination of necessity of improvements - see Michigan Charter Township Act (Act 359 of 1947)

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

## **1228.01 GENERAL REQUIREMENTS.**

The improvements set forth under this chapter are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set in the Land Development Regulations. All improvements shall meet the approval of the governing body.

Prior to the undertaking of any improvements, the proprietor shall deposit with the Clerk cash, a certified check or an irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the governing body, to ensure faithful completion of all public improvements within the time specified. The amount of the deposit shall be set by the governing body based on an estimate by the Municipal Engineer. The governing body shall release funds for payment of work as it is completed and approved by the Municipality.

Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this chapter and in the Land Development Regulations, or any other such standards and requirements which may, from time to time, be established by ordinances of the Municipality.

(Ord. 268. Passed 7-27-81.)

## **1228.02 STREETS.**

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Macomb County Road Commission and the governing body. All street pavements shall be constructed of concrete with curb.

(Ord. 268. Passed 7-27-81.)

## **1228.03 UTILITIES.**

(a) Sewage Disposal. A sanitary sewer system, including all appurtenances, shall be required in all subdivisions (refer to the Land Development Regulations.)

(b) Water Supply. When a proposed subdivision is located within, adjacent to or reasonably near the service area of a Municipal water supply system, water mains, fire hydrants and required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the non-existence or non-availability of a Municipal water supply system, a subdivision water supply system, if possible, as determined by the Municipal Engineer, shall be installed by the proprietor. (Refer to the Land Development Regulations.)

(c) Storm Drainage System. An adequate storm drainage system, including necessary storm sewers, storm water retention basins, catch basins, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from residential rear yards. (Refer to the Land Development Regulations.)

(Ord. 268. Passed 7-27-81.)

## **1228.04 OTHER IMPROVEMENTS.**

(a) Sidewalks. A five-foot-wide concrete sidewalk, located one foot from the property line of the side or sides of the roadway, shall be provided on all public streets in which any part of the proposed subdivision abuts. In those instances where no good purpose would be served by the provision of sidewalks, the governing body may waive all or part of this requirement, after review and recommendation by the Commission. Installation of sidewalks located along the front and side street lot lines of residential subdivisions shall be the responsibility of the house builder and shall be installed prior to issuance of a final certificate of occupancy for the house on that lot. All other required sidewalks are the responsibility of the land developer. All sidewalks shall be constructed in conformance with the requirements of the Land Development Regulations and Township Standard Paving Details Sheet, as amended.

(b) Public Walkways. The governing body may require public walkways in certain locations not in street rights of way. Such walkways shall be provided as a public right of way. The surface of the walkways shall be concrete. Planting pockets may be provided for tree and shrub planting as approved by the governing body.

(c) Fences and Other Improvements. Fences and other improvements may be required if the Commission or the governing body determines them necessary to screen or protect the property being developed or adjacent property.

(d) Street Lights. If the owner desires to provide street or area lighting for the development, the electric wires shall be under ground.



(e) Trees.

(1) Existing trees shall be preserved by the proprietor, when possible.

(2) Street-side trees shall be provided with a minimum of at least one per lot. Corner lots shall require an additional two trees, evenly spaced. All trees shall be placed between the sidewalk and the curb. Trees shall be a minimum of three inches in diameter, of good sound nursery stock, and shall be installed and guaranteed for one year by a qualified nurseryman. They shall be planted just preceding issuance of a final certificate of occupancy for the house on that lot. The responsibility for installation of these trees shall be that of the house builder.

(3) The following species of trees shall be permitted:

- A. Norway maple.
- B. London plane.
- C. Pin oak.
- D. Honey locust.
- E. Cork tree.
- F. Sugar maple.
- G. Little leaf linden.
- H. Modesta ash.
- I. Idaho locust.
- J. Moraine locust.
- K. Hop hornbeam.
- L. Pauls scarlet hawthorn.
- M. Such other species as may be approved by the Township.

(Ord. 268. Passed 7-27-81; Ord. 369. Passed 5-14-07.)

## CHAPTER 1230

### Partitioning or Dividing of Land

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EDITOR'S NOTE: This chapter, previously a codification of Ordinance 268, passed July 27, 1981, was repealed by implication and re-enacted in its entirety by Ordinance 322, passed April 20, 1998.

- 1230.01 Short title.
- 1230.02 Purpose.
- 1230.03 Definitions.
- 1230.04 Prior approval required for land divisions.
- 1230.05 Application for land division approval.
- 1230.06 Procedure for review of applications for land division approval.
- 1230.07 Standards for approval of land divisions.
- 1230.08 Consequences of noncompliance with land division approval requirement.

#### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Subdivision open space plan - see P. & Z. 1226.05

#### **1230.01 SHORT TITLE.**

This chapter shall be known and cited as the "Clinton Township Land Division Ordinance." (Ord. 322. Passed 4-20-98.)

#### **1230.02 PURPOSE.**

The purpose of this chapter is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and to otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

(Ord. 322. Passed 4-20-98.)

### **1230.03 DEFINITIONS.**

For purposes of this chapter, certain terms and words used herein shall have the following meaning:

(a) "Applicant" means a natural person, firm, association, partnership, corporation, or any combination of any of them, that holds an ownership interest in land, whether recorded or not.

(b) "Divide" or "division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease for more than one year, or of building development that results in one or more parcels of less than forty acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" or "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances. "Divide" or "division" does not include the granting of a right-of-way or easement.

(c) "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty acres or the equivalent.

(d) "Forty acres or the equivalent" means either forty acres, a quarter-quarter section containing not less than thirty acres, or a government lot containing not less than thirty acres.

(e) "Governing body" means the Charter Township of Clinton Board of Trustees.

(Ord. 322. Passed 4-20-98.)

### **1230.04 PRIOR APPROVAL REQUIRED FOR LAND DIVISIONS.**

Land in the Township shall not be divided without the prior review and approval of the Township Assessor or other official designated by the Township Board, in accordance with this chapter and the State Land Division Act, provided that the following shall be exempted from this requirement:

(a) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

(b) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

(c) An exempt split, as defined in this chapter, or other partitioning or splitting that results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Land Division Act.

(Ord. 322. Passed 4-20-98.)

### **1230.05 APPLICATION FOR LAND DIVISION APPROVAL.**

An applicant shall file all of the following with the Township Assessor or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

(a) A completed application form on such form as may be approved by the Township Board.

(b) Proof of fee ownership of the land proposed to be divided.

(c) A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities, ingress or egress between adjacent parcels, easements, rights-of-way and restrictions.

(d) Proof that all standards of the State Land Division Act and this chapter have been met.

(e) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

(f) A fee as determined from time to time by the Township Board to cover the costs of review of the application and administration of this chapter and the State Land Division Act.

(Ord. 322. Passed 4-20-98.)

### **1230.06 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL.**

(a) The Township shall approve or disapprove the land division applied for within forty-five days after receipt of a complete application conforming to the requirements of this chapter and the State Land Division Act, and shall promptly notify the applicant

of the decision, and if denied, the reasons for denial.

(b) Any person aggrieved by the decision of the Township Assessor or his or her designee may, within thirty days of such decision, appeal the decision to the Township Board, which shall consider and resolve such appeal by a majority vote of said Board.

(c) The Township Assessor or his or her designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(d) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations, including, but not limited to, the Clinton Township Zoning Ordinance.

(e) The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, noncompliance with the Zoning Code or otherwise, and any notice of approval shall include a statement to this effect.

(Ord. 322. Passed 4-20-98.)

#### **1230.07 STANDARDS FOR APPROVAL OF LAND DIVISIONS.**

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

(a) All parcels created by the proposed division or divisions have a minimum width of sixty-five feet as measured at the required front setback line unless otherwise provided for in the Zoning Code.

(b) All such parcels shall contain a minimum area of 7,800 square feet unless otherwise provided for in the Zoning Code.

(c) The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio, exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

(d) The proposed land division or divisions comply with all requirements of this chapter and the State Land Division Act.

(e) All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

(Ord. 322. Passed 4-20-98.)

#### **1230.08 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT.**

(a) Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter. The Township shall be entitled to all legal fees which are necessary to seek compliance with the Act.

(b) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

(Ord. 322. Passed 4-20-98.)

## **TITLE SIX - Land Development Regulations**

Chap. 1240. General Provisions and Definitions.

Chap. 1242. Administration, Enforcement and Penalty.

Chap. 1244. Site Improvements Required for the Development of Land.

Chap. 1246. Procedure for Procurement of a Permit for Construction of Site Improvements and/or Public Utilities.

Chap. 1248. Standards for Engineering Design, for Preparation of Engineering Plans and Specifications, and for Construction of Site Improvements.

### **CHAPTER 1240**

#### **General Provisions and Definitions**

1240.01 Short title.

1240.02 Purposes.

1240.03 Authority; interpretation.

1240.04 Scope; conflicts.

1240.05 Separability.

1240.06 Rules of construction.

1240.07 Definitions.

### **CROSS REFERENCES**

Subdivision of land - see M.C.L.A. Sec. 125.44; P. & Z.Ch. 1220 et seq.

Regulation of location of trades, buildings and uses; congested areas - see M.C.L.A. Secs. 125.581 et seq.

Drainage of lots, lands, excavations, etc. - see GEN. OFF.676.05

Partitioning or dividing of land - see P. & Z.Ch. 1230

Fees - see P. & Z. 1242.02

Variances - see P. & Z. 1242.03

Nonconforming use of land - see P. & Z. 1294.03, 1294.05

### **1240.01 SHORT TITLE.**

This Title Six of Part Twelve of these Codified Ordinances shall be known and may be cited as the "Land Development Regulations" of the Township and shall be referred to herein as "these Regulations."

(Ord. 281. Passed 10-2-89.)

### **1240.02 PURPOSES.**

The purposes of these Regulations are to promote the public health, safety and general welfare of the residents of the Charter Township of Clinton by the regulation and control of all land development in said Township; to provide minimum requirements for site improvement for land development; to establish standards for engineering design and detailed engineering plans and specifications for site improvements; to provide for construction standards for land development site improvements; to further and promote the orderly layout and use of land; and to control building development within flood plain and wetland areas.

(Ord. 281. Passed 10-2-89.)

### **1240.03 AUTHORITY; INTERPRETATION.**

These Regulations are adopted pursuant to and in accordance with Act 246 of the Public Acts of 1945, as amended, and Act 288 of the Public Acts of 1967, as amended, and should be read in conjunction with the Township Subdivision Regulations. The Township Zoning Code, and the Township Building and Housing Code.

(Ord. 281. Passed 10-2-89.)

### **1240.04 SCOPE; CONFLICTS.**

(a) These Regulations apply to all site improvements of land development causing or requiring the reshaping, grading, or regrading of such land, and/or the installation of any improvements, including public utilities, such as gas piping; electric, telephone, and television wiring (underground or overhead); water mains; sanitary sewers; drainage facilities; pavement; sidewalks and driveways; and/or trees.

(b) These Regulations shall not apply to the development of land for agricultural purposes and, except for site grading and drainage, these Regulations shall not apply to subdivisions or developments completed prior to the effective date hereof. A single parcel or a single lot in a platted subdivision recorded after January 1, 1968, is intended for only one dwelling unit.

(c) These Regulations do not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except as hereinafter provided. Where these Regulations impose a greater restriction or more demanding requirement upon land than is imposed or required by other ordinances of the Township, the provisions of these Regulations shall control.

(Ord. 281. Passed 10-2-89.)

### **1240.05 SEPARABILITY.**

If any section, paragraph, clause, or provision of these Regulations is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of these Regulations.

(Ord. 281. Passed 10-2-89.)

### **1240.06 RULES OF CONSTRUCTION.**

For the purpose of these regulations, the following rules of construction apply:

(a) Unless the context clearly indicates the contrary, words used in the present tense include the future tense and words in the singular include the plural, unless the context clearly indicates the contrary.

(b) The term "shall" is mandatory; the term "may" is permissive.

(c) A word or term not interpreted or defined in this chapter shall be used with a meaning of common or standard utilization.

(Ord. 281. Passed 10-2-89.)

#### **1240.07 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in these Regulations shall be as follows:

- (1) "Board" means the Township Board of Trustees of the Charter Township of Clinton, Macomb County, Michigan.
- (2) "Borrow pit" means any area where earth excavation deeper than two feet from existing grade is borrowed for use as fill material at another location within or outside the subject development.
- (3) "Curb stop" or "stop valve" means the water-service pipe valve that is located at a customer's water supply outlet.
- (4) "Customer's wastewater disposal outlet" means the point of connection with the public sewer.
- (5) "Customer's water supply outlet" means either the outlet on the customer side of a curb stop (in the case of a supply for a single building) or on the customer side of a master water meter (in the case where the Township has required the use of a master water meter to serve special types of customers).
- (6) "Department" means the Department of Water and Sewers of the Township.
- (7) "Developer" or "land developer" means a person, firm, association, partnership, corporation or any other legal entity, who intends to develop land by making site improvements.
- (8) "Development," "developer's project" and "project" mean a specifically designated site being developed (or proposed for development) by a developer.
- (9) "Development of land" or "land development" means the reshaping of the land environment to provide for the amenities associated with community living. Items considered as these amenities include any of the items listed under the definition of "site improvements."
- (10) "Ditch" and "drainage swale" means an open channel used to transport drainage water from any source.
- (11) "Drainage water" and "drainage" mean water run-off (other than wastewater) resulting from rain, melted snow, water supply discharge or ground water discharge.
- (12) "Drainage water facilities" and "drainage facilities" mean any storm sewers or storm drains, including facilities designed as County drains, that receive drainage water from more than one owner's land.
- (13) "Drainage water service sewer" means any drainage water pipe extension from a building's drainage water outlet point, located four feet outside of a building, to a point of connection with a public drain.
- (14) "Dwelling unit" means a building or unit thereof that is occupied by one or more persons as a residence (with a single set of culinary facilities) intended for a single family.
- (15) "Easement" means an acquired legal right for the specified use of another owner's land.
- (16) "Engineering and construction standards" means those standards that are entitled Standards for Engineering Design, for Preparation of Engineering Plans and Specifications, and for Construction of Site Improvements, as set forth in Chapter 1248.
- (17) "Flood plain" means that area of land adjoining a lake, watercourse, or similar body of water which will be inundated by a 100-year flood.
- (18) "Floodway" means the channel of a river or stream and those positions of the flood plain adjoining the channel which are reasonably required to carry and discharge a 100-year flood.
- (19) "Foundation drain service pipe" means a conveyance pipe that receives only foundation drain ground water seepage, exclusive of other drainage water.
- (20) "Lot" means a measured portion of a parcel or tract of land.
- (21) "Master Thoroughfare Plan" means the Comprehensive Master Thoroughfare Development Plan adopted by the Township, which sets forth the location, alignment, and dimensions of existing and proposed street rights of way.
- (22) "Open drain" means an open channel used to transport drainage water from any source.
- (23) "Parking lot" and "parking area" mean a designated area used primarily for the parking of motor vehicles.
- (24) "Parking lot bay" means that part of a parking lot that includes the access driveway and a set of parking stalls on either side of the access driveway serving such parking stalls.
- (25) "Person" means any individual, firm, company, association, society, corporation, governmental agency (including school district), or other legal entity.
- (26) "Plat" means a map or chart of a subdivision of land as defined in Act 288 of the Public Acts of 1967, as amended.
- (27) "Private wastewater disposal system" means a septic tank with sub-surface soil absorption facilities, wastewater treatment facilities, or similar methods of wastewater disposal that may be approvable by the Macomb County Health Department and/or the State of Michigan.

(28) "Private water supply system" means any system by which potable ground water is withdrawn and supplied to premises and which is approvable by the Macomb County Health Department and/or the Michigan Department of Public Health.

(29) "Public sanitary sewer" means a sanitary sewer that is intended to collect wastewater from more than one user.

(30) "Public sewer" and "public drain" mean a common sewer or drain that serves more than one owner's land.

(31) "Public utilities" means and includes public sewers; public water mains; gas and oil piping; and public electric, television or telephone wiring.

(32) "Public utility company" and "utility company" mean a legally constituted firm, corporation, or agency, other than the Township or a County Agency acting under a contract with the Township, that installs and operates public utilities other than Township utilities.

(33) "Public water main" means a water main that is intended to serve more than one user. The water-service pipe that extends from a public water main to a customer's water supply outlet shall also be considered "public."

(34) "Right of way" (sometimes abbreviated "R.O.W.") means land reserved or used for a street, alley, walkway or other public purposes.

(35) "Sanitary sewer" means a sewer that carries wastewater.

(36) "Services," as applied to water supply facilities and connections thereto, means any water supply conveyance pipe (outside of a building) that is two inches or smaller in diameter.

(37) "Sewage forcemain" (sometimes called "forcemain") means a wastewater conveyance pipe that carries wastewater under pressure.

(38) "Sewer" means a pipe or conduit that carries wastewater or drainage water.

(39) "Site improvements" and "improvements" mean such operations, acts of construction or changes affecting land that increase the value, utility or habitability of the site. Site improvements may include, without limitation: site grading; drainage water sewers, culverts or drains; sanitary sewers or other wastewater disposal facilities; water mains, services, or other water supply facilities; gas or oil piping; wiring for electricity, telephone or television; paving or surfacing of roadways, parking lots, or driveways; sidewalks; bridges; lakes, ponds or lagoons; and/or other appropriate appurtenant items.

(40) "Site plan" means the plan required under the Township Zoning Code for site plan review for all projects other than a land subdivision plat.

(41) "Storm water drain," "storm drain" and "storm sewer" mean a ditch, watercourse or sewer intended for the conveyance of drainage water from any source (exclusive of intentionally admitted wastewater).

(42) "Storm water or drainage water inlet structure" means a structure designed and constructed to intentionally admit surface water run-off into an underground sewer.

(43) "Street," whether public or private, means any street, avenue, boulevard, road, alley or other right of way that provides for vehicular access to land abutting either side of said street.

A. "Public street" means a street that is deemed or dedicated to the Macomb County Road Commission or to the Michigan Department of Transportation (MDOT).

B. "Private street" means a street that is not deeded or dedicated to the Macomb County Road Commission or MDOT.

C. "Local street" means any street that is intended primarily for access to properties abutting either side of said street. A local street shall have, or will be considered to occupy, a right-of-way width of sixty feet.

D. "Collector street" means a street intended to carry traffic from local streets to major thoroughfares (streets). A collector street will usually be located near the Township's quarter-section lines and/or will be designated on the Township Master Thoroughfare Plan. A collector street shall have, or will be considered to occupy, a right-of-way width of eighty-six feet.

E. "Major thoroughfare" means an arterial street of great continuity that is intended to serve as a large-volume trafficway for both the immediate Township area, as well as areas beyond the Township. A major thoroughfare will usually be located along the Township's section lines and/or will be designated on the Township Master Thoroughfare Plan. A major thoroughfare shall have, or will be considered to occupy, a right-of-way width of at least 120 feet.

(44) "Superintendent" means the person appointed by the Board to manage the Water and Sewers Department.

(45) "Surface water run-off" (sometimes called "storm water") means that part of rainfall or melting snowfall that reaches the storm water drain as run-off from natural land surfaces, building roofs or pavements.

(46) "Tabulation of quantities" means a list of construction items (compatible with the Township construction specification items), as usually used in the underground and pavement construction industry, together with the quantity of each item planned to be used in construction.

(47) "Township" means the Charter Township of Clinton, Macomb County, Michigan.

(48) "Township Engineer" means the staff registered professional engineer or the consulting engineer representing the Township in this position.

(49) "Trunk storm sewer" means a storm sewer having a diameter of twenty-four inches or larger.

(50) "Underdrain pipe" means a perforated or loose jointed pipe installed underground for the specific purpose of lowering a

high ground water condition or draining a granular sub-base by receiving ground water seepage and conveying it to a storm water drain.

(51) "User" means the owner or occupant of any premises connected with, and/or using, any of the facilities operated by the Water and Sewers Department.

(52) "Utility company's contractor" means a construction contractor engaged by the utility company to install public utilities for the utility company, or, in the case where the utility company has a construction division that installs its own utilities, "utility company's contractor" means the utility company.

(53) "Wastewater" (sometimes called "sewage") means the spent water of a community, including liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be unintentionally present.

(54) "Wastewater service sewer" means the sewer extension from a building's wastewater outlet point, located four feet outside of a building, to a point of connection with a public sanitary sewer.

(55) "Water main," as applied to the water supply facilities and connections thereto, means any water supply conveyance pipe larger than two inches in diameter.

(56) "Water service pipe" means any water supply pipe that extends from a point of connection with the public water supply system to a point or connection with a building's water piping located four feet outside of a building.

(57) "Wetland" means land characterized by the presence of water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

(Ord. 281. Passed 10-2-89.)

## CHAPTER 1242

### Administration, Enforcement and Penalty

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1242.01 Authority of Board and Superintendent of Water and Sewers.

1242.02 Fees.

1242.03 Variances.

1242.99 Penalty.

#### **CROSS REFERENCES**

Subdivision of land - see M.C.L.A. Sec. 125.44; P. & Z.Ch. 1220 et seq.

Regulation of location of trades, buildings and uses; congested areas - see M.C.L.A. Secs. 125.581 et seq.

Drainage of lots, lands, excavations, etc. - see GEN. OFF.676.05

Partitioning or dividing of land - see P. & Z.Ch. 1230

Department of Water and Sewers - see P. & Z.1248.01

Nonconforming uses of land - see P. & Z.1294.03, 1294.05

#### **1242.01 AUTHORITY OF BOARD AND SUPERINTENDENT OF WATER AND SEWERS.**

These Land Development Regulations shall be administered by the Board of Trustees of Clinton Township. The Superintendent of the Water and Sewer Department appointed by the Board is the Enforcement Officer for provisions of these Regulations. Employees of the Engineering Department, Department of Public Works and Water and Sewer Department as well as the Police Department are authorized to issue appearance tickets for violations of Chapter 1240, 1244, 1246, 1248 and 1250 of this Code of Ordinances.

(Ord. 281. Passed 10-2-89; Ord. 351. Passed 6-28-04.)

#### **1242.02 FEES.**

(a) Plan Review Fees. For projects where the construction contractor is engaged by a public utility company other than the Township, the plan review fees shall be in an amount equal to rates established by resolution from time to time by the Township Board.

(b) Construction Inspection Fees. On projects on which the Township will furnish inspection, the Inspection Fee shall be in an amount as set forth from time to time in the General Fee Schedule, and if expressed as a percentage of construction costs, shall apply to all site improvements, repairs, and replacement, including drainage and paving, which is not situated in the public right of way and which the Township has the right to inspect pursuant to these regulations.

(Ord. 281. Passed 10-2-89; Ord. 345. Passed 6-30-03.)

### **1242.03 VARIANCES.**

The Township Board may authorize a variance from the provisions of these Regulations when it determines that undue hardship may result from strict compliance with specific provisions or requirements of these Regulations. In granting any variance, the Board may prescribe other conditions that it deems necessary or desirable for the public interest.

No variance shall be granted unless the Township Board finds:

- (a) That there are special circumstances or conditions affecting the situation such that a strict application of the provisions of these Regulations would deprive the applicant of reasonable use of his or her property;
- (b) That the variance is necessary for the preservation and enjoyment of the substantial property right of the applicant;
- (c) That the granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the Township; and
- (d) That such variance will not have the effect of nullifying the interest and purpose of these Regulations nor violate the provisions of other State or Federal regulations.

Permanent variances may be granted subject to such other conditions as the Township Board may require.

Temporary variances may be granted for a one-year period, provided that a suitable financial guarantee in the form of cash or a letter of credit in the full amount of the estimated cost of the improvement covered by the variance has been deposited with the Township. Such financial guarantee shall contain the provision that it is forfeitable to the Township at the end of one year, unless the improvement covered by the temporary waiver is installed.

The Township may extend the temporary waiver for one additional year upon request, provided that satisfactory extension of the financial guarantees is furnished.

Any person may apply for such a variance or extension by requesting the same in writing, stating fully and clearly the reasons for the request and including any supplemental information and data which he or she believes may aid in the analysis of the proposed request.

(Ord. 281. Passed 10-2-89.)

### **1242.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of these Regulations is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, for each offense. A separate violation shall be deemed committed each during or on which a violation or noncompliance occurs or continues.

(Ord. 281. Passed 10-2-89.)

## **CHAPTER 1244**

### **Site Improvements Required for Development of Land**

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- 1244.01 Site grading and drainage water systems.
- 1244.02 Street and parking lot pavement and rights of way.
- 1244.03 Water supply and distribution systems.
- 1244.04 Wastewater collection systems.
- 1244.05 Sidewalks.
- 1244.06 Trees.
- 1244.07 Underground wiring.
- 1244.08 Guarantee for completion of site improvements.

#### **CROSS REFERENCES**

Subdivision of land - see M.C.L.A. Sec. 125.44; P. & Z.Ch. 1220 et seq.

Regulation of location of trades, buildings and uses; congested areas - see M.C.L.A. Secs. 125.581 et seq.

Drainage of lots, lands, excavations, etc. - see GEN. OFF.676.05

Improvements in subdivisions - see P. & Z.Ch. 1228

Partitioning or dividing of land - see P. & Z.Ch. 1230

Nonconforming uses of land - see P. & Z.1294.03, 1294.05

### **1244.01 SITE GRADING AND DRAINAGE WATER SYSTEMS.**



(a) Except for agricultural purposes, it shall be unlawful for any person to change the drainage pattern of any land by excavating, grading, or filling in any way to change the effect on adjoining property without first obtaining a permit for construction from and where applicable the Township Water and Sewer Department, Building Department, and Department of Public Works. Each site shall receive grading for the purpose of directing surface water run-off to appropriate drainage water systems, and the same shall be done in a manner which will not cause drainage water from the site to flow onto adjacent land or obstruct the flow of existing drainage from adjacent properties. Drainage water systems shall be provided to collect surface water run-off and building foundation drain ground water. The drainage water system shall consist of enclosed storm sewers throughout the project. An extension of the drainage water collection system shall be made to furnish an outlet for foundation drain service pipes for each building having a basement. The collected drainage water shall be conveyed to a point of disposal that shall be a public storm water drain as approved by the appropriate governmental agency.

(b) When, in the opinion of the Township Engineer and/or the office of the Macomb County Commissioner of Public Works, there is inadequate drainage water outlet capacity, the developer shall install a storm sewer of adequate size to serve a logical service area, including his or her site, or obtain a legally signed petition for a special assessment project to install such a storm sewer of adequate size, or construct his or her full share of such a storm sewer of adequate size and provide drainage water storage capacity to limit the rate of flow of drainage water from his or her site to the existing capacity of the outlet. Once approved and constructed, the owner shall not reduce the volume of such drainage water storage facilities on the site without the written approval of the Township. Such drainage water storage capacity which serves a single site may be on the surface of that site's parking lot if the same is properly designed.

Drainage water storage facilities serving more than one site shall be provided by furnishing a retention basin of sufficient capacity and with a controlled outlet to limit the rate of discharge. Final approval of any plans that include a retention basin serving more than one landowner shall be conditioned upon an operation and maintenance agreement with the Township based on the following criteria:

(1) Retention basins on private developments, where ownership will remain consolidated over an extended period of time, such as industrial sites, shopping centers, apartment complexes, etc., should remain in private ownership, subject to Township review as to size, design and proper operation. Maintenance and liability also shall remain with the property owner.

(2) Retention basins serving predominantly single-family areas may be dedicated to the Township for ownership and maintenance, subject to the following criteria and subject to case-by-case review and approval by the Planning Commission and the Township Board.

A. Minimum land area of isolated parcels should be no less than six acres so that they will eventually be usable as public parks. Therefore, adjoining developers should make every effort to consolidate their retention areas into a single site where feasible from the standpoint of engineering. Smaller sites may be acceptable where they abut directly on other Township or elementary, middle or high school sites.

B. Properties shall have a length-to-width ratio of not more than two and one-half to one.

C. Sites for retention basins shall be shown on the preliminary and final plats.

D. Public street access shall be provided directly to the site with a paved roadway.

E. A signed agreement and approved plans shall be in effect prior to Township approval of the final plat. The developer and/or builder shall be responsible for dewatering and maintaining the basin until it is accepted in writing by the Township Board.

F. The developer and/or builder shall make payment to the Township of sufficient funds to cover maintenance, operation and insurance liability costs for a period of fifteen years, and such costs, including a reasonable inflation factor, shall be estimated by the Township Engineer and deposited with the Township prior to construction of the retention basin.

(c) All trunk storm sewers and drains shall conform to the Township's Storm Sewer Master Plan.

(Ord. 281. Passed 10-2-89; Ord. 356. Passed 4-25-05.)

#### **1244.02 STREET AND PARKING LOT PAVEMENT AND RIGHTS OF WAY.**

(a) All residential land developments, public or private, whether single-family or multiple-family, shall be served by paved roadways having a width and type of pavement as indicated in these Land Development Regulations and Township Paving Detail Sheet, as amended.

(b) All industrial developments shall be served by concrete paved roads. Commercial developments shall be served by paved roadways and parking lots. Paving for commercial developments shall be of the type and width as indicated in these Regulations and Township Paving Detail Sheet, as amended.

(c) Where any land development abuts or includes a proposed collector street as indicated on the Master Thoroughfare Plan, or where it is deemed essential by the Township to provide for continuity to other parts of the public road system through the subject land development, the developer of such land development shall be responsible for the installation of the collector street or other local streets, with dedication of the right-of-way to the use of the public for the same.

(d) Where the Township Zoning Code requires off-street parking, each parking space (or stall) shall be ten feet in width and twenty feet in length. Parking areas shall be paved with either a concrete or an asphalt pavement. All paved areas shall have concrete curbs. Parking lots shall be designed in accordance with standards contained in these Regulations and Township Paving Detail Sheet, as amended.

(Ord. 281. Passed 10-2-89; Ord. 369. Passed 5-14-07.)

#### **1244.03 WATER SUPPLY AND DISTRIBUTION SYSTEMS.**

- (a) All developments shall be serviced by a public water supply and distribution system acceptable to the Township.
  - (b) All water mains and other water supply facilities that are intended to be operated as public facilities shall be conveyed to the Township for operation and maintenance.
  - (c) All water main sizes shall conform to the Township's Water Main Master Plan.
- (Ord. 281. Passed 10-2-89.)

#### **1244.04 WASTEWATER COLLECTION SYSTEMS.**

- (a) All developments shall be serviced by a public wastewater collection and disposal system. The developer shall provide sanitary sewers to service each proposed building site and shall connect the same to the public wastewater disposal system.
  - (b) All sanitary sewers that are intended to be operated as public facilities shall be conveyed to the Township for operation and maintenance.
  - (c) All sanitary sewer sizes shall conform to the Township's Sanitary Sewer Master Plan.
- (Ord. 281. Passed 10-2-89.)

#### **1244.05 SIDEWALKS.**

Five-foot wide sidewalks shall be constructed completely across the developer's project where it abuts existing or proposed major thoroughfares and collector streets. Except in industrial developments, sidewalks shall be constructed along both sides of the development's internal streets. The outside edge of a walk will normally be located one foot inside of the right of way, but for mobile home parks and some multiple housing developments (as determined by the Township Engineer) the walk may be located adjacent to the street pavement.

(Ord. 281. Passed 10-2-89.)

#### **1244.06 TREES.**

Except on major thoroughfares, the developer shall install at least one Norway maple tree (minimum of three inches in diameter) per lot or per building site on each side of all streets, but in no event shall the spacing of trees exceed 120 feet.

(Ord. 281. Passed 10-2-89.)

#### **1244.07 UNDERGROUND WIRING.**

The developer shall provide for all local distribution lines for telephone, electric and/or other similar services distributed by wire or cable, to be placed underground entirely throughout the area to be developed for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the development area, and except for surface facilities related to underground service (such as above-ground closure or terminals), and such wires, conduits or cables shall be placed within private easements which shall be provided to the service companies by the developer. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

(Ord. 281. Passed 10-2-89.)

#### **1244.08 GUARANTEE FOR COMPLETION OF SITE IMPROVEMENTS.**

After site plan approval or preliminary plat approval by the Township Board, and after approval of the plan for the site improvement, but before the issuance of building permits for buildings within the development, the developer shall provide the Township and/or other public agencies, as requested, with a guarantee for the satisfactory completion of all required public improvements to serve his or her development. Such guarantee shall be in the form of cash, a certified check or an irrevocable bank letter of credit, whichever the developer selects, or in the form of a surety bond, acceptable to the Township or the public agency, based on the estimated construction cost of said improvements as approved by the Township Engineer or the other concerned public agency. The Township shall release funds from such deposit as made with the Township as the site improvements are completed and approved by the Township, approximately in proportion to the amount of improvements satisfactorily completed.

(Ord. 281. Passed 10-2-89.)

## **CHAPTER 1246**

### **Procedure for Procurement of a Permit for Construction of Site Improvements and/or Public Utilities**

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- 1246.01 Permit required prior to site improvement or installation of public utilities.
- 1246.02 Procedure.

## **CROSS REFERENCES**

Subdivision of land - see M.C.L.A. Sec. 125.44; P. & Z.Ch. 1220 et seq.

Regulation of location of trades, buildings and uses; congested areas - see M.C.L.A. Secs. 125.581 et seq.

Drainage of lots, lands, excavations, etc. - see GEN. OFF.676.05

Improvements in subdivisions - see P. & Z.Ch. 1228

Partitioning or dividing of land - see P. & Z.Ch. 1230

Nonconforming uses of land - see P. & Z.1294.03, 1294.05

## **1246.01 PERMIT REQUIRED PRIOR TO SITE IMPROVEMENT OR INSTALLATION OF PUBLIC UTILITIES.**

Except for agricultural purposes, it shall be unlawful for any person to begin site improvements for the development of land, or install public utilities within the Township, within first obtaining a permit for construction.

(Ord. 281. Passed 10-2-89.)

## **1246.02 PROCEDURE.**

Any person desiring to proceed with the development of land or the installation of public utilities shall apply for a permit for construction from the Township Water and Sewers Department in accordance with the following procedure:

(a) For Projects Where the Construction Contractor is Engaged by the Township Where the construction contractor is engaged by the Township, the contractor will not be required to acquire (nor have in his or her possession) a permit for construction. However, the contractor shall restore all land and/or other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.

(b) For Projects Where the Construction Contractor is Engaged by a Public Utility Company Other Than the Township

(1) The public utility company shall prepare and present to the Superintendent of the Water and Sewers Department plans and specifications for the proposed utility, whether it be an underground utility or an overhead utility (including a single pole relocation). The utility company shall ascertain where the location (horizontally or vertically) may be in possible conflict with utilities existing and proposed by the Township.

(2) Upon completion of the plans and specifications for the public utility, the utility company shall make an application for a plan review on a form furnished by the Township. As part of this application, the utility company shall submit the following:

- A. Two sets of completed plans for the proposed utility.
- B. A cash payment as the plan review fee.
- C. Such inspection fees as may be determined to be necessary by the Superintendent of the Water and Sewers Department.
- D. Such other information and data as the Township Engineer deems necessary to enable the approval of the construction permit.

(3) After issuance of the construction permit, the contractor may proceed with construction. However, the contractor shall restore all land and/or other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.

(c) For All Other Development Projects.

(1) The developer shall engage a registered professional engineer, hereinafter called the developer's or design engineer, who shall prepare plans and specifications for the proposed site improvements in accordance with current engineering design and plan preparation standards contained in these Regulations or otherwise adopted by the Township.

(2) Upon completion of the plans and specifications for the site improvements, the developer shall make an application for a plan review on a form furnished by the Township Water and Sewers Department. As part of this application, the developer shall submit the following:

A. Two copies of completed plans and specifications as proposed to be used for the construction of the site improvements, on the cover of which the developer's engineer shall make the following statement:

"I hereby certify that I have read the Township's Land Development Regulations (and its related engineering and construction standards) and that I have prepared these plans in complete conformity with the requirements of said Regulations."

Signature of developer's engineer.

Typed name of developer's engineer and P.E. number.

- B. A detailed estimate of the cost, a legal description and the acreage of the proposed development.
- C. A cash payment to cover the plan review fee.
- D. Such other information and data as the Township Engineer deems necessary to review and approve the plans and specifications.

(3) Prior to approval of the plans by the Township Engineer, the Township Engineer will coordinate the securing of necessary approvals of sanitary sewer and water mains from other reviewing agencies. The applicant shall furnish such plans and other documents as are necessary to accomplish such approvals. However, after approval of the plans by the Township, the developer's engineer shall obtain approval from the Macomb County Road Commission, the Macomb County Public Works Commissioner, the Michigan Department of Transportation, or any other agency (where applicable) from which approval is required, and furnish evidence of such approval to the Township Engineer. Also, the developer's engineer shall forward plans to any public utility and/or other agency whose facilities or rights of way may be affected by the proposed construction. In granting approval of the plans, it shall be understood that the approval of such plans shall be in effect for only one year, and the approval may be renewed, subject to the amendment of such plans by the addition of the current Township standard construction detail sheets, standards and/or construction specifications, as applicable.

(4) Upon securing approvals and construction permits from all other agencies, the developer shall make an application for a permit for construction of site improvements on a form furnished by the Department of Public Works for paving-related improvements and the Township Water and Sewer Department for all other improvements. As part of this application, the developer shall submit the following:

A. Three sets of approved plans and specifications, including the executed construction contract documents that shall contain as a minimum:

1. Contractor's certificates of insurance showing current Workers' Compensation insurance and current public liability insurance (including motor vehicle coverage and specific coverage for explosion and underground hazards) in a minimum amount of one million dollars (\$1,000,000) for bodily injury and two hundred fifty thousand dollars (\$250,000) for property damage

2. An owner's protective public liability and property damage insurance policy in the name of the Township, the Township Engineer and all other affected public agencies in the amount of one million dollars (\$1,000,000).

(Ord. 281. Passed 10-2-89.)

3. A maintenance and guarantee bond to the Township in the amount of 100 percent of the construction contract cost of all improvements to guarantee the correction of any defects or deficiencies in the improvements covered under the construction permit for a period of one year from the date of final written acceptance of such improvements and continuing thereafter in the amount of ten percent of construction contract costs for each of the next two succeeding years.

(Ord. 319. Passed 12-22-97.)

4. The contractor's signed proposal form indicating his or her unit prices and total construction cost price for which he or she is to perform the contract.

B. A cash deposit for the cost of Township construction inspection fees shall be paid forthwith as outlined in the General Fee Schedule.

C. Fully executed easements for public utilities as signed by all persons having an interest in the land. A title search statement of policy indicating the names of all persons of interest (certified by a recognized title insurance company) shall accompany the easements if required by the Township.

D. Such other information and data as the Township Engineer deems necessary to enable the approval of the construction permit.

(5) Upon approval of the construction permit by the Department of Public Works Superintendent for paving or the Township Water and Sewer Department for other permitted improvement, the developer's construction contractor shall perform the construction under the inspection of the Department of Public Works for paving and the Department of Water and Sewer for other permitted work, or their representatives, except for those improvements to be owned by other public agencies, which shall be inspected by those agencies.

(6) Upon completion of construction and prior to using any of the facilities covered under the construction permit, the developer shall apply for a written final approval of the improvements. As part of this application, the developer shall submit the following:

A. Sworn statements and waivers of lien, indicating that all public improvements have been paid for in full.

B. One set of mylar tracings (a minimum of four mils thick) and two prints covering all construction completed, indicating record measurements and/or record elevations for the improvements, including record elevations of drainage swales.

(Ord. 281. Passed 10-2-89; Ord. 352. Passed 6-28-04; Ord. 356. Passed 4-25-05.)

## **CHAPTER 1248**

### **Standards for Engineering Design, for Preparation of Engineering**

#### **Plans and Specifications, and for Construction of**

#### **Site Improvements**

- 1248.02 General requirements for plans.
- 1248.03 Site grading and drainage water collection and disposal.
- 1248.04 Street and parking lot paving.
- 1248.05 Water supply and distribution system.
- 1248.06 Wastewater collection and disposal systems.
- 1248.07 Other site improvements.
- 1248.08 Construction and construction inspections.
- 1248.09 Revisions to approved plans.

### **CROSS REFERENCES**

Subdivision open space plan - see P. & Z.1226.05, 1292.03

Improvements in subdivisions - see P. & Z.Ch. 1228

General provisions and definitions - see P. & Z.Ch. 1240

Street and parking lot pavement - see P. & Z.1244.02

Site plans - see P. & Z. 1298.10

Site drainage plans - see B. & H.1470.05

### **1248.01 GUIDELINES FOR PREPARATION OF PLANS; FIELD SURVEY FOR RECORD DRAWINGS.**

(a) The following guidelines are provided for the preparation of record construction plans acceptable to the Clinton Township Water and Sewer Department and the Department of Public Works. These guidelines are not intended to be all inclusive nor to replace sound engineering judgment in providing the necessary information to adequately describe the development.

(b) Field survey for record drawings is to be done after all grading, paving, and utility construction is completed. The survey shall include, but is not limited to, the following items:

(1) Utilities. Elevations of inverts and structure covers, hydrants, and shut-offs for all underground utilities (water, sanitary and storm), along with actual pipe lengths and types of materials, shall be obtained and noted on plans. The location of edge drains or other underground facilities not included above shall be noted on plans. All structures at ground level which are not in the road pavement shall be tied in an acceptable fashion to property corners or other suitable witnesses.

(2) Grading. Perimeter lot grades and additional grades at appropriate intervals to detail the flow of drainage and the character of finished grading work (berms, swales, etc.) shall be noted on plans. Sufficient information should be provided to describe detention/retention areas or ponds and noted on plans. Permanent pond elevations and/or detention-storage elevations are to be provided.

(3) Paving. Finished pavement cross-section grades shall be obtained at 100-foot intervals, or where there is a significant break in the road profile grade. Low points (sags) and crests in a road profile are to be identified. Cross-sections at existing adjoining streets are also required.

(4) Monuments and irons. Identify all irons and monuments, indicate materials used (i.e. one-half inch rerod) and certify on mylars by a registered land surveyor that all irons and monuments are in place.

(5) Sidewalks. Elevations of sidewalks and pathways along major roads shall be obtained at intervals not to exceed fifty feet in length and shall be obtained where there is apparent breaks in grade and/or intersections with driveways or side streets. Two elevations shall be taken at each interval to determine the crown of the pathway.

(c) The above information is to be neatly described on the original construction plan drawings by crossing out the design information and printing the survey information adjacent to it. Both plan and profile sheets are to be done in this fashion. On profile sheets, it is not necessary to redraw the storm sewer or sanitary sewer, but slope, inverts, lengths, etc., shall be indicated in the fashion described. All plans shall indicate the as-built date and the initials of the person producing the documents.

(d) Mylars and prints of the standard details for construction are also to be submitted if they differ from the Engineering Department Standard Detail Sheets.

(Ord. 281. Passed 10-2-89; Ord. 353. Passed 6-28-04; Ord. 356. Passed 4-25-05.)

### **1248.02 GENERAL REQUIREMENTS FOR PLANS.**

(a) All plans submitted shall be on twenty-four by thirty-six inch white prints having blue or black lines and shall be neatly and accurately prepared. Judgment should be exercised in the design, layout and presentation of proposed improvements.

(b) Engineering plans shall have a scale of one inch equals fifty feet horizontal. Profile views shall have a scale of one inch equals fifty feet horizontal and one inch equals five feet vertical.

(c) Any land development project requiring more than one sheet of plans must be submitted with a general plan having a scale of one inch equals 100 feet (or larger scale) showing the overall project layout (including building locations) and indicating the location of all site improvements proposed.

- (d) Street names, lot or property lines, and property identification numbers shall be shown on all plans.
- (e) Sewers in easements shall be located at least two feet away from parcel or lot boundary lines.
- (f) Superimposed on a general plan of the site shall be contour lines of the project area, including the area at least 100 feet outside of the project area. Contour lines shall be shown at intervals as follows:
  - (1) Where the general slope of the land is one percent or less, the interval shall be one foot.
  - (2) Where the general slope of the land is more than one percent, but less than five percent, the interval shall be two feet.
  - (3) Where the general slope of the land is five percent or greater, the interval shall be five feet.
- (g) Any underground or overhead public utilities located in new road rights of way shall be located according to the following schedule, measured in feet right (R) or left (L) from the centerline of the pavement. Easements shall be provided, if necessary, adjacent to the road right of way:

Standard Utility Locations

ROW

Width Sanitary Storm Gas Water MBT or DE

(ft.) Sewer Sewer Main Main Duct

60 32 L 22 L 17 L 21 R 32 R

70 32 L 26 L 21 L 27 R 32 R

86 36 L 26 L 21 L 27 R 36 R

120 52 L,R 46 L 43 R 36 L,R 59 1/2 L,R

- (h) All storm and sanitary sewers and those water mains having a diameter of sixteen inches or greater shall be indicated in profiles. There shall be a separate profile view for each utility. However, it shall be the responsibility of the design engineer to ascertain that the depth of the storm sewer (or storm drain) does not interfere with the building service sewers crossing the storm sewer. Profiles shall indicate the size of pipe, class of pipe, slope of the utility, and control elevations of the utility. The existing and proposed grade lines shall be shown along the profile view of each utility.
- (i) Elevations shall be based on the Clinton Township Bench Mark System (U.S. Geological Survey datum). The Township bench marks shall be used where available, and at least two bench marks shall be indicated on the plans for each project site area.
- (j) Finish grade elevations planned for each structure shall be indicated on either the plan view or the profile view.
- (k) A copy of the site boundary survey, with computed control lines indicated, or a copy of the computed plat, if applicable, shall be submitted with the engineering plans.
- (l) Plans shall have all lettering a minimum height of one-tenth of an inch and be of such quality as to provide for a clear and legible microfilm recording.
- (m) All plans submitted shall bear the seal of the registered professional engineer responsible for the design.
- (n) The plans covering all of the required site improvements for a specifically designated area of the developer's land shall be submitted as one package before any plan review shall commence.

(Ord. 281. Passed 10-2-89.)

**1248.03 SITE GRADING AND DRAINAGE WATER COLLECTION AND DISPOSAL.**

- (a) All sets of plans which include plans for storm sewers shall include the current Township Storm Sewer Detail Sheets, which shall be considered an inseparable part of the plans when said plans are approved.
  - (b) A site grading and drainage water plan is required for all developments, except if the building site is a site in a subdivision or other project for which a general site grading plan has been submitted and approved. A separate grading plan or permit will be required for individual building sites, including those in platted subdivisions recorded prior to January 1, 1968. The intent is to require that an enclosed storm drainage system shall be provided for all land development projects. If there are any upstream watershed drainage areas which need to be drained through the site under design consideration, sufficient capacity shall be provided to take fully developed upstream drainage into the system.
  - (c) Site grading for all building sites shall be reviewed to determine that proposed and/or actual site grading is reasonable, that drainage from land lying upstream is not obstructed and that downstream properties will not be adversely affected by run-off from the property under design consideration. Before a certificate of occupancy for any building is issued, the Township shall approve the final site grading and drainage for each building site. The Township may require that a survey, drawing and certificate, done by a registered professional engineer or registered land surveyor, be furnished by the developer, indicating that the work has been done in conformity to the approved site grading and drainage plan. It shall be unlawful for any person to interfere with, modify or obstruct the flow of drainage water across any property in any manner different from the approved plan.
- During periods of the year when weather conditions make site grading work infeasible, the Building Department may issue a temporary certificate of occupancy subject to the furnishing of a satisfactory bond, letter of credit or cash deposit guaranteeing the completion of the work when weather conditions permit. Such temporary certificate of occupancy shall state the time for final completion, inspection and the date of forfeiture of the guarantee for noncompliance.

Finished easement grades shall be indicated on the plans at each lot or building site corner not adjacent to a street pavement. Permanent finish grade markers consisting of four-inch diameter, thirty-six inch long concrete encasing a one-half inch diameter steel rod, shall be buried vertically such that the top is at the final finished grade shown on the plan. The builder shall furnish to the Township Building Department a certificate of a registered professional engineer or land surveyor indicating that such markers are correctly in place before issuing a final building certificate of occupancy for a building.

(d) The fall of the land away from the building shall be a minimum of six inches in the first twenty-five feet (two percent). From this elevation, the land shall slope to a drainage water collection swale at a minimum slope of one foot in 100 feet (one percent).

(e) The maximum slope of the land for the site, except for transitional terraces between usable site areas, shall be seven feet in 100 feet (seven percent). The sodded terrace slopes shall be a maximum slope of one foot vertically and four feet horizontally.

(f) Adequate soil erosion and sedimentation control measures shall be specified on the plans, and followed during construction, to conform to the requirements of Act 347 of the Public Acts of 1972, entitled Soil Erosion and Sedimentation Control Act of 1972, as amended.

(g) All buildings having foundation drains shall direct the flow of drainage water from such foundation drains into a storm sewer or a storm drain by means of an underground pipe. Sump pumps shall be used if necessary. No building permit for any building having a basement shall be issued unless the plans for such building indicate a building service sewer connection to a storm sewer, storm drain or road ditch.

(h) Drainage water run-off from building roofs shall be directed to a point five feet away from the outside walls of any building either by use of splash blocks or pipes.

(i) The longitudinal grade of any unpaved drainage swale shall not be less than 0.3 feet per 100 feet (0.3 percent). The maximum distance drainage water shall travel in a drainage swale without an intercepting yard catch basin shall be 350 feet. Planned final grade elevations shall be indicated on the plans at a maximum spacing of fifty feet. Drainage swales shall be intercepted by a catch basin on each building site.

(j) Storm water run-off drainage systems shall be designed for a ten-year storm by means of the rational method formula  $Q = CIA$ , where Q is the peak rate of run-off in cubic feet per second, A is the area in acres, C is the co-efficient of run-off for the drainage area, and I is the average rainfall intensity in inches per hour for a certain time of concentration. The rainfall intensity shall be determined by the formula  $I = 175/(25+T)$ , where T is the time of concentration equal to the time required for a drop of water to run from the most remote point of the watershed to the point for which run-off is being estimated. The design engineer shall use judgment in arriving at proper imperviousness factors, but in general the following factors are acceptable minimums:

- (1) Lawn areas - 0.1
- (2) Pavement and roof areas - 0.9
- (3) Overall area of single-family subdivision - 0.35
- (4) Overall area of multiple housing development - 0.55
- (5) Overall area of commercial development - 0.90
- (6) Overall area of industrial development - 0.80

The developers shall submit a map outlining the various watershed drainage areas, including off-site upstream areas, which drain to each inlet point used for design. The map shall be accompanied by storm sewer design computation. The minimum acceptable size of a storm sewer downstream of any storm water inlet structure is twelve inches in diameter.

For the design of storm sewers, the Manning's formula for pipe sizing with an "N" factor of 0.013 for smooth wall pipe shall be used. Storm sewers shall be designed to provide a minimum velocity, when flowing full, of 2.5 feet per second, if possible. The maximum velocity of storm water flow shall be ten feet per second.

Where public storm sewers are located outside of public streets, they shall be placed in a recorded public utility easement that provides for unlimited access to the storm sewer for repairs, connections, and maintenance. The minimum acceptable width of easements for storm sewers shall be twelve feet wide for sewers and fifteen inches and under in diameter, twenty feet for sewers over fifteen inches in diameter, and thirty feet for sewers over forty-eight inches in diameter. The sewer shall be placed within the middle third of the above designated easement width.

(k) Where open drains are proposed for drainage water disposal, the Manning's formula shall be used for determination of flow depth and capacity. However, if the Michigan Department of Natural Resources deems it advisable, the developer's engineer may be required to furnish computations and plans showing the backwater curve for the open drain under fifty-year flood-flow conditions.

(l) Where possible, a minimum of three feet of cover from the top of the finish road or earth grade to the top of any storm sewer shall be provided. In some cases it will be acceptable to allow the hydraulic gradient to be above the top of the sewer pipe. If this is the case, the design elevation of the hydraulic gradient profile shall be indicated on the sewer profile view.

(m) Access manholes shall be provided along the storm sewer at every change of pipe size, change of rate of grade, or change of direction. However, the maximum spacing for storm sewer manholes shall be 500 feet.

(n) Catch basins shall not be constructed over a main sewer line to replace manholes in street sewers or trunk sewers outside of streets. Moreover, a manhole normally shall not be used as a storm water inlet structure. However, if a normal manhole location (outside of streets) coincides with a storm water inlet structure location, and at least seventy-five percent of the upstream storm water inlet structures are catch basins (with sumps), the manhole may be used as a storm water inlet structure by adding a sump and a catch basin cover on the manhole.

Not more than three upstream catch basins will be allowed to discharge into any catch basin.

Catch basin leads may tap directly into sewers forty-two inches and larger. Catch basin sewer leads need not be shown on the plans in profile view.

(o) A prefabricated bar screen shall be installed on the end of all storm sewers eighteen inches in diameter and larger which outlet into an open drain. Openings of the bar screen shall be no more than six inches on centers.

(p) In general, pavement-type catch basins shall be located as follows:

(1) At the radius return of street pavement intersections; 150 feet maximum distance of drainage water travel is allowed around a corner without an intercepting catch basin.

(2) At all low points in streets.

(3) At intermediate points along the street or parking areas, such that there is a maximum pavement drainage area per structure as follows:

A. Intercepting catch basins: 7,500 S.F./C.B.

B. Low-point catch basins: 10,000 S.F./C.B.

(q) Yard-type catch basins shall be provided at all low points in drainage swales. Intercepting yard-type catch basins, such that not more than 350 feet of swale drainage runs into any one catch basin, other than a low point catch basin where 600 feet of drainage is allowed, shall be provided. In new subdivisions, each lot shall have direct-run lot drainage to a catch basin with an outlet provided in said catch basin for the foundation drain connection.

(r) Improved open drains may be permitted under special circumstances, provided that the Township Engineer has determined that the enclosure of such open drains would require a storm sewer of sixty inches or larger in diameter. When open drains are used, the easement width shall be sufficient to accommodate a twelve-foot wide maintenance plateau (with a maximum slope of ten percent) on each side of the channel.

(s) The side slopes of open drains shall have a maximum slope of one foot vertical to four feet horizontal, except that a low-flow channel may have side slopes of one foot vertical to three feet horizontal. Open drain side slopes shall have an established sod surfacing as soon as possible after construction. In any event, sufficient measures shall be taken to conform to the erosion and sedimentation control requirements of applicable State law or local ordinances.

(t) An extension of the storm sewer system shall be provided to furnish an outlet for foundation drain service pipes for any buildings not otherwise serviced. Such extensions shall have a minimum diameter of eight inches.

(u) When retention basins are required, the storage capacity of such retention basins shall contain a capacity equivalent to a minimum of two inches of water over the entire watershed area designed to drain into the retention basin. Discharge from the retention basin shall be at a controlled rate such that the entire capacity of the basin can be discharged in about forty-eight hours. Additional requirements for storm water retention basins are as follows:

(1) The maximum design elevation for storage in the retention basin shall be at least three feet below the low point of the watershed surface area draining into the retention basin.

(2) The retention basin shall be completely fenced with a minimum twelve-foot wide, double-opening access gate provided with proper locks. The fence shall be six-feet high chain-link, with a top rail and three strands of barbed wire at the top. The bottom of the fence shall be six inches below the ground surface to retard burrowing by rodents.

(3) The side slopes of the basin shall be one foot vertical to four feet horizontal, and the top of the slope shall be a minimum of twenty feet distant from the fenced enclosure.

(4) The bottom of the basin shall have a minimum grade of one percent to the gutter line. The slope of the gutter line to the outlet shall have a minimum grade of one-half percent.

(5) The entire retention basin area must be sodded with Class B sod or seeded with the turf fully established before Township approval will be granted.

(6) Concrete rip-rap shall be provided at all pipe entrances to the basin. All pipe entering or leaving the basin shall have either a headwall or flared-end section at the end of the pipe with an erosion control device.

(7) An overflow system shall be provided, which system shall consist of either a pipe having an invert at the design storage level elevation or a concrete spill-way extending from the inside bank slope to the outlet drain.

(8) For basins with pumped outlets, a silt trap and bar screen shall be installed on the inlet pipe to the pump station. The screen clear opening shall be a maximum of two inches.

(9) Pumping stations for dewatering of the retention basins shall include duplicate pumps, with each pump capable of handling the design flow. The controls shall include a lead-pump start and stop, a lag-pump start and stop, an alternator for alternating the lead-lag pump, a high water alarm system with a light and a horn, and a safety all-pumps-off control. The control panel, pumps, and wet-well shall be installed inside of the fenced enclosure near the access gate, and the controls shall be installed in a suitable weather-proof and vandal-proof enclosure. The size, make and type of pumps and controls shall be subject to Township approval. Electrical service shall be extended inside the fence with suitable electrical outlets, whether gravity flow or pumps are used for dewatering.

(10) Where the basin abuts residential properties (existing or proposed), a dense hedge shall be planted along the inside perimeter of the fence. Trees may be required by the Township where the basin parallels a roadway and in other instances where improved aesthetics could be achieved without interfering with maintenance.



(11) Enforcement of this section shall be the responsibility of the Township Department of Public Works.

(Ord. 281. Passed 10-2-89.)

#### **1248.04 STREET AND PARKING LOT PAVING.**

(a) In general, pavement on public rights of way and private roadways in new developments shall be Macomb County Road Commission Type "A" concrete pavement with integral curbs. The paving width, measured from back to back of curbs, shall be twenty-eight feet for minor streets having a fifty or sixty-foot R.O.W., thirty-six feet for collector streets having an eighty-six foot R.O.W., thirty-six feet for industrial streets having a seventy or seventy-five foot R.O.W. and twenty-four feet for marginal access streets having a fifty-foot R.O.W. Boulevard sections for collector streets in an eighty-six foot R.O.W. may consist of two nineteen-foot pavements separated by a sixteen-foot island, if approved by the Macomb County Road Commission. Cul-de-sac R.O.W. shall be fifty feet in radius with the outer back of the curb located sixteen feet from the R.O.W. line. No islands in the cul-de-sac paving shall be permitted unless approved by the Macomb County Road Commission. All paving sections shall be centered in the R.O.W., except marginal access pavements, which shall be located to provide sixteen feet from the back of the curb to the property side R.O.W. line. Pavements in 120-foot R.O.W. streets shall be twenty-nine feet wide on each side of the centerline.

(Ord. 319. Passed 12-22-97.)

(b) Paving for all streets and parking lots, public or private, shall conform to the specifications of the Board of County Road Commissioners for the County of Macomb, if applicable the Michigan Department of Transportation, and the Township Paving Detail Sheet, whichever is stricter as determined by the Township Engineer.

(Ord. 369. Passed 5-14-07.)

(c) All street pavement in residential areas shall have mountable curbs. Where the pavement is a boulevard section, island curbs shall be six-inch high roll curbs.

(d) At the end of a street that will be extended in the future, a one-foot wide concrete pavement header, a standard road-end barricade and a sign shall be installed.

(e) Where the Zoning Code requires off-street parking, the design of the parking area shall conform to the following requirements:

(1) All parking areas (other than driving lanes in residential parking lot areas) shall be paved with either six inches minimum thickness of concrete or six inches minimum thickness of stone aggregate, topped with 260 pounds per square yard of bituminous aggregate surface course. A six-inch high concrete curb shall be placed around the entire perimeter (except along drive entrances) of the paved parking area where adjacent to grassed or sidewalk areas. All driveway lanes in parking lots and multiple-family housing sites shall be twenty-four feet wide and constructed of either:

A. Concrete pavement of six-inch minimum thickness; or

B. Deep strength asphalt pavement nine inches thick with the bottom five and one-half inches constructed of bituminous base mixture material and the top three and one-half inches constructed of bituminous surface mixture material.

(Ord. 281. Passed 10-2-89.)

C. A combination asphalt pavement and aggregate base, with the bottom aggregate base constructed of a minimum of nine inches deep, 21A or 22A aggregate, with a two and one-half inch minimum layer of 1100L 2AA (275 pounds per square yard) asphalt and a one and one-half inch minimum layer of 1100T 20AA (165 pounds per square yard) asphalt.

(Ord. 281-A-1. Passed 7-8-91.)

(2) Each parking stall shall be a minimum of ten feet in width and twenty feet in length and twelve feet in width and twenty feet in length for handicapped spaces. Each car space shall be marked with yellow paint stripes.

(3) When sidewalks are provided adjacent to the parking area curbs where car overhangs occur, such walks shall be a minimum width of six feet as measured from the face of the curb.

(Ord. 281. Passed 10-2-89.)

(f) All resurfacing of existing private roads and parking lots shall comply with Michigan Department of Transportation Standards with regard to the type of mixture and other standards as relate to paving. A review of the proposed resurfacing of the current site conditions is required by the Township Engineer and is subject to engineering approval with respect to construction technique, final pavement elevation and other issues, including determining whether substantial modifications are being proposed in relation to previously approved engineering plans.

(Ord. 353. Passed 6-28-04.)

#### **1248.05 WATER SUPPLY AND DISTRIBUTION SYSTEM.**

(a) All sets of plans which include plans for water mains shall include the current Township Water Main Detail Sheets, which shall be considered an inseparable part of the plans when said plans are approved.

(b) All water mains shall be shown in a plan view. Water mains at the location of crossings with other utilities or drains, and those water mains sixteen inches or larger in diameter, shall also be shown on a profile view.

(c) The plan shall indicate the proposed finished grade elevations of all hydrants, gate wells, and/or other structures, and, where a public main or hydrant is not located in a public street, shall show an easement for the main and hydrants. The easement shall

extend a minimum of six feet on each side of the centerline of the main.

(d) The type, capacities, location, and layout of a building service water supply pipe shall comply with all requirements of the Water and Sewers Department.

(e) The type of pipe and joints indicated on the plans shall be in accordance with the current Township standards.

(f) All water mains shall be installed with a minimum cover of five feet below finished grade. Where water mains must dip to pass under a storm sewer or sanitary sewer, the minimum clearance shall be eighteen inches. At all open drain crossings, a five-foot minimum clearance between the bottom of the drain and the top of the water main shall be provided. The sections which are deeper than normal shall be kept to a minimum length by the use of vertical bends properly anchored.

(g) Water mains, other than hydrant leads, shall be eight inches minimum in diameter. All single hydrant leads longer than 100 feet shall be eight inches minimum diameter.

(h) All valves, except hydrant valves, shall be installed in a standard gate well. Valves shall be located in the system such that not more than four valves need be turned off to isolate any individual section of water main. Moreover, sufficient valves shall be placed such that not more than thirty dwelling units or service establishments shall be serviced within such section of water main that can be isolated. Where possible, valves shall be located at street intersections five feet from the intersecting street right-of-way line.

(i) Hydrants shall be installed along the water main at least every 500 feet. In Commercial and Industrial Districts, additional hydrants may be required by the Fire Chief. Hydrants shall be installed at the ends of all dead-end water mains.

(Ord. 281. Passed 10-2-89.)

#### **1248.06 WASTEWATER COLLECTION AND DISPOSAL SYSTEMS.**

(a) All sets of plans, which include plans for sanitary sewers, shall include the current Township Sanitary Sewer Detail Sheets, which shall be considered an inseparable part of the plans when said plans are approved.

(b) For every sanitary sewer project, there shall be indicated on the profile view (near the downstream end of the sewer) a manhole with a twelve-inch deep manhole sump to be used for testing for infiltration. No sanitary sewer section having an infiltration rate, or an exfiltration rate, of more than 250 gallons per inch of pipe diameter per mile of pipe per twenty-four hour period, shall be approved for connection to the Township sanitary sewer system.

(c) The minimum allowable size for public sanitary sewers shall be ten inches in diameter. The minimum size of a building service sewer (wastewater) shall be six inches in diameter, except that a single mobile home dwelling unit may have a four-inch building service sewer (wastewater). However, a minimum of one eight-inch building service sewer shall be provided for a building containing from one to twelve dwelling units (or equivalent); and a minimum of two eight-inch building service sewers shall be provided for a building containing from thirteen to 100 dwelling units (or equivalent). The minimum industrial building service sewer shall be eight inches with an inspection manhole or clean-out as required.

(d) The following table of acceptable slopes for sanitary sewers shall be adhered to:

<u>Sewer Size (in.)</u>	<u>Minimum Slope (%)</u>	<u>Maximum Slope (%)</u>
4	2.00	---
6	1.00	---
8	0.40	---
10	0.30	4.0
12	0.22	3.0
15	0.15	2.0
18	0.12	1.5
21	0.10	1.3
24	0.08	1.2

(e) Sanitary sewage force mains shall be designed for a minimum velocity of two feet per second and maximum velocity of twelve feet per second, unless otherwise approved. Force mains shall be shown in a profile view with grades and elevations indicated thereon. An air relief and clean-out assembly manhole shall be provided at high points. Access (clean-out assembly) manholes shall be provided along the force main at least every 600 feet.

(f) A building service sewer shall be indicated on the plans for each building and for each premises in a single building in the project, unless otherwise approved by the Water and Sewers Department Superintendent. Where sanitary sewers are planned along roadways, the building service sewers shall be extended across the roadways (to the right-of-way line) prior to paving, whenever possible.

(g) Manholes shall be provided along all sanitary sewers (ten inches and larger) at:

- (1) Points of horizontal deflection;
- (2) Points where the size of the sewer is changed;
- (3) Points where the slope of the sewer is changed;

- (4) At junctions with other sewer lines;
- (5) At the upstream terminus of a sewer run; and
- (6) Along the sanitary sewer at other locations such that the maximum spacing between manholes shall not exceed 500 feet.

(h) At manholes where the size of the sewer changes, 0.8 diameter elevation points of the inlet and outlet sewer shall be matched. At horizontal deflections in the sanitary sewer greater than forty-five degrees, a minimum of 0.10 feet additional adjustment in grade elevation shall be provided to allow for loss of head. When the invert of any inlet sewer is more than eighteen inches above the outlet sewer at a manhole, a drop assembly shall be provided.

(i) In general, sanitary sewers shall be located within a public street right of way. Sanitary sewers shall not be located within rear lot line easements, except in extremely unusual circumstances, as determined by the Township Engineer. Where public sanitary sewers are located outside of public streets, they shall be placed in a recorded public utility easement that provides for unlimited access to the sanitary sewer for repairs, connections and maintenance.

(j) The sanitary sewers shall be designed to have a minimum depth from the finish grade elevation to the top of the sewer eight and one-half feet at local control points, or nine feet at locations where the sewer grade is parallel to the road grade. The sewer shall be designed to be deep enough to serve a standard depth basement for the type of building for which the land is zoned, except in specific locations where the existing receiving sewer limits the available depth.

(k) Each wye or terminus of a building service sewer shall be plugged with an infiltration-proof plug having a joint similar to those of the main sewer.

(l) The type of pipe and joints for sanitary sewers shall be in accordance with current Township standards.

(m) All facilities furnishing food services, including by illustration but not limitation, restaurants, clubs, senior facilities, schools, and other businesses furnishing for consumption to the public cooked food products within the Charter Township of Clinton shall comply with this chapter as follows:

(1) Any such facility constructed following the adoption of this chapter shall install an adequately sized grease trap.

(2) Any existing facility remodeling to accommodate an expansion of the facility or upgrade as defined in the Michigan Plumbing Code shall timely install a grease trap in order to maintain an occupancy permit.

(3) Any facility which undergoes a change of use or increases the occupancy capacity of the facility shall install a grease trap.

(4) Facilities which demonstrate within a calendar year difficulty in achieving compliance such that two or more sanitary sewer cleanout and/or inspections are required which presently does not have a grease trap, shall timely install a grease trap in order to maintain an occupancy permit.

(5) Where a grease trap is required, such grease trap shall be adequately sized in accordance with the current United States Environmental Protection Authority Design Manual and any current applicable Township standards including any adopted codes or rules issued by the Department of Public Works.

(6) As a cumulative remedy, costs, including attorney fees for compliance shall be imposed and revocation of an occupancy permit must occur.

(Ord. 281. Passed 10-2-89; Ord. 439. Passed 12-18-17.)

#### **1248.07 OTHER SITE IMPROVEMENTS.**

##### **(a) Sidewalks and Driveways.**

(1) Sidewalks shall be constructed in all public road R.O.W. adjacent to the site being developed and in all public walkways shown on the site plan or on the preliminary plat, and shall be concrete walks four inches thick and five feet wide. Such sidewalks, except those sidewalks directly adjacent to front or side lot lines of residential subdivisions, shall be constructed before the site improvements are approved by the Township.

(2) Walks on private sites shall be constructed as shown on the Township approved site plan and shall be of four-inch thick concrete a minimum of three feet wide.

(3) Construction joints with a one-half inch premolded expansion filler shall be placed at maximum intervals of fifty feet. Contraction joints shall be placed at maximum intervals of five feet, or equal to the width of the walk, whichever is greater.

(4) Sidewalks shall be constructed along a planned longitudinal grade line. The maximum longitudinal slope shall be six percent. The transverse slope of the sidewalk shall be a minimum of two percent (one-quarter inch per foot) and a maximum of six percent (three-quarters inch per foot).

(5) Concrete for residential driveways shall be a minimum of four inches thick.

(6) Concrete for sidewalks and driveways shall have a twenty-eight day compressive strength of at least 3,000 pounds per square inch.

(b) Other Public Utilities. Unless otherwise approved by the Township Engineer, the installation of public utilities, other than Township sanitary sewers, water mains or storm sewers, shall not be started until the finished grade has been established. The utility company's contractor shall be required to restore the ground to the finished grade. The drainage water swales shall be restored to a workable condition. Furthermore, all land and/or other physical features affected by the construction of the public utility shall be restored to a condition at least as good as that existing at the time construction was begun.

(c) Fences. Fences and/or berms shall be installed of the kind, type and size specified in the Zoning Code and/or as shown on

the approved site plan.

(Ord. 281. Passed 10-2-89.)

#### **1248.08 CONSTRUCTION AND CONSTRUCTION INSPECTIONS.**

(a) All work covered under a permit for construction of site improvements shall be performed according to the approved plans and specifications and in accordance with the requirements of these Regulations. By making an application for a permit for construction of site improvements, the developer grants the Township the right to perform inspection of any work covered under the permit, and the developer shall correct, at his or her expense, any work which is discovered to be done in conflict with the approved plans and specifications or in conflict with the requirements of these Regulations. As part of the final inspection, after completion of the site grading and paving, the developer shall furnish to the Township a television inspection tape of all sanitary and storm sewers after completion of grading and paving. A certificate from the developer's Engineer shall be secured prior to acceptance.

(b) The developer shall pay a fee to cover all costs of inspection of work covered under the permit for construction of site improvements.

(c) To verify compliance with Township ordinances and approved plans, the Township reserves the right to inspect all work covered under the permit for construction of site improvements, such as the following:

(1) All of those types of construction where detailed inspection requirements are covered under Chapter 1040 of these Codified Ordinances;

(2) All sanitary sewers (public or private), including connections thereto;

(3) All water supply pipes (public or private), including connections thereto;

(4) All open and enclosed private and public storm drains, including connections thereto;

(5) All site grading for any site;

(6) All sidewalks; and

(7) All streets, driveways, and/or parking-lot pavement, pavement resurfacing or pavement replacement installed out of right of ways that are dedicated to the Board of County Road Commissioners for Macomb County or the Michigan Department of Transportation.

(Ord. 281. Passed 10-2-89; Ord. 353. Passed 6-28-04; Ord. 356. Passed 4-25-05.)

#### **1248.09 REVISIONS TO APPROVED PLANS.**

(a) Revisions to approved construction plans may require changes to the original site plans. The Township Planning and Community Development Department is to be consulted when such changes are made, as there may be violations of the Zoning Code.

(b) For revisions made any time prior to or during the construction of a project involving a change in location or elevation of a structure, including buildings, utilities, roadways, and drainage, a re-review of the plans shall be submitted to the Water and Sewers Department for a design check by the Township Engineer.

(c) If revised approved drawings are required before the continuation of construction, additional fees and new plans shall be submitted for new approvals to the Water and Sewers Department for a design check by the Township Engineer.

(Ord. 281. Passed 10-2-89.)

## **TITLE EIGHT - Zoning**

Chap. 1250. General Provisions and Definitions.

Chap. 1252. Administration, Enforcement and Penalty.

Chap. 1254. Board of Appeals.

Chap. 1256. Districts Generally and Zoning Map.

Chap. 1258. R-0 Through R-5 One-Family Residential Districts.

Chap. 1260. RT Two-Family Residential District.

Chap. 1262. RML Multiple-Family Residential Low-Rise District.

Chap. 1264. RMH Multiple-Family Residential High-Rise District.

Chap. 1266. MH Mobile Home Park District.

Chap. 1268. OS Office/Service District.

Chap. 1270. OS-2 Office/Service Mid-Rise District.

Chap. 1272. OS-3 Office/Service Mid-Rise District.

Chap. 1274. B-1 Neighborhood Business District.

Chap. 1276. B-2 Community Business District.  
Chap. 1278. B-3 General Business District.  
Chap. 1279. B-4 Regional Business District.  
Chap. 1280. I-1 Light Industrial District.  
Chap. 1282. I-2 General Industrial District.  
Chap. 1283. TR Technical Research District.  
Chap. 1284. P Parking District.  
Chap. 1286. SP Special Purpose District.  
Chap. 1288. RC Regional Center District. (Repealed)  
Chap. 1290. FW Floodway District, Flood Hazard Areas and Wetlands.  
Chap. 1292. Land Use Regulations.  
Chap. 1294. Nonconforming Uses.  
Chap. 1296. Off-Street Parking and Loading.  
Chap. 1298. Supplementary Regulations.  
Chap. 1299. General Exceptions.  
Appendix I - Sketches.  
Appendix II - Zoning Map Changes.

## CHAPTER 1250

### General Provisions and Definitions

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- 1250.01 Short title.
- 1250.02 Rules of construction.
- 1250.03 Compliance required.
- 1250.04 Amendments.
- 1250.05 Separability.
- 1250.06 Application of language.
- 1250.07 Definitions.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1250.01 SHORT TITLE.**

This Title Eight of Part Twelve of these Codified Ordinances shall be known and may be cited as the "Clinton Township Zoning Code" and shall be referred to herein as "this Zoning Code" or "this Code."

(Ord. 260. Passed 7-9-79.)

#### **1250.02 RULES OF CONSTRUCTION.**

(a) Vested Rights. This Zoning Code and any of the regulations hereof are not intended and shall not be construed to establish any vested right in or on behalf of any person, firm or corporation in and to the continuation of any particular use, district, zoning classification or any activity therein, and each of such matters is hereby declared to be subject to later amendments to this Zoning Code as may be necessary or appropriate for the further preservation and protection of the public health, safety, welfare and morals.

(b) Compliance With Other Laws. No provision of this Zoning Code shall, in any way, relieve any person, firm or corporation of compliance with or adherence to any other ordinance, regulation or requirement of the Township of Clinton relative to the use, occupancy, construction or improvement of lands, buildings, dwellings or structures within the Township not in conflict with regulations of this Zoning Code.

(c) Conflict of Laws. Wherever any provision of this Zoning Code imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Zoning Code shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Zoning Code, the provisions of such law or ordinance shall govern.

(Ord. 260. Passed 7-9-79.)

#### **1250.03 COMPLIANCE REQUIRED.**

No building, structure or part thereof shall hereafter be erected, constructed or altered and maintained, and no new use or change of use shall be made or maintained of any building, structure, land or part thereof except in conformity with the provisions of this Zoning Code.

(Ord. 260. Passed 7-9-79.)

#### **1250.04 AMENDMENTS.**

Amendments to this Zoning Code may be made from time to time in the manner provided in Act 184 of the Public Acts of 1943, as amended, including Act 637 of the Public Acts of 1978, as amended. Amendments may be initiated by the Township Board, upon written directive to the Planning Commission, or the Planning Commission may initiate amendments upon its own motion. Any person, firm or corporation may initiate an amendment hereto in accordance with the statute and the Planning Commission rules of procedure.

(Ord. 260. Passed 7-9-79.)

#### **1250.05 SEPARABILITY.**

This Zoning Code and each section, paragraph, part, regulation, requirement, provision, sentence, word and portion hereof, are hereby declared to be separable. If any section, paragraph, part, regulation, requirement, provision, sentence, word or portion is adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, it is hereby provided that the remainder of this Zoning Code shall not be affected thereby.

(Ord. 260. Passed 7-9-79.)

#### **1250.06 APPLICATION OF LANGUAGE.**

The following rules of construction and interpretation shall apply to language in the text of this Zoning Code.

(a) All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases and those which may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(b) The particular shall control the general.

(c) In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.

(d) The word "shall" is mandatory and not discretionary. The word "may" is discretionary and permissive.

(e) Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

(f) The word "structure" includes the word "building," and reference to "structure" or "building" includes any part thereof.

(g) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(h) The word "person" includes any individual, corporation, partnership, incorporated association or other similar entity.

(i) The word "dwelling" includes the word "residence," and the word "lot" includes the word "parcel."

(j) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(k) Accessory shall have the same meaning as accessory use.

(l) The words "written" and "in writing" may be construed to include printing, engraving and lithographing, except that in all cases where the written signature of any person is required, it shall always be the proper handwriting or proper mark of such person.

(Ord. 260. Passed 7-9-79.)

## 1250.07 DEFINITIONS.

As used in this Zoning Code:

(1) "Accessory" and "accessory use" mean a use clearly incidental to, customarily found in connection with, and located on the same site as, the principal use to which it is related (except in the case of accessory off-street parking spaces). An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for household employees.
- B. Swimming pools, tennis courts or similar recreational facilities for the use of the occupants of a residence or their guests.
- C. Storage in a shed, tool room or similar structure of tangible personal property reasonably and necessarily related to the use and enjoyment of the residence.
- D. A newsstand, primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- E. Storage of merchandise normally carried in stock in connection with a business or use, unless such storage is excluded in the applicable district regulations.
- F. Accessory off-street parking spaces, open or enclosed, subject to the requirements for off-street parking and the regulations for the district in which the parking area is located.
- G. Uses clearly incidental to a main or principal use, such as, but not limited to, offices of an industrial or commercial development located on the site of the industrial or commercial development.
- H. Accessory off-street loading, subject to the requirements for loading and the regulations for the district in which the loading area is located.
- I. Accessory signs, subject to the sign regulations for the district in which the accessory sign is located.

(Ord. 260. Passed 7-9-79.)

J. A mausoleum, a crematory and/or an office or building for storage of operating equipment and supplies associated with a cemetery and located on the same site.

(Ord. 260-A-31. Passed 5-4-81.)

K. Coin and/or token-operated amusement devices in retail businesses and service establishments which are permitted in the B-1, B-2, B-3 and I-1 Districts, not exceeding five such devices, and subject to all requirements of Chapter 814 of the Business Regulation and Taxation Code.

(Ord. 260-A-80. Passed 11-13-84.)

(1A) "Accessory or ancillary oil and gas well use or structure" shall be defined and mean a use or structure used in association with or incidental to the exploration, drilling, operation, completion or abandonment of an oil or gas well in production or drilled for exploration, or a use or structure used for or incidental to or in association with the processing, production, handling, loading/unloading, or transmission of natural gas, oil, related hydrocarbons, or other associated substances; including but not limited to water wells, pipelines, flowlines, gathering lines, storage, handling, mixing, hauling, transporting, transporting structures, production or sweetening facilities, processing or compression facilities, or other ancillary or accessory building, structures, facilities, or equipment. Inclusive are all ancillary uses or structures regardless of whether the structure or use is located on the same legally described property with the oil and gas well, or other principal use, building, or structure. (Ord. 260-A-454. Passed 1-11-16.)

(1B) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated or, for compensation, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video screens, video tape decks, computer screens or other image producing devices are maintained to show images to five or fewer persons at a time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(1C) "Adult book store" or "adult video store" means a commercial establishment which, as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade), offers for sale or rental, or for any other form of consideration, any one or more of the following:

- A. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an "adult book store" or "adult video store". Such other business purposes shall not serve to exempt such commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale or rental, or for any other form of consideration, materials depicting or describing specified sexual activities or specified anatomical areas. Video cassettes or films which are X-rated or of substantially equivalent content as X-rated films shall be considered to depict or describe specified sexual activities or specified anatomical areas notwithstanding any more restrictive definition set forth herein.

(1D) "Adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features any of the

following:

- A. Persons who appear in a state of nudity;
- B. Live performances characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- C. Films, motion pictures, video cassettes, slides, computer presentations or other moving-image reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(Ord. 260-A-277. Passed 9-30-96.)

(2) "Adult foster care home" means a structure with sleeping facilities, within which no less than seven nor more than twelve persons, of which no more than six persons shall be sixty-five years old or older, are housed and furnished meals for the purpose of providing them with custodial care, but not including medical care or care for the mentally ill.

(Ord. 260. Passed 7-9-79.)

(3) "Adult mini-theater" means an establishment with a capacity of less than fifty persons, wherein material distinguished or characterized by an emphasis on matters depicting, describing or related to special sexual activities or specified anatomical areas, as defined in this section, is available for observation by patrons therein.

(Ord. 260-A-22. Passed 7-14-80.)

(4) "Adult motel" means a hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to X-rated motion pictures and has a sign visible from the public right of way advertising the availability of these types of photographic reproductions; or

B. Offers a sleeping room for rent for a period that is less than eight hours.

(4A) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.

(5) "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

(Ord. 260-A-277. Passed 9-30-96.)

(5A) "Adult use festival" means a festival or similar activity which permits any of the following activities:

A. Persons who appear in a state of nudity.

B. Live persons or non-live pictures or images characterized by the depiction, exposure or description of specified sexual activities or specified anatomical areas.

C. Live performances by persons attired in see-through clothing exposing specified anatomical areas; bikini-style lingerie; bikini-style swimwear or similar attire; or the performance, acts or simulated acts of masochism, sadism or sadomasochism.

(Ord. 260-A-314. Passed 8-10-98.)

(6) "Alley" means any way dedicated to the public and accepted by the governmental entity having jurisdiction and authority of the same, which affords a secondary means of access to abutting property and which is not intended for general traffic circulation.

(7) "Alteration" means any change, addition, renovation or modification in the structural members of a structure or a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed," or any change which is commenced with the purpose of creating, or which results in, a variation of the type of occupancy on the property.

(8) "Apartment" means a dwelling unit in a multiple-family development, including the following:

A. Efficiency apartment: A dwelling unit containing a minimum of 400 square feet of floor area and consisting of not more than one room in addition to kitchen and necessary sanitary facilities.

B. One-bedroom unit: A dwelling unit containing a minimum of at least 500 square feet of floor area consisting of not more than two rooms in addition to kitchen, dining and necessary sanitary facilities.

C. Two-bedroom unit: A dwelling unit containing a minimum of at least 700 square feet of floor area and consisting of not more than three rooms in addition to kitchen, dining and necessary sanitary facilities.

D. Three or more bedroom unit: A dwelling unit wherein, for each room in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional minimum of at least 200 square feet of floor area to the required minimum of 700 square feet.

(9) "Area of shallow flooding" means a designated AO zone on the Flood Insurance Rate Map (FIRM) for Clinton Township, with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

(10) "Area of special flood hazard" means the land in the floodplain within the Township of Clinton subject to a one percent or greater chance of flooding in any given year.

(11) "Automotive repair garage" means a building or enclosed structure where services such as general repair, refinishing,



engine rebuilding, rebuilding or reconditioning of motor vehicles and collision service, including body, frame or fender straightening, repair, painting and undercoating of vehicles, can be performed.

(12) "Automotive service station" means a space, building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities in or on such vehicles, but not including space or facilities for the storage, repair or refinishing thereof, except that minor repairs of vehicles shall be permitted, but not including space or facilities for open storage, engine overhaul, major body repair, refinishing or other such service.

(13) "Automotive service center" means that portion of, or accessory to, a designated retail outlet located within a planned commercial shopping center wherein automotive products, such as motor oils, lubricants and various automotive parts, are retailed directly to the public by said retail outlet and may be serviced or installed in a vehicle.

(14) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

(15) "Basement" means that portion of a building which is partly or wholly below grade level, but is so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story and a basement shall not be used in computing the minimum required floor area. (See Appendix I, Sketch 1.)

(16) "Berm" means a man-formed earth mound of definite height and width used for screening purposes. (See Appendix I, Sketch 3.)

(17) "Block" means the property abutting one side of a thoroughfare and lying between the two nearest intersecting thoroughfares (crossing or terminating), between the nearest such thoroughfare and any railroad right-of-way, unsubdivided acreage, lake, river or live stream, or between any of the foregoing and any other barrier to the continuity of the development or corporate boundary lines of the Municipality.

(18) "Board" means the Township Board of the Township of Clinton, Macomb County, Michigan.

(Ord. 260. Passed 7-9-79.)

(19) "Bottomlands" means the land area of a lake, stream or watercourse which lies below the ordinary high-water mark and which may or may not be covered by water.

(Ord. 260-A-204. Passed 8-13-90.)

(20) "Building" means a structure used for or intended for the support or shelter of any use or occupancy as permitted in this Zoning Code and includes any structure having columns or walls and covered, wholly or partially, by a roof consisting of any material.

A. "Accessory building" means a building located on the same lot as a principal building and includes garages, sheds and other structures that require building permits.

B. "Principal building" means a building which occupies the major portion of a lot or parcel of land and which constitutes, by reason of its use, the primary purpose for which the land is used.

C. "Temporary building" means a structure without any foundation or footings to be used for a limited period of time and shall include awnings, canopies, tents and trailers or other vehicles which are intended to serve the purpose of a building.

(Ord. 260-A-381. Passed 10-6-03.)

(21) "Building height" means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a structure is located on sloping terrain, the height may be measured from the average grade at the wall. In a structure having a flat roof, the parapet, if provided, may exceed the maximum building height by three feet. (See Appendix I, Sketch 4.)

(22) "Building Official" means the Superintendent of the Township of Clinton Building Department.

(23) "Building line" means a line formed by the face of the principal building, and, for the purposes of this Zoning Code, means the same as a front setback line. (See Appendix I, Sketch 5.)

(Ord. 260. Passed 7-9-79.)

(24) "Cabaret" means an establishment for entertainment which features topless dancers, strippers, male or female impersonators or similar entertainers.

(Ord. 260-A-22. Passed 7-14-80.)

(25) "Carnival" means a recreational or entertainment activity not contained in a building, whether publicly or privately owned, operated or sponsored, which includes amusement rides.

(Ord. 260-A-107. Passed 12-9-85.)

(26) "Channel" means the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.

(Ord. 260-A-204. Passed 8-13-90.)

(27) "Child foster care facility" means a facility providing for the care and keeping of displaced children, such as an orphanage.

(28) "Child care center" means a nursery intended to provide for the temporary care of children during the day, but not as an

orphanage, and may also be referred to as a nursery school or day nursery.

(29) "Clinic" means a public or proprietary establishment providing diagnostic, therapeutic or preventive medical, osteopathic, chiropractic, dental and psychological treatment to ambulatory patients on an out-patient basis by a group of practitioners licensed to perform such services and acting conjointly and in the same building for the aforesaid purpose.

(Ord. 260. Passed 7-9-79.)

(29A) "Cluster housing." (EDITOR'S NOTE: This definition was deleted from the Zoning Code definitions by Ordinance 260-A-292, passed August 18, 1997.)

(30) "Coin and/or token-operated amusement arcade" means a business which contains six or more coin and/or token-operated amusement devices, either as a principal use or accessory to a principal use, subject to all requirements of Chapter 814 of the Business Regulation and Taxation Code.

(Ord. 260-A-33. Passed 9-8-81.)

(31) "Commission" means the Planning Commission of the Township of Clinton, Macomb County, Michigan.

(Ord. 260. Passed 7-9-79.)

(32) "Construction, new" means a structure or building for which the start of construction is commenced on or after the effective date of this Zoning Code.

(33) "Deposit" means to fill, place or dump.

(Ord. 260-A-204. Passed 8-13-90.)

(34) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, and mining, dredging, filling, grading, paving, excavation or drilling operations.

(35) "District" means a portion of the unincorporated area of the Township of Clinton within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

(Ord. 260. Passed 7-9-79.)

(36) "Drainage Map" means the official Charter Township of Clinton Drainage, Flood Plain and Wetlands Maps, which delineate the 100-year flood plains, wetlands and watercourses in Clinton Township, the composite of which is the Master Drainage Plan, as amended and/or updated from time to time.

(Ord. 260-A-204. Passed 8-13-90.)

(37) "Drive-in" and "drive-through" mean an establishment developed so that its retail or service character provides a driveway approach or parking spaces for motor vehicles so as to serve patrons while they are in the motor vehicle. Such establishments may also serve patrons within a building.

(38) "Dwelling unit" means a building designed for occupancy by one family for residential purposes and having cooking and sanitary facilities solely designed for utilization by that family.

(39) "Dwelling, one-family" means a building designed exclusively for, and occupied exclusively by, one family as a dwelling unit.

(40) "Dwelling, two-family" means a building designed exclusively for occupancy by two families living independently of each other.

(41) "Dwelling, multiple-family" means a building designed exclusively for occupancy by three or more families living independently of each other.

(42) "Erection" means building, construction, alteration, reconstruction, movement upon or any physical operations on the premises which are required for construction. Excavation, fill, drainage and any other work requiring mechanical or hand tools or implements shall be considered a part of erection.

(42A) "Escort" means a person who, for monetary or other consideration, agrees or offers to act as a companion, guide or date for another person or who agrees to privately model lingerie or to privately perform a striptease for another person.

(42B) "Escort agency" means a person or business association who or which furnishes, offers to furnish or advertises to furnish escorts as one of his, her or its primary business purposes for a fee, tip or other consideration.

(43) "Essential services" means the erection, construction, alteration, maintenance and use by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or Municipal departments for the general health, safety or welfare.

(43A) "Establishment of an adult use" means and includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not sexually oriented, to any sexually oriented business;
- C. The addition of any sexually oriented business to any other existing sexually oriented business; or

D. The relocation of any sexually oriented business.

(44) "Excavation" means any breaking of ground, except common household gardening and ground care.

(45) "Family" means any number of persons living together, comprising a single housekeeping unit, related by blood or marriage and including adopted and foster children and wards, as well as the domestic employees thereof, with not more than two additional persons not so related. Each additional person living in such housekeeping unit shall be considered a separate family for the purposes of this Zoning Code.

(46) "Farm" means all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner/operator, manager or tenant farmer thereof, by his or her own labor or with the assistance of members of his or her household or hired employees, for the purpose of growing agricultural products, provided that land to be considered a farm hereunder shall include a parcel of five acres or more in area, except that, for the keeping only of pigeons as a hobby or for the purpose of breeding and/or sale, the parcel shall contain a minimum land area of one acre. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, and also may include a single-family residence whose occupants may keep not more than two horses for their own riding pleasure and/or pets. The numbers of horses permitted may be increased at a ratio of one horse for each additional two acres over a minimum of five acres. However, establishments keeping or operating fur-bearing animals, riding or boarding stables, stone quarries or gravel or sand pits, shall not be considered a farm hereunder unless combined with bona fide farm operations on the same parcel of land of not less than twenty acres. No farm shall be operated as a piggery or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.

(Ord. 260. Passed 7-9-79; Ord. 260-A-22. Passed 7-14-80; Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-277. Passed 9-30-96.)

(47) "Festival" means any recreational or entertainment activity involving the assembly of more than fifty persons either out of doors, in a temporary structure or in a building that is customarily used for another purpose and for which an admission fee is charged or a donation received. A festival may include such activities as games or contests for the purpose of winning a prize and for which participants are charged a fee. A festival may include displays or performances of holiday-related activities such as haunted houses, hay rides, egg hunts and similar events, but shall not include amusement rides. Festivals are subject to a special approval process in accordance with Section 1299.01(k) of this Zoning Code.

(Ord. 260-A-314. Passed 8-10-98.)

(48) "Filling" means the depositing or dumping of any matter onto or into the ground, except common household gardening and ground care.

(49) "Flood hazard area" means land which, on the basis of available floodplain information, is subject to a one percent or greater chance of flooding in any given year.

(Ord. 260. Passed 7-9-79.)

(50) "Flood/flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or run-off of surface waters from any source.

(Ord. 260-A-204. Passed 8-13-90.)

(51) "Flood Boundary and Floodway Map" means an official map of the Township of Clinton, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated.

(52) "Flood Insurance Rate Map (FIRM)" means an official map of the Township of Clinton on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Township of Clinton.

(Ord. 260. Passed 7-9-79.)

(53) "Flood Insurance Study" means the Flood Insurance Study for the Charter Township of Clinton, Macomb County, dated August 17, 1998, which contains a Flood Insurance Rate Map, and which provides the flood plain information used on these maps.

(Ord. 260-A-314. Passed 8-10-98.)

(54) "Floodproofed" means watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. 260-A-204. Passed 8-13-90.)

(55) "Floodway" means the channel of the Clinton River or other watercourse and the adjacent land areas designated on the Flood Boundary and Floodway Map which must be reserved in order to discharge the base flood.

(Ord. 260. Passed 7-9-79.)

(56) "Floodway obstruction, artificial" means obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill or other analogous structure or matter in, along, across or projecting into any floodway which may impede, retard, change the direction of the flow of water or increase the flooding height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

(57) "Floodway obstruction, natural" means any rock, tree, gravel or analogous natural matter in which is an obstruction and has been located within a floodway by a non-human cause.

(58) "Floodway operation" means the removal or deposition of materials, or any construction, use or activity, or a combination

thereof, which in any way modifies the condition of watercourses or lands subject to this Zoning Code as they exist on the effective date hereof.

(Ord. 260-A-204. Passed 8-13-90.)

(59) "Floor area" means, for the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, breezeways, utility rooms and enclosed and unenclosed porches. (See Appendix I, Sketch 2.)

(60) "Floor area, gross" means the sum of the horizontal areas of the floors of the building, measured from the interior faces of the exterior walls, including hallways, elevators, stairs, utilities, etc., but excluding basements or floors used exclusively for storage. For those uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent gross floor area.

(61) "Floor area, usable" means the area intended to be used for the sale of merchandise or services and for service to patrons, clients or customers and all the area used for employee work space. Such floor area which is to be used principally for the storage or processing of merchandise, hallways, elevators, stairs, bulkheads, utilities or sanitary facilities, shall be excluded from usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For those uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

(62) "Grade" means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of the several averages. (See Appendix I, Sketches 1, 2 and 3.)

(63) "Greenbelt" means a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer to comply with the requirements of this Zoning Code.

(Ord. 260. Passed 7-9-79.)

(64) "High water elevation" means the line between upland and bottomland which persists through successive changes in water levels, below which the precedence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

(65) "High water elevation: inland lake" means the established high-water level on an inland lake which has a water level established by law.

(66) "High water elevation: undammed" means the natural ordinary high-water mark where water returns to its natural level as the result of the permanent removal or abandonment of a dam.

(Ord. 260-A-204. Passed 8-13-90.)

(67) "Hospital" means an institution providing health services primarily for in-patient medical or surgical care of sick or injured humans and including related facilities, such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

(68) "Junk yard" means an open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes automobile wrecking yards and any area of more than 120 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within wholly enclosed buildings.

(Ord. 260. Passed 7-9-79.)

(69) "Kennel, commercial" means any lot or any premises on which five or more dogs or cats are either permanently or temporarily boarded, used for breeding purposes or kept for purchase or sale.

(Ord. 260-A-221. Passed 1-20-92.)

(70) "Lake" means an area of inland depression, consistently filled with water which is supplied by ground water or artesian springs and exhibits inflow and outflow characteristics.

(71) "Lake, closed" means an area of inland depression, being mainly a pothole or seepage lake without inflowing or outflowing characteristics.

(Ord. 200-A-204. Passed 8-13-90.)

(72) "Loading space" means an off-street space on the same site with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

(Ord. 260. Passed 7-9-79.)

(73) "Locate" means to construct, place, insert or excavate.

(Ord. 260-A-204. Passed 8-13-90.)

(74) "Lot" means a parcel of land occupied or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Zoning Code.

(Ord. 260. Passed 7-9-79.)

(75) "Lot of record" means a parcel of land, the dimensions of which are shown on a plat on file with the Macomb County Register of Deeds and recorded prior to July 9, 1979, or any parcel which has been separated therefrom prior to July 9, 1979, in accordance with the provisions of the Subdivision Control Act and which exists as described.

(Ord. 260-A-292. Passed 8-18-97.)

(76) "Lot area" means the total horizontal area within boundaries of the lot. (See Appendix I, Sketch 8.)

(77) "Lot, corner" means a lot where the interior angle of two adjacent sides at the intersection of two thoroughfares is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Zoning Code if the arc is of less radius than 150 feet and the tangents to the curve at the two points where the lot lines meet the curve, or the straight street line extended, form an interior angle of less than 135 degrees. (See Appendix I, Sketch 7.)

(78) "Lot coverage" means that part or percent of the lot occupied by any main and accessory buildings. (See Appendix I, Sketch 8.)

(79) "Lot depth" means the horizontal distance between the front and rear lot lines measured along the median between the side lot lines. (See Appendix I, Sketch 8.)

(80) "Lot, double frontage (through lot)" means any interior lot having frontages on two more-or-less parallel thoroughfares. In the case of a row of double-frontage lots, all sides of said lots adjacent to thoroughfares shall be considered frontage and front yards shall be provided as required. (See Appendix I, Sketches 7 and 8.)

(81) "Lot, interior" means any lot other than a corner lot. (See Appendix I, Sketches 7 and 8.)

(82) "Lot lines" means the boundaries of a lot defined as:

A. Front lot line: In the case of an interior lot, it is that line separating said lot from the thoroughfare. In the case of a corner lot or double-frontage lot, it is that line separating said lot from that thoroughfare designated as the fronting thoroughfare in the plat.

B. Rear lot line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

C. Side lot line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from any other lot is an interior side lot line. (See Appendix I, Sketches 7, 8 and 9.)

(83) "Lot width" means the horizontal distance between the side lot lines, measured at the two points where the required minimum front yard setback line, as set forth in Section 1292.01, intersects the side lot lines. The front lot line shall, in every instance, abut a public thoroughfare or private trafficway by being contiguous with the public right-of-way line or the private trafficway easement line. (See Appendix I, Sketch 8.)

(84) "Main building" means a building in which the principal use of the lot upon which it is situated is conducted.

(85) "Main use" means the principal use to which the premises are devoted and the principal purpose for which the premises exist.

(86) "Major thoroughfare" means an arterial trafficway intended to serve as a large-volume conductor for both the immediate area and the region beyond and which may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those trafficways comprising the basic structure of the Township Major Thoroughfare Plan. Any thoroughfare with a width, existing or proposed, of 120 feet or greater, shall be considered a major thoroughfare.

(87) "Marginal access road" means a service trafficway parallel to a major thoroughfare, which trafficway provides access to abutting properties and protection from through traffic.

(Ord. 260. Passed 7-9-79.)

(88) "Massage" means any method of treating the body of a patron by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid or vapor baths of any kind whatsoever while a person is treating the body of a patron.

(Ord. 260-A-31. Passed 5-4-86.)

(89) "Massage parlor" means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of Michigan. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, beauty salon or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

(Ord. 260-A-277. Passed 9-30-96.)

(90) "Master Drainage Plan" means a plan adopted by the Township showing flood plains, floodways, watercourses and wetlands in the Charter Township of Clinton.

(Ord. 260-A-204. Passed 8-13-90.)

(91) "Master Plan" means the comprehensive future land use plan of and for the Township, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township,

and including any unit or part of such plan and any amendment to such plan or parts thereof. Such plan may be adopted by the Planning Commission and/or the Township Board.

(92) "Mezzanine" means an intermediate or fractional floor in any story occupying not more than one-third of the floor area of such story. (See Appendix I, Sketch 2.)

(93) "Mobile home" means a detached, portable, one-family dwelling unit, prefabricated on its own chassis, to be transported after fabrication to a location where it will be connected to existing utilities and used for long-term occupancy as a complete dwelling.

(94) "Mobile home park" means a parcel of land upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located with any other buildings, structures, thoroughfares, trafficways or other accessory uses, intended for use by residents of the mobile homes.

(95) "Motel" means a series of attached, semi-detached or detached rental units containing a bedroom, a bathroom and closet space. Units shall provide for overnight lodging, shall be offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

(96) "Municipality" means the Township of Clinton, Macomb County, Michigan.

(Ord. 260. Passed 7-9-79.)

(96A) "Nightclub" means a commercial establishment, which may or may not serve alcoholic beverages and may or may not serve food, where more than fifteen percent of the floor area is used for dancing. A bar, restaurant, coffee house or similar establishment which exceeds said fifteen percent floor area limitation will be considered a nightclub.

(Ord. 260-A-277. Passed 9-30-96.)

(97) "Nonconforming structure" means a structure lawfully existing on the effective date of this Zoning Code, or any amendment thereto, which does not conform to the regulations of this Zoning Code, or amendments at the time of adoption, in the district in which it is located. (See Appendix I, Sketch 9.)

(98) "Nonconforming use" means a use which lawfully occupied a building or land on the effective date of this Zoning Code, or any amendment thereto, which does not conform to the use regulations of the district in which it is located. (See Appendix I, Sketch 9.)

(Ord. 260. Passed 7-9-79.)

(98A) "Nude model studio" means any place where a person appears in a state of nudity or displays specified anatomical areas to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money or any other form of consideration.

(98B) "Nudity" or "state of nudity" means the exposure of the human male or female genitals, pubic area or buttocks with less than a fully-opaque covering, the showing of the female breasts with less than a fully-opaque covering of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

(Ord. 260-A-277. Passed 9-30-96.)

(99) "Nursery, plant material" means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping, not including any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(100) "Nursing or convalescent home" means a structure with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

(101) "Nuisance factors" means an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or which adversely affects a human being, or the generation of an excessive or concentrated movement of people or things such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, and passenger traffic.

(102) "Off-street parking lot" means a facility providing more than two parking spaces and adequate drives and aisles for maneuvering, as well as ingress to and egress from a public right of way or private trafficway. (See Appendix I, Sketch 10.)

(103) "Oil and gas well" means any natural gas, oil or related hydrocarbon well, or other wells drilled for oil or gas exploration purposes. It does not include mineral mining or extractive operations subject to regulation under State law.

(Ord. 260-A-454. Passed 1-11-16.)

(103A) "Open storage" means the keeping in the open, for a period exceeding three days or seventy-two hours, of any material which is man-made or man-assembled, fabricated or treated in any manner, not anchored to the ground and which has not received Township approval or which is not permitted by this Zoning Code. In residential areas, materials used in the landscape improvement of the specific property on which used, as well as firewood and lawn furniture, shall not be considered as open storage.

(103B) "Parking" means to put or leave, for a period of time, a motor vehicle upon land unattended by an operator thereof.

(Ord. 260-A-450. Passed 5-4-15.)

(104) "Parking space" means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, which is fully accessible for the parking of permitted vehicles. (See Appendix I, Sketch 10.)

(Ord. 260. Passed 7-9-79.)

(104A) "Pawnbroker use" means a pawnbroker business that loans money on deposit, or pledge of personal property or other valuable thing other than securities or printed evidence of indebtedness, or which deals with the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price.

(104B) "Permittee" and/or "licensee" means a person in whose name a permit and/or license to operate a business has been issued, as well as the individual listed as the applicant on the application for a permit and/or license.

(104C) "Person" means any individual, proprietorship, partnership, corporation, association or any other legal entity.

(Ord. 260-A-277. Passed 9-30-96.)

(105) "Planned shopping center" means a business development consisting of four or more retail units on five or more acres of land, characterized by a unified grouping of stores and served by a common traffic circulation pattern and off-street parking area.

(Ord. 260-A-122. Passed 7-7-86; Ord. 260-A-402. Passed 12-20-04.)

(106) (Reserved)

(Ord. 260-A-381. Passed 10-6-03.)

(107) "Principal use" means the principal purpose for which land or a building is arranged, designed or intended or for which land or a building is or may be occupied.

(108) "Public utility" means any person, firm, corporation or municipal department, board or commission duly authorized to furnish to the public, under Federal, State or Municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(109) "Quarry" means any tract or parcel of land or part thereof used for the purpose of searching for or the extraction of stone, gravel, marl, sand, peat, topsoil or similar materials, including stripping and pit operations.

(110) "Recreation vehicle" means a vehicle designed or constructed for recreational purposes and which may permit occupancy thereof as a dwelling or sleeping place, such as, but not limited to, motor homes, campers, camper trailers, off-road vehicles and boats.

(111) "Remove" means to dig, dredge, suck, pump, bulldoze, dragline or blast.

(Ord. 260-A-204. Passed 8-13-90.)

(112) "Restaurant" is defined as follows:

A. Bar/lounge: A building or part thereof designed, maintained and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

B. Carry-out: A building maintained, operated and/or advertised as a place where food, beverage and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

C. Dining room: A building maintained, operated and/or advertised as a place where food and beverage are served and consumed primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.

D. Drive-in/drive-through fast-food: A building maintained, operated and/or advertised as a place where food, beverage and/or desserts are served to customers from a serving counter and/or while in a motor vehicle, in disposable (not reusable by the restaurant) containers or wrappers. Such food, beverage and/or desserts may be consumed inside the building or outside the building at facilities provided or carried out for consumption off the premises.

(Ord. 260. Passed 7-9-79.)

(113) "Satellite dish antenna" means an apparatus capable of receiving communications from a transmitter or transmitter relay located in a planetary orbit.

(Ord. 260-A-119. Passed 5-27-86.)

(114) "Secondary thoroughfare" means a trafficway which collects vehicles from local streets and distributes them to either local destinations or major thoroughfares and which has an existing or proposed right of way of eighty-six feet or more but less than 120 feet.

(Ord. 260. Passed 7-9-79.)

(115) "Self-storage facility" means a building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses, apartment dwellers and other individuals or firms, and is also known as a mini-warehouse. (Ord. 260-A-119. Passed 5-27-86.)

(115A) "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.

(Ord. 260-A-277. Passed 9-30-96.)

(116) "Setback" means the distance regulated to obtain the minimum front, side or rear yard open space requirements of this Zoning Code. (See Appendix I, Sketches 5, 8 and 11.)

(Ord. 260. Passed 7-9-79.)

(116A) "Sexual encounter center" means a business or commercial enterprise which, as one of its principal business purposes, offers, for any form of consideration:

- A. Contact in the form of wrestling or tumbling between seminude or nude persons of the opposite sex; or
- B. Physical contact between male and female persons and/or persons of the same sex, where one or more of the persons is in a state of nudity and the contact includes actual or simulated specified sexual activity.

(116B) "Sexually-oriented business" means any of the following:

- A. Adult arcade
- B. Adult book store or adult video store
- C. Adult cabaret
- D. Adult motel
- E. Adult motion picture theater
- F. Adult theater
- G. Escort agency
- H. Nude model studio
- I. Sexual encounter center

(Ord. 260-A-277. Passed 9-30-96.)

- J. Adult use festival.

(Ord. 260-A-314. Passed 8-10-98.)

(117) "Sign" means the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known (other than billboards) such as are used to show an individual firm, profession or business, and which are visible to the general public.

(118) "Sign, accessory" means a sign which is accessory to the principal use of the premises.

(119) "Sign, nonaccessory" means a sign which is not accessory to the principal use of the premises.

(120) "Site plan" means a plan showing all salient features of a proposed development so that it may be evaluated to determine if it meets the regulations of this Zoning Code.

(121) "Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, Municipal and industrial sludges, solid commercial and solid industrial waste and animal waste, but does not include human body waste, liquid or other waste regulated by statute or ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.

(Ord. 260. Passed 7-9-79.)

(122) "Specified anatomical areas" means means the less than completely and opaquely-covered human genitals, pubic region, buttock, female breast below the point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(123) "Specified sexual activities" means and includes any of the following:

- A. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, actual or simulated, including intercourse or oral copulation, masturbation or sodomy.
- C. Excretory functions as part of or in connection with any of the activities set forth in paragraphs A. or B. hereof.

(Ord. 260-A-277. Passed 9-30-96.)

(124) "State licensed residential facility" means a building constructed for residential purposes which is licensed by the State of Michigan pursuant to Act 287 of the Public Acts of 1972, as amended, which provides twenty-four hour supervision or care, or both, to six or fewer persons, including room and board, supervision, assistance, protection and personal care to persons not requiring organized institutional medical or nursing care, but not providing care and treatment of persons released from or assigned to correctional institutions.

(124A) "Storage" means to put or leave, for future use, a motor vehicle upon land unattended by the operator thereof.

(Ord. 260-A-450. Passed 5-4-15.)

(125) "Story" means that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent, by cubic content, is below the height level of the adjoining ground. (See Appendix I, Sketches 1 and 2.)

(126) "Story, half" means an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet



above the floor, does not exceed two-thirds of the floor area of the story directly below, and at least 200 square feet of such floor area shall have a height of not less than seven feet, six inches.

(Ord. 260. Passed 7-9-79.)

(127) "Streams" means natural estuary flow systems of surface waters occurring at the lowest points of the system, exhibiting consistent water flow patterns from the highest levels of collection to the mouth or outflow points.

(Ord. 260-A-204. Passed 8-13-90.)

(128) "Street" means a trafficway which affords the principal means of access to abutting property (also referred to as a thoroughfare.)

(129) "Structure" means anything constructed or erected, the use of which requires temporary or permanent location on the ground or attachment to something having location on the ground and includes all buildings as defined herein but does not include, for purposes of this Code, pavement, curbs, fences, swimming pools, playground equipment, landscaping features or ornamental statuary.

(Ord. 260-A-381. Passed 10-6-03.)

(130) "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this paragraph, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the national Register of Historic Places or a State Inventory of Historic Places.

(Ord. 260. Passed 7-9-79.)

(130A) "Tattoo use" or "tattoo parlor" means a business engaged in the practice of providing an indelible mark or figure fixed upon the human body by insertion of pigment on or under the skin or by the production of scars.

(Ord. 260-A-277. Passed 9-30-96.)

(131) "Temporary use" means a use permitted by the Township Board to exist for a limited period of time.

(Ord. 260. Passed 7-9-79; Ord. 260-A-381. Passed 10-6-03.)

(132) "Usable satellite signal" means a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

(Ord. 260-A-119. Passed 5-27-86.)

(133) "Use, principal" means the principal purpose for which land or a building is arranged, designed or intended or for which land or a building is or may be occupied.

(134) "Wall, obscuring" means a structure of definite height and location to serve as an obscuring screen in meeting the requirements of this Zoning Code.

(Ord. 260. Passed 7-9-79.)

(135) "Watercourse" means any waterway or other body of water having reasonably well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds as shown on the Charter Township of Clinton Master Drainage Plan Maps.

(136) "Wetlands" means soils of two contiguous acres or more, poorly or very poorly drained and either covered with water or on which the water table is at or near the surface for a considerable part of the year, and which, by nature of the surface and/or subsurface soil characteristics, contribute to the replenishment of subsurface water supply and include areas which are inundated or saturated by surface or ground water with a frequency sufficient to support, and under normal circumstances do support, a prevalence of vegetative or aquatic life which requires saturated or seasonally saturated soil conditions for growth and reproduction, generally including swamps, marshes, bogs and similar areas, such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds as shown on the Charter Township of Clinton Master Drainage Plan.

(Ord. 260-A-204. Passed 8-13-90.)

(137) "Yards" means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code, and as defined herein. (See Appendix I, Sketches 5, 8 and 11.)

A. Front yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

B. Rear yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is opposite the front yard.

C. Side yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(Ord. 260. Passed 7-9-79.)

(138) "Zoning variance" and "variance" means a modification of the literal provisions of this Zoning Code granted when strict enforcement of this Zoning Code would cause practical difficulties or unnecessary hardship due to circumstances unique to the individual property for which the variance is granted.

(Ord. 260-A-31. Passed 5-4-81.)

## CHAPTER 1252

### Administration, Enforcement and Penalty

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1252.01 Enforcement by Building Department; appeals.

1252.02 Duties of Planning Commission.

1252.03 Certificate of zoning compliance.

1252.04 Nuisance and abatement.

1252.99 Penalty.

#### **CROSS REFERENCES**

City zoning ordinances; public hearing, notice; report of Planning

Commission; amendment; vote required - see M.C.L.A. Sec. 125.584

Board of Appeals - see M.C.L.A. Sec. 125.585; P. & Z.Ch. 1254

Conflicting laws; governing law - see M.C.L.A. Sec. 125.586

Violations; nuisance per se; abatement - see M.C.L.A. Sec. 125.587

Amendments - see P. & Z. 1250.04

Appeals - see P. & Z. 1254.05 et seq.

Variations - see P. & Z. 1290.08

#### **1252.01 ENFORCEMENT BY BUILDING DEPARTMENT; APPEALS.**

This Zoning Code shall be administered and enforced by the Department of Building which is hereby authorized and empowered to issue a stop order and/or revoke the license or permit of any person found in violation of this Code and in any case found necessary where there is imminent peril to public health, safety, welfare or morals of the citizens of the Township of Clinton. Any person aggrieved by such action may appeal to the Township Board in accordance with the following procedure:

(a) The appellant shall file a written claim of appeal with the Township Clerk fifteen days after receipt of a stop order or license or permit revocation, setting forth therein, in reasonable detail, the basis of the appeal.

(b) The Township Clerk shall cause the appeal to be placed on the agenda of a regular Township Board meeting within twenty days after receipt of the appeal.

(c) The Township Board shall conduct a hearing on the appeal at which time the applicant and/or representative may appear to present the case.

(d) The Board shall render its decision on the appeal within fifteen days after the aforesaid hearing.

(Ord. 260. Passed 7-9-79.)

#### **1252.02 DUTIES OF PLANNING COMMISSION.**

The Clinton Township Planning Commission, as established under Act 168 of the Public Acts of 1959, as amended, shall perform all of the duties of such Commission as provided by law, including amendments to this Zoning Code and such other duties as may be established under this Code.

(Ord. 260. Passed 7-9-79.)

#### **1252.03 CERTIFICATE OF ZONING COMPLIANCE.**

(a) The Department of Building shall review all premises, structures and buildings in the Township to determine that the use of the premises and/or buildings is consistent with this Zoning Code.

(b) Uses which are found to be consistent with this Zoning Code shall be issued a certificate of zoning compliance, which shall be publicly displayed and contain the name and signature of the user and, to the extent possible, the name and signature of the owner of the structure and/or premises.

(c) The certificate shall constitute notice to those persons knowing of the certificate that the certificate is personal to the holder thereof and that a subsequent occupancy or change of use will require the issuance of a new certificate.

(d) The user shall maintain and display the certificate at all times in such a manner that the same shall be readable by any member of the public, invitees or persons coming upon the premises. The user shall be required to return the certificate to the Department of Building when there is a change in occupancy or the use is discontinued.

(e) Certificates shall not be issued for premises used strictly for residential purposes.

(Ord. 260-A-22. Passed 7-14-80.)

#### **1252.04 NUISANCE AND ABATEMENT.**

Uses of land, dwellings, buildings and structures, including tents and trailer coaches, that are used, erected, altered, razed or converted in violation of any regulation of this Zoning Code, are hereby declared to be a nuisance per se and may be abated by order of a court of competent jurisdiction.

(Ord. 260. Passed 7-9-79.)

#### **1252.99 PENALTY.**

Any violation of any regulation of this Zoning Code shall constitute a misdemeanor. Each day a violation exists shall constitute a separate offense. Any person, firm or corporation who or which violates any provision of this Zoning Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or ninety days in jail, or both, in the discretion of the court.

(Ord. 260. Passed 7-9-79.)

## **CHAPTER 1254**

### **Board of Appeals**

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1254.01 Establishment.

1254.02 Membership.

1254.03 Meetings, oaths and records.

1254.04 Powers and duties.

1254.05 Appeals generally.

1254.06 Jurisdiction.

1254.07 Referral to Planning Commission.

1254.08 Decisions final unless appealed.

1254.09 Standard conditions for all variances.

#### **CROSS REFERENCES**

Board of Appeals - see M.C.L.A. Sec. 125.585

Meetings of the Board; freedom of information - see M.C.L.A. Sec. 125.585a

Review by Circuit Courts; appeals to Supreme Court; procedure - see M.C.L.A. Sec. 125.590

Actions for review; proper and necessary parties; notice; failure to appear - see M.C.L.A. Sec. 125.591

#### **1254.01 ESTABLISHMENT.**

A Board of Appeals is hereby established in accordance with and pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended, including Act 637 of the Public Acts of 1978, as amended.

(Ord. 260. Passed 7-9-79.)

#### **1254.02 MEMBERSHIP.**

(a) The Board of Appeals shall consist of seven members. One member of the Board of Appeals shall be a member of the Township Planning Commission and the remaining six members shall be selected from among the electors residing in the unincorporated area of the Township and shall be appointed by the Township Board.

One member may be a member of the Township Board, provided that such member shall not serve as Chairperson of the Board of Appeals, nor shall any employee or contractor of the Township Board serve as a member or an employee of the Board of Appeals.

(b) All members of the Board of Appeals shall be representative of the population distribution and various interests present in the Township of Clinton.

(c) The term of each member shall be for three years, except that of the five members first appointed, two shall serve for two years and the remaining three members for three years. The next two members appointed shall be for an initial term to expire December 31, 1992.

(1) A successor shall be appointed not more than one month after the term of the preceding member has expired.

(2) All vacancies for unexpired terms shall be filled for the remainder of the term.

(Ord. 260. Passed 7-9-79.)

#### **1254.03 MEETINGS, OATHS AND RECORDS.**

(a) All meetings of the Board of Appeals shall be open to the public, excluding closed sessions legally called.

(b) Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board, in its Rules of Procedure, may specify.

(c) The Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

(d) When a meeting is adjourned for more than forty-eight hours or rescheduled, or when a special meeting is called, a public notice, stating the date, time and place of a meeting and the address and telephone number of the Board of Appeals, must be posted at least eighteen hours prior to the meeting, all in accordance with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.

(e) The Chairperson, or the acting Chairperson, in the absence of the Chairperson, may administer oaths and compel the attendance of witnesses.

(f) The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be made a public record.

(Ord. 260. Passed 7-9-79; Ord. 260-A-31. Passed 5-4-81.)

#### **1254.04 POWERS AND DUTIES.**

(a) The Board of Appeals shall act upon all questions as they may arise in the administration of this Zoning Code, including the interpretation of the Zoning Map, and may fix rules and regulations to govern its procedures as a Board of Appeals.

(b) The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official or body charged with enforcement of this Zoning Code.

(c) The Board of Appeals shall hear and decide all matters upon which it is required to pass under the regulations of this Zoning Code or as may be referred to it under any ordinance adopted by the Township Board.

(d) The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of such administrative official or body, to decide in favor of the applicant on any matter upon which the Board is required to pass under this Zoning Code, or to effect a variance from any regulation of this Code.

(e) The decision of the Board of Appeals shall specifically set forth the basis upon which any determination it may make is made.

(f) The Board shall have the power to permit the erection and use of a building or an addition to an existing building or a public service corporation for public utility purposes in any permitted district to a greater height or of a larger area than the district requirements herein established, and may permit the location in any use district of a public utility building, structure or use if the Board of Appeals shall find a use, height, area, building or structure reasonably necessary for the public convenience and service.

(g) The Board of Appeals, in deciding any matter on which it is requested to pass under this Zoning Code, may establish such reasonable requirements for the use of a site or structure on such site as will assure reasonable protection to abutting properties and adjacent districts.

(h) Members shall disqualify themselves from voting on any matter in which they may have a conflict of interest.

(1) Failure of members to so disqualify themselves from voting on any matter in which they may have a conflict of interest shall constitute misconduct in office.

(2) Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and a after public hearing.

(Ord. 260. Passed 7-9-79; Ord. 260-A-31. Passed 5-4-81.)

#### **1254.05 APPEALS GENERALLY.**

(a) Who May Appeal. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County or State.

(b) Procedures and Fees.

(1) An appeal shall be taken by filing, with the Board of Appeals an application for hearing, specifying the basis of the appeal and paying such fee as may be established by resolution of the Township Board.

A. The Township Board may, by resolution, establish a fee to be paid by any person filing an appeal for a variance to any

regulation of this Zoning Code in all cases except those cases where a particular use under this Zoning Code may be permitted only after approval by the Board of Appeals.

B. The Township Board may, by resolution, establish such additional fees as it may deem reasonable to be paid by any person filing an appeal in the event such appellant shall request a special meeting of the Board of Appeals.

(2) The Board of Appeals shall be furnished with all documents constituting the records upon which the action appealed from was taken.

(c) Time and Notice of Appeal.

(1) The Board of Appeals shall schedule a hearing within and at a reasonable time and give due notice thereof to the parties and to any person shown on the latest tax roll as owner of any property within 300 feet of the premises in question and to the occupants of any onefamily and two-family dwellings within 300 feet of the premises in question by personal service or by mail.

(2) Upon the hearing, any party may appear in person or by agent or attorney.

(3) The Board of Appeals shall decide upon the appeal within a reasonable time.

(4) The decision of the Board of Appeals shall not become final until the expiration of seven days from the date of determination, unless the Board of Appeals shall find the immediate effect of the order is necessary for the preservation of property or personal rights and shall so certify on the record. The date of determination shall be deemed to be the date the motion is passed.

(d) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the application for hearing has been filed and of which notice has been made to said officer, that, by reason of fact stated in a certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. Such restraining order may be granted by the Board of Appeals or by the Circuit Court, on application, on due notice to the officer from whom the appeal is taken and on due cause shown.

(Ord. 260. Passed 7-9-79; Ord. 260-A-31. Passed 5-4-81.)

#### **1254.06 JURISDICTION.**

(a) The Board of Appeals may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination as, in its opinion, ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken.

(b) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Code, the Board of Appeals shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions so that the spirit of the Zoning Code shall be observed, public safety secured and substantial justice done.

(Ord. 260. Passed 7-9-79.)

#### **1254.07 REFERRAL TO PLANNING COMMISSION.**

Any determination made by the Board of Appeals on a matter which is conjunctive to any regulation of this Zoning Code requiring review or recommendation by the Planning Commission shall be referred to the Planning Commission, which will include said determination in its review prior to submission of a recommendation to the Township Board.

(Ord. 260. Passed 7-9-79.)

#### **1254.08 DECISIONS FINAL UNLESS APPEALED.**

The decision of the Board of Appeals shall be final, provided that any person having an interest affected by any such decision shall have the right to appeal to the Circuit Court on questions of law and fact.

(Ord. 260. Passed 7-9-79.)

#### **1254.09 STANDARD CONDITIONS FOR ALL VARIANCES.**

All variances granted by the Board of Appeals are subject to several standard conditions. These conditions are to be included in the Certificate of Approval issued to the petitioner. The standard conditions are as follows:

(a) The petitioner must comply with all applicable requirements of Township ordinances.

(b) The project work requiring the variance must be completed within two years of the date that the variance was granted. A petitioner requiring an extension to the two-year period may petition for a request for reconsideration.

(c) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals. Plans that require revision in order to meet engineering standards and/or minor dimensional changes not affecting the variance are considered to be substantially in accordance with the plans submitted to the Board of Appeals. If there is a question of interpretation, the matter shall be placed on the next available agenda of the Board of Appeals.

(d) The variance is valid only for the useful life of any structure(s) on the property for which variance was granted. The useful life of a structure is deemed to be ended if said structure is destroyed, by any means, to an extent beyond 50% of its reasonable market value.

(Ord. 260-A-393. Passed 6-1-04.)

## CHAPTER 1256

### Districts Generally and Zoning Map

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- 1256.01 Establishment of districts.
- 1256.02 Zoning Map; district boundaries.
- 1256.03 Zoning of vacated areas.
- 1256.04 Conflict of laws; general exceptions.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Use of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1256.01 ESTABLISHMENT OF DISTRICTS.**

For the purpose of this Zoning Code, the Township of Clinton is hereby divided into the following districts:

##### (a) Residential Districts.

- R-0 One-Family Residential District
- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-4 One-Family Residential District
- R-5 One-Family Residential District
- RT Two-Family Residential District
- RML Multiple-Family Residential District, Low-Rise
- RMH Multiple-Family Residential District, High-Rise
- MH Mobile Home Park District

##### (b) Nonresidential Districts.

- OS Office/Service District
- OS-2 Office/Service Mid-Rise District
- OS-3 Office/Service Mid-Rise District
- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 General Business District
- B-4 Regional Business District
- I-1 Light Industrial District
- I-2 General Industrial District
- TR Technical Research District
- P Parking (Vehicular) District

##### (c) Special Districts.

- SP-1 Special Purpose District
- SP-2 Special Purpose District
- FW Floodway District and Flood Hazard Area Zone

Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-305. Passed 3-23-98.)

### **1256.02 ZONING MAP; DISTRICT BOUNDARIES.**

(a) The boundaries of the districts provided for in Section 1256.01 are hereby established as shown on the Zoning Map, which accompanies this Zoning Code, and such Map, with all notations, references and other information shown thereon, shall be as much a part of this Code as if fully described herein.

(b) Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of any street, highway or alley shall be construed to follow such centerline.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following Municipal limits shall be construed as following such Municipal limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as following the centerline of any stream, river, canal or other body of water shall be construed to follow such centerline and, in the event of change in said waterway, shall be construed as moving with the waterway.

(6) Boundaries indicated as parallel to or extensions of features indicated in paragraphs (b)(1) through (b)(5) hereof shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map.

(7) Where physical or natural features exist and are at variance with those shown on the Zoning Map, or, in other circumstances not covered by paragraphs (b)(1) through (b)(6) hereof, the Board of Appeals shall determine the district boundaries.

(Ord. 260. Passed 7-9-79.)

### **1256.03 ZONING OF VACATED AREAS.**

Whenever any street, alley or other public way within the Municipality shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning districts as the property to which it attaches. Where two zoning districts exist, one on each side of such street, alley or other public way to be vacated, the zoning district shall apply to the centerline of the street, alley or other public way.

(Ord. 260. Passed 7-9-79.)

### **1256.04 CONFLICT OF LAWS; GENERAL EXCEPTIONS.**

All buildings and uses in any district shall be subject to the provisions of Chapters 1250, 1294, 1296, 1298 and 1299.

(Ord. 260. Passed 7-9-79.)

## **CHAPTER 1258**

### **R-0 Through R-5 One-Family Residential Districts**

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1258.01 Purpose.

1258.02 Principal uses permitted.

1258.03 Uses requiring special approval.

1258.04 Height, bulk, area, density and setback requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1258.01 PURPOSE.**

R-0 through R-5 Residential Districts are designed to provide for one-family dwelling sites and residentially-related uses in keeping with the existing low-density character and the Master Plan for residential development in the Township of Clinton.

(Ord. 260-A-265. Passed 9-7-95.)

#### **1258.02 PRINCIPAL USES PERMITTED.**

In a One-Family Residential District (R-0 through R-5), no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) One-family detached dwellings.
- (b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 260-A-467, passed September 25, 2017.)
- (c) Publicly-owned and operated libraries, parks, parkways and recreational facilities.
- (d) Municipal buildings and uses, without outdoor storage yards.
- (e) Public, parochial and other private elementary, intermediate and/or high school offering courses in general education and not operated for profit.
- (f) State-licensed residential facilities subject to the requirements of the State of Michigan and where applicable and permitted provisions of the Zoning Ordinance and other Township Ordinances.

(Ord. 260-A-431. Passed 6-25-07.)

- (g) Models of one-family detached dwellings, with accessory sales offices, only if located in the subdivision within which the model is offered for sale.
- (h) Accessory buildings and uses customarily incident to any of the above-permitted uses. Minor automotive repair and servicing of vehicles owned by the occupants of the residence is permitted. However, major automotive repairs, including bumping and/or painting, and any repairs on vehicles not owned by occupants of the residence, are prohibited.
- (i) (EDITOR'S NOTE: Subsection (i) was repealed by Ordinance 260-A-221, passed January 20, 1992.)
- (j) Publicly-owned buildings, public utility buildings, telephone exchange buildings and repeater stations, electric transformer stations and substations, and gas regulator stations (without storage yards), when operation requirements necessitate the locating of said building within the District in order to serve the immediate vicinity. The Planning Commission and the Township Board may require walls and landscaping in order to screen such uses where they deem necessary.
- (k) Swimming pool and club houses, when incorporated as a nonprofit club or organization maintaining a swimming pool for the exclusive use of members and their guests, all subject to the following conditions:

(1) As a condition to the original granting of such permit and the operation of such nonprofit swimming pool club, as a part of such application, the applicant shall obtain a written statement, addressed to the Planning Commission, recommending that such approval be granted. Such statement shall contain the signatures of 100 percent of the persons owning property within 150 feet immediately adjoining any property line of the site proposed for development, and approval from fifty-one percent of the persons owning property within 1,000 feet.

(2) In those instances where the proposed site is not to be situated on a lot of record, the proposed site shall have one property line abutting a major thoroughfare having an existing or planned right of way of at least 120 feet of width, and the site shall be planned so as to provide ingress and egress directly onto said major thoroughfare.

(3) Front, side and rear yards shall be a minimum of eighty feet wide (except that on sides adjacent to nonresidential districts, Section 1292.01 shall govern yards) and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting Residential Districts.

(4) Buildings erected on the premises shall not exceed one story in height.

(5) All lighting shall be shielded to reduce glare and shall be arranged and maintained so as to direct the light away from all lands which adjoin the site.

(6) The Planning Commission and Township Board may require walls, berms or landscaping where they deem necessary to minimize the effect of the use upon surrounding properties.

(7) Whenever a swimming pool is constructed under this Zoning Code, said pool area shall be provided with a protective fence six feet in height, and located as approved by the Planning Commission and Township Board with entry provided by means of a controlled gate.

(8) Swimming pools must be totally in the ground.

(9) Where storm sewers are nonexistent or capacity is not sufficient, adequate on-site takeoff facilities shall be provided, subject to approval of the Township Board.

(l) Colleges, universities and other such institutions of higher learning, public or private, offering courses in general, technical or religious education and not operated to train manual trades or for profit, all subject to the following conditions:

(1) Any use permitted herein shall be developed only on sites of at least forty acres in area and shall not be permitted on any portion of a recorded subdivision plat.

(2) All ingress to and egress from said site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet of width.



(3) No building shall be closer than seventy-five feet to any property line.

(4) Fraternities and sororities shall be permitted when constructed on the college campus proper.

The height of such residential buildings in excess of the minimum requirements may be allowed, provided that minimum yard setbacks, where yards abut land zoned for residential purposes, are increased for each yard by not less than thirty feet for each twelve feet, or fraction thereof, by which said building exceeds the minimum height requirements of the zoning district.

(5) Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

(m) Mobile home dwellings, subject to the following conditions:

(1) All requirements of Chapter 1290 and Sections 1292.01, 1294.01, 1296.01, 1296.03, 1298.01, 1298.03, 1298.09 and 1299.01, pertaining to one-family dwellings, shall be required of mobile home dwellings.

(2) The mobile home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or, alternatively, with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. It shall have not less than two exterior doors, with the second door being on either the rear or side of the dwelling, and shall contain steps connected to said exterior door areas or to porches connected to said exterior door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined, in the first instance, by the Department of Building upon review of the plans submitted for a particular dwelling, subject to appeal, by any party, to the Board of Appeals within a period of fifteen days from receipt of notice of decision by the Department of Building.

Determination of compatibility shall be based upon the character, design and appearance of residential dwellings located outside of mobile home parks within 300 feet of such particular dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard-designed home.

(3) The mobile home shall comply with all construction standards and all plumbing, electrical and insulation requirements of Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended.

(4) Any on-site improvements or construction required herein shall be commenced only after a building permit has been obtained from the Township Department of Building.

(5) All mobile homes must be permanently fastened to a minimum eight-inch wide masonry foundation, which is continuous around the perimeter of the unit to a depth of at least forty-two inches below ground surface, with anchors placed every six feet. In no instance shall concrete piers, concrete blocks without a footing or other type of foundation be permitted. The wheels shall be removed and the underside or chassis of the mobile home shall be completely enclosed by the poured concrete, block or brick foundation.

(6) A five-foot wide concrete sidewalk, located one foot from the property line on the side of the roadway, shall be required along the entire width of the property, unless the Township Board grants a waiver to this requirement.

(n) Accessory buildings and uses customarily incident to any of the above-permitted uses.

(o) Home occupations, activities and hobbies traditionally or customarily conducted within the walls of a dwelling unit, subject to the following conditions:

(1) The use is conducted only by permanent residents of the dwelling.

(2) The use is wholly confined to the interior of the dwelling and does not include attached or detached garages or other accessory structures.

(3) No article or service, other than that which is produced by such home occupation, shall be sold or offered for sale on the premises.

(4) Such occupation shall not require internal or external alteration or construction to the dwelling, or equipment or machinery, not customary to a residential use.

(5) Such occupation is incidental to the residential use to the extent that not more than twenty percent of the floor area of the principal building shall be engaged by such home occupation.

(6) No sign advertising the home occupation shall be displayed on the premises.

(7) Such use does not generate traffic or a need for parking beyond that required for the dwelling unit, nor shall such use create any external effect not normally associated with a single-family use.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-265. Passed 9-7-95.)

(p) Land condominiums, as regulated in Chapter 1292.

(q) A group daycare home shall be issued a special use permit if it meets all of the following standards:

(1) Is located not closer than 1,500 feet to another licensed group daycare home, adult foster care small group home or large group home licensed under P.A. 218 of 1979, MCL 400.701 to 4737, a facility offering substance abuse treatment and rehabilitation services to seven or more people licensed under Art. 6 of the Public Health Code, P.A. 368 of 1978, MCL 333.6101 to MCL 333.6523, or a community correction center, resident home, halfway house or similar facility which houses an inmate population

under the jurisdiction of the Department of Corrections.

(2) Has fully-closed (around perimeter of lot) minimum four-foot-high vinyl coated chain link fence with three quarter (3/4) inch openings or other approved vinyl fencing for the safety of children in the group daycare home which fencing shall be designed to avoid injury to children, impede the ability of children to climb the fencing. Fence color shall be white, brown, green, beige or black. Group daycare homes licensed prior to the effective date (adoption) of Ordinance 260-A-441 are grandfathered from this provision.

(3) Maintains the property consistent with the visible characteristics of the neighborhood.

(4) Does not exceed sixteen hours of operation during a twenty-four-hour period and does not allow for the pick up or drop off of children between the hours of 10:00 p.m. and 6:00 a.m. or for children to be situated outside of the dwelling unit itself between the hours of 10:00 p.m. and 6:00 a.m.

(5) One sign which is not illuminated shall be permitted using block or script black letters occupying not more than twenty-five percent of a window within the window of the dwelling unit not exceeding eighteen inches by twenty-four inches which designates the name of the group daycare home.

(6) Off-street parking consists of and may be located in a driveway or garage or combination thereof and shall be located on the premises which they are intended to serve. Such parking shall be restricted to the paved areas beyond the right-of-way completely located on private property. One space shall be provided for every two occupants. In the event there are an odd number of occupants beyond a single occupant an additional space shall be provided. Employee parking for employees of the group daycare home shall be provided off-street. One space for every employee shall be provided.

(r) Swimming pools, located either above or below grade intended for swimming or bathing, having a depth of two feet or more at any point, can be located in a residential district as follows:

(1) There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.

(2) No swimming pool shall be located less than twenty-five feet from any front lot line.

(3) No swimming pool shall be located less than ten feet from any side street or alley right-of-way.

(4) No swimming pool shall be located in an easement.

(5) No swimming pool shall be located less than six feet from any side or rear lot line.

(Ord. 260-A-431. Passed 6-25-07; Ord. 260-A-441. Passed 8-10-09; Ord. 260-A-467. Passed 9-25-17.)

#### **1258.03 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the R-1 through R-5 Districts, subject to the requirements and conditions set forth in Section 1298.02:

(a) Golf courses and country clubs.

(b) Cemeteries.

(c) Riding and boarding stables.

(Ord. 260-A-58. Passed 8-22-83.)

(d) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

(e) Churches, temples and other places of worship.

(Ord. 260-A-221. Passed 1-20-92.)

#### **1258.04 HEIGHT, BULK, AREA, DENSITY AND SETBACK REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings, the minimum size of the lots permitted by the land use, the maximum density permitted, and the minimum yard setback requirements.

(Ord. 260-A-58. Passed 8-22-83.)

## **CHAPTER 1260**

### **RT Two-Family Residential District**

---

1260.01 Purpose.

1260.02 Principal uses permitted.

1260.03 Obscuring wall where District abuts a nonresidential district.

1260.04 Height, bulk and area requirements.

1260.05 Uses requiring special approval.

## **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

### **1260.01 PURPOSE.**

The RT Two-Family Residential District is designed to provide sites for two-family dwelling structures and will generally serve as zones of transition between the higher density Residential Districts or nonresidential districts and lower density One-Family Districts.

(Ord. 260. Passed 7-9-79.)

### **1260.02 PRINCIPAL USES PERMITTED.**

In an RT Two-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) All uses permitted and as regulated in One-Family Residential Districts. The requirements of Section 1292.01 applicable to the R-5 One-Family Residential District shall apply as minimum standards when one-family detached dwellings are erected.

(b) Two-family dwellings.

(c) Models of two-family dwellings, with accessory sales offices, only if located in the development within which the model is offered for sale or lease.

(d) Accessory buildings and uses customarily incident to any of the above-permitted uses.

(Ord. 260. Passed 7-9-79.)

### **1260.03 OBSCURING WALL WHERE DISTRICT ABUTS A NONRESIDENTIAL DISTRICT.**

An obscuring wall four feet, eight inches high or screen planting may be required by the Planning Commission and the Township Board where the Two-Family Residential District abuts a nonresidential district. Such wall requirement will conform to the requirements of Section 1298.08.

(Ord. 260. Passed 7-9-79.)

### **1260.04 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted.

(Ord. 260. Passed 7-9-79.)

### **1260.05 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the RT District, subject to the requirements and conditions set forth in Section 1298.02:

(a) Churches, temples and other places of worship.

(b) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

## **CHAPTER 1262**

### **RML Multiple-Family Residential Low-Rise District**

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EDITOR'S NOTE: This chapter was previously titled "RM-1 and RM-2 Multiple-Family Residential Low-Rise Districts." The title of the chapter was changed to conform to the name of the district established by Ordinance 260-A-265, passed September 7, 1995.

1262.01 Purpose.

1262.02 Principal uses permitted.

1262.03 Uses requiring special approval.

1262.04 Height, bulk, area and density setback requirements.

### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property -see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

### **1262.01 PURPOSE.**

The RML Multiple-Family Residential Low-Density District as herein established is intended to provide sites for multiple-family dwelling structures which may serve as zones of transition between high-traffic-carrying thoroughfares and One-Family Residential Districts.

(Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-340. Passed 12-4-00.)

### **1262.02 PRINCIPAL USES PERMITTED.**

In the RML Multiple-Family District, no building or land may be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code.

(a) All principal and special condition uses permitted and as regulated in the immediately abutting One-Family Residential District. Where more than one One-Family Residential District is involved, the larger lot width and area requirement shall apply.

(b) Multiple-family dwellings.

(c) Two-family dwellings as regulated in the RT Two-Family Residential District.

(d) Models, with accessory retail or sales offices, of multiple-family units, only if located within the development for which the model is offered for sale or lease.

(e) Accessory buildings and uses customarily incidental to any of the above- permitted uses.

(Ord. 260. Passed 7-9-79; Ord. 260-A-265. Passed 9-7-95.)

### **1262.03 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the RML Multiple-Family District, subject to the requirements and conditions set forth in Section 1298.02:

(a) Adult foster care homes.

(b) Accessory buildings and uses customarily incidental to any of the above uses.

(c) Churches, temples and other places of worship.

(d) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260. Passed 7-9-79; Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-221. Passed 1-20-92; Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-277. Passed 9- 30-96.)

### **1262.04 HEIGHT, BULK, AREA, DENSITY AND SETBACK REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings, the minimum size of lots permitted by the land use, the maximum density permitted, and the minimum yard setback requirements.

(Ord. 260. Passed 7-9-79.)

## **CHAPTER 1264**

### **RMH Multiple-Family Residential High-Rise District**

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EDITOR'S NOTE: This chapter was previously titled "RM-2A and RM-3 Multiple-Family Residential Medium-Rise and High-Rise Districts." The title of the chapter was changed to conform to the name of the district established by Ordinance 260-A-265, passed September 7, 1995.

1264.01 Purpose.

1264.02 Principal uses permitted.

- 1264.03 Required conditions.
- 1264.04 Height, bulk and area requirements.
- 1264.05 Uses requiring special approval.

**CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

**1264.01 PURPOSE.**

The RMH Multiple-Family Residential High-Rise District as herein established is intended to provide sites for higher density multiple-family dwelling structures. This District is further intended to provide for extensive open-space settings for multiple-story structures.

(Ord. 260-A-340. Passed 12-4-00.)

**1264.02 PRINCIPAL USES PERMITTED.**

In RMH Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) Multiple-family dwelling units.
- (b) Business uses, when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure and obscured from view so as not to encourage patronage from beyond the RMH development, and having no advertising signs visible from outside the building.
- (c) Accessory buildings and uses customarily incidental to any of the above-permitted uses.

(Ord. 260. Passed 7-9-79; Ord. 260-A-37. Passed 2-8-82; Ord. 260-A-265. Passed 9-7-95.)

**1264.03 REQUIRED CONDITIONS.**

- (a) Any development in the RMH Multiple-Family Residential District shall have one property line abutting an existing or planned major thoroughfare of 120 feet or greater and shall have direct access from such major thoroughfare.
- (b) The minimum height of any residential building in the RMH Multiple-Family Residential District shall be one story above grade level.
- (c) The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking, parking structures, service equipment storage buildings, swimming pools, recreation areas, pavilions, cabanas and other similar uses.
- (d) Recreation areas shall be provided at a ratio of 100 square feet of land area for each dwelling unit, with a minimum of fifty percent of such area in outdoor passive recreation. The remaining fifty percent of the required recreation area may be indoor or outdoor. However, all such recreation areas shall be subject to the approval of the Planning Commission and the Township Board.
- (e) Adjacent to any lot line abutting a public right of way, there shall be provided a continuous landscaped area not less than twenty-five feet wide, excluding existing or proposed rights of way, except at points of approved vehicular access to the site.
- (f) The following regulations shall govern the density of multiple-family dwelling units in the RMH Multiple-Family Residential District:

Stories   Land Area/Room (sq. ft.)   Rooms/Acre

10 or more	325	134
9	400	108
8	485	89
7	560	77
6	640	68
5	725	60
4	805	54

- 3 890 48
- 2 950 44
- 1 925 40

In computing rooms per acre, any room consisting of eighty square feet or more shall be counted.

(g) The following regulations shall govern the density of multiple-family dwelling units for senior citizens (persons who have attained the age of sixty-five years) in the RMH Multiple-Family Residential District:

<u>Stories</u>	<u>Land Area/Room (sq. ft.)</u>	<u>Rooms/Acre</u>
10 or more	230	189
9	285	152
8	345	126
7	420	111
6	465	93
5	520	83
4	580	75
3	640	68
2	710	55
1	750	50

In computing rooms per acre, any room consisting of eighty square feet or more shall be counted.

(Ord. 260. Passed 7-9-79; Ord. 260-A-37. Passed 2-8-82; Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-340. Passed 12-4-00.)

**1264.04 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots by permitted by the land use.

(Ord. 260. Passed 7-9-79.)

**1264.05 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the RMH District, subject to the requirements and conditions set forth in Section 1298.02:

- (a) Churches, temples and other places of worship.
- (b) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

**CHAPTER 1266**

**MH Mobile Home Park District**

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- 1266.01 Purpose.
- 1266.02 Principal uses permitted.
- 1266.03 Required conditions.
- 1266.04 Mobile home site requirements.
- 1266.05 Parking, service drives, sidewalks and lighting.
- 1266.06 Underground wiring.

**CROSS REFERENCES**

Regulation of location of trades, buildings and uses by local authorities; authority to zone; acquisition of property - see M.C.L.A. Secs. 125.581, 125.582, 125.583a

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Sale of mobile homes - see B.R. & T.886.15 et seq.

Mobile home inspection and permit fees - see B. & H. 1440.01

#### **1266.01 PURPOSE.**

The MH Mobile Home Park District is intended to provide a suitable environment with adequate space and proper supporting facilities for families and persons to live in mobile home parks.

(Ord. 260. Passed 7-9-79.)

#### **1266.02 PRINCIPAL USES PERMITTED.**

Unless hereinafter provided, no building or premises shall be used and no building shall be erected or altered within the MH Mobile Home Park District, except for one or more of the following uses:

- (a) Mobile home parks.
- (b) Accessory structures customarily incidental to the above-permitted use.

(Ord. 260. Passed 7-9-79.)

#### **1266.03 REQUIRED CONDITIONS.**

(a) Mobile home parks are to be located on a parcel of land of not less than twenty acres. A minimum of 100 mobile home spaces shall be available at first occupancy, together with any buildings, structures, enclosures, streets, drives, equipment, recreation area or facilities used or intended for use incidental to the development and occupancy of such mobile homes.

(b) The mobile home park site shall abut a minimum of a secondary thoroughfare having an existing or planned right of -way of at least eighty-six feet and shall have direct access onto such thoroughfare.

(c) In each mobile home park, there shall be provided a recreation area equal in size to at least 200 square feet per mobile home site, which area shall be no longer than one and one-half times its width. Such area shall be graded, developed, sodded and maintained by the management so as to provide recreation for residents of the mobile home park.

(d) The mobile home park site as adjacent to all abutting properties and public rights of way shall be enclosed with a four-foot, eight-inch high masonry wall, berms, landscaping or any combination thereof, subject to review and recommendation by the Planning Commission and approval by the Township Board.

(e) No business of any kind shall be conducted in any mobile home park, except for separate, permanent structures which contain facilities such as the management office, laundry, club houses or similar uses which are designed to serve only the residents of the mobile home park.

(f) One ground sign per principal entrance identifying the mobile home park, not more than fifty square feet in area, is permitted. Flashing illumination of the sign shall be prohibited.

(g) All mobile home park development shall further comply with Act 419 of the Public Acts of 1976, as amended.

(Ord. 260. Passed 7-9-79.)

#### **1266.04 MOBILE HOME SITE REQUIREMENTS.**

(a) Mobile home lots shall not be less than 4,000 square feet in area, exclusive of service drives, open space in the mobile home park or other open areas not specifically for mobile home occupancy. The minimum width for mobile home lots shall be forty-four feet and the minimum depth shall be ninety feet.

(b) No mobile home shall be located closer than fifty feet from any building within the park nor closer than ten feet from any property line bounding the park. No building or mobile home shall be located closer than twenty-five feet from any public right of way.

(c) Each mobile home site shall have the following minimum yard requirements:

- (1) Front yard. Fifteen feet.
- (2) Side yards. Ten feet.
- (3) Rear yard. Ten feet.

(d) No outdoor storage or any kind shall be permitted within the mobile home park.

(e) Each mobile home site shall be provided with a concrete apron not less than ten feet wide by fifty feet in length and six inches in depth, subsurface drainage and assurance by a registered engineer that the foundation will not heave. In lieu of the foregoing apron requirements, concrete piers, to a minimum depth of forty-two inches, shall be permitted subject to compliance with applicable Township codes and ordinances.

(f) There shall not be less than 360 square feet of floor space within each mobile home for the first two occupants and an additional 100 square feet of floor space for each occupant more than two.

(g) No structure shall exceed a height of twenty-five feet or two stories.

(Ord. 260. Passed 7-9-79; Ord. 260-A-22. Passed 7-14-80.)

#### **1266.05 PARKING, SERVICE DRIVES, SIDEWALKS AND LIGHTING.**

(a) Two concrete automobile parking spaces shall be required for each mobile home site. One such space must be placed on the mobile home site. The second space may be provided within off-street parking bays and shall measure ten feet wide by twenty feet long.

(b) All mobile home pads and driveways shall be constructed of concrete and shall abut a service drive in accordance with the Subdivision Regulations and the Land Development Regulations.

(c) All service drive widths shall permit two-way traffic and be a minimum of twenty-four feet. On-street parking shall not be permitted.

(d) All service drives shall be provided with curbs and gutters and shall be properly drained.



(e) The mobile home park shall be designed to provide a concrete walk at least thirty-six inches wide from the entrance of the park to all mobile home sites and all service facilities. The Planning Commission and the Township Board may waive this requirement if it can be shown that this provision would serve no useful purpose.

(f) Street and yard lights, sufficient to permit safe movement of vehicles and pedestrians at night, shall be provided and shall be so located and shaded as to direct the light away from adjacent properties.

(Ord. 260. Passed 7-9-79.)

#### **1266.06 UNDERGROUND WIRING.**

(a) Arrangements shall be made for all local distribution lines for telephone or electric services, exclusive of main supply and perimeter feed lines when located on section or quarter-section lines, to be placed entirely underground throughout the mobile home park area, provided, how-ever, that when a mobile home park overlaps a section or quarter-section line, main supply and perimeter feed lines located on such section or quarter-section line shall be placed underground. The Township Board may waive or modify this requirement where, in its judgment, circum-stances exist which render compliance impractical.

(b) Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

(Ord. 260. Passed 7-9-79.)

## **CHAPTER 1268**

### **OS Office/Service District**

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1268.01 Purpose.

1268.02 Principal uses permitted.

1268.03 Required conditions.

1268.04 Uses requiring special approval.

1268.05 Height, bulk, area and setback requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1268.01 PURPOSE.**

The OS Office/Service District, as herein established, is intended to accommodate office uses, office sales uses and services. This District is further intended to serve the function of land use transition between commercial districts, major thoroughfares having rights of way of 120 feet or greater and adjacent One-Family Residential Districts.

(Ord. 260-A-58. Passed 8-22-83.)

#### **1268.02 PRINCIPAL USES PERMITTED.**

In the OS Office/Service District, no building or land shall be used and no building shall be erected except for one or more of the following uses, unless otherwise provided in this Zoning Code:

(a) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic and drafting, subject to limitations contained in Section 1268.03.

(b) Medical offices, including clinics only for human care, solely serving patients on an out-patient basis.

(c) Banks, credit unions, savings and loan associations, loan companies, insurance offices, real estate offices and similar uses.

(d) Drive-in or drive-through facilities, when accessory or incidental to the above uses.

(e) Commercial television and radio towers accessory to uses permitted in this section.

(f) Funeral homes, subject to the following conditions:

(1) Sufficient assembly area for vehicles to be used in a funeral procession shall be provided in addition to required off-street parking. Sufficiency of such assembly area shall be subject to the discretion of the Planning Commission and the Township Board.

(2) The site shall be located so as to have one property line abutting a major thoroughfare of 120 feet existing or proposed right of way.

(3) Adequate ingress and egress shall be provided to and from said major thoroughfare.

(4) No building shall be located closer than fifty feet to the outer perimeter of the District when said District abuts any One-Family Residential District.

(5) Loading and unloading areas used by ambulance, hearse or other such service vehicles shall be obscured from all residential view with a six-foot high masonry wall.

(g) Child care centers, subject to the following conditions:

(1) Such centers shall comply with applicable laws of the State of Michigan or the Federal Government.

(2) All outdoor play areas provided shall be fenced on all sides with a minimum of a four-foot high fence.

(3) The site shall be located so as to have one property line abutting a major or secondary thoroughfare and shall have all access provided to said thoroughfare.

(h) An accessory building or use customarily related to a use permitted in this District, such as an apothecary shop, stores limited to corrective garments or bandages or an optical company without outdoor display or advertising.

(i) Publicly-owned buildings, public utility buildings, telephone exchange buildings and repeater stations, electric transformer stations and substations, and gas regulator stations (without storage yards), when operation requirements necessitate the locating of said building within the District in order to serve the immediate vicinity. The Planning Commission and the Township Board may require walls and landscaping in order to screen such uses where they deem the same to be necessary.

(j) Private or public athletic clubs, health spas or figure salons, when conducted within a completely enclosed building and the proposed use is of such size and character that it will be in harmony with the orderly development of the immediate area and is designed to eliminate any possible nuisance which might be adverse to occupants of any other nearby permitted uses.

(k) Veterinary clinics and hospitals, including facilities for overnight keeping of animals, subject to the following conditions:

(1) The site shall be located so as to have one property line abutting a major thoroughfare of 120 feet existing or proposed right of way.

(2) All activities must be conducted within a totally enclosed main building with no outdoor kennels, cages or runs.

(3) A separate entrance must be provided for admittance and discharge of animals from the hospital or clinic so as not to interfere with common pedestrian hallways and entrances.

(l) Other uses similar to the above uses.

(m) Accessory buildings and uses customarily incidental to any of the above uses.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-80. Passed 11-13-84.)

(n) Restaurants or other similar places serving food or beverages, excluding catering and banquet halls and drive-in/drive-through fast-food restaurants, subject to the following conditions:

(1) Such restaurant shall be an integral part of and wholly contained within the office structure of which it is a part.

(2) Such restaurant shall not be permitted exterior signage as a use separate from the office structure of which it is a part.

(Ord. 260-A-292. Passed 8-18-97.)

(o) Business or professional schools, operated for profit, subject to the following minimum conditions:

(1) The site shall be located so as to have one property line abutting a major thoroughfare of 120 feet existing or proposed right-of-way and all ingress and egress shall be to and from such thoroughfare.

(2) The Department of Planning and Community Development shall determine that off-street parking facilities are adequate to accommodate such use.

(Ord. 260-A-415. Passed 12-5-05.)

### **1268.03 REQUIRED CONDITIONS.**

(a) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(b) Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above-permitted uses, shall be prohibited.

(Ord. 260-A-58. Passed 8-22-83.)

### **1268.04 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the OS District, subject to the requirements and conditions set forth in Section

1298.02:

(a) (EDITOR'S NOTE: This subsection was repealed by Ordinance 260-A-292, passed August 18, 1997.)

(b) Churches, temples and other places of worship.

(Ord. 260-A-221. Passed 1-20-92.)

(c) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

#### **1268.05 HEIGHT, BULK, AREA AND SETBACK REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings, the minimum size of lots permitted by the land use, and the minimum yard setback requirements.

(Ord. 260-A-58. Passed 8-22-83.)

## **CHAPTER 1270**

### **OS-2 Office/Service Mid-Rise District**

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1270.01 Purpose.

1270.02 Principal uses permitted.

1270.03 Uses subject to special conditions.

1270.04 Required conditions.

1270.05 Height, bulk, area and setback requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1270.01 PURPOSE.**

(a) The OS-2 Office/Service Mid-Rise District, as herein established, is intended to accommodate office uses performing administrative, professional and technical services within a structure having a height of at least three stories with a maximum of five stories.

(b) The District is further intended to serve as a transitional district between major thoroughfares and less intense uses of land, such as commercial, office/service (low-rise) and multiple-family residential.

(Ord. 260-A-163. Passed 6-6-88.)

#### **1270.02 PRINCIPAL USES PERMITTED.**

In the OS-2 Office/Service Mid-Rise District, no land or building shall be used and no building shall be erected except for one or more of the following uses, unless otherwise provided in this Zoning Code:

(a) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic and drafting, subject to the limitations contained in Section 1270.04.

(b) Medical offices, including clinics only for human care solely serving patients on an out-patient basis.

(c) Banks, credit unions, savings and loan associations, loan companies, insurance offices, real estate offices and similar uses.

(d) Drive-in or drive-through facilities when accessory to the above uses.

(e) Other uses similar to the above uses.

(f) Accessory buildings and uses customarily incidental to any of the above uses.

(Ord. 260-A-163. Passed 6-6-88.)

#### **1270.03 USES SUBJECT TO SPECIAL CONDITIONS.**

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and in Section 1270.04.

(a) Personal service establishments such as beauty parlors, barber shops and other similar uses may be permitted, provided that such uses are an integral part and wholly contained within the office structure of which they are a part.

(b) Restaurants or other places serving food or beverages, except banquet and catering halls and those having drive-ins or drive-throughs, provided that such uses are an integral part and wholly contained within the office structure of which they are a part.

(c) Publicly-owned buildings, public utility buildings, telephone exchange buildings and repeater stations, electric transformer stations and substations, and gas regulator stations (without storage yards), when operation requirements necessitate the location of said building within the District in order to serve the immediate vicinity. The Planning Commission and the Township Board may require walls and landscaping in order to screen such uses where they deem the same to be necessary.

(Ord. 260-A-163. Passed 6-6-88.)

(d) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

#### **1270.04 REQUIRED CONDITIONS.**

(a) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(b) Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above-named permitted uses, shall be prohibited.

(Ord. 260-A-163. Passed 6-6-88.)

#### **1270.05 HEIGHT, BULK, AREA AND SETBACK REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings, the minimum size of lots permitted by the land use, and the minimum yard setback requirements.

(Ord. 260-A-163. Passed 6-6-88.)

## **CHAPTER 1272**

### **OS-3 Office/Service Mid-Rise District**

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1272.01 Purpose.

1272.02 Principal uses permitted.

1272.03 Uses subject to special conditions.

1272.04 Required conditions.

1272.05 Height, bulk, area and setback requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1272.01 PURPOSE.**

(a) The OS-3 Office/Service Mid-Rise District, as herein established, is intended to accommodate office uses performing administrative, professional and technical services within a structure having a height of at least six stories with a maximum of nine stories.

(b) The District is further intended to serve as a transitional district between major thoroughfares and less intense uses of land, such as commercial, office/service (low-rise) and multiple-family residential.

(Ord. 260-A-163. Passed 6-6-88.)

#### **1272.02 PRINCIPAL USES PERMITTED.**

In the OS-3 Office/Service Mid-Rise District, no land or building shall be used and no building shall be erected except for one or more of the following uses, unless otherwise provided in this Zoning Code:

- (a) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic and drafting, subject to the limitations contained in Section 1272.04.
- (b) Medical offices, including clinics only for human care solely serving patients on an out-patient basis.
- (c) Banks, credit unions, savings and loan associations, loan companies, insurance offices, real estate offices and similar uses.
- (d) Drive-in or drive-through facilities when accessory to the above uses.
- (e) Other uses similar to the above uses.
- (f) Accessory buildings and uses customarily incidental to any of the above uses.

(Ord. 260-A-163. Passed 6-6-88.)

### **1272.03 USES SUBJECT TO SPECIAL CONDITIONS.**

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and in Section 1272.04.

(a) Personal service establishments such as beauty parlors, barber shops and other similar uses may be permitted, provided that such uses are an integral part and wholly contained within the office structure of which they are a part.

(b) Restaurants or other places serving food or beverages, except banquet and catering halls and those having drive-ins or drive-throughs, provided that such uses are an integral part and wholly contained within the office structure of which they are a part.

(c) Publicly-owned buildings, public utility buildings, telephone exchange buildings and repeater stations, electric transformer stations and substations, and gas regulator stations (without storage yards), when operation requirements necessitate the location of said building within the District in order to serve the immediate vicinity. The Planning Commission and the Township Board may require walls and landscaping in order to screen such uses where they deem the same to be necessary.

(Ord. 260-A-163. Passed 6-6-88.)

### **1272.04 REQUIRED CONDITIONS.**

(a) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(b) Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

(Ord. 260-A-163. Passed 6-6-88.)

### **1272.05 HEIGHT, BULK, AREA AND SETBACK REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings, the minimum size of lots permitted by the land use, and the minimum yard setback requirements.

(Ord. 260-A-163. Passed 6-6-88.)

## **CHAPTER 1274**

### **B-1 Neighborhood Business District**

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1274.01 Purpose.

1274.02 Principal uses permitted.

1274.03 Required conditions.

1274.04 Uses requiring special approval.

1274.05 Height, bulk and area requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

#### **1274.01 PURPOSE.**

The B-1 Neighborhood Business District, as herein established, is intended to permit those uses as are necessary to satisfy the basic convenience shopping and/or service needs of persons residing in nearby residential areas.

(Ord. 260-A-58. Passed 8-22-83.)

#### **1274.02 PRINCIPAL USES PERMITTED.**

In the B-1 Neighborhood Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) Any principal use permitted in an OS District, including those uses subject to special conditions and subject to the provisions of Section 1274.03.

(b) Retail businesses which supply groceries, meats, dairy products, baked goods, drugs, dry goods, apparel and notions, hardware stores, record shops, musical instrument sales, and book, stationery, paint, wallpaper and small auto parts sales stores.

(c) Personal service establishments which perform services on the premises, such as repair shops for watches, radios, televisions, shoes, etc., tailor shops, beauty parlors, barber shops, photographic and interior decorating studios and self-service laundries, but excluding repair shops such as for lawnmowers, large appliances, furniture, etc.

(d) Dry cleaning establishments or pick-up stations dealing directly with the consumer.

(e) Florists and card and gift shops.

(f) Carry-out restaurants.

(g) Publicly-owned buildings, public utility buildings, telephone exchange buildings and repeater stations, electric transfer stations and substations, gas regulator stations with service yards, but without storage yards, and water and sewer pumping stations, when operation requirements necessitate the locating of said buildings within the District in order to serve the immediate vicinity. The Planning Commission and the Township Board may require walls and landscaping in order to screen such uses where they deem the same to be necessary.

(h) Other uses similar to the above uses.

(i) Accessory buildings and uses customarily incidental to any of the above-permitted uses.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-80. Passed 11-13-84; Ord. 260-A-221. Passed 1-20-92.)

(j) Restaurants or other places serving food or beverage, excluding catering and banquet halls and drive-in/drive-through fast-food restaurants, provided that such use is part of a planned shopping center as defined in Chapter 1250.

(Ord. 260-A-292. Passed 8-18-97.)

(k) Schools, operated for profit, for the training or instruction of non-academic subjects such as, but not limited to, dance, music, martial arts and similar artistic or athletic pursuits, provided that the Department of Planning and Community Development determines that available off-street parking is adequate to serve the use.

(Ord. 260-A-393. Passed 6-1-04.)

#### **1274.03 REQUIRED CONDITIONS.**

(a) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(b) All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

(c) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(d) Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above-permitted uses, shall be prohibited.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-292. Passed 8-18-97.)

#### **1274.04 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the B-1 District, subject to the requirements and conditions set forth in Section 1248.02:

(a) (EDITOR'S NOTE: Subsection (a) was repealed by Ordinance 260-A-340, passed December 4, 2000.)

(b) Churches, temples and other places of worship.

(Ord. 260-A-221. Passed 1-20-92.)

(c) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

(d) Sexually-oriented businesses, massage parlors, pawnbrokers and tattoo parlors, payday advance/check-cashing businesses, resale shops, second-hand dealers, gold sell/buy businesses, precious gems and metals sell/buy businesses, used goods businesses, and other similar uses to the above, in addition to the conditions set forth in the "Principal Permitted Uses" section of this chapter.

(Ord. 260-A-438. Passed 10-6-08; Ord. 260-A-440. Passed 7-13-09.)

#### **1274.05 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted by the land use.

(Ord. 260-A-58. Passed 8-22-83.)

## **CHAPTER 1276**

### **B-2 Community Business District**

---

1276.01 Purpose.

1276.02 Principal uses permitted.

1276.03 Required conditions.

1276.04 Uses requiring special approval.

1276.05 Height, bulk and area requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1276.01 PURPOSE.**

The B-2 Community Business District is established to cater to the needs of a larger consumer population than is served by the B-1 Neighborhood Business District, and is characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

(Ord. 260-A-58. Passed 8-22-83.)

#### **1276.02 PRINCIPAL USES PERMITTED.**

In the B-2 Community Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) Any retail business or service establishment permitted in the OS or B-1 District, including those uses subject to special conditions and subject to the provisions of Section 1276.03.

(b) All retail businesses and service establishments as follows and subject to the regulations in Section 1276.03:

(1) Department stores and other retail businesses which offer the sale of merchandise, including such items as home furnishings, bicycles, jewelry, pets, appliances, luggage, sporting goods and toys, and whose activities are conducted completely within an enclosed building.

(2) Retail or service establishments, including showrooms of a nature which require a workshop adjunct, including pet groomers (without boarding facilities), home appliance repair, printers and upholsterers, but excluding any retail or service establishment for automobile vehicles, boats and the like.

(3) Restaurants or other places serving food or beverages, except banquet and catering halls.

(4) Indoor commercial recreation establishments, such as bowling alley, indoor archery range, indoor tennis and racquet clubs or similar establishments. However, billiard halls, coin and/or token-operated amusement arcades, dance halls and skating rinks are expressly prohibited unless they are accessory to an above-permitted indoor commercial recreation establishment.

(5) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within an enclosed

building.

(c) An open-air business may be permitted within a planned shopping center, as defined in Section 1250.07, for the retail sales of plant material not grown on the site and sales of lawn furniture, playground equipment and garden supplies, all enclosed with a fence. Said area shall not be used for bulk storage. The Planning Commission and the Township Board may require walls and landscaping in order to screen such uses where they deem necessary.

(d) Automotive service center when developed as part of a planned shopping center, as defined in Section 1250.07, designed so as to integrate the automotive service center within the site plan and the architecture of the total shopping center. However, a building permit shall not be issued separately for the construction of any automotive service center within the B-2 District.

(e) Printing and publishing establishments, provided that the building housing such an establishment shall be free-standing and not attached to any other building or use, and provided, further, that the use is designed and operated so as to provide no sound or vibration discernible at the property lines in excess of the normal intensity of street or traffic noises or vibration noticeable at such points.

(f) Other uses similar to the above.

(g) Accessory buildings and uses customarily incidental to any of the above-permitted uses.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-221. Passed 1-20-92.)

### **1276.03 REQUIRED CONDITIONS.**

(a) All business establishments shall be retail or service establishments dealing directly with consumers, unless otherwise provided herein. All goods produced on the premises shall be sold at retail on the premises where produced.

(b) All business, servicing and processing, except for off-street parking, loading and unloading, and those open-air uses indicated as being permissible, shall be conducted within completely enclosed buildings.

(Ord. 260-A-58. Passed 8-22-83.)

### **1276.04 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the B-2 District, subject to the requirements and conditions set forth in Section 1298.02:

(a) Open air sales which are accessory to a principal permitted use.

(b) Automotive service centers, including the service and sale of such items as batteries, brakes, tires, exhaust systems, engines, transmissions, etc.

(c) Banquet and catering halls.

(d) Commercial outdoor recreation.

(Ord. 260-A-58. Passed 8-22-83.)

(e) (EDITOR'S NOTE: Subsection (e) was repealed by Ordinance 260-A-221, passed January 20, 1992.)

(f) Full-service auto wash with no gasoline dispensing facilities.

(Ord. 260-A-122. Passed 7-7-86.)

(g) Churches, temples and other places of worship.

(Ord. 260-A-221. Passed 1-20-92.)

(h) Automobile dealerships offering new car sales.

(Ord. 260-A-242. Passed 10-18-93.)

(i) Billiard halls and coin and/or token-operated amusement arcades.

(Ord. 260-A-249. Passed 8-22-94.)

(j) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

(k) Sexually-oriented businesses, massage parlors, pawnbrokers and tattoo parlors, payday advance/check-cashing businesses, resale shops, second-hand dealers, gold sell/buy businesses, precious gems and metals sell/buy businesses, used goods businesses, and other similar uses to the above, in addition to the conditions set forth in the "Principal Permitted Uses" section of this chapter.

(Ord. 260-A-438. Passed 10-6-08; Ord. 260-A-440. Passed 7-13-09.)

### **1276.05 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted by the land use.



## CHAPTER 1278

### B-3 General Business District

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- 1278.01 Purpose.
- 1278.02 Principal uses permitted.
- 1278.03 Required conditions.
- 1278.04 Uses requiring special approval.
- 1278.05 Height, bulk and area requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1278.01 PURPOSE.**

The B-3 General Business District is characterized by more diversified business uses that are often located so as to serve the passersby, which uses would often be incompatible with pedestrian movement in the B-1 Neighborhood Business District or B-2 Community Business District.

(Ord. 260-A-58. Passed 8-22-83.)

#### **1278.02 PRINCIPAL USES PERMITTED.**

In the B-3 General Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) Any retail business or service establishment permitted in the OS, B-1 or B-2 District, including those uses subject to special conditions and subject to the provisions of Section 1278.03.
- (b) Business schools or private schools operated for profit.
- (c) Catering or banquet halls.
- (d) Home modernization sales, residential garage sales and swimming pool sales, excluding manufacturing and processing facilities and outdoor storage.
- (e) Lawn and garden supply sales, including an accessory outdoor sales area, provided such outdoor sales area is completely fenced and obscured from public view.
- (f) Accessory or ancillary oil and gas well or use structures may be permitted subject to the following minimum requirements:
  - (1) Such uses in facilities shall be placed completely to the rear of any existing principal structure or building.
  - (2) The property upon which any structures are situated above ground shall be at least two acres.
  - (3) Any above ground structures shall be situated at least 150 feet from any adjacent property line unless all occupants and owners of adjacent property consent in writing to a closer location and in no event shall such structures be located any closer than 50 feet to adjacent lot lines.
  - (4) The provision of Section 1298.11 all apply except in direct conflict.
- (g) Hotel or motel, subject to the following:
  - (1) Vehicular ingress and egress to and from the site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.
  - (2) No kitchen or cooking facilities are to be provided, with the exception of units for use by the manager or caretaker.
  - (3) Each unit shall contain no less than 250 feet of floor area.
  - (4) Units shall not be occupied as a place of permanent residence and a guest register shall be maintained by the motel or hotel.

(h) Automotive service center, when developed as part of a planned shopping center, designed so as to integrate the automotive service center within the site plan and architecture of the total shopping center.

(i) Billiard halls, coin and/or token-operated amusement arcades, nightclubs and skating rinks, when entirely contained within an enclosed building. Such building shall be located at least 100 feet from any property line of any Residential District.

(j) Auto wash rack or motor vehicle laundry, subject to the following:

(1) Vehicular ingress and egress shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width, except that it shall be permissible to allow vehicles to exit from the facility onto a public alley.

(2) All vehicles standing and waiting to enter the facility shall be provided off-street waiting space, and no vehicle shall be permitted to wait on the public right of way as part of the traffic approach.

(k) New vehicle sales showrooms and service facilities, subject to the following:

(1) In no instance shall the building be located closer than 100 feet to residentially zoned land.

(2) Related service facilities shall be an integral part of the vehicle dealership.

(l) Automotive service and sales facilities, including service and sale of such items as batteries, brakes, tires, glass, mufflers, upholstery, undercoating, transmission and engines, subject to the following conditions:

(1) In no instance shall the building be located closer than fifty feet to residentially zoned land.

(2) Overhead doors shall not face or abut residentially zoned land.

(3) Outdoor storage of wrecked vehicles or junk shall be prohibited.

(m) Bus passenger stations, subject to the following: buses shall not be parked or stored overnight at the station. The station shall be used only for parking of vehicles of patrons and employees, ticket sales and waiting and pick-up areas.

(n) Private clubs and/or lodge halls, subject to the following:

(1) All activities, other than off-street parking, shall be conducted within a completely enclosed building.

(2) No building shall be closer than forty feet to any property line.

(3) Buildings shall not exceed two stories or twenty-five feet in height.

(o) Sexually-oriented businesses. It has been demonstrated that the establishment of sexually-oriented businesses in Business Districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both businesses and residential segments of the neighborhood, causing blight, downgrading of property values and, in some instances, increasing crime in the vicinity. The prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to prevent the clustering of certain businesses which, when located in close proximity to each other, tend to create a skid-row atmosphere. Such prohibition fails, however, to prevent the deleterious effects of blight and the devaluation of both business and residential property values resulting from the establishment of sexually-oriented businesses in a Business District which is immediately adjacent to and which serves residential neighborhoods. The orderly planning, development and preservation of neighborhoods should be encouraged and fostered by properties and persons which comprise the business and residential segments of each neighborhood.

Sexually-oriented businesses shall be permitted only in the B-3 District, subject to the following requirements and conditions:

(1) No sexually-oriented business shall be located closer than 1,000 feet to any other sexually-oriented business.

(2) It shall be unlawful to establish any such use in a B-3 District, unless prohibition is waived upon presentation to the Clinton Township Planning Department of a validated petition requesting such waiver. Such petition shall describe the business as being of a sexually-oriented nature and shall be signed by at least fifty-one percent of those persons owning residentially-zoned property and by fifty-one percent of the occupants of any residential rental units and by fifty-one percent of those owning or conducting business within 300 feet of the proposed location. Such petition must also be signed by the legal representative of any church or school located within 300 feet of the proposed location.

(3) The site shall be located so as to abut a major thoroughfare, and all ingress and egress to the site shall be directly from such major thoroughfare.

(4) The use shall not be located within a planned shopping center, as defined in Section 1250.07.

(p) Massage parlors, subject to the following: The use shall comply with Chapter 850 of these Codified Ordinances.

(q) Other uses similar to the above.

(r) Accessory buildings and uses customarily incidental to any of the above-permitted uses.

(s) Pawnbrokers and tattoo parlors. It has been demonstrated that the establishment of tattoo parlors and pawnbrokers in Business Districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both business and residential segments of the neighborhood, causing blight. The prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to prevent the clustering of certain businesses which, when located in close proximity to each other, tend to create a skid-row atmosphere. Such prohibition fails, however, to prevent the deleterious effects of blight and the devaluation to both business and residential property values resulting from the establishment of such businesses in a Business District which is immediately adjacent to and serves residential neighborhoods. The orderly planning, development and preservation of neighborhoods should be encouraged and fostered by properties and persons which comprise the business and residential segments of each neighborhood.

Pawnbrokers and tattoo parlors shall be permitted only in the B-3 District, subject to the following requirements and conditions:

(1) No pawnbroker or tattoo parlor shall be located closer than 1,000 feet to any other pawnbroker or tattoo parlor.

(2) It shall be unlawful to establish any such use in a B-3 District, unless prohibition is waived upon presentation to the Clinton Township Planning Department of a validated petition requesting such waiver. Such petition shall describe the exact nature of the business and shall be signed by at least fifty-one percent of those persons owning residentially-zoned property and by fifty-one percent of the occupants of any residential rental units and by fifty-one percent of those owning or conducting business within 300 feet of the proposed location. Such petition must also be signed by the legal representative of any church or school located within 300 feet of the proposed location.

(3) The site shall be located so as to abut a major thoroughfare, and all ingress and egress to the site shall be directly from such major thoroughfare.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-80. Passed 11-13-84; Ord. 260-A-217. Passed 5-13-91; Ord. 260-A-221. Passed 1-20-92; Ord. 260-A-277. Passed 9-30-96; Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-361. Passed 1-28-02; Ord. 260-A-399. Passed 10-4-04; Ord. 260-A-454. Passed 1-11-16; Ord. 260-A-483. Passed 6-15-20.)

#### **1278.03 REQUIRED CONDITIONS.**

(a) All business establishments shall be retail or service establishments dealing solely with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(b) All business, servicing or processing, except for off-street parking or loading, and those uses otherwise permitted in this chapter, shall be conducted within a completely enclosed building.

(c) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale, unless otherwise permitted in this District.

(Ord. 260-A-58. Passed 8-22-83.)

#### **1278.04 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the B-3 District, subject to the requirements and conditions set forth in Section 1298.02:

(a) Adult foster care homes.

(b) Commercial outdoor recreation.

(c) Automobile painting, bumping and welding shops.

(d) Open outdoor sales which are accessory to a principal permitted use.

(e) Automotive service stations or other facilities dispensing gasoline on a retail basis.

(f) Churches, temples and other places of worship.

(g) Fast-food restaurants.

(h) Open-air business uses, including outdoor space for the sale or rental of automobiles, agricultural implements, boats or mobile homes.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-217. Passed 5-13-91; Ord. 260-A-221. Passed 1-20-92; Ord. 260-A-249. Passed 8-22-94.)

(i) Commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

(j) Recreational vehicle storage facilities.

(Ord. 260-A-361. Passed 1-28-02.)

(k) Sexually-oriented businesses, massage parlors, pawnbrokers and tattoo parlors, payday advance/check-cashing businesses, resale shops, second-hand dealers, gold sell/buy businesses, precious gems and metals sell/buy businesses, used goods businesses, and other similar uses to the above, in addition to the conditions set forth in the principal permitted uses section of this chapter.

(Ord. 260-A-438. Passed 10-6-08; Ord. 260-A-440. Passed 7-13-09.)

#### **1278.05 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted by the land use.

(Ord. 260-A-58. Passed 8-22-83.)

## **B-4 Regional Business District**

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- 1279.01 Purpose.
- 1279.02 Principal uses permitted.
- 1279.03 Required conditions.
- 1279.04 Uses requiring special approval.
- 1279.05 Height, bulk and area requirements.

### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

### **1279.01 PURPOSE.**

The B-4 Regional Business District is established to accommodate the needs of a regionally based consumer population, within an aesthetically attractive and well integrated district.

(Ord. 260-A-305. Passed 3-23-98.)

### **1279.02 PRINCIPAL USES PERMITTED.**

In the B-4 Regional Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) Planned shopping centers, as defined in Section 1250.07, and exceeding 100,000 square feet. All uses within a planned shopping center must meet the conditions established under Sections 1274.02 and 1276.02.
- (b) Department stores and other retail businesses which exceed 50,000 square feet, and which offer the sale of merchandise, including such items as apparel, home furnishings, food, jewelry, pets, appliances, sporting goods and toys, and whose activities are completely conducted within an enclosed building.
- (c) Office buildings exceeding 50,000 square feet which are used for medical, professional, administrative or research purposes.
- (d) Full-service restaurants serving food and beverages and whose primary purpose is for the food or beverage to be consumed within the building. No "drive thru" windows shall be permitted.
- (e) Indoor theaters, auditoriums, concert halls or other similar indoor places of assembly.
- (f) Business and technical schools.
- (g) Health and athletic clubs.
- (h) Indoor commercial recreation uses, such as bowling alleys, indoor archery, indoor soccer, ice skating, roller skating, racquet clubs or similar establishments. However, billiard halls and coin or token-operated amusement arcades, and sexually oriented businesses, are expressly prohibited.
- (i) Hotels and motels, provided that units shall not be occupied as a place of permanent residence and a guest register shall be maintained by the hotel or motel.
- (j) Banquet and catering halls.

(Ord. 260-A-305. Passed 3-23-98.)

### **1279.03 REQUIRED CONDITIONS.**

- (a) All business establishments shall be retail or service establishments dealing directly with consumers, unless otherwise provided herein. All goods produced on the premises shall be sold at retail on the premises where produced.
- (b) All business, except for off-street parking, loading and unloading, and those open-air uses indicated as being permissible, shall be conducted within completely enclosed buildings.
- (c) Direct access to each parcel must be from an internal marginal access road having a width of thirty feet, and not from the abutting thoroughfare. The Township Board may waive this requirement if such parallel access drive is impractical to construct and would serve no useful purpose.

(d) Curb cuts for vehicular ingress and/or egress from a marginal access road to a major or secondary thoroughfare shall be no closer than 500 feet from each other.

(e) In addition to the minimum landscape requirements specified in this Zoning Code, all landscaping must be consistent with any corridor landscape plan adopted by the Township.

(f) All buildings shall be constructed of brick or scored block on all sides.

(g) All buildings shall be designed to give the appearance of having sloped roofs with a pitch of not less than three/twelve, as reviewed from all public rights of way.

(Ord. 260-A-305. Passed 3-23-98.)

#### **1279.04 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the B-4 District, subject to the requirements and conditions set forth in Section 1298.02: Automobile dealerships offering new car sales.

(a) Automobile dealerships offering new car sales. (Ord. 260-A-305. Passed 3-23-98.)

(b) Accessory or ancillary oil and gas uses and structures may be permitted subject to the following minimum requirements:

(1) The property shall be at least two acres.

(2) Any uses shall be situated completely behind any principal building or structure.

(3) Such structure shall be at least 150 feet from adjacent property lines unless all owners and occupants of the adjoining properties consent to a closer location which in no event shall be less than 50 feet from any adjacent property line.

(4) The provisions of Section 1298.11 all apply except in direct conflict.

(Ord. 260-A-454. Passed 1-11-16.)

#### **1279.05 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted by the land use.

(Ord. 260-A-305. Passed 3-23-98.)

## **CHAPTER 1280**

### **I-1 Light Industrial District**

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1280.01 Purpose.

1280.02 Principal uses permitted.

1280.03 Required conditions.

1280.04 Uses requiring special approval.

1280.05 Height, bulk and area requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1280.01 PURPOSE.**

(a) The I-1 Light Industrial District is designed to primarily accommodate industrial operations conducted wholly within a building, the physical effects of which operation are restricted to the District and in no manner affect, in a detrimental way, any of the surrounding districts.

(Ord. 260-A-314. Passed 8-10-98.)

(b) It is the intent of the Township of Clinton to carefully preserve land in the I-1 Light Industrial District for manufacturing and related uses. Therefore, only in exceptional circumstances will certain convenience services, necessary to serve the basic light

industrial and related uses, be permitted. It is also the intent of this chapter that manufacturing, processing and assembly from raw materials shall be prohibited.

(Ord. 260-A-58. Passed 8-22-83.)

## **1280.02 PRINCIPAL USES PERMITTED.**

In an I-1 Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) Any use permitted in the TR Technical Research District, as regulated in Chapter 1283 of this Zoning Code.

(b) Any of the following uses:

(1) The manufacture, compounding, processing and packaging or treatment of products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, and tool and die, gauge and machining shops.

(2) The manufacture, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, yarns and wood, excluding saw and planing mills.

(3) The manufacture of pottery and figurines or other similar ceramic products using only previously-pulverized clay and kilns fired only by electricity or gas.

(4) The manufacture of musical instruments, toys, novelties and metal or rubber stamps or other molded rubber products.

(5) The manufacture or assembly of electrical appliances, electronic instruments and devices and audio and video equipment.

(6) Laboratories for experiments, filming or testing.

(7) The manufacture and repair of electric or neon signs, light sheet-metal products, including heating and ventilating equipment, cornices, eaves and the like.

(c) Warehousing and wholesale establishments.

(d) Printing, publishing or allied industries.

(e) Greenhouses with retail adjuncts.

(f) Central dry-cleaning plants or laundries.

(g) Fence, awning, roofing and landscaping sales uses, including outdoor display areas.

(h) Automotive painting, bumping and welding shops and tire recapping, when completely enclosed, subject to the following: the storage of vehicles to be serviced shall be located in the rear yard and shall be adequately screened by a method approved by the Planning Commission and the Township Board. However, such uses shall not be permitted outdoor storage of such vehicles when the use abuts residentially zoned land.

(i) Metal plating, buffing and polishing.

(j) Lumber yards, subject to the following:

(1) Such site shall abut only land within a B-3, I-1 or I-2 District.

(2) All incidental storage shall be screened by a berm or wall, and such screening shall be approved by the Planning Commission and the Township Board.

(k) Publicly-owned buildings, public utility buildings, telephone exchange buildings and repeater stations, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards, and water and sewer pumping stations, when operational requirements necessitate the locating of said buildings within the District in order to serve the immediate vicinity. The Planning Commission and the Township Board may require walls and landscaping in order to screen such uses where they deem the same to be necessary.

(l) Other uses similar to the above.

(m) Accessory buildings and uses customarily incidental to any of the above- permitted uses.

(n) Indoor commercial recreation facilities such as bowling alleys, archery ranges, sports arenas, skating rinks, racquet ball courts and similar establishments. However, billiard halls, coin or token-operated amusement arcades and sexually-oriented businesses are expressly prohibited.

(o) Schools, operated for profit, for the training or instruction of non-academic subjects such as, but not limited to, dance, music, martial arts and similar artistic or athletic pursuits provided that the Department of Planning and Community Development determines that available off-street parking is adequate to serve the use.

(p) Automotive service and repair of such items as batteries, brakes, tires, glass, exhaust systems, upholstery, undercoating, transmissions and engines, subject to the following condition:

(1) Outdoor storage of vehicles, auto parts or junk shall be prohibited.

(q) Accessory or ancillary oil and gas uses or structures shall be permitted subject to the further provisions of the Code Section 1298.11.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-292. Passed 8-18-97; Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-393. Passed 6-1-04; Ord. 260-A-402. Passed 12-20-04; Ord. 260-A-414. Passed 11-7-05; Ord. 260-A-454. Passed 1-11-16; Ord. 260-A-483. Passed 6-15-20.)

### **1280.03 REQUIRED CONDITIONS.**

(a) Any use established in the I-1 District, after the effective date of this Zoning Code, shall be operated so as to comply with the performance standards set forth in Section 1298.03.

(Ord. 260-A-58. Passed 8-22-83.)

(b) All industrial operations must be conducted wholly within a completely enclosed building. Outdoor storage of any goods, materials or products accessory to the principal use may be permitted to occupy a non-required rear yard or interior side yard, provided that such storage area is adequately screened from all property lines in a manner approved by the Township Board, upon recommendation from the Planning Commission. Such outdoor storage shall not occupy an area greater than fifty percent of the floor area of the principal use, or 5,000 square feet, whichever is less.

(Ord. 260-A-163. Passed 6-6-88.)

(c) Parking facilities, other than for customer or employee parking, of operational vehicles incidental to all permitted uses in the I-1 Light Industrial District, shall conform to the following:

- (1) All such parking of vehicles shall be in the rear yard.
- (2) The Planning Commission and the Township Board shall approve the location and layout of such parking areas.
- (3) Outdoor storage of inoperative or wrecked vehicles is prohibited.

(Ord. 260-A-58. Passed 8-22-83.)

(d) For all parcels directly abutting a major thoroughfare, access to the parcel shall be from an internal marginal access road having a width of thirty feet and not directly from the abutting thoroughfare. The Township Board, upon recommendation from the Planning Commission, may waive this requirement if such marginal access road is impractical to construct or would serve no useful purpose. In granting such waiver, the Township Board may require easements to provide for vehicular access to existing or proposed adjacent parking lots in order to minimize the need for driveways to each facility and thereby decreasing hazards to vehicle traffic. In such instances, a reciprocal use agreement shall be signed by each owner in a form satisfactory to the Township Attorney and shall be recorded with the Macomb County Register of Deeds.

(e) Curb cuts for vehicular access to and from a marginal access road to and from the abutting major thoroughfare shall be no closer than 300 feet to each other.

(Ord. 260-A-314. Passed 8-10-98.)

### **1280.04 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the I-1 District, subject to the requirements and conditions set forth in Section 1298.02:

- (a) Golf courses and country clubs.
- (b) Commercial outdoor recreation.
- (c) Commercial kennels.
- (d) Commercial television and radio broadcasting towers and cellular telephone antennae.
- (e) Banks, savings and loan associations and credit unions.
- (f) Outdoor theaters.
- (g) Horse and dog tracks.
- (h) Private clubs and/or lodge halls.
- (i) Recreational vehicle storage facilities.
- (j) Mini-warehouse or self-storage facilities, subject to the following:
  - (1) Vehicular ingress and egress to and from the site shall be directly to and from a major or secondary thoroughfare.
  - (2) No storage of combustible or flammable liquids or fibers, or explosive materials, as defined in the Fire Prevention Code, or hazardous or toxic materials shall be permitted within the mini-warehouse or self-storage facilities/buildings or upon the premises of the mini-warehouse or self-storage property.
  - (3) No outdoor storage of any kind shall be permitted.
  - (4) Except for rental offices and/or manager living quarters, the use of the facility/ building shall be limited to the storage of non-hazardous personal items only.

(5) Facilities/buildings shall not be used for the operation of any other business, nor for vehicle or equipment maintenance and repair.

(6) Retail sales to tenants of products and supplies incidental to the principal use shall only be permitted, such as packing materials, labels, tape, twine, locks, chains and similar products.

(7) No facility/building shall be located closer than 25 feet to any property line.

(8) Each facility/building shall have a facade of brick or decorative block and shall have a gable, hip or other type of sloped roof.

(9) No site shall be permitted which is adjacent to residentially zoned property or property occupied for residential purposes.

(10) Additional screening to provide adequate separation from nearby parcels may be required utilizing vegetation, manmade materials, or both.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-221. Passed 1-20-92; Ord. 260-A-239. Passed 8-23-93; Ord. 260-A-277. Passed 9-30-96; Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-361. Passed 1-28-02; Ord. 260-A-483. Passed 6-15-20.)

#### **1280.05 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted by the land use.

(Ord. 260-A-58. Passed 8-22-83.)

## **CHAPTER 1282**

### **I-2 General Industrial District**

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1282.01 Purpose.

1282.02 Principal uses permitted.

1282.03 Required conditions.

1282.04 Uses requiring special approval.

1282.05 Height, bulk and area requirements.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1282.01 PURPOSE.**

(a) The I-2 General Industrial District is established primarily for manufacturing, assembly and fabrication activities including large-scale or specialized industrial operations whose external physical effects will be felt, to some degree, by surrounding districts. The I-2 District is structured so as to permit, in addition to I-1 Light Industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

(b) It is the intent of the Township of Clinton to carefully preserve land in the I-2 General Industrial District for manufacturing and related uses. Therefore, only in exceptional circumstances will certain convenience services necessary to serve the industrial uses be permitted.

(Ord. 260-A-58. Passed 8-22-83.)

#### **1282.02 PRINCIPAL USES PERMITTED.**

In an I-2 General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) Any principal use permitted in the I-1 Light Industrial District and the TR Technical Research District.

(b) Heating and electric power-generating plants and all accessory uses.

(c) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which shall



conform with the performance standards set forth in Section 1298.03.

(d) Storage facilities for building materials, sand, gravel, stone or lumber or for contractors' equipment and supplies. The Planning Commission and Township Board may require walls, berms or landscaping where they deem the same to be necessary to minimize the effect of the use upon surrounding properties.

(e) Storage facilities for operative boats, trailers, recreation vehicles and other such vehicles. The Planning Commission and Township Board may require walls, berms or landscaping where they deem the same to be necessary to minimize the effect of the use upon surrounding properties.

(f) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.

(g) Storage and transfer for electric and gas service buildings and yards, water supply and sewage disposal plants, water and propane tank holders, railroad transfer and storage tracks, railroad rights of way and freight terminals.

(h) Other uses similar to the above uses.

(i) Accessory buildings and uses customarily incidental to any of the above-permitted uses.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-314. Passed 8-10-98.)

(j) Trucking operations, including sales, service and repair, subject to the following conditions:

(1) All ingress and egress shall be from a major thoroughfare having a minimum right-of-way width of 120 feet.

(2) All accessory storage shall be in the rear yard and shall be completely screened from all adjacent properties and public streets.

(k) Accessory or ancillary oil and gas uses or structures shall be permitted subject to the further provisions of the Code Section 1298.11.

(l) Mini-warehouse or self-storage facilities, subject to the following:

(1) Vehicular ingress and egress to and from the site shall be directly to and from a major or secondary thoroughfare.

(2) No storage of combustible or flammable liquids or fibers, or explosive materials, as defined in the Fire Prevention Code, or hazardous or toxic materials shall be permitted within the mini-warehouse or self-storage facilities/buildings or upon the premises of the mini-warehouse or self-storage property.

(3) No outdoor storage of any kind shall be permitted.

(4) Except for rental offices and/or manager living quarters, the use of the facility/building shall be limited to the storage of non-hazardous personal items only.

(5) Facilities/buildings shall not be used for the operation of any other business, nor for vehicle or equipment maintenance and repair.

(6) Retail sales to tenants of products and supplies incidental to the principal use shall only be permitted, such as packing materials, labels, tape, twine, locks, chains and similar products.

(7) No facility/building shall be located closer than 25 feet to any property line.

(8) Each facility/building shall have a facade of brick or decorative block and shall have a gable, hip or other type of sloped roof.

(9) No site shall be permitted which is adjacent to residentially zoned property or property occupied for residential purposes.

(10) Additional screening to provide adequate separation from nearby parcels may be required utilizing vegetation, manmade materials, or both.

(Ord. 260-A-454. Passed 1-11-16; Ord. 260-A-483. Passed 6-15-20.)

### **1282.03 REQUIRED CONDITIONS.**

Any use established in the I-2 District, after the effective date of this Zoning Code, shall be operated so as to comply with the performance standards set forth in Section 1298.03.

(Ord. 260-A-58. Passed 8-22-83.)

### **1282.04 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the I-2 District subject to the requirements and conditions set forth in Section 1298.02:

(a) Commercial outdoor recreation.

(b) Commercial kennels.

(c) Commercial television and radio broadcasting towers and cellular telephone antennae.

(d) Outdoor theaters.

(e) Auto race tracks.

(f) Horse and dog tracks.

(g) Junk yards.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-277. Passed 9-30-96.)

#### **1282.05 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted by the land use.

(Ord. 260-A-58. Passed 8-22-83.)

## **CHAPTER 1283**

### **TR Technical Research District**

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1283.01 Purpose; restrictions.

1283.02 Principal uses permitted.

1283.03 Required conditions.

1283.04 Height, bulk and area requirements.

1283.05 Uses requiring special approval.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1283.01 PURPOSE; RESTRICTIONS.**

(a) The TR Technical Research District is intended to accommodate research, technical, office, manufacturing and related storage activities which serve the needs of nearby commercial, industrial and educational establishments. The primary characteristic of uses permitted in this District is the pursuit of scientific and technical knowledge and the provision of facilities to serve the needs generated by those endeavors.

(Ord. 260-A-265. Passed 9-7-95.)

(b) Any use in the TR District shall not emit smoke, dust, dirt, odor, gas particles or energy radiation in amounts which would be detrimental to the environmental quality.

(c) Any use in the TR District shall be designed and operated so as to produce no sound, glare or vibration discernible at the property lines in excess of the normal intensity of street or traffic noises or vibration noticeable at such points.

(Ord. 260-A-221. Passed 1-20-92.)

#### **1283.02 PRINCIPAL USES PERMITTED.**

In a TR Technical Research District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) Educational, research and design facilities charged with the principal function of research and development of new products and processes and technical training.

(b) Industrial, scientific or commercial research, development and testing laboratories.

(c) Executive and administrative offices for concerns whose plants or other facilities are not permitted in the TR District.

(d) Industrial, medical and dental clinics, medical, optical, pharmaceutical and dental laboratories and veterinary hospitals and clinics.

(e) Data processing and computer centers, including service and maintenance of electronic data processing equipment.

(f) Legal, engineering, surveying, accounting, architectural and similar professional offices.

(g) Trade, industrial or technical schools.

(h) Radio and television broadcasting stations, excluding towers.

(i) Printing, publishing, photographic processing or allied industries.

(j) Warehouse and wholesale establishments used in conjunction with any of the principal uses permitted, excluding truck terminals.

(k) Limited retail sales of products customarily incidental to the principal uses permitted, subject to the following:

(1) The total floor area within the structure devoted to sales and display shall not exceed ten percent of the floor area of the entire building.

(2) The display of products for sale shall not be visible from outside the building.

(Ord. 260-A-221. Passed 1-20-92.)

(l) The manufacturing, compounding, assembling or treatment of articles from previously prepared materials, provided that such activity is completely contained within the building. Outside storage is prohibited in the District.

(Ord. 260-A-265. Passed 9-7-95.)

### **1283.03 REQUIRED CONDITIONS.**

Any use established in the TR District, after the effective date of this chapter, shall be operated so as to comply with the performance standards set forth in Section 1298.03.

(Ord. 260-A-221. Passed 1-20-92.)

### **1283.04 HEIGHT, BULK AND AREA REQUIREMENTS.**

See Section 1292.01 for provisions regulating the height and bulk of buildings and the minimum size of lots permitted by the land use.

(Ord. 260-A-221. Passed 1-20-92.)

### **1283.05 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted within the TR Technical Research District, subject to the requirements and conditions set forth in Section 1298.02: commercial television and radio broadcasting towers and cellular telephone antennae.

(Ord. 260-A-277. Passed 9-30-96.)

## **CHAPTER 1284**

### **P Parking District**

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1284.01 Purpose.

1284.02 Principal uses permitted.

1284.03 Required conditions.

1284.04 Setbacks when contiguous to Residential Districts.

1284.05 Screening and landscaping.

1284.06 Parking space layout, standards, construction and maintenance.

#### **CROSS REFERENCES**

Regulation of location of trades, buildings and uses by local authorities; authority to zone; acquisition of property - see M.C.L.A. Secs. 125.581, 125.582, 125.583a

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Parking - see TRAF. Ch. 420

Off-street parking and loading - see P. & Z. Ch. 1296

#### **1284.01 PURPOSE.**

The P Parking District, as herein established, is intended to accommodate the off-street parking for uses, except one-family residential, which are not able to provide adequate space within their own district boundaries.

(Ord. 260. Passed 7-9-79.)

#### **1284.02 PRINCIPAL USES PERMITTED.**

Premises in P Districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as hereinafter provided.

(Ord. 260. Passed 7-9-79.)

#### **1284.03 REQUIRED CONDITIONS.**

(a) The parking area shall be accessory to and for use in connection with one or more multiple-family, business or industrial establishments, such establishments to be located in the respective adjoining Multiple-Family, Business or Industrial District, or in connection with one or more existing special purpose uses.

(b) Such parking lots shall be contiguous to an RM or nonresidential district on at least one side. Parking areas may be approved when adjacent to said districts or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway, public street or public alley between such P Parking District and any RM or nonresidential district.

(c) The parking area shall be used solely for the parking of private passenger vehicles for periods of less than seventy-two hours and shall not be used as an off-street loading area.

(d) No commercial repair work or service of any kind or sales or displays shall be conducted in such parking area.

(e) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.

(f) No building, other than for the shelter of attendants, shall be erected upon the premises, and such building shall not exceed fourteen feet in height.

(Ord. 260. Passed 7-9-79.)

#### **1284.04 SETBACKS WHEN CONTIGUOUS TO RESIDENTIAL DISTRICTS.**

Where a P Parking District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have yet been erected, there shall be a setback equal to the required residential setback for said Residential District, or a minimum of twenty-five feet, whichever is the greater. The required wall shall be located on this minimum setback line.

(Ord. 260. Passed 7-9-79.)

#### **1284.05 SCREENING AND LANDSCAPING.**

The parking area shall be provided with a continuous and completely obscuring masonry wall as set forth in Section 1298.08. This wall shall be provided on all sides where the next zoning district is designated as a Residential District, unless such P District is intended to directly serve such abutting district. Whenever such wall is required, all land between said wall and boundaries of the P Parking District shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. Ornamental trees shall be planted at thirty-foot intervals, six feet from the wall. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy and growing condition, neat and orderly in appearance.

(Ord. 260. Passed 7-9-79.)

#### **1284.06 PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.**

P Parking Districts shall be developed and maintained in accordance with the requirements of Chapter 1296.

(Ord. 260. Passed 7-9-79.)

## **CHAPTER 1286**

### **SP Special Purpose Districts**

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1286.01 Purpose.

1286.02 Principal uses permitted.

1286.03 Required conditions.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1286.01 PURPOSE.**

(a) SP Special Purpose Districts are designed to accommodate specific uses which are generally compatible with single-family areas, but which, because of particular characteristics of size and/or use, should not be permitted in a Residential District without review and rezoning by the Township Board.

(b) The purpose of this District is to permit the use of land and/or buildings for specific purposes in order that a high degree of control over the use to be provided for can be maintained.

(Ord. 260. Passed 7-9-79.)

#### **1286.02 PRINCIPAL USES PERMITTED.**

(a) In an SP-1 Special Purpose District, no building or land shall be used and no building shall be erected except for convalescent homes, nursing homes, rest homes, assisted care facilities or homes for the aged, subject to the following conditions:

(1) The site shall be developed so as to create a land-to-building ratio on the parcel whereby for each one bed in the principal use there shall be provided not less than 600 square feet of open space. The

open space land area per bed shall provide landscaped setting, off-street parking, service drives, loading space, yard requirements and any space required for accessory uses. The 600 square foot requirement is in addition to the building coverage area.

(2) In an SP-1 Special Purpose District, buildings shall not exceed three stories or thirty-five feet in height.

(b) In an SP-2 Special Purpose District, no building or land shall be used and no building shall be erected except for a hospital or clinic for human care.

(c) Accessory buildings and uses customarily incidental to any of the principal uses permitted in the SP Districts shall also be permitted.

(Ord. 260. Passed 7-9-79; Ord. 260-A-33. Passed 9-8-81; Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-399. Passed 10-4-04; Ord. 260-A-412. Passed 10-24-05.)

#### **1286.03 REQUIRED CONDITIONS.**

(a) All access to the site shall be directly from a major thoroughfare.

(b) Whenever the parking plan is designed so as to cause automobile headlights to be directed toward any Residential District within 100 feet of the parking areas, an obscuring wall, fence or berm may be required, as recommended by the Planning Commission and approved by the Township Board, along that entire side of the parking area.

(c) The lot area covered by all buildings shall not exceed thirty-five percent.

(Ord. 260. Passed 7-9-79.)

(d) For all parcels directly abutting a major thoroughfare, access to the parcel shall be from an internal marginal access road having a width of thirty feet and not directly from the abutting Clinton Township thoroughfare. The Township Board, upon recommendation from the Planning Commission, may waive this requirement if such marginal access road is impractical to construct or would serve no useful purpose. In granting such waiver, the Township Board may require easements to provide for vehicular access to existing or proposed adjacent parking lots in order to minimize the need for driveways to each facility and thereby decreasing hazards to vehicle traffic. In such instances, a reciprocal use agreement shall be signed by each owner in a form satisfactory to the Township Attorney and shall be recorded with the Macomb County Register of Deeds.

(e) Curb cuts for vehicular access to and from a marginal access road to and from the abutting major thoroughfare shall be no closer than 300 feet to each other.

(Ord. 260-A-314. Passed 8-10-98.)

## **CHAPTER 1288**

### **RC Regional Center District**

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EDITOR'S NOTE: Chapter 1288 was repealed by Ordinance 260-A-221, passed January 20, 1992.

## **CHAPTER 1290**

## **FW Floodway District, Flood Hazard Areas and Wetlands**

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- 1290.01 Purpose and objectives.
- 1290.02 Application of chapter.
- 1290.03 General requirements in flood hazard areas.
- 1290.04 Watercourse and wetland protection.
- 1290.05 Site plan review; drawings.
- 1290.06 Evaluation of site plan for development permits.
- 1290.07 Construction standards.
- 1290.08 Variances.
- 1290.09 Mapping disputes.
- 1290.10 Disclaimer of liability.
- 1290.11 Remedies; presumptions; liability to Township.

### **CROSS REFERENCES**

Municipal bond issues - see M.C.L.A. Sec. 135.3

Drains and drainage; flood control projects - see M.C.L.A. Secs. 280.429, 280.431

Floodplain easements - see M.C.L.A. Sec. 281.628

Flood plains in subdivisions - see P. & Z.1226.07

General provisions and definitions - see P. & Z.Ch. 1250

Drainage generally - see B. & H.Ch. 1470

### **1290.01 PURPOSE AND OBJECTIVES.**

(a) It is the purpose of this chapter to protect the health, safety and general welfare of persons and property by protecting the flood plains, floodway, watercourses and wetlands of the Charter Township of Clinton, Macomb County, Michigan; to regulate the use of land areas subject to periodic flooding; to protect economic property values, aesthetic and recreational values and other natural resource values associated with the flood plains and wetlands of this Township; to provide for review procedures for the use of these resource areas; and to provide for penalties for the violation of this chapter adopted to secure the public health, safety and general welfare under the combined authority of Act 246 of the Public Acts of 1945 (Township Regulatory Ordinances), as amended; Act 184 of the Public Acts of 1943 (Township Rural Zoning Act), as amended; Act 127 of the Public Acts of 1970 (Environmental Protection Act), as amended; Act 347 of the Public Acts of 1972 (Soil and Sedimentation Control Act), as amended; Act 346 of the Public Acts of 1972 (Inland Lakes and Streams Act), as amended; Act 167 of the Public Acts of 1968 (Flood Plain Control Act), an amendment to Act 245 of the Public Acts of 1929 (Water Resource Commission Act); the National Flood Insurance Act of 1968, as amended; the Flood Disaster Protection Act of 1973, as amended; and Act 203 of the Public Acts of 1979 (Wetland Protection Act), as amended.

(b) The objectives of this chapter are to:

(1) Provide for the protection, preservation, proper maintenance and use of Township watercourses and wetlands in order to minimize disturbance to them and to prevent damage from erosion, turbidity or siltation, a loss of fish or other beneficial aquatic organisms, a loss of wildlife and vegetation and/or from the destruction of the natural habitat thereof.

(2) Provide for the protection of the Township potable fresh water supplies from the dangers of drought, overdraft, pollution or mismanagement which will affect human animal or plant life.

(3) Secure safety from damaging flood heights and velocities caused by obstructed flows and reduced storage; reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; prevent loss of life, property damage and other losses and risks associated with flood conditions; and preserve the location, character and extent of natural drainage courses.

(4) Promote the public health, safety and general welfare and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood-control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and

streets and bridges located in areas of special flood hazard.

F. Ensure that potential buyers are notified that property is in an area of special flood hazard.

G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(c) In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Controlling the alteration of natural flood plains, stream channels and natural protective barriers which help accommodate or channel flood waters.

(4) Controlling filling, grading, dredging and other development which may increase flood damage.

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.02 APPLICATION OF CHAPTER.**

This chapter shall apply to all of the following lands within the jurisdiction of the Charter Township of Clinton:

(a) All areas of special flood hazard as shown on the Flood Insurance Rate Map, dated August 17, 1998, designated as Zone A and subject to 100-year flooding and flood hazards.

(b) Watercourses as defined in this chapter and/or as identified on an official Charter Township of Clinton Drainage, Flood Plain and Wetland Map.

(c) Wetlands, as defined in this chapter and/or as identified on an official Charter Township of Clinton Master Drainage Plan, consisting of flood plains and wetlands maps with specific reference to soil types herein identified.

(d) Wetlands, as identified in the Soil Conservation Service Soil Survey of Macomb County, Michigan, issued September, 1971.

(Ord. 260-A-204. Passed 8-13-90; Ord. 260-A-249. Passed 8-22-94; Ord. 260-A-314. Passed 8-10-98.)

#### **1290.03 GENERAL REQUIREMENTS IN FLOOD HAZARD AREAS.**

(a) Except as hereinafter provided in this section, it shall be unlawful for any person to do any of the following without obtaining a development permit from the Charter Township of Clinton:

(1) Locate any operation, obstruction or structure on lands in a 100-year flood plain.

(2) Make substantial improvements to any obstruction or structure in a 100-year flood plain. Maintenance of an obstruction or structure shall not be construed to be a substantial improvement.

(3) Locate any public or private institution or place of assembly in a flood plain.

(b) Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited, unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved.

(c) It shall be unlawful to locate off-street parking streets, roads, bridges, outdoor play equipment, sheds, garages, boathouses, boat hoists, utility lines, public utilities and facilities, pumphouses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances, in a flood plain, unless each of the following requirements is met:

(1) The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the flood plain.

(2) All equipment and structures shall be anchored to prevent flotation and lateral movement.

(3) Compliance with these requirements is certified by a registered engineer.

(d) Uses which may be permitted in the 100-year flood plain are as follows:

(1) Cultivation and harvesting of crops according to recognized soil conservation practices.

(2) Pasture, grazing land, forestry, outdoor plant nursery, orchard and harvesting of any wild crops.

(3) Wildlife sanctuary, woodland preserves and arboretums.

(4) Recreational uses, such as parks, day camps, picnic groves and golf courses, provided that no principal building is located in the floodway.

(5) Open-space portions of any use district.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.04 WATERCOURSE AND WETLAND PROTECTION.**

(a) Except as hereinafter provided in this section, it shall be unlawful for any person to do any of the following without obtaining a development permit from the Charter Township of Clinton:

(1) Deposit or permit to be deposited any material, including structures, into, within or upon any watercourse or wetland area or within twenty-five feet of the edge of any watercourse or wetland designated on the Charter Township of Clinton Master Drainage Plan.

(2) Dredge, fill or land-balance bottomlands, flood plains or wetlands.

(3) Enlarge, diminish or alter a lake, stream or any other naturally occurring waterway.

(4) Create, enlarge or diminish any natural or artificially constructed canal, channel, lagoon, lake or other waterway for navigation or any other purpose whether or not connected to an existing lake, stream or watercourse.

(5) Construct, place, enlarge, extend or remove a temporary or permanent operation or structure upon bottomlands or wetlands.

(6) Construct, extend, enlarge or connect any conduit, pipe, culvert or open or closed drainage facility erected for the purpose of carrying storm water run-off from any residential site of two or more one-family or multiple-family dwelling units, nonresidential sites, parking areas, paved or unpaved private or public roads or any other land use permitting discharge of silt, sediment, organic or inorganic materials, chemicals, fertilizers, flammable liquids or any substance producing turbidity, except through an interceptor, retention or settling basin, filter or treatment facility designed to control and eliminate the pollutant before discharge to any lake, pond, stream or watercourse.

(7) Construct, enlarge, extend or connect any private or public sewage or waste treatment plant to discharge to any lake, pond, stream, water or drainage course or wetland, except in accordance with the latest requirements of the County of Macomb, State of Michigan, and the Federal Pollution Control Acts, for improving and maintaining clean natural waters.

(b) The following operations and uses are permitted in the watercourse and wetland areas of the Charter Township of Clinton, subject to the conditions of this section.

(1) Conservation of natural habitats, soil, vegetation, water, fish and wildlife.

(2) Outdoor recreation, including play and sporting areas, field trails for nature study, hiking, horseback riding, swimming, skin diving, boating and fishing, where otherwise legally permitted and regulated.

(3) Grazing, farming, gardening and harvesting of crops and forestry and nursery practices, where otherwise legally permitted and regulated.

(4) Operation and maintenance of existing dams and other water control devices and temporary alteration or diversion of water levels or circulation for emergency maintenance or aquaculture purposes, if in compliance with State statutes.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.05 SITE PLAN REVIEW; DRAWINGS.**

(a) In conformance with the provisions of this section, all operations affecting the flood plain, floodway, watercourses and wetlands shall require approval pursuant to the provisions of this chapter for site plan review as herein otherwise contained.

(b) In addition to the provisions of this chapter for site plan review, as herein otherwise contained, an accurate drawing, prepared by an architect, land surveyor or civil engineer registered with the State of Michigan, shall be submitted and shall include the following information:

(1) Name and mailing address of the owner of record of the affected property and of the applicant, if other than the owner.

(2) Names and mailing addresses of owners of record of all properties adjoining the affected property, including properties directly across any road.

(3) Date.

(4) Scale of not less than one foot equals fifty feet.

(5) Location and dimensions of all property boundary lines.

(6) Location of proposed buildings, structures, driveways and septic fields.

(7) Location map at a scale of not less than one inch equals 2,000 feet, showing property boundary lines and the general relationship of the affected property to the surrounding area within one-half mile.

(8) An area map, at a scale of not less than one inch equals 200 feet, showing property boundary lines, the normal high-water line boundary and elevation, wetlands, proposed changes in location and the extent of existing watercourses, flood lands and drainage courses.

(9) Existing contour data for the entire affected property with a vertical contour interval of no more than five feet and vertical contour data at an interval of no more than two feet for all areas to be disturbed by the proposed operation, extending for a distance of at least fifty feet beyond the limits of such areas.

Indicated elevations shall be based on United States Geological Survey datum.



(10) Proposed contours at an interval of no more than two feet.

(11) Soil borings to determine the extent of poorly drained and very poorly drained soils. (See provisions as herein otherwise contained for wetlands, as defined in Section 1250.07(136).)

(12) Elevation, in relation to mean sea level, of the lowest floor, including the basement, of all structures.

(13) Base flood elevation data where the proposed development is subject to Act 288 of the Public Acts of 1967 (the Subdivision Control Act), as amended, or if the area is greater than five acres in size.

(14) Specification of the extent of all areas to be disturbed, the depth to which removal or deposition operations are proposed and the angle of repose of all slopes of deposited materials and/or sides of channels or excavations resulting from removal operations.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.06 EVALUATION OF SITE PLAN FOR DEVELOPMENT PERMITS.**

The Planning Commission and Township Board shall consider the following criteria when evaluating a site plan for a development permit:

(a) The danger that materials may be swept onto other lands to the injury of others.

(b) The danger to life and property due to flooding or erosion damage.

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(d) The importance of the services provided by the proposed facility to the community.

(e) The necessity of the facility for a waterfront location, where applicable.

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(g) The compatibility of the proposed use with existing and anticipated development.

(h) The relationship of the proposed use to the Charter Township of Clinton Master Plan for Future Land Use and the Charter Township of Clinton Master Drainage Plan.

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters at the site.

(k) The costs of providing governmental services during the after-flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

(l) The impact on water quality, including filtering action.

(m) Impacts on fish and wildlife, including habitat damage or changes.

(n) The effect on adjoining wetland or drainage areas and water tables.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.07 CONSTRUCTION STANDARDS.**

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement.

(b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage and shall have the lowest floor, including the basement, elevated to at least one foot above the 100-year flood elevation.

(d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(e) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(f) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(g) Any alteration, repair, reconstruction or improvement to a structure, on which the start of construction was begun after the effective date of this chapter, shall meet the requirements of "new construction" as contained in this Zoning Code.

(h) Construction, substantial improvements and encroachments, including fill, are prohibited in a regulatory floodway unless certification by a registered professional engineer is provided which demonstrates that the development will not result in any increase in the 100-year flood elevation.

(i) This section does not obviate the necessity for the applicant to obtain a permit required by any other agency before proceeding with operations approved under this chapter. Obtaining such other approval of permits as may be required is solely the responsibility of the applicant, and no operations shall be initiated by the applicant until such permits have been issued. The

Michigan Department of Natural Resources shall be contacted by the applicant regarding acts under the jurisdiction and authority of the Michigan Department of Natural Resources.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.08 VARIANCES.**

(a) Variances from any provision relevant to this chapter may be granted by the Township Board, after review by the Planning Commission, only upon determination of compliance with the general standards for grants of variances as contained within this Zoning Code and with each of the following specific standards.

(b) A variance shall not be granted within the flood hazard area when the result would cause any increase in flood level during a base flood discharge. Further, no variance shall be granted unless all provisions of Section 1290.03 are met and:

(1) There has been a determination that failure to grant the variance would result in exceptional hardship to the applicant;

(2) There has been a determination that the grant of a variance will not result in flood heights in excess of those permitted by this chapter, additional threats to public safety or extraordinary public expense, and that such variance will not create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances; and

(3) The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

(c) The Township Board may impose conditions to the grant of a variance to ensure compliance with the standards contained in this chapter.

(d) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the Michigan Historic Markers listing of historic sites or any other State register of historic places, without regard to the requirements of this section governing variances in flood hazard areas.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.09 MAPPING DISPUTES.**

(a) When disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the Township Board, after Planning Commission review and recommendation by the Township Engineer, shall resolve the dispute and establish the boundary location.

(1) In all cases, the decision of the Township Board shall be based upon the most current flood plain studies issued by the Federal Insurance Administration.

(2) When Federal Insurance Administration information is not available, the best available flood plain information shall be used.

(b) When a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration flood plain studies are being questioned, the Township Board, after Planning Commission review, shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.

(c) All parties to a map dispute may submit technical evidence to the Planning Commission and Township Board.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.10 DISCLAIMER OF LIABILITY.**

(a) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study.

(b) Larger floods may occur on rare occasions.

(c) Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris.

(d) Approval for the use of land under these provisions shall not be considered a guarantee or warranty of safety from flood damage.

(e) This chapter does not imply that areas outside the flood hazard area will be free from flood damage.

(f) This chapter does not create liability on the part of the Charter Township of Clinton, or any officer or employee thereof, for any flood damage which results from reliance upon this chapter or any administrative decision lawfully made thereunder.

(Ord. 260-A-204. Passed 8-13-90.)

#### **1290.11 REMEDIES; PRESUMPTIONS; LIABILITY TO TOWNSHIP.**

(a) The grant or denial of a developmental permit shall not have any effect on any remedy or on any person, at law or in equity, provided that where it is shown that there is a wrongful failure to comply with this chapter there shall be a rebuttable presumption that the obstruction was the proximate cause of the flooding of the land of any person bringing suit.

(b) Any person violating the provisions of this chapter shall become liable to the Township for any expense, loss or damage occasioned to the Township by reason of such violation.

## CHAPTER 1292

### Land Use Regulations

1292.01 Schedule of regulations limiting height, bulk, density and area.

1292.02 Averaged lot size. (Repealed)

1292.03 Subdivision open space plan.

1292.04 Single-family land condominium option.

#### CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities; authority to zone; acquisition of property - see M.C.L.A. Secs. 125.581, 125.582, 125.583a

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Subdivision open space plan - see P. & Z. 1226.05

#### 1292.01 SCHEDULE OF REGULATIONS LIMITING HEIGHT, BULK, DENSITY AND AREA.

The height, bulk, density and area of a land use shall be regulated as provided for in the following schedule:

Minimum Size Lot Per Unit			Maximum Height of Building		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (sq. ft.)
Use Districts	Area in (sq. ft.)	Width (ft.)	In Stories	In Feet	Front	Side	Rear	
R-0	44,000	150	2	35	50b	20c	50	2,000d,e
R-1	15,000	100	2	35	30b	10c	40	1,600d,e
R-2	12,000a	90	2	35	30b	10c	40	1,500d,e
R-3	9,600a	80	2	35	25b	8c	35	1,400d,e
R-4	8,400a	70	2	35	25b	8c	35	1,300d,e
R-5	7,800a	65	2	35	25b	8c	35	1,200d,e
RT	9,600a	80	2	35	25b	8c	35	850e
RML	f	f	3	35	g	g,h	g,h	i
RMH	f	f	Unlimited	N/A	j	j	j	i
OS-1	N/A	N/A	2	35,l	25m	10n	10o,n	N/A
OS-2	N/A	N/A	5	60	75	75	75	N/A
OS-3	N/A	N/A	9	108	75w	75w	75w	N/A
B-1	N/A	N/A	N/A	35,l	25m	10n,o	10n,o	N/A
B-2	N/A	N/A	N/A	35,l	75p,v	30o,v	60o,v	N/A
B-3	N/A	N/A	N/A	35,l	25m	10n,o	10n,o	N/A
B-4	N/A	N/A	5	60	75p	30o,x	60o,x	N/A
I-1	N/A	N/A	N/A	35,l	q	10o,r	10o,r	N/A
I-2	N/A	N/A	N/A	50,l	q	10o,r	10o,r	N/A
TR	N/A	N/A	N/A	35,l	25m	10o,r	10o,r	N/A
SP-1	N/A	N/A	3	35	40s	40s	40s	N/A
SP-2	N/A	N/A	5,t	60,t	s,t	s,t	s,t	N/A

#### FOOTNOTES TO SCHEDULE OF REGULATIONS CHART

- The minimum land area requirement per residential structure in those areas with neither Township Board approved public sewer nor water systems shall be at least 15,000 square feet. When either approved system is available, the minimum lot area shall be at least 12,000 square feet.
- Where the front yards of two or more permitted principal structures in any block in existence on the effective date of this Zoning Code, within the district zoned and on the same side of the thoroughfare, are less than the required minimum front yard, any building subsequently erected on that side of the thoroughfare shall not be less and need not be greater than the average depth of the front yards of said two or more buildings. All required front yard setbacks shall be measured from the proposed right-of-way lines of abutting thoroughfares as designated on the Master Plan for Future Land Use of 1990, as amended. At least sixty percent of the required front yard setback shall be maintained as a landscaped setback which shall, at minimum, include lawn areas.
- The side yard abutting a thoroughfare shall not be less than ten feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting the street shall not be less than the required front yard of the

district. Except as otherwise provided herein, uses permitted subject to special conditions shall have each side yard at least equal to the height of the building. Lots of record platted prior to July 9, 1979, having sixty-four feet of width or less at the building line shall provide minimum side yards totaling twelve feet with the least side being three feet. Lots of record platted prior to July 9, 1979, having sixty-five to seventy-four feet of width at the building line shall provide minimum side yards totaling fifteen feet, with the least side being five feet.

d. In any one-family dwelling having more than one level, at least one level shall provide a minimum of 800 square feet of living space. A basement, as defined in Section 1250.07, shall not be considered a level. A one-family dwelling, constructed without a basement, shall provide an additional 150 square feet to the minimum floor area requirements to provide space for utilities such as, but not limited to, a furnace, water heater, laundry tub, and the like. Storage space shall be provided by means of an attic, basement, shed, garage or utility area equal to at least fifteen percent of the total floor area of the structure. The floor area of an attached garage shall not exceed the area of the first floor of the principal dwelling unit and shall not exceed 1,500 square feet in any case.

e. Each residential dwelling in the R and RT Districts shall be a minimum width of twenty-four feet, exclusive of attached garage, if any, measured from exterior corner to exterior corner of the front portion of the building facing the abutting street.

f. No multiple-family dwelling shall be erected on a lot or parcel of land which has an area of less than 15,000 square feet of land or has a width of less than 100 feet.

The following minimum land areas per dwelling unit shall be met in the RML Low-Rise Multiple-Family Residential District:

RML	
Minimum Land	
Acre Per Unit	
<u>Dwelling Type</u>	<u>(sq. ft.)</u>
One-bedroom	6,000
Two-bedroom	6,500
Three-bedroom	7,000

Plans presented which include a den, library or extra room, for purposes of this Zoning Code, shall have such extra room counted as a bedroom.

g. In the RML District, the minimum front yard setback shall be 50 feet from any major or secondary thoroughfare, whether existing or proposed, and 35 feet from all other public streets. No off-street parking shall be permitted within these required setbacks.

h. The minimum building setback shall be 35 feet from all property lines. The minimum distance between any two buildings shall be 30 feet or the height of the building, whichever is greater.

i. Minimum floor areas for multiple family units shall be as follows:

(1) Efficiency unit: A dwelling unit containing a minimum floor area of 500 square feet and consisting of not more than one room in addition to a kitchen, dining room and necessary sanitary facilities. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be an efficiency type.

(2) One bedroom unit: A dwelling unit containing a minimum floor area of at least 600 square feet and consisting of not more than two rooms in addition to a kitchen, dining room and necessary sanitary facilities.

(3) Two bedroom unit: A dwelling unit containing a minimum floor area of at least 700 square feet per unit and consisting of not more than three rooms in addition to a kitchen, dining room and necessary sanitary facilities.

(4) Three or more bedroom unit: A dwelling unit wherein for each room in addition to the three rooms permitted in a two bedroom unit, there shall be provided an additional area of 200 square feet to the minimum floor area of 900 square feet. Dens, libraries or extra rooms shall be counted as a bedroom for the purpose of this Zoning Code.

j. The minimum building setback requirement shall be thirty-five feet or the height of the building, whichever is greater, as measured from the proposed right-of-way line of any abutting thoroughfares and from all other property lines. Front yards abutting existing or proposed major or secondary thoroughfares shall have a minimum depth of fifty feet. No off-street parking shall be permitted within the required front yard. In the RMH District, the minimum distance between buildings shall be thirty-five feet or equal to the height of the tallest structure on the site, whichever is greater.

l. Modifications in height requirements above the thirty-five feet allowed within the district may be permitted subject to the requirements and conditions set forth in Section 1298.02; Uses Requiring Special Approval; Procedure.

m. All required front yard setbacks shall be measured from the proposed right-of-way line of any abutting thoroughfare. In the instance of a corner lot or parcel of land abutting more than one public thoroughfare, all frontages shall require the minimum front yard setback specified in the district. Off-street parking shall be permitted to occupy a front yard setback in excess of the minimum setback of twenty-five feet.

The minimum setback of twenty-five feet shall be maintained with irrigated landscaping and shall include, at a minimum, one tree for each twenty linear feet of frontage. Said trees shall have a minimum caliper of two and one-half inches at the time of planting. Evergreen trees shall have a minimum height of six feet at the time of planting.

Where a landscaped setback serves as a screening buffer between an off-street parking area and a thoroughfare, a thirty-inch

high irrigated berm or solid masonry wall shall be provided. Such walls shall be of common or face brick, textured poured concrete or a masonry material compatible in appearance with that of the principal structure. Such walls shall be protected from vehicular damage by the placement of bumper blocks or six-inch diameter concrete-filled steel or iron guard posts. Backing into parking spaces which abut such walls shall be prohibited.

n. The minimum distance between any two buildings shall be twenty feet. In no instance shall a building be located closer than twenty-five feet to a residentially-zoned district.

o. Off-street loading and unloading space shall be provided in the rear yard or an interior side yard, unless the side yard abuts a Residential District and shall, in no instance, be permitted in a front yard. In those instances where exterior side yards abut an Industrial District, loading and unloading may take place in the exterior side yard, except that in those instances where exterior side yards have a common relationship with an Industrial District across a public thoroughfare, loading and unloading may take place in the side yard when the setback is equal to at least fifty feet. Off-street loading space shall further meet the requirements of Section 1296.03. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the centerline of such alley, but separately from the off-street parking requirements.

p. In the instance of a corner lot or parcel of land abutting more than one public thoroughfare, all frontages shall require the minimum front yard setback specified in the district. No off-street parking or maneuvering lanes shall be permitted within the twenty-five foot front yard setback measured from the proposed right-of-way line. Parking shall be permitted to occupy the remaining fifty-foot setback.

The minimum setback of twenty-five feet shall be maintained with landscaping and shall include, at a minimum, one tree for each twenty linear feet of frontage.

Where a landscaped setback serves as a screening buffer between an off-street parking area and a thoroughfare, a thirty-inch high berm or solid masonry wall shall be provided. Such walls shall be of common or face brick, textured poured concrete or a masonry material compatible in appearance with that of the principal structure. Such walls shall be protected from vehicular damage by the placement of bumper blocks or six-inch diameter concrete-filled steel or iron guard posts. Backing into parking spaces which abut such walls shall be prohibited.

In the event a variance of the front yard setback is obtained from the Board of Appeals, the thirty-inch high solid masonry wall must be constructed.

q. All required front yard setbacks shall be measured from the proposed right-of-way line of any abutting thoroughfare and shall be regulated as follows:

Minimum Required Front  
Yard Setback (ft.)

Right-of-way having width of 120 feet or greater	60
Right-of-way having width less than 120 feet	25

In the instance of a corner lot or parcel of land abutting more than one public thoroughfare, all frontages shall require the minimum front yard setback as specified above.

In addition to any required marginal access road, the setback shall be maintained with irrigated landscaping to include, at a minimum, one tree for each twenty linear feet of frontage. Said trees shall have a minimum caliper of two and one-half inches at the time of planting. Evergreen trees shall have a minimum height of six feet at the time of planting. Parking shall not be allowed to occupy the required front yard setback.

Where a landscaped setback serves as a screening buffer between an off-street parking area and a thoroughfare, a thirty-inch high irrigated berm or solid masonry wall shall be provided. Such walls shall be of common or face brick, textured poured concrete or a masonry material compatible in appearance with that of the principal structure. Such walls shall be protected from vehicular damage by the placement of bumper blocks or six-inch diameter concrete-filled steel or iron guard posts. Backing into parking spaces which abut such walls shall be prohibited.

r. The minimum distance between any two buildings shall be twenty feet. In no instance shall a building be located closer than fifty feet to a residentially-zoned district.

s. The required front yard setback shall be measured from the proposed right-of-way line of any abutting thoroughfare. In the instance of a corner lot or parcel of land abutting more than one public thoroughfare, all frontages shall require the minimum front yard setback. No off-street parking shall be permitted within the front yard setback(s).

All front yards shall be maintained with irrigated landscaping and shall include, at a minimum, one tree for each twenty linear feet of frontage. The trunks of deciduous trees shall have a minimum caliper of two and one-half inches at the time of planting. Evergreen trees shall have a minimum height of six feet at the time of planting.

Where a landscaped setback serves as a screening buffer between an off-street parking area and a thoroughfare, a thirty-inch high irrigated berm or solid masonry wall shall be provided. Such walls shall be of masonry material compatible in appearance with that of the principal structure. Such walls shall be protected from vehicular damage by the placement of bumper blocks or six-inch diameter concrete-filled steel or iron guard posts (bollards). Backing into parking spaces that abut such walls shall be prohibited.

Where a side or rear yard abuts a residentially-zoned district, a landscaped buffer shall be required. Such buffer may consist of berms, plantings and/or walls of masonry construction, designed to achieve a completely obscuring effect.

t. Buildings consisting of one and two stories shall provide minimum front, side and rear yards of not less than fifty feet. Buildings consisting of three to five stories shall provide minimum front, side and rear yards equal to one and one-half times the height of the building.

u. The minimum required side yard shall be no less than twenty feet on one side, unless otherwise provided herein. The total of two side yards shall not be less than twenty feet, unless otherwise provided herein.

v. Setback applies only to planned shopping center. Other developments shall meet the minimum requirements of the B-1 Neighborhood Business District.

w. The minimum setback from all property lines shall be the height of the building or seventy-five feet, whichever is greater. Parking may be permitted in all rear and side yard setbacks and in all but the front twenty-five feet of the front yard setback.

x. Parking may be permitted to occupy the rear and side yard setbacks. However, a minimum landscaped setback of twenty feet shall be maintained from the rear and side property lines.

(Ord. 260. Passed 7-9-79; Ord. 260-A-22. Passed 7-14-80; Ord. 260-A-33. Passed 9-8-81; Ord. 260-A-45. Passed 11-22-82; Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-137. Passed 3-2-87; Ord. 260-A-163. Passed 6-6-88; Ord. 260-A-187. Passed 6-19-89; Ord. 260-A-204. Passed 8-13-90; Ord. 260-A-217. Passed 5-13-91; Ord. 260-A-221. Passed 1-20-92; Ord. 260-A-239. Passed 8-23-93; Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-292. Passed 8-18-97; Ord. 260-A-305. Passed 3-23-98; Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-340. Passed 12-4-00; Ord. 260-A-361. Passed 1-28-02; Ord. 260-A-372. Passed 10-7-02; Ord. 260-A-399. Passed 10-4-04; Ord. 260-A-412. Passed 10-24-05; Ord. 260-A-436. Passed 3-10-08.)

### **1292.02 AVERAGED LOT SIZE. (REPEALED)**

(EDITOR'S NOTE: Section 1292.02 was repealed by Ordinance 260-A-277, passed September 30, 1996.)

### **1292.03 SUBDIVISION OPEN SPACE PLAN.**

The intent of this section is to permit one-family residential subdivisions to be planned as a comprehensive unit with an allowance for residential open space. Certain modifications to standards outlined in Section 1292.01 are permitted when the following conditions are met:

(a) Lot dimensions in R-1, R-2, R-3 and R-4 One-Family Residential Districts may be reduced in accordance with the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided were developed with minimum square foot lot areas as required for each district under Section 1292.01.

(1) All calculations of density shall be predicated upon the following number of dwelling units per acre, including roads:

<u>District</u>	<u>Dwelling Units Per Acre</u>
R-1	2.3
R-2	2.7
R-3	3.4
R-4	3.7

(2) Lot widths and overall area reductions shall not be more than the following:

<u>District</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Area</u>
	<u>(ft.)</u>	<u>(sq. ft.)</u>
R-1	90	11,700
R-2	80	10,000
R-3	70	8,400
R-4	65	8,100

(3) Rear yards may be reduced to thirty feet when bordering on land dedicated to the common use of the subdivision as indicated in subsection (b) hereof.

(b) For each square foot of land gained under the provisions of subsection (a) hereof within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in Section 1292.01, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the Township or may, if approved and accepted by the Township, be deeded to the Township. If deeded to the Township, no individual land area shall be less than four acres in size, except that said parcel may be separated from the subdivision by a road or stream.

(c) Lands zoned FW Floodway District, owned as part of lands proposed to be subdivided, may be credited as open space under this section, provided that the requirements of this section are met.

(d) The area to be dedicated or deeded, whichever the case may be, for either public park or subdivision recreation purposes, shall be in a location and of a shape approved by the Planning Commission and the Township Board in reviewing the preliminary plat. Said land shall be graded and developed so as to have natural drainage.

(e) Prior to approval of a subdivision open space plan, the Township shall conduct a public hearing and determine that the plan meets at least two of the following objectives:

(1) Provides a more desirable living environment by preserving the natural character of stands of trees, brooks, topography and similar natural assets.

(2) Provides a more creative approach in the development of residential areas.

(3) Provides a more efficient, aesthetic and desirable use of open area, allowing the developer to bypass natural obstacles in the site.

(f) Under this planned unit approach, the subdivider shall dedicate or deed, as determined by the Township, the total park area at the time of filing of the final plat on all or any portion of the plat, unless otherwise agreed to by the Township.

(g) Where the open space is dedicated to the landowners or their representative, such park area shall be maintained by the same. In the event of a default in maintenance, said open space shall, if accepted by the Township, either be deeded to the Township of Clinton or, in lieu thereof, the lots in the subdivision shall be assessed equally as a tax lien to provide for necessary maintenance.

(h) The subdivision open space plan shall be acceptable only in those instances where the entire preliminary plat, after public hearing by the Planning Commission and approval by the Township Board, is carried through a final plat and is recorded in its totality. Recording of portions of a plat designed under this option shall not be acceptable.

(Ord. 260. Passed 7-9-79.)

#### **1292.04 SINGLE-FAMILY LAND CONDOMINIUM OPTION.**

The single-family land condominium option may be used in any One-Family Residential District subject to the following conditions:

(a) All homes shall be single-family and detached.

(b) The maximum density of the development shall be regulated as follows:

	Maximum	Minimum Street Frontage
<u>Zoning District</u>	<u>Density Per Acre</u>	<u>Per Home (ft.)</u>
R-0	1.0	150
R-1	2.3	100
R-2	2.7	90
R-3	3.6	80
R-4	4.1	70
R-5	4.7	65

(c) No building, including accessory buildings, shall be located closer than fifty feet to any perimeter property line in the R-0 District, forty feet in the R-1 and R-2 Districts and thirty-five feet in any R-3, R-4 and R-5 Districts except that an unenclosed or uncovered porch or deck (one which is not roofed over) may extend no more than eight feet beyond the building envelope.

(d) Homes shall not be located closer than forty-five feet to any street in the R-0, R-1 and R-2 Districts and shall not be located closer than forty feet to any street in the R-3, R-4 and R-5 Districts.

(e) The minimum distance between buildings shall be twenty feet in the R-0, R-1 and R-2 Districts and sixteen feet in the R-3, R-4 and R-5 Districts.

(f) The minimum floor area per home shall be determined by the respective zoning district in which the development is located, as regulated by the schedule of regulations set forth in Section 1292.01.

(g) All interior streets shall have a minimum width of twenty-seven feet.

(h) A five-foot wide concrete sidewalk shall be installed a minimum of ten feet from both sides of interior streets.

(i) A minimum of four off-street parking spaces per home shall be provided.

(j) The Township Board, upon recommendation by the Planning Commission, may impose conditions or limitations in granting approval of this option in order to assure compatibility with surrounding areas.

(Ord. 260-A-277. Passed 9-30-96; Ord. 260-A-412. Passed 10-24-05.)

## **CHAPTER 1294**

### **Nonconforming Uses**

- 1294.02 Nonconforming lots.
- 1294.03 Nonconforming uses of land.
- 1294.04 Nonconforming structures.
- 1294.05 Nonconforming uses of structures and land.
- 1294.06 Repairs and maintenance.
- 1294.07 Change of tenancy or ownership.

### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

### **1294.01 INTENT.**

(a) It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival.

(b) It is recognized that there exist within the districts established by this Zoning Code and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Zoning Code was passed or amended which would be prohibited, regulated or restricted under the terms of this Zoning Code or future amendments. Such uses are declared by this Zoning Code to be incompatible with permitted uses in the districts involved.

(c) It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as the basis for adding other structures or uses prohibited elsewhere in the same district.

(d) A nonconforming use of either or both a structure and/or land shall not be extended or enlarged after the effective date of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

(e) To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Zoning Code, or any amendment thereto, and upon which construction has diligently proceeded and progressed. Actual construction is hereby defined to include the placing of construction materials in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall diligently proceed and progress until the completion of the building involved.

(Ord. 260. Passed 7-9-79.)

### **1294.02 NONCONFORMING LOTS.**

In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other regulations of this Zoning Code, a one-family dwelling and customary accessory building may be erected on any single lot of record on the effective date of this Zoning Code, or any amendment thereto. This regulation shall apply even though such lot fails to meet the requirements for area and/or width that are generally applicable in the district, provided that yard dimensions and other requirements not involving area and/or width of the lot shall conform to the regulations for the district in which such lot is located. A variance from yard requirements may be obtained after public hearing and approval by the Board of Appeals.

(Ord. 260. Passed 7-9-79.)

### **1294.03 NONCONFORMING USES OF LAND.**

Where, on the effective date of this Zoning Code, or any amendment thereto, a lawful use of land exists which is not permissible under the provisions of this Zoning Code as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following regulations:

(a) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on the effective date of this Zoning Code, or any amendment thereto.

(b) No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use on the effective date of this Zoning Code, or any amendments thereto.

(c) If such nonconforming use of land ceases for any reason for a period of more than thirty days, any subsequent use of such land shall conform to the regulations of this Zoning Code for the district in which such land is located.

(Ord. 260. Passed 7-9-79.)



#### **1294.04 NONCONFORMING STRUCTURES.**

Where a lawful structure exists on the effective date of this Zoning Code, or any amendment thereto, which could not be built under the provisions of this Zoning Code by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

(a) No structure may be enlarged or altered in a way which increases its nonconformity, i.e. existing residences on lots of a width less than that required herein may add a rear porch, provided that other requirements relative to yard space and land coverage are met.

(b) Should a structure be destroyed by any means to an extent of more than fifty percent of its reasonable market value, it shall not be reconstructed except in conformity with the regulations of this Zoning Code.

(c) Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 260. Passed 7-9-79.)

#### **1294.05 NONCONFORMING USES OF STRUCTURES AND LAND.**

If a lawful use of a structure or of structures and land in combination exists on the effective date of this Zoning Code, or any amendment thereto, which would not be allowed in the district under the regulations of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following regulations:

(a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed on the effective date of this Zoning Code, or any amendment thereto, but no such use shall be extended to occupy any land outside such building.

(c) If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use, provided that the Board of Appeals, by making findings in the specific case, shall find that the proposed use is equally compatible or more compatible to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this Zoning Code.

(d) Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.

(e) When a nonconforming use of a structure or structure and premises in combination is discontinued or ceases to exist for six consecutive months, or for eighteen months during any three-year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by successive seasonal uses shall be excepted from this regulation.

(f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 260. Passed 7-9-79.)

#### **1294.06 REPAIRS AND MAINTENANCE.**

(a) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty-five percent of the market value on the date of repair, provided that the cubic content of the building, as it existed on the effective date of this Zoning Code, or any amendment thereto, shall not be increased.

(b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 260. Passed 7-9-79.)

#### **1294.07 CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided that there is no change in the nature or character of such nonconforming uses.

(Ord. 260. Passed 7-9-79.)

## **CHAPTER 1296**

### **Off-Street Parking and Loading**

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1296.01 Space requirements.

1296.02 Space layout standards, construction and maintenance.

1296.03 Off-street loading and unloading.

### **CROSS REFERENCES**

Handicapped parking restrictions - see M.C.L.A. Sec. 257.942a

Parking generally - see TRAF. Ch. 420

Parking for drive-in restaurants - see B.R. & T.818.04

General provisions and definitions - see P. & Z.Ch. 1250

Parking in MH Mobile Home Park Districts - see P. & Z.Ch. 1266

P Parking Districts - see P. & Z.Ch. 1284

### **1296.01 SPACE REQUIREMENTS.**

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter regulated.

(a) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve as measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of any lot or parcel intended for use as parking by the applicant.

(b) Residential off-street parking spaces shall consist of a driveway or garage or combination thereof and shall be located on the premises which they are intended to serve. Such parking shall be paved to provide at least two off-street parking spaces per dwelling unit. Parking shall be restricted to the paved areas.

(c) In multiple-family residential districts, off-street parking shall not be permitted in any required front yard. In any non-residential district, off-street parking shall not be permitted in any required front yard unless otherwise provided in this Zoning Code.

(d) Any area once designated as required off-street parking shall not be changed to any other use until equal facilities are provided elsewhere and reviewed by the Planning Commission and approved by the Township Board.

(e) Off-street parking existing on the effective date of this Zoning Code in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(f) Buildings containing one or more uses, and sites containing one or more buildings, shall provide parking spaces equal to not less than the sum of the number required for the buildings or uses as computed separately. Such parking spaces shall be located as near as possible to the uses which they are intended to serve.

(g) The dual function of off-street parking spaces, where operating hours of uses do not overlap, may be permitted after public hearing and approval of the Board of Appeals.

(h) The storage of merchandise, motor vehicles or trucks or the repair of vehicles is prohibited, except where permitted elsewhere in this Zoning Code.

(i) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which is similar in type.

(j) When units or measurements determining the number of required parking spaces result in the 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.

(k) The minimum number of off-street parking spaces, by type of use, shall be determined in accordance with the following schedule:

(1) Residential.

A. Residential one-family and two-family. Two for each dwelling unit.

B. Residential multiple-family.

1. Efficiency and one and two bedroom units. Two for each dwelling unit.

2. Three or more bedroom units. Two and one-half for each dwelling unit.

Ten percent of the total required off-street parking spaces on a given site shall be located adjacent to any community house, swimming pool or similar use within the site, except that the Planning Commission and the Township Board may, at their discretion, permit another location on the site for such parking. An additional twenty percent of the total required off-street parking spaces shall be provided throughout the development for visitor parking in locations approved by the Planning Commission.

C. Housing for the elderly. One for each two dwelling units, and one for each employee, plus a reserve area for expansion of parking should the development revert to general occupancy.

D. Mobile home park. Two for each mobile home site, and one for each 300 square feet of management office space. In addition, one parking space for every three mobile home sites shall be provided for visitor parking, such locations to be approved by

the Planning Commission and the Township Board.

(2) Institutional.

- A. Churches or temples. One for each three seats or six feet of pews in the main unit of worship.
- B. Hospitals. One and one-half for each one bed, plus one for each employee on the largest working shift, plus those reserved for doctors.
- C. Homes for the aged and convalescent homes. One for each two beds, plus one for each two employees on the peak shift.
- D. Parochial and public elementary and junior high schools. One for each one teacher, employee or administrator, in addition to the requirements of the auditorium or multi-purpose room.
- E. Parochial and public senior high schools. One for each one teacher, employee or administrator, and one for each ten students, in addition to the requirements of the auditorium or multi-purpose room.
- F. Private clubs or lodge halls. One for each seventy-five square feet of gross floor area.
- G. Private golf clubs and swimming pool clubs. One for each two member families or individuals.
- H. Golf courses open to the general public, except miniature or par three courses. Six for each one golf hole, and one for each one employee.
- I. Fraternity or sorority. One for each five permitted active members, or one for each two beds, whichever is greater.
- J. Stadium, sports arena or similar place of outdoor assembly. One for each three seats or six feet of benches.
- K. Theaters. Five plus one for each three seats, except that adult mini-theaters with fixed seats shall provide one for each two seats. Adult mini-theaters without fixed seats shall provide space for each one person allowed within the maximum occupancy load as established by the Fire Chief in accordance with the State of Michigan Fire Code.
- L. Auditoriums. One for each three seats.
- M. Day care centers. One for each 400 square feet of gross floor area.

(3) Business and commercial.

- A. Planned shopping center and retail stores, except as otherwise specified herein:
  - 1. Less than 50,000 square feet. One for each 200 square feet of gross floor area.
  - 2. Between 50,000 and 100,000 square feet. One for each 250 square feet of gross floor area.
  - 3. Between 100,001 and 400,000 square feet. One for each 300 square feet of gross floor area.
  - 4. More than 400,000 square feet. One for each 350 square feet of gross floor area.
- B. Retail stores, except as otherwise specified herein:
  - 1. Less than 50,000 square feet. One for each 200 square feet of gross floor area.
  - 2. Between 50,000 and 100,000 square feet. One for each 250 square feet of gross floor area.
  - 3. Between 100,001 and 400,000 square feet. One for each 300 square feet of gross floor area.
  - 4. More than 400,000 square feet. One for each 350 square feet of gross floor area.
- C. Beauty parlor and barber shop. Three spaces for each beauty or barber chair.
- D. Bowling establishments. Seven for each one bowling lane, plus those required for each auxiliary use, i.e. restaurant, lounge, billiard hall, etc.
- E. Roller rinks or skating rinks, exhibition halls and assembly halls without fixed seats. One for each fifty-five square feet of gross floor area.
- F. Tennis and racquet clubs. Eight per court, plus those required for each auxiliary use, i.e. restaurant, exercise room, etc.
- G. Coin and/or token-operated amusement arcades, billiard halls or other similar indoor recreation uses. One for each seventy-five square feet of floor area.
- H. Drive-in/fast-food restaurants. One for each fifty-five square feet of gross floor area. If a drive-through is provided, the required number of spaces may be reduced by ten percent.
- I. Carry-out restaurants. One for each 100 square feet of gross floor area, or ten spaces, whichever is greater.
- J. Bar/lounge or bar/restaurant. One for each thirty-five square feet of gross floor area.
- K. Dining-room restaurant. One for each fifty-five square feet of gross floor area.
- L. Banquet and catering halls. One for each fifty-five square feet of gross floor area.
- M. Furniture, appliance and household equipment showrooms and other similar uses. One for each 800 square feet of usable floor area, plus one additional space for each two employees.

N. Open air business, including used car lot. Two, plus one for each 500 square feet of sales area for the first 2,000 square feet of sales area, plus one additional space for each additional 2,000 square feet of sales area.

O. Motor vehicle sales and service establishments. One for each 200 square feet of gross floor area of the salesroom, and one for each one service stall in the service room.

P. Automotive service stations. Two for each lubrication stall, rack or pit, and one for each gasoline pump.

Q. Auto wash. One for each one employee, plus reservoir parking spaces in equal number to five times the maximum capacity of the auto wash for vehicles waiting entrance to the auto wash.

The maximum capacity of the auto wash shall mean the maximum number of vehicles which could be undergoing some phase of washing at any one time and shall be determined by dividing the length of each wash line by twenty.

R. Laundromats and coin-operated dry cleaners. One for each two machines.

S. Miniature or par three golf courses. Three, plus three for each one hole.

T. Mortuary establishments. One for each seventy-five square feet of gross floor area.

U. Hotel, motel or other commercial lodging establishments. One for each one occupancy unit, plus one for each one employee.

V. Automotive service centers. Two for each service stall, rack or pit, and one for each employee.

W. Automotive service or repair garages. Four for each service stall, rack or pit, and one for each 190 square feet of gross floor area in the retail sales area, if applicable.

X. Private or public athletic clubs, health spas, figure salons. One per seventy-five square feet of gross floor area.

(4) Offices.

A. Banks. One for each 150 square feet of gross floor area, plus eight waiting spaces for each drive-up teller window or machine.

B. Business offices, professional offices or medical offices for doctors, dentists and similar professions, as follows:

1. Less than 50,000 square feet. One for each 200 square feet of gross floor area.
2. Between 50,000 and 100,000 square feet. One for each 250 square feet of gross floor area.
3. Between 100,001 and 400,000 square feet. One for each 300 square feet of gross floor area.
4. More than 400,000 square feet. One for each 350 square feet of gross floor area.

(5) Industrial.

A. Industrial, technical research, wholesale and warehousing establishments.

1. Less than 25,000 square feet. One for each 500 square feet of gross floor area.
2. Between 25,000 and 50,000 square feet. One for each 675 square feet of gross floor area.
3. More than 50,000 square feet. One for each 800 square feet of gross floor area.

B. Mini-warehouses or self-storage facilities. Two, plus one for each 100 storage units.

(Ord. 260. Passed 7-9-79; Ord. 260-A-22. Passed 7-14-80; Ord. 260-A-33. Passed 9-8-81; Ord. 260-A-37. Passed 2-8-82; Ord. 260-A-122. Passed 7-7-86; Ord. 260-A-204. Passed 8-13-90; Ord. 260-A-217. Passed 5-13-91; Ord. 260-A-239. Passed 8-23-83; Ord. 260-A-249. Passed 8-22-94; Ord. 260-A-292. Passed 8-18-97; Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-327. Passed 3-22-99.)

**1296.02 SPACE LAYOUT STANDARDS, CONSTRUCTION AND MAINTENANCE.**

(a) Wherever the off-street parking requirement in Section 1296.01 requires the construction of an off-street parking facility, except for one-family residential developments, or where P Parking Districts are provided, such off-street parking lots shall be designed, constructed and maintained in accordance with the following standards and regulations:

(1) Off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (in degrees)	Maneuvering Lane Width (ft.)	Parking Space Width (ft.)	Parking Space Length (ft.)
0	18	10	23
parrallel parking			
30-50	18	10	20
51-74	18	10	20
75-90	24	10	20

(2) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a public right of way shall be prohibited.

(3) Adequate ingress and egress to a parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

(4) Ingress and egress to a parking lot in an area zoned for other than one-family residential use shall not be across land zoned for one-family residential use.

(5) All maneuvering lane widths required in paragraph (a)(1) hereof shall permit only one-way traffic movement, except that the ninety degree pattern may permit two-way traffic. However, a twenty-four foot maneuvering lane must be provided.

(6) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than one-family residential use shall be at least twenty feet distant from any adjacent property located in any One-Family Residential District.

(7) Off-street parking areas shall be provided with a continuous and completely obscuring wall, in accordance with the specifications of Section 1298.08, on all sides where the adjacent district is a Residential District, except where such parking area abuts a major thoroughfare and except in those instances where the Planning Commission and the Township Board determine that such wall would serve no useful purpose or that a landscaped berm or greenbelt would be more appropriate.

(8) In all cases where a wall extends to any alley which is a means of ingress to or egress from an off-street parking area, the Planning Commission and the Township Board may permit the wall to end not more than ten feet from such alley line to provide for a wider means of access to the parking area.

(9) All parking areas shall be graded and drained so as to dispose of all surface water accumulated within the area in such a way as to not drain onto adjacent property or buildings. The off-street parking lot shall be surfaced within one year from the date on which the permit for the main building or use is issued and spaces shall be clearly identified or marked by means of a painted stripe and shall be properly maintained.

(10) Service drive widths in all nonresidential districts shall be no less than twenty-four feet for two-way traffic and eighteen feet for one-way traffic, except for drive-through lanes servicing banks, fast-food restaurants, etc., which shall be no less than ten feet. For all Residential Districts, only two-way service drives, having a minimum width of twenty-seven feet, shall be allowed.

(11) Except where otherwise stated, the minimum distance between parking areas and buildings in the RM Districts shall be fifteen feet.

(12) In accordance with Act 230 of the Public Acts of 1972, as amended, all off-street parking facilities required in Section 1296.01 shall provide parking spaces for the physically handicapped in the ratio prescribed by statute. Such spaces shall be dimensioned twelve feet wide and twenty feet long, located as nearly as possible to building entranceways and identified by signs as being reserved for physically handicapped persons.

(13) With the exception of those uses within an I-1 or I-2 District, trees shall be planted in and around all paved parking areas for motor vehicles as required under this chapter, subject to the following minimum conditions:

A. Trees shall have a minimum caliper of two and one-half inches at the time of planting. Evergreen trees shall have a minimum height of six feet and will be permitted only where there would be no interference with clear vision or sight distances.

B. One tree shall be planted for each 3,200 square feet of paved surface area of the parking lot, provided that no less than two trees are planted regardless of lot area.

C. Trees shall be distributed evenly throughout the parking lot and each tree shall be maintained in an open land area of not less than twenty-five square feet to provide for infiltration. Trees shall be protected from vehicle damage with curbing or another suitable device.

D. Trees shall be planted prior to the issuance of a final certificate of occupancy and shall be maintained in a healthy growing condition.

(b) The two off-street parking spaces required by Section 1296.01 for one-family residential developments shall be in accordance with the following minimum requirements:

(1) At least one space, a minimum of twenty feet in length, shall be provided in the side or rear yard which is beyond the front building line. Parking spaces shall be a minimum of nine feet in width.

(2) Each space shall be provided access from the adjoining right of way by a full paved lane a minimum of ten feet in width.

(Ord. 260. Passed 7-9-79; Ord. 260-A-37. Passed 2-8-82; Ord. 260-A-204. Passed 8-13-90; Ord. 260-A-217. Passed 5-13-91; Ord. 260-A-249. Passed 8-22-94; Ord. 260-A-314. Passed 8-10-98.)

### **1296.03 OFF-STREET LOADING AND UNLOADING.**

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with the use of public rights of way. Such space shall meet the following requirements:

(a) All spaces in OS or B Districts shall be provided in dimension of at least ten feet by thirty feet or 300 square feet in area. However, where semitrailer or full-trailer combination vehicles would be servicing the use, the required dimensions shall conform to the requirements of subsection (b) hereof.

(b) All spaces in I-1 and I-2 Districts shall be provided in dimension of at least ten feet by fifty feet or 500 square feet in area.

(c) Any building with 18,000 square feet or more of floor area, in a nonresidential district which abuts a Residential District, shall provide either a loading ramp or a sub-grade loading door for delivery and transmission of material so as to eliminate noise and lights from vehicles from penetrating abutting Residential Districts.

(d) All spaces shall have a clearance of at least fourteen feet in height. Loading space approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.

(e) All spaces shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (sq. ft.)	Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area
0 - 1,400	None
1,401 - 20,000	One space
20,001 - 100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five spaces

(Ord. 260. Passed 7-9-79.)

## CHAPTER 1298

### Supplementary Regulations

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- 1298.01 Accessory buildings (including garages).
- 1298.02 Uses requiring special approval; procedure.
- 1298.03 Performance standards.
- 1298.04 Plant materials.
- 1298.05 Lighting.
- 1298.06 Residential entranceways.
- 1298.07 Corner clearance.
- 1298.08 Walls.
- 1298.09 Open storage of vehicles.
- 1298.10 Site plan review (all districts).
- 1298.11 Accessory or ancillary oil and gas uses or structures.
- 1298.12 Planned Unit Development (PUD) District.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

#### **1298.01 ACCESSORY BUILDINGS (INCLUDING GARAGES).**

Accessory buildings, except as otherwise permitted in the Zoning Code, shall be subject to the following regulations:

(a) When an accessory building is attached to the main structure, it shall be subject to and must comply with all regulations applicable to the main structure.

(b) In One-Family Residential Districts, each dwelling shall be limited to two detached accessory buildings, provided that the combined total floor area of the detached buildings shall not exceed 650 square feet or one-half the floor area of the principal dwelling or two percent of the total land area of the lot or parcel, whichever is greater. In no instance shall the combined floor area of the detached accessory buildings exceed 2,500 square feet.

(c) In One-Family and Two-Family Residential Districts, detached accessory buildings shall be erected only in the rear yard.

(d) In the RM, OS, B, I and SP Districts, accessory buildings shall not be erected in any front yard.

(e) Detached accessory buildings shall not be located closer than three feet to any side lot line nor closer than six feet to any rear lot line. At the discretion of the Superintendent of Public Works or the Superintendent of the Department of Building, larger setbacks may be required for drainage purposes.

(f) No accessory building shall be located in any public utility easement. Where public utility easements have not been granted, such easements may be required. The Department of Public Works shall describe and prepare the easement for recording with the Macomb County Register of Deeds.

(g) No detached accessory building shall be located closer than three feet to any main building.

(h) When an accessory building is located on a corner lot or parcel having a rear yard which abuts the side yard of the adjacent lot or parcel, the accessory building shall be placed so that the side yard abutting the public right-of-way shall not be less than required front yard of the district. When an accessory building is located on a corner lot or parcel having a rear yard which abuts the rear yard of the adjacent lot or parcel, the accessory building shall be placed so that the side yard abutting a public right-of-way shall be not less than ten feet.

(i) In those instances where the rear lot line abuts a public alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line.

(j) No detached accessory building shall exceed one story or fourteen feet in height.

(k) In the RM, OS, B, P, I and SP Districts, all accessory buildings proposed to be added to a lot or parcel of land containing an existing principal use or building shall be subject to site plan review and approval by the Planning Commission.

(Ord. 260. Passed 7-9-79; Ord. 260-A-119. Passed 5-27-86; Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-277. Passed 9-30-96; Ord. 260-A-292. Passed 8-18-97; Ord. 260-A-381. Passed 10-6-03; Ord. 260-A-467. Passed 9-25-17.)

#### **1298.02 USES REQUIRING SPECIAL APPROVAL; PROCEDURE.**

(a) Because the uses hereinafter cited possess unique characteristics which make them impractical to include in any specific district, or because their external effects on the surrounding areas necessitate more in-depth review and consideration, the following uses may be permitted only by special approval, provided that certain conditions and requirements are met.

(1) Golf courses and country clubs may be permitted in any R-0 through R-5 District and in the I-1 District, subject to the following minimum requirements:

A. No building or structure shall be constructed or located closer than 200 feet from a property line of any abutting residential property.

B. All ingress and egress to and from said site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.

(2) Cemeteries and customarily related uses may be permitted in any R-0 through R-5 District, subject to the following minimum requirements:

A. The location of the cemetery shall be permitted in any quarter section of an R District when the quarter section does not have more than fifty-one percent of its land in recorded plats.

B. All access shall be provided from major or secondary thoroughfares having an existing or planned right of way of at least eighty-six feet in width.

C. All sides of the cemetery shall be screened from any residential view by a method approved by the Township Board upon recommendation by the Planning Commission.

D. Crematorium buildings shall not be located closer than 300 feet to any Residential District.

E. Bodies to be cremated shall not be stored or kept on the premises for a period exceeding five calendar days.

F. Any building used as a crematorium shall provide an auxiliary means of electrical service in the event of a power failure.

G. Any crematorium on the cemetery premises shall, at all times, be operated in full compliance with any and all other applicable laws and regulations.

(Ord. 260-A-402. Passed 12-20-04.)

(3) Riding and boarding stables may be permitted in any R-0 through R-5 District, subject to the following minimum requirements:

A. A minimum site of eight acres or more shall be provided.

B. Stables or paddock areas for instruction or confinement of horses shall be at least 300 feet from any property line.

(4) Adult foster care homes may be permitted in any RML or RMH District and in the B-3 District, subject to the following minimum requirements:

A. No less than seven nor more than twelve persons, of which no more than six shall be of age sixty-five or older, shall be cared for at one time.

B. A minimum of eighty square feet of floor area shall be provided for each one person in one bedroom. Where two or more persons are housed in one bedroom or sleeping area, a minimum of fifty square feet of floor area per person shall be provided.

C. Adequate dining and indoor recreation area shall be provided in a manner which will accommodate all residents assembled at one time.

D. Hard-surfaced off-street parking shall be provided on the site at a ratio of one space per three residents.

E. All State, County and other local ordinances or regulations, governing the establishment and operation of an adult foster care home, shall be met.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-265. Passed 7-7-95.)

(5) (EDITOR'S NOTE: This paragraph was repealed by Ordinance 260-A-292, passed August 18, 1997.)

(6) Accessory open-air sales areas may be permitted in any B-1, B-2 or B-3 District, subject to the following minimum requirements:

A. The open-air sales area must be accessory to a principal use permitted in the District.

B. All side and rear yards of such use shall be adequately screened from any abutting Residential District in a manner approved by the Township Board upon recommendation by the Planning Commission.

(7) Automotive service centers, including the service and sale of such items as batteries, brakes, tires, exhaust systems, engines, transmissions, etc., may be permitted in any B-2 District, subject to the following minimum conditions:

A. All activity must be completely conducted within an enclosed building.

B. Bumping, painting and major body repair shall be prohibited.

C. Outdoor storage of wrecked vehicles, non-accessory vehicles, junk or supplies shall be prohibited.

D. No building shall be located closer than fifty feet from residentially-zoned land.

(8) Banquet and catering halls may be permitted in any B-2 District, subject to the following minimum conditions:

A. All ingress and egress to and from such site shall be directly onto a major thoroughfare having an existing or planned right of way at least 120 feet in width.

B. The proposed use shall be adequately screened from any abutting Residential District in a manner approved by the Township Board upon recommendation by the Planning Commission.

(9) Commercial outdoor recreation may be permitted in any B-2, B-3, I-1 or I-2 District, subject to the following minimum conditions:

A. The proposed recreational use shall be fenced on all sides.

B. All recreational buildings or facilities shall be located at least 100 feet from a Residential District.

C. All ingress and egress to and from such site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.

(10) Commercial kennels may be allowed in any I-1 or I-2 District, provided the following minimum condition is met: all buildings, including pens, cages and runs, shall be located not less than 100 feet from any property line and not less than 200 feet from any Residential District.

(Ord. 260-A-58. Passed 8-22-83; Ord. 260-A-265. Passed 7-7-95.)

(11) Wireless communication towers, including commercial television and radio towers and cellular telephone antennas, may be permitted in any zoning district within the Township, subject to the following minimum conditions:

A. If the tower is to be located in a Residential or Office District, the property shall be owned and occupied by a governmental or educational entity.

B. All new towers shall be designed and constructed to allow for at least two additional co-locators. Furthermore, the applicant shall commit to the Township that it will negotiate in good faith and allow for leased, shared use of the tower at a reasonable market rate.

C. The height of the tower, including any and all attachments, shall not exceed 175 feet unless a variance has been granted by the Board of Appeals.

D. The tower shall be set back from any Residential District a minimum distance of fifty feet, plus the overall height of the tower.

E. The tower shall be set back from any nonresidential district a minimum distance equal to the overall height of the tower. The setback may be reduced to one-half of the overall height of the tower if the applicant provides a written statement that verifies the ability of the tower to collapse in upon itself. Such statement shall be certified by a licensed engineer or architect.

F. Monopole structures shall be required when technically feasible. To minimize visual pollution, the Township encourages innovative design.

G. The site shall be landscaped in an aesthetically pleasing and functional manner with particular attention to those areas that abut residentially zoned property. The tower base, any accessory buildings and protective fencing shall be screened from abutting public rights-of-way and/or adjacent properties by means of an obscuring greenbelt. Landscaping shall also be provided along any access drives which serve the tower site.



H. When submitting an application for any proposed transmission tower, the applicant shall provide the following documents:

1. A statement, certified and sealed by a licensed engineer or architect, verifying a safe fall zone for the tower, antenna or pole and all attachments. Manufacturer specifications of a safe fall zone may be substituted. No building, sidewalk, parking lot or other area in which pedestrian or vehicular traffic is anticipated shall be permitted within the safe fall area.

2. A statement, certified and sealed by a licensed engineer or architect, verifying that the tower, antenna or pole and all attachments will withstand wind speeds up to 100 miles per hour with no ice and seventy-four miles per hour with up to one-half inch of radial ice. Manufacturer specifications may be substituted.

3. A statement, certified by a licensed engineer, that the signal or signals being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment.

4. A report that surveys all existing towers within a one-mile radius of the proposed site, including towers located in neighboring communities. The report shall, at a minimum, identify the owner and provider of each tower and provide information regarding the type, size and height of each tower. The report shall contain documentation as to why co-location on any of the existing towers is not feasible.

5. A statement containing an agreement that, should any tower approved under this chapter cease to function in its approved capacity, it shall be removed from the site within 180 days. Removal shall also include any accessory facilities. In order to ensure compliance with this condition, the Township Board may require that a ten thousand dollar (\$10,000) removal bond be posted.

6. No sign, logo, lettering or advertising shall be displayed upon the tower. Signage for any accessory building on the site shall be in compliance with Chapter 1488 of the Building and Housing Code (Clinton Township Sign Ordinance 298, as amended).

(Ord 260-A-327. Passed 3-22-99.)

(12) Banks, savings and loan associations and credit unions may be permitted in the I-1 District, subject to the following minimum condition: the use must be shown to serve an exceptional convenience need within the District.

(Ord. 260-A-314. Passed 8-10-98.)

(13) Automobile painting, bumping and welding shops may be permitted in any B-3 District, subject to the following minimum conditions:

A. All activity must be conducted within a completely enclosed building.

B. Storage of vehicles to be serviced shall be located in the rear yard and shall be adequately screened in a manner approved by the Planning Commission and the Township Board. However, such uses shall not be permitted outdoor storage of such vehicles when the use abuts residentially-zoned land.

C. All ingress and egress to and from said site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.

(14) Outdoor theaters may be permitted in any I-1 or I-2 District, subject to the following minimum conditions:

A. The proposed site shall be surrounded only by lands zoned I-1 or I-2.

B. All ingress and egress to and from such site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.

C. All vehicles, standing or waiting to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to stand or wait within a public right of way.

D. The area shall be designed so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting to illuminate the area shall be installed so as to be confined within and directed onto the premises of the outdoor theater site.

(15) Auto race tracks (including midget auto and go-kart tracks) may be permitted in any I-2 District, subject to the following minimum conditions:

A. The proposed site shall be surrounded only by lands zoned I-1 or I-2.

B. All ingress and egress to and from such site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.

C. All development perimeters shall be provided with a twenty-foot greenbelt planting and a six-foot high masonry wall so as to obscure from view all activities within the development.

(16) Horse and dog tracks may be permitted in any I-1 or I-2 District, subject to the following minimum conditions:

A. The proposed site shall be surrounded only by lands zoned I-1 or I-2.

B. All ingress and egress to and from said site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.

C. All sides of the development not abutting a major thoroughfare shall be provided with a twenty-foot greenbelt planting and a six-foot high masonry wall so as to obscure from view all activities within the development.

(17) Junk yards may be permitted in any I-2 District, subject to the following minimum conditions:

- A. The site shall be entirely enclosed with an eight-foot obscuring masonry wall of sufficient strength to serve as a retaining wall.
- B. There shall be no burning on the site.
- C. Material for processing or storage shall not be piled higher than the eight-foot obscuring wall, and there shall be maintained a walkway around the fence area.
- D. Such site shall, except for frontage on a public thoroughfare, abut land only zoned I-2.

(18) Quarrying, removal of soil, sand, gravel, clay or similar materials may be permitted within any district, subject to the following minimum conditions:

- A. Where an excavation in excess of five feet will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends, such fence to be not less than five feet in height, complete with gates which shall be kept locked when operations are not in progress.
- B. Any roads used for the purpose of ingress and egress to and from such excavation site which are located within 300 feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
- C. The slopes of the banks of the excavation shall, in no event, exceed a minimum of seven feet to one foot (seven feet horizontal to one foot vertical), and where ponded water results from the operation, this slope must be maintained and extended into the water to a depth of five feet.
- D. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "Keep Out - Danger" signs around said premises not more than 200 feet apart.
- E. No cut or excavation shall be made closer than fifty feet from the nearest street or highway right-of-way line nor nearer than twenty feet to the nearest property line, provided, however, that the Township Board may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant.
- F. The Township Board shall require such other performance standards where, because of peculiar conditions, it deems it to be necessary for the protection of the health, safety, morals and well-being of the inhabitants of the Township.
- G. No soil, sand, gravel, clay or similar materials shall be removed below a point six inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the Macomb County Road Commission, except as required for installation of utilities and pavements.
- H. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall, at all times, be graded so that no interference occurs with surface water drainage.
- I. Sufficient topsoil shall be stockpiled on said site so that the entire site, when stripping operations are completed, may be covered with a minimum of four inches of topsoil, and the replacement of such topsoil shall be made immediately following termination of the stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty days, the operator shall replace the stored topsoil over the stripped areas as the operation progresses.
- J. The Township Board shall require such other and further provisions as are deemed necessary in the interest of the public health, safety, morals and general welfare of the inhabitants of the Township of Clinton.
- K. In addition to the site plan requirements set forth in this paragraph and in Section 1298.10, the following additional information is required:
  - 1. A detailed proposal as to the method of operation, such as the wet or dry method, what type of machinery or equipment will be used and the estimated period of time such operation will cover.
  - 2. A detailed statement as to exactly what type of deposit is proposed to be extracted.
  - 3. The proposed method of filling the excavation where quarrying results in extensive under-surface excavation.
  - 4. A topographic survey map.
  - 5. Such other information as may reasonably be required by the Planning Commission and the Township Board.
- L. A fee, as established by the Township Board, to defray the cost of engineering services, investigation, publication and other miscellaneous administrative expenses, shall accompany the application for a quarrying permit.
- M. Permits, issued by the Township Board, shall be for a period of one year, and such permit may be renewed by the payment of an annual inspection fee as established by the Township Board. Such permits shall be renewed for so long as the applicant complies with all regulations of this Zoning Code and any conditions of the permit.
- N. The Township shall, to insure strict compliance with any regulations contained herein or conditions for issuance of a permit, either for quarrying or stripping topsoil, require the applicant to furnish a surety bond, executed by a reputable surety company authorized to do business in the State of Michigan, in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In establishing the amount of such surety bond, the Township Board shall take into consideration the size and scope of the proposed quarry, probable cost of reclaiming the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree and such other factors and conditions as might be relevant in determining the sum which is reasonable, based on all facts and circumstances of each application.

(19) Dumping of soil, clay, gravel or other materials may be permitted in any district, subject to the following minimum conditions:

A. Prior to the issuance of a dumping permit for a Floodway District and Flood Hazard Area Zone, the applicant shall conform to all requirements of Chapter 1290 and the requirements of Section 1298.10.

B. Prior to the issuance of a dumping permit for other than the Floodway District and Flood Hazard Area Zone, the applicant shall submit an engineering grading plan for review and approval by the Township Department of Building and the Township Engineer. Such engineering grading plan shall include all the requirements listed in Section 1298.10(c)(1) through (8) and shall also show all existing and proposed grades of the fill site and all surrounding area within 100 feet of such site.

C. Within six months following Township Board approval, such land shall be graded in a manner so as to prevent the collection of water, to provide proper drainage and to leave the ground surface fit for the growing of turf and/or development of other land uses permitted in the district.

D. A surety bond shall be required by the Township Board to insure adherence to the provisions specified herein. Such bond shall be in an amount required to restore the site to a safe, healthy, sightly and satisfactory condition.

E. Where the dumping of the aforesaid materials is a necessary and planned activity associated with the erection, addition or alteration of a structure or structures, which activity is carried on pursuant to the issuance of a valid building permit for such erection, addition or alteration by the Township Department of Building, and, as a requisite for such permit, a grading plan of the site and building grades thereon is approved by said Department, or where such dumping activities are a part of the normal landscaping and farming activity, no permit for dumping shall be required.

(Ord. 260-A-58. Passed 8-22-83.)

(20) (EDITOR'S NOTE: This paragraph was repealed by Ordinance 260-A-292, passed August 18, 1997.)

(21) A full-service auto wash may be permitted in the B-2 Community Business District, subject to the following conditions:

A. All ingress and egress to and from such site shall be directly onto a major thoroughfare having an existing or planned right of way of at least 120 feet in width.

B. All side and rear yards of such use shall be adequately screened from any abutting Residential District in a manner approved by the Township Board upon recommendation of the Planning Commission.

C. Self-service, coin-operated units shall be prohibited.

D. Gasoline and all other petroleum fuel-dispensing facilities shall be prohibited.

(Ord. 260-A-122. Passed 7-7-86.)

E. No side property line of such use shall be less than 150 feet from any Residential District.

F. Buildings shall be located not closer than 100 feet from any Residential District.

(Ord. 260-A-137. Passed 3-2-87.)

(22) (EDITOR'S NOTE: This paragraph was repealed by Ordinance 260-A-277, passed September 30, 1996.)

(23) Automobile service stations or other facilities dispensing gasoline on a retail basis may be permitted in the B-3 General Business District, subject to the following minimum conditions:

A. One hundred fifty feet of frontage on the property proposed for a service station shall be provided on the principal street serving such station.

B. The property shall maintain not less than 22,500 square feet of area.

C. All buildings, including canopy and awning structures, shall be set back not less than forty feet from all public right-of-way lines.

D. Gasoline pumps, air and water stations and other such accessories shall be set back not less than forty feet from all right-of-way lines.

E. Only one driveway for ingress and egress purposes shall be permitted for each public thoroughfare on which the site has frontage. Such driveway shall be located at least fifty feet from the intersection of any two streets.

F. In order to facilitate pedestrian safety, no standing or parking shall be permitted in an area immediately adjacent to any customer entrance or payment window.

G. Prohibited activities include automobile painting, bumping, welding and tire recapping and such other similar activities whose external physical effects could adversely extend beyond the property line.

(24) Fast-food restaurants may be permitted in any B-3 District, subject to the following minimum conditions:

A. The site shall be located on a major thoroughfare having a right of way at least 120 feet wide.

B. A landscaped setback of at least twenty-five feet shall be maintained from all road rights of way.

C. Ingress and egress points shall be located at least fifty feet from the intersection of any two streets.

D. Fast-food restaurants shall not be located within 500 feet of an existing fast-food restaurant, except if the fast-food restaurants are separated by a public thoroughfare having a right of way at least 120 feet wide.

E. Fast-food restaurants shall not be located within 300 feet of any One-Family Residential District.

F. Vehicle stacking lanes shall not cross any maneuvering lane, drive or sidewalk.

G. Devices for electronically-amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line.

(25) Churches, temples and other places of worship may be permitted in any R, RT, RM, OS or B District, subject to the following minimum conditions:

A. All ingress to and egress from the site shall be directly onto a major or secondary thoroughfare having a right of way of at least eighty-six feet in width.

B. Front, rear and side yards shall be equal to at least one and one-half times the height of the structure. The height limitations set forth in Section 1292.01 shall not apply to this section.

C. Accessory structures shall not exceed one story in height and shall provide yards equal to at least those required for the church, temple or other place of worship.

D. Parking shall not be permitted in any required or nonrequired front yard.

E. The Planning Commission may require walls, berms or landscaping where it deems the same to be necessary to minimize the impact of the use upon surrounding properties.

(Ord. 260-A-221. Passed 1-20-92.)

(26) Private clubs and/or lodge halls may be permitted in the I-1 Light Industrial District, subject to the following conditions:

A. In no instance shall the building, or any portion of the building, be located closer than fifty feet to any residentially zoned land.

B. All activities, other than off-street parking, shall be conducted within a completely enclosed building.

(Ord. 260-A-239. Passed 8-23-93.)

(27) Automobile dealerships offering new car sales may be permitted in the B-2 Community Business District and the B-4 Regional Business District, subject to the following minimum conditions:

A. The site shall be located on and have direct access, or have access by means of a marginal access road, to a thoroughfare under the jurisdiction of the Michigan Department of Highways and Transportation.

B. Curb cuts, for vehicular ingress/egress from a marginal access road to a major or secondary thoroughfare, shall be no closer than 500 feet from each other.

C. No building or structure shall be located closer than 100 feet to any residentially-zoned property.

D. Ingress and egress points shall be located at least 150 feet from the intersection of any two streets.

E. Noise, whether amplified or otherwise, shall be muffled and directed so as not to be heard from any adjoining residential property.

F. All signage shall be in compliance with Chapter 1488 of the Building and Housing Code.

(Ord. 260-A-305. Passed 3-23-98.)

(28) Billiard halls and coin and/or token-operated amusement arcades may be permitted in any B-2 Community Business District, subject to the following minimum conditions:

A. Such use must be contained within a fully enclosed building.

B. Such building shall be located at least fifty feet from any property or district line of any Residential District.

C. No gambling, except that as regulated by the State, shall be allowed.

(29) Open-air business uses, including outdoor space for the sale or rental of automobiles, agricultural implements, boats or mobile homes, may be permitted in a B-3 General Business District, subject to the following minimum conditions:

A. The site shall be located on and have direct access to a thoroughfare under jurisdiction of the Michigan Department of Highways and Transportation.

B. Ingress and egress points shall be located at least 150 feet from the intersection of any two streets.

C. A landscaped setback of at least twenty-five feet shall be maintained from any abutting public right of way.

D. Noise, whether amplified or otherwise, shall be muffled and directed so as not to be heard from any adjoining residential property.

E. No major repair or refinishing shall be done on the property.

F. All signage shall be in compliance with Chapter 1488 of the Building and Housing Code.

(Ord. 260-A-249. Passed 8-22-94.)

(30) Recreational vehicle storage facilities may be permitted in any B-3 General Business District or I-1 Light Industrial District, subject to the following minimum requirements:

A. The site shall be located on and have direct access to a thoroughfare under jurisdiction of the Michigan Department of Highways and Transportation.

- B. The site shall abut only property zoned business or industrial.
- C. The site shall be located a minimum distance of 300 feet from any residential property.
- D. The site shall contain a minimum of two acres of land.
- E. The storage area shall be enclosed with an obscuring wall or fence at least six feet in height.
- F. The outdoor storage area shall meet all paving and drainage requirements of the Clinton Township Codified Ordinances unless the Township Board authorizes a variance pursuant to Section 1242.03 of said Ordinances.
- G. Maintenance and/or servicing of any vehicle shall be conducted only within a completely enclosed building.
- H. The outdoor storage of wrecked vehicles, junk or supplies shall be strictly prohibited.

(Ord. 260-A-361. Passed 1-28-02.)

(31) Sexually-oriented businesses, massage parlors, pawnbrokers and tattoo parlors, check-cashing businesses, resale shops, second-hand dealers, gold sell/buy businesses, precious gems and metals sell/buy businesses, and other similar uses to the above, when located within the Charter Township of Clinton's Downtown Development Authority boundaries, subject to the following minimum conditions: the use must be shown to serve an exceptional convenience need within the Downtown Development Authority boundaries.

(Ord. 260-A-438. Passed 10-6-08.)

(b) In all cases, the power to grant special approval is vested in the Township Board. All applications for special approval shall include a site plan in accordance with the requirements of Section 1298.10 and shall be submitted to the Department of Planning and Community Development for review and recommendation. A public hearing, in accordance with State law and after proper notice, shall be held by the Planning Commission in order to hear any comments or matters by any person on the application. The Planning Commission shall consider all comments in making recommendation to the Township Board.

In reviewing a request for special approval, the Planning Commission and Township Board shall consider each case individually and must find that, in addition to the minimum conditions as previously specified herein, each of the following conditions will also be met:

(1) The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding area and applicable regulations of the zoning district in which it is to be located.

(2) The proposed use shall be of a nature which will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular traffic flow, proximity and relationship to intersections, adequacy of sign distances and location and access to off-street parking.

(3) The proposed use shall be designed as to the location, size intensity, site layout and periods of operation of any such proposed use in order to eliminate any possible nuisance emanating therefrom, which might be noxious to the occupants of any nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

(4) The proposed use shall be such that the proposed location or height of buildings or structures will not interfere with or discourage the appropriate development or use of adjacent land or unreasonably affect their value.

(c) The Township Board, upon recommendation by the Planning Commission, may impose such conditions or limitations in granting approval which it deems necessary to fulfill the requirements set forth in subsection (a) hereof. Such conditions, imposed with respect to the approval of a special use, shall be recorded in the record of the approval action and shall remain unchanged, except upon subsequent action by the Township Board.

(Ord. 260-A-58. Passed 8-22-83.)

(d) In all cases where a particular special use has been granted, application for a building permit must be made not later than eighteen months thereafter or such approval shall automatically be revoked.

(Ord. 260-A-249. Passed 8-22-94.)

(e) If the Township Board determines that the particular special use requested does not meet the standards of subsection (a) hereof or may be injurious to the public health, safety, welfare or orderly development of the Township, said Board shall deny the application and furnish the applicant written endorsement of the same which clearly sets forth the reasons for denial.

(Ord. 260-A-58. Passed 8-22-83.)

### **1298.03 PERFORMANCE STANDARDS.**

No use otherwise allowed shall be permitted within any district if such use does not conform to the following standards of use and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

(a) Air Pollution. All uses in all districts shall comply with the requirements of the State of Michigan and/or the Federal Government with regard to smoke, dust, dirt, fly ash, odor, gases, general air-borne matter or other air pollutants.

(b) Glare and Radioactive Materials. Glare from any process (such as, or similar to, arc welding or acetylene torch cutting) which emits harmful ultraviolet rays, shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste, including electromagnetic radiation, such as x-ray machine operations, shall not be emitted to exceed quantities established as safe by the American National Standards Institute, when measured at the property line.

(c) Vibration. Machines or operations which cause vibration shall be permitted in Industrial Districts, but no operation shall cause a displacement exceeding .003 of one inch as measured at the property line.

(d) Noise.

(1) The emission of measurable noises from the premises shall not exceed sixty-five decibels as measured at the property lines, except that where normal street traffic noises exceed sixty-five decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. Within I-1 Districts, sound levels not exceeding seventy decibels may be permitted. Within I-2 Districts, sound levels not exceeding seventy-five decibels may be permitted.

(2) Objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

(e) Water Supply.

(1) In the interest of protecting health and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation, including buildings to be used for dwelling, business, recreational, commercial, industrial or other purposes, shall be provided with a safe and sanitary water supply.

(2) Where a Municipal water supply is available, every fixture from which water for human consumption can be obtained shall be supplied with water from such Municipal water supply except where a private well water supply meets the following requirements:

A. Each well utilized for human consumption shall comply with Act 294 of the Public Acts of 1965, as amended, Rules for Single-Family Dwellings, Act 399 of the Public Acts of 1976, as amended, and Rules for All Other Well Water Supplies.

B. Where the existence of any structure or condition prior to the effective date of this Zoning Code prevents full compliance with the provisions above, the Macomb County Department of Health may approve, in writing, exceptions which, in its opinion, will not constitute a potential menace to public health.

(3) There shall be no physical connection between a water supply system that is safe for drinking purposes and one that is, or may at any time be, unsafe for drinking purposes, nor shall any provision for such connection be provided.

(4) Prior to the issuance of a building permit for any structure proposed to be serviced by a private well water supply, a water quality inspection by the Macomb County Department of Health must be conducted. The result of such inspection shall be given to the Department of Building by the owner or his or her agent.

(f) Sewage Disposal. Individual on-site systems must meet the requirements and regulations of the Macomb County Department of Health. When an approved public sewer becomes available, existing dwellings and habitable buildings shall be connected within six months after such sewer becomes available for use.

(g) Sewage Wastes. All commercial or industrial wastes discharged into the public sewer system shall conform with standards and regulations controlling such discharges as issued by the City of Detroit and approved or modified by the Macomb County Agent.

(h) Excavations or Holes.

(1) The existence within the limits of the Township of Clinton of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes, pits or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited and declared a public nuisance, provided, however, that this Zoning Code shall not prevent the construction of excavations under a permit issued pursuant to the provisions of this Zoning Code or the Building Code of the Township of Clinton, where such excavations are properly protected and warning signs and lights are located in such a manner as may be approved by the Township Board, and provided, further, that this subsection shall not apply to drains created or existing by authority of the State of Michigan, County of Macomb, Township of Clinton, or other governmental agency.

(2) Where the Township Department of Building shall determine a nuisance to exist as herein defined, it shall notify the owner as shown on the latest tax roll in writing of such finding and require the owner to abate such nuisance within a reasonable time, in no event more than thirty days.

(3) In the event no action is taken within the time allotted to abate such nuisance, the Township of Clinton may abate or cause to be abated such nuisance, and the cost or reasonable value of such work shall be placed as an assessment against such property on the next available tax roll.

(i) Fire and Explosive Hazards.

(1) The storage, manufacture or utilization of materials or products, ranging from non-combustible to moderate burning, as determined by the Township Fire Chief, is permitted within applicable districts of this Zoning Code, subject to compliance with State and Federal fire laws and with all other performance standards as mentioned above.

(2) The storage, utilization or manufacture of materials, goods or products, ranging from free or active burning to intense burning, as determined by the Township Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned and provided that the following conditions are met:

A. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having non-combustible exterior walls which meet the requirements of the Building Code.

B. All such buildings or structures shall be set back at least forty feet from lot lines or, in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.

C. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with State rules and regulations as established by Act 207 of the Public Acts of 1941, as amended.

(Ord. 260. Passed 7-9-79.)

#### **1298.04 PLANT MATERIALS.**

(a) Whenever in this Zoning Code a landscaped greenbelt is required, it shall be planted prior to the issuance of a certificate of occupancy. If the development is not completed within a growing season, a temporary certificate of occupancy shall be issued for a one-year period and a bond posted of sufficient amount to ensure the compliance with the approved landscaped greenbelt.

(b) Suitable plant materials as listed below, or equal in characteristics to these materials, with the spacing as required, shall be provided.

(1) Plant material spacing.

- A. Plant materials shall not be placed closer than four feet from the fence line or property line.
- B. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
- C. Evergreen trees shall be planted not more than thirty feet on centers.
- D. Narrow evergreens shall be planted not more than three feet on centers.
- E. Deciduous trees shall be planted not more than thirty feet on centers.
- F. Tree-like shrubs shall be planted not more than ten feet on centers.
- G. Large deciduous shrubs shall be planted not more than four feet on centers.

(2) Suggested plant materials.

A. Evergreen trees (minimum size: five feet in height).

- 1. Juniper.
- 2. Hemlock.
- 3. Fir.
- 4. Pine.
- 5. Spruce.
- 6. Douglas fir.

B. Narrow evergreens (minimum size: three feet in height).

- 1. Columnar hinoki cypress.
- 2. Blue columnar chinese juniper.
- 3. Pyramidal red cedar.
- 4. Swiss stone pine.
- 5. Pyramidal white pine.
- 6. Irish yew.
- 7. Douglas arbor-vitae.
- 8. Columnar giant arbor-vitae.

C. Tree-like shrubs (minimum size: four feet in height).

- 1. Flowering crabs.
- 2. Russian olives.
- 3. Mountain ash.
- 4. Dogwood.
- 5. Redbud.
- 6. Rose of Sharon.
- 7. Hornbeam.
- 8. Hawthorn.
- 9. Magnolia.

D. Large deciduous shrubs (minimum size: six feet in height).

1. Honeysuckle.
2. Viburnum.
3. Mock-orange.
4. Forsythia.
5. Lilac.
6. Ninebark.
7. Cotoneaster.
8. Hazelnuts.
9. Euonymus.
10. Privet.
11. Buckthorn.
12. Sumac.

E. Large deciduous trees (minimum size: eight feet in height).

1. Oaks.
2. Hard maples.
3. Hackberry.
4. Planetree (sycamore).
5. Birch.
6. Beech.
7. Ginkgo.
8. Honeylocust.
9. Sweet gum.
10. Hop hornbeam.
11. Linden.

(3) Trees not permitted.

- A. Box elder.
- B. Soft maples (red, silver).
- C. Elms.
- D. Poplars.
- E. Willows.
- F. Horse chestnut (nut-bearing).
- G. Tree of heaven.
- H. Catalpa.

(Ord. 260. Passed 7-9-79.)

**1298.05 LIGHTING.**

(a) All outdoor lighting in all use districts shall be shielded to reduce glare and shall be arranged so as to reflect light away from all adjacent Residential Districts and/or adjacent residences.

(b) All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns and parking lots.

(c) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on any trafficway or adjacent properties.

(d) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on any trafficway or adjacent properties.

(e) All illumination of signs and any other outdoor feature shall not be a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

(Ord. 260. Passed 7-9-7.)



#### **1298.06 RESIDENTIAL ENTRANCEWAYS.**

(a) In R Districts, entranceway structures, including, but not limited to, walls, columns and gates marking entrances to one-family residential or multiple-family residential developments, may be permitted and be located in a required yard, except as provided in Section 1298.07, provided that entranceway structures shall comply with all codes and ordinances of the Township, with proper permits issued.

(b) Entranceway structures shall refer only to the development on the land upon which they are located.

(Ord. 260. Passed 7-9-79.)

#### **1298.07 CORNER CLEARANCE.**

No fence, wall, shrubbery, sign or other obstruction to vision, above a height of three feet from the established street grades, shall be permitted within the triangular area formed at the intersection of any thoroughfare right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.

(Ord. 260. Passed 7-9-79.)

#### **1298.08 WALLS.**

(a) For those use districts and uses listed hereinafter, there shall be provided and maintained, on those sides abutting or adjacent to a Residential District, an obscuring masonry wall required as follows:

- (1) RM Districts. Four feet, eight inch high masonry wall.
- (2) MH Mobile Home Park District. Four feet, eight inch high masonry wall adjacent to all abutting properties. Such wall may also be required along right-of-way lines.
- (3) OS and B Districts. Four feet, eight inch high masonry wall.
- (4) I Districts. Six feet high masonry wall.
- (5) P Parking (Vehicular) District. Four feet, eight inch high masonry wall.
- (6) Off-street parking lot (other than P Parking District). Four feet, eight inch high masonry wall.
- (7) Hospital ambulance and delivery areas, funeral home loading and unloading areas. Six feet high masonry wall.
- (8) Utility buildings, stations and/or substations. Six feet high masonry wall.

(b) For those use districts and uses listed in subsection (a) hereof, the Planning Commission and Township Board may permit, in lieu of an obscuring masonry wall, an obscuring landscaped earth berm (earth mound), landscaped greenbelt or other acceptable barrier. Where such earth berm is provided in lieu of a wall, the berm shall be landscaped and maintained in a clean, orderly and growing condition, and shall meet the following minimum design standards (see Appendix I, Sketch 3):

(1) Continuous earth berms shall be provided with undulating horizontal and vertical top and sides, the height of which shall be no less than required for a wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions, masonry walls or a combination of both as long as the minimum required height of the earth berm, plantings, walls or combinations thereof is provided.

(2) Berms shall be landscaped earth mounds possessing a maximum slope ratio of three to one (three feet of horizontal plane for each one foot of vertical height). Side slopes shall be designed and planted to prevent erosion. The berms shall have a nearly flat horizontal area at their crests of at least two feet in width.

(3) Berm or earth mound slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net which is specifically designed to control erosion. The berm area shall be kept perpetually free of weeds, refuse, debris and general clutter, shall be planted with shrubs, trees or lawn and shall be continuously maintained in a healthy growing condition. Failure to maintain the earth berm area in accordance with these requirements shall constitute a violation of this Zoning Code.

(4) In those instances where the Planning Commission and the Township Board permit an earth berm or landscaped greenbelt in lieu of a wall, a detailed drawing of the proposed berm, greenbelt or other barrier shall be submitted in addition to the site plan.

(c) Required walls, earth berms or a greenbelt shall be located as nearly as possible to the lot lines, except where underground utilities interfere and except in instances where this Zoning Code requires conformance with front yard setback lines in abutting Residential Districts.

(d) Such walls, earth berms and/or greenbelt shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this subsection.

All walls herein required shall be constructed of materials approved by the Township Department of Building to be durable, weather-resistant, rustproof and easily maintained.

Masonry walls or earth berms may be constructed with openings which do not, in any square section (height and width), exceed twenty percent of the surface. Where walls or earth berms are so pierced, the openings shall be spaced so as to maintain the obscuring characteristic required and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed by the Planning Commission and approved by the Township Board.

(e) Required walls may, upon recommendation of the Planning Commission and approval of the Township Board, be located on the opposite side of an alley right of way from a nonresidential zone that abuts a residential zone upon agreement with affected property owners. Such agreements shall be indicated on the site plan and recorded as a covenant upon the land. The continuity of the required wall on a given block will be a major consideration of the Planning Commission and Township Board in reviewing such requests.

(f) Upon review of the site plan, the Planning Commission may recommend to the Township Board a waiver of any part or all of the wall, earth berm or greenbelt requirements, if it is determined that the intended screening effect of the wall, earth berm or greenbelt would serve no useful purpose.

(g) If the Planning Commission and Township Board should determine that a Residential District may be a future nonresidential area, temporary waiver of the requirements of this section, for an initial period not to exceed twelve months may be granted, provided that escrow money or a surety bond in the amount of the estimated cost for erection of the wall or earth berm is filed with the Township for a period not to exceed five years. Granting of waivers, subsequent to the first waiver, shall be permitted.

(Ord. 260. Passed 7-9-79.)

#### **1298.09 OPEN STORAGE OF VEHICLES.**

(a) The open storage or parking of vehicles on one-family residential zoned land shall be subject to the following provisions:

(1) Parking or storing of operable and licensed private passenger vehicles may be permitted when the vehicle is used and/or licensed by the family or person occupying the principal use. The parking or storing of inoperative vehicles is prohibited. The term "licensed private passenger vehicles" shall not include conveyances or vehicles equipped for living or camping purposes, nor conveyances or vehicles capable of transporting more than ten passengers.

(Ord. 260. Passed 7-9-79.)

(2) Recreational vehicles, including, but not limited to, boats, personal watercraft, snowmobiles, truck campers, travel trailers, motor homes and utility trailers (as well as their trailers for carriage or storage) may be stored or parked on any lot or parcel in the R or RT Residential Districts subject to the following requirements:

A. Recreational vehicles stored or parked shall not have fixed connections to electricity, water, gas or a sanitary sewer, and at no time shall such vehicles be used for living, sleeping or housekeeping purposes.

B. Recreational vehicles not stored or parked in a garage shall be stored or parked in a rear yard or non-required side yard, provided that the minimum required side yard shall be maintained from the vehicle to the side lot line.

C. Other than in an enclosed building, no person shall park or store more than two recreational vehicles upon any R or RT residential lot or parcel. Vehicles used in conjunction with one another, such as a boat mounted on a trailer, shall be considered one recreational vehicle.

D. Recreational vehicles may occupy a required side yard or front yard for a period not to exceed forty-eight hours for loading and unloading purposes, provided that such location does not obstruct the view of driveways from vehicular or pedestrian traffic.

E. The storage or parking of recreational vehicles on a residential lot or parcel for more than forty-eight hours shall be limited to only those vehicles owned by, and licensed or registered to, the occupant of the residential lot or parcel on which the vehicle is parked or stored.

F. The recreational vehicle must be fully operable, insured, readily movable, kept in good repair, and must display the current license plate and/or registration, if required by the State of Michigan.

G. Recreational vehicles must be parked or stored on a storage pad, constructed of either concrete, asphalt, patio blocks, stone, gravel or similar materials, and shall be of sufficient size to be totally under the vehicle. The storage pads shall be constructed and maintained in order to properly hold the vehicle, and to prohibit the possibility of any vegetation growing under the vehicle.

H. No person shall park or store any recreational vehicle upon any public property, including the planting area between the sidewalk and the curb, sidewalks, rights-of-way and public streets, except for the purpose of loading and unloading, as specified in paragraph (a)(2)D. hereof.

(Ord. 260-A-311. Passed 6-15-98.)

(3) In residential areas, storage or parking of no more than one commercial vehicle of a rated capacity not exceeding three-quarter ton is permitted.

(4) In the case of multiple-family developments, the Planning Commission and Township Board, after site plan review, may require a screened area, in addition to required off-street parking spaces, for the parking or storage of recreation vehicles within the site.

(5) A. Definition of parking. "Parking means to put or leave, for a period of time, a motor vehicle upon land unattended by an operator thereof.

B. Definition of storage. "Storage" means to put or leave, for future use, a motor vehicle upon land unattended by the operator thereof.

(b) Open storage of any equipment, vehicles, boats, airplanes and all other natural and man-made materials shall be permitted in the I-2 General Industrial District, subject to the following regulations, unless otherwise provided in this Zoning Code:

(1) Open storage shall be only in a side or rear yard and shall be screened from public view, from public rights of way and front yards of adjoining Residential Districts by an enclosure consisting of an obscuring masonry wall six feet in height.

(2) Open storage facilities shall be kept orderly in appearance and shall be maintained in a clean and safe condition so as to promote and protect the public health, safety and general welfare of the inhabitants of the Township of Clinton.

(Ord. 260. Passed 7-9-79; Ord. 414. Passed 3-9-15; Ord. 260-A-450. Passed 5-4-15.)

#### **1298.10 SITE PLAN REVIEW (ALL DISTRICTS).**

(a) Prior to issuance of a building permit for new construction, reconstruction or enlargement of a building, or an occupancy permit for change in use or new occupancy of existing buildings in certain situations described below, a site plan prepared by a registered architect, engineer or community planner shall be submitted for approval of:

(1) Any use or development for which the submission of a site plan is required by any regulation of this Zoning Code.

(2) Any development, except one-family residential, for which off-street parking areas are provided as required in Section 1296.01.

(3) Any use or change of use in an RT, RML, RMH, MH, OS, B-1, B-2, B-3, B-4, I-1, I-2, TR, P, SP-1, SP-2 or FW District.

(4) Any use or change of use, except one-family residential, which lies contiguous to a thoroughfare having an existing or planned right of way of eighty-six feet or greater.

(5) All residentially related uses permitted in single-family districts, such as, but not limited to churches, schools and public facilities.

(6) New occupants of existing buildings when one or more of the following conditions exist:

A. Insufficient off-street parking.

B. Unpaved parking areas and/or access drives with respective acceleration/deceleration lanes.

C. Noncompliance with Chapter 1060 of these Codified Ordinances.

D. Lack of proper projection of the full proposed public rights of ways.

E. Other factors which may be determined to be detrimental to the health, safety and general welfare of the inhabitants of the Township of Clinton.

(b) Each site plan submitted to the Planning Commission in accordance with the regulations of this Zoning Code shall contain such information and be in such form as the Planning Commission prescribes in its Rules of Procedure.

(c) The following information shall be included on the site plan:

(1) A scale of not less than one inch equals fifty feet if the property is less than three acres, and one inch equals 100 feet if the property is three or more acres.

(2) Date, northpoint and scale.

(3) Dimensions of all lot lines and property lines showing the relationship of the subject property to abutting properties.

(4) The location of all existing and proposed structures on the property and all existing structures within 100 feet of the property.

(5) Existing site features such as, but not limited to, trees and drains.

(6) An area map or vicinity sketch showing the general location of the site in relation to section lines or thoroughfare intersections.

(7) The name, address, telephone number, seal and signature of the architect, planner, designer, engineer or person responsible for preparation of the site plan.

(8) The location and right-of-way widths of all abutting streets and alleys.

(9) The location of all existing and proposed drives and parking areas.

(10) The location and design dimensions of all points of ingress and egress to and from the site to adjacent thoroughfares. All such points shall comply with the requirements of the Macomb County Road Commission or, if applicable, the Michigan Department of Transportation. Where a site plan proposes access to a major or secondary thoroughfare, as contained in the Township Major Thoroughfare Plan the following regulations and the regulations of this subsection (c) shall be included:

A. The full projected right of way and the centerline of the thoroughfare as proposed in the Township Major Thoroughfare Plan.

B. A full paved lane width along the entire site frontage with acceleration and deceleration tapers and by-pass lanes designed in accordance with Macomb County Road Commission standards and provided at all points of access from the site to the thoroughfare unless waived by the Planning Commission and the Township Board.

(11) The location and design of storm water retention basins. When it is known that a storm water retention basin will be required on the site, the basin, when at all possible, shall be located and designed as an integral part of the overall site plan. The basin shall be designed with a maximum slope ratio of four to one, (four feet of horizontal distance for each one foot of vertical

drop) and shall be landscaped and maintained in a clean and orderly manner. When retention basins are designed in conformity with these standards, they may be included as part of the open-space requirements of residential development. The Planning Commission and Township Board, after review of a proposed drain basin plan, may require the erection of a six-foot fence around the basin.

(12) The location of all trash and refuse disposal facilities. Such facilities shall comply with the requirements of Chapter 1060 of these Codified Ordinances.

(13) A five-foot wide concrete sidewalk or, at the discretion of the Planning Commission and the Township Board, a ten-foot minimum wide asphalt bicycle/pedestrian path, shall be located one foot from the property line on the side or sides of the roadway on all public streets, with the exception of the interior industrial subdivision streets.

(14) In all private residential developments, a five-foot wide sidewalk adjacent to all main service drives in order to provide interior pedestrian circulation. The locations of such sidewalks shall be approved by the Planning Commission.

(15) The location of all utility boxes and heating and cooling equipment and the measures utilized to conceal such equipment from public view.

(d) In process of reviewing the site plan, the Planning Commission shall consider:

(1) The location and design of driveways providing vehicular ingress and egress to and from the site, and acceleration, deceleration and by-pass lanes in relation to thoroughfares giving access to the site and in relation to pedestrian traffic; and

(2) The traffic circulation features within the site and the location of vehicular parking areas.

(e) The Planning Commission may make such requirements with respect to any matters as will assure:

(1) Safety and convenience of vehicular and pedestrian traffic both within the site and in relation to access thoroughfares.

(2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

(f) The Planning Commission may further recommend to the Township Board landscaping, fences and walls in pursuance of these objectives, and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

(g) In those instances wherein the Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of such thoroughfares, the Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money be placed in escrow with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Certificates of occupancy shall not be issued until the improvement is physically provided or moneys have been deposited with the Township Clerk.

(h) In order to assure compliance with improvements considered necessary in approving a site plan, a cash deposit, certified check or irrevocable bank letter of credit, in the amount specified in a the site plan bond rate schedule as adopted by the Township Board, shall be deposited with the Treasurer of the Township. The performance guarantee shall be required to be deposited prior to the issuance of any building permits. Refund of such cash bonds will be made only when all site improvements have been made in compliance with the approved site plan. request is made in writing by the individual or entity that posted such bond and after all site improvements have been made in compliance with the approved site plan or if the project has been abandoned. Request for refund may be made by an assignee of the individual or entity that posted the bond if adequate written verification of the assignment is timely furnished and timely application for refund is made pursuant to the requirements of this section. Failure to request refund of a cash bond within thirty-six months of posting will result in forfeiture of bond.

(i) Existing or proposed developments, which have had site plan review and approval as herein required, shall not be changed unless the proposed revisions are approved by the Planning Commission.

(j) Within eighteen months of the date of site plan approval, a permit shall be obtained from the Township Department of Building, or the site plan shall be invalid.

(Ord. 260. Passed 7-9-79; Ord. 260-A-37. Passed 2-8-82; Ord. 260-A-204. Passed 8-13-90; Ord. 260-A-239. Passed 8-23-93; Ord. 260-A-249. Passed 8-22-94; Ord. 260-A-265. Passed 9-7-95; Ord. 260-A-277. Passed 9-30-96; Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-372. Passed 10-7-02; Ord. 369. Passed 5-14-07.)

#### **1298.11 ACCESSORY OR ANCILLARY OIL AND GAS USES AND STRUCTURES.**

(a) Ancillary oil and gas uses shall be allowed subject to special land use approval in the B-3 General Business District and B-4 Regional Business District. Accessory or ancillary oil and gas well uses or structures shall be permitted as principal uses in the I-1 Light Industrial District and I-2 General Industrial District. All such uses shall be subject to the provisions of this section and all other applicable ordinances and laws.

(b) Setbacks and locations shall be provided as follows:

(1) Lot size shall be a minimum of one acres in the B-3 general business district and at least two acres in the B-4 Regional Business District I-1 Light Industrial District and I-2 General Industrial District.

(2) Setbacks shall be at least 150 feet from adjacent lot lines in the B-3 General Business District and B-4 Regional Business District unless all owners and occupants of adjoining property agree in writing to a lesser set back which in no case shall be less than 50 feet from adjoining property lines.

(3) In all cases any accessory structures shall be located behind any existing principal building or structure.

(4) In all cases any accessory structures or uses shall be set back at least 100 feet from any right of way.

(5) In all cases where adjacent to property zoned for residential uses or upon which any residential use exist, hours of operation involving the use of any artificial lighting or motor whether electrical, combustible engine or otherwise shall not be permitted prior to 9:00 a.m. or after 5:00 p.m.

(6) No accessory structure shall be permitted temporary or permanent which is at a height greater than 20 feet measured from the ground to the highest point of the structure.

(7) Distance from residential zoned or property occupied for any residential use of 660 feet shall be maintained for any above ground accessory structure.

(c) Performance Standards.

(1) An impact statement shall be required if accessory structures are to be used to transport water from the site in quantities exceeding 100,000 gallons or more per day over a 30 day average. To demonstrate that the proposed quantity, nature, scope and extent of the proposed removal, use, or transfer will not materially diminish adjacent ground water or impair any ground water or surface water, an impact statement shall be filed. Such impact statement shall be prepared by a registered professional engineer licensed in the State of Michigan.

(2) Detailed plans for the transporting handling, storage, mixing or use of chemicals or mixtures of water, chemicals or other materials shall be submitted. Information prepared by a registered professional engineer shall be submitted identifying the ground water flow direction in any potential pathway by ground water to surface water or any adjacent wetland, creek, lake or stream. A ground water monitoring plan shall be submitted.

(3) Storm water control compliant with all applicable ordinances of the Township and otherwise as provided by law shall be provided.

(4) The routes for vehicular access and a description including the class, axels, weight and photographs of vehicles which will be used at the site shall be provided.

(5) A restoration plan demonstrating how the property will be brought back to its state as existed prior to the use of accessory structures shall be furnished. A performance bond issued by a best A rated surety or better shall be furnished in an amount as determined by the Township Engineer as adequate to offset restoration expenses before any approval is granted. The Township may use the bond for restoration following a demand for restoration and a failure to timely complete restoration.

(6) A site plan shall be provided showing the location of accessory structures above and below ground, the location of wells and the location of access roads. Site plans shall be compliant with the site provisions of this section.

(Ord. 260-A-454. Passed 1-11-16.)

### **1298.12 PLANNED UNIT DEVELOPMENT ("PUD") DISTRICT.**

(a) Intent. The intent of the Planned Unit Development ("PUD") District is to permit flexible regulation of land development for a site containing unique natural features which the developer and Township desires to preserve and/or for property in an area adjacent to a major thoroughfare which is undergoing redevelopment. The standards of the PUD District are intended to encourage innovative design and create opportunities which may not be obtainable through more rigid standards within other zoning districts. The PUD District is intended to accommodate developments with potential mixed or varied uses, sites with unusual topography or unique settings within the community and/or on land exhibiting difficult or costly development problems. The PUD District classification is not permitted where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purpose above.

(b) Township Board Approval. The Board of Trustees of the Charter Township of Clinton shall review Planning Commission recommendations on all applications for PUD, permit public comment thereon and make final decisions to grant approval, deny approval or grant approval with conditions as provided within the ordinance. No issuance of any zoning certificate or building permit shall occur prior to Township Board approval.

(c) Amendment to Zoning Ordinance. The PUD District shall be deemed to be an amendment to the Zoning Ordinance.

(d) Permitted Uses.

(1) Permitted Principal Uses. Any combination of uses permitted in any residential, office, business, technical research or industrial classification pursuant to this section. No marijuana related uses shall be permitted.

(2) Permitted Accessory Uses. Any use which is accessory to the uses allowed as permitted principle uses.

(e) Eligibility. A PUD may be allowed by the Township Board following a recommendation by the Planning Commission based upon review and consideration of the following applicable criteria:

(1) The subject site shall be a minimum size of one acre of contiguous land. All such land shall be under the control of one owner, or a group of owners. All applications must be made with written authorization of all property owners and any parties to executory purchase agreements, options to purchase, or holding some prospective or beneficial interest in the subject property.

(2) The proposed site contains significant natural or historic features to be preserved through development under the PUD standards, or the PUD will provide a complimentary mixture of uses or housing types with unique, high quality design, and is suitable for the blending of existing and proposed uses.

(3) The PUD District will result in the recognizable and substantial benefit to the ultimate users of the project and to the

Township, where such benefit would otherwise be unfeasible or unlikely to be achieved. These benefits shall be demonstrated in terms of the preservation of natural features, unique architecture, extensive landscaping, integration of various site features into a unified development, provision of useful open space and/or shall expand the supply of affordable housing or provision of employment and shopping opportunities.

(4) A finding that the proposed type and density of use shall not result in an unreasonable increase of traffic, use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and that the development shall not place an unreasonable burden upon surrounding land or land owners.

(5) The proposed PUD District shall be consistent with the Master Plan of the Township.

(6) Useable open space and off-street parking shall be furnished at least equal to the minimum requirements for each of the component uses of the PUD District. The Township may require, depending on the configuration and location of the proposed PUD District, more or less useable open space and parking than required otherwise within other provisions of this section.

(7) Landscaping and screening shall be furnished to ensure that the proposed use or uses shall be adequately buffered from one another and from surrounding public and private property. The Township may require more or less landscaping and screening than required otherwise by this section.

(8) Vehicular and pedestrian circulation allowing safe, convenient, uncongested and well defined circulation within and to the PUD District shall be provided.

(f) Approval Procedure.

(1) The PUD District approval involves two phases. The Preliminary Phase involves a review of the conceptual PUD District to determine its suitability for inclusion in the land use and zoning plans of the Township and adoption by the Township as part of the zoning ordinance. The Final Phase shall require detailed site plans for any part of the conceptual PUD Plan prior to the issuance of building permits. The two phases may be combined and considered for approval as a Preliminary and Final PUD Plan.

(2) The Planning Commission may hold an informational meeting where the petitioner presents the proposed PUD Plan. The Planning Commission shall provide the petitioner with its comments within 30 days after holding such a meeting. Notice of the meeting shall be given to the Board of Trustees. No fees shall be charged for said informational meeting.

(3) Petitioner shall submit to the Director of Planning and Community Development sufficient copies of the PUD Plans with review fees following such informational meeting. Copies of plans as submitted shall be distributed to appropriate Township agencies for review and comment to determine the impact of the proposed PUD District upon Township services and surrounding properties and to determine if any additions to or extensions of facilities are necessary for the project.

(4) The Director of Planning and Community Development shall notify the petitioner of questions raised by Township agencies during said review submitting like information to the Planning Commission for its consideration along with a report evaluating the planning aspects of the project and its impact on the present and future development of the Township.

(5) The Planning Commission shall, after holding a public hearing or hearings on the proposed PUD Plan and reviewing reports, make its recommendation to the Township Board upon such plan within 60 days of its date of filing, unless an agreement to extend by petitioner occurs in writing. The Planning Commission may extend this time period for a period not to exceed 30 days each if such extension is necessary for adequate review as a result of materials being considered incomplete by the Director of Planning and Community Development or the Planning Commission. Public hearing notice shall be furnished in the same manner as for rezoning and special land use, including publication in a newspaper of general circulation and notice by mail or personal delivery to owners of property for which approval is considered and to all persons to whom real property is assessed within 300 feet of the property and occupants of all structures within 300 feet of the property.

(6) If the Preliminary Phase or Final Phase of the PUD Plan is rejected by the Planning Commission, reasons for such rejection shall be specified in writing and approved by the Planning Commission.

(7) The Planning Commission's recommendations and reports shall be submitted to the Township Board for its consideration. The Township Board shall, after allowing public comment on the Preliminary Phase and Final Phase PUD Plan, take final action on said plan and petition within 90 days from the date they receive a report from the Planning Commission or such reasonable extension of time as determined necessary for adequate review by the Township Board as a result of incomplete information being submitted, modifications proposed or delay in the submittal of additional information for consideration.

(8) Any conditions of approval required by the Township Board shall be satisfied by petitioner, owner, or other parties submitting the application prior to subsequent Final Phase site plan approval and prior to the issuance of any building permits and the commencement of any work on the subject property. The Township Clerk and Department of Planning and Community Development each shall keep a special record of all approved PUD Plans and approved conditions.

(9) Approval of the Preliminary Phase PUD Plan by the Township Board shall rezone the property to a "PUD" zoning classification for uses as shown on the PUD Plan and shall confer upon the owner the right to proceed through the subsequent Planning Phase in accordance with regulations and ordinances in effect at the time of the Township Board's approval for a period not to exceed 18 months from the date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase PUD Plans have not been submitted for approval before the termination of the aforesaid 18 month period, subsequent site planning must conform to the regulations, ordinances and laws in effect at the time such site plan is submitted upon request of the petitioner. The Township Board may extend the approval for a maximum of an additional 18 months. Any such extension shall be granted only if existing site conditions have not substantially changed, and provided further that there are no revisions to the PUD Plan. If, after the 18 month extension a building permit has still not been issued, the petitioner must resubmit the PUD Plan for normal review as provided herein.

(10) An approved PUD District runs with the land, not with the owner. If the land is sold or otherwise exchanged, the approved PUD District shall remain in effect, unless a petitioner submits and is granted a request to amend or terminate the PUD District.

(g) Preliminary Phase PUD Plan. The petitioner shall prepare and submit the following to the Planning Director:

- (1) All information in a preliminary form that is required for a site plan pursuant to this section.
- (2) Copies of elevation plans, photographs of proposed exterior finished materials and materials specification documents.
- (3) A list of anticipated deviations from standard zoning regulations which would otherwise be applicable.

(4) The petitioner shall present material as to the PUD District's objectives and purposes to be served; its economic feasibility; its conformity to plans and policies of the Township; market needs; impact on schools, utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent properties; and estimated costs. The petitioner shall present a staging plan showing the general time schedule of, and expected completion dates of, various elements of the Plan.

(5) Any other information which the Planning Commission or Township Board requires to determine if the proposed Preliminary Phase PUD Plan meets the eligibility criteria which may include but is not limited to building elevations, floor plans, sign plans and traffic studies.

(6) Copies of all signs, photographs of proposed signs, sign specifications and details, lighting and illumination details, scaled elevation plans with signs situated on the Plan and scaled site plans for signs situated on the Plan.

(7) Floor plans with details showing physical characteristics and structures.

(h) Final Phase PUD Plan. For each Final Phase PUD Plan, the petitioner shall submit the following to the Planning Director:

- (1) All information required for a site plan pursuant to the zoning ordinance.
- (2) All the materials in final form consistent with the Preliminary Phase PUD Plan.

(3) A detailed rendering indicating the three dimensional character of the proposal. All applications shall include all photographs of all sides of any existing buildings. Any additional graphics or written materials requested by the Planning Commission or Township Board or Planning Director to assist the Township in visualizing and understanding the proposal.

(4) Approval of the Final Phase PUD Plan shall be conditioned upon execution of the development agreement which secures completion of all public and private improvements shown on the PUD Plan and describes how conditions required as part of the PUD approval are to be met.

(5) The approved Final Phase PUD Plan shall entitle the owner to apply for building permits and engineering.

(6) The proposed PUD District and all proposed improvements, including but not limited to parking spaces, landscaping, open spaces and amenities, must be started within three years of the establishment of the PUD District and work must be continued in a reasonably diligent manner and completed within five years of the establishment of the PUD District. Said five year period may be extended if applied for by the petitioner and granted by the Township Board in writing following public notices and a public hearing. Failure on the part of the owner to secure the enrichment shall result in the stoppage of all construction.

(i) Minor Amendments to Final Phase PUD Plan. Minor alterations or revisions to a previously approved Final Phase PUD Plan may be approved by the Township Board after review by the Planning Director, Fire Chief, Building Director, Director of Public Works, City Engineer and Police Chief. Each Department must certify in writing that the proposed revisions meet all requirements of this section and that they constitute a minor alteration which does not alter basic design nor any specific conditions of the PUD Plan as agreed upon by the developer and Township Board. The Planning Director shall record all such alterations and revisions on the original Final Phase PUD Plan and advise the Planning Commission of all said minor revisions. Such revisions shall be filed and maintained by the Township Clerk and the Department of Planning and Community Development. Minor alterations or revisions shall include but not be limited to:

- (1) Changes in building height which do not add new floor area.
- (2) Relocation of sidewalks, if any.
- (3) Rearrangement of parking lots and driveways.
- (4) Decrease in building size.
- (5) Moving a building not more than 20 feet or 20% of the distance to the closest property line (whichever is smaller).
- (6) Other proposed amendments must follow the approval procedure for a new PUD Plan.

(Ord. 260-A-477. Passed 6-17-19.)

## **CHAPTER 1299**

### **General Exceptions**

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1299.01 Area, height and use exceptions.

#### **CROSS REFERENCES**

Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.

Regulation of location of trades, buildings and uses by local authorities; authority to zone - see M.C.L.A. Secs. 125.581, 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Zoning Map changes - see Pt. 12, Title 8, Appendix II

### **1299.01 AREA, HEIGHT AND USE EXCEPTIONS.**

The regulations in this Zoning Code shall be subject to the following interpretations and exceptions:

(a) Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intent hereof to exempt such essential services from the application of this Zoning Code.

(b) Voting Places. The provisions of this Zoning Code shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal or other public election.

(c) Driveways. Driveways may be constructed within required front, side and rear yards.

(d) At-Grade Patios. At-grade patios may be constructed within required side and rear yards.

(Ord. 260. Passed 7-9-79.)

(e) Height Limits. The height of all structures, including, but not limited to, monuments, water towers and commercial radio and television transmission towers, shall not exceed the height limit of the district in which they are located unless variance is granted by the Board of Appeals. Each residential unit and commercial and industrial building shall be limited to a maximum of two antenna support structures located on its roof.

(1) Amateur (Ham) radio antennas, licensed by the Federal Communications Commission (FCC) or other government-authorized agency, may be located on residential property. Roof-mounted antenna support structures shall not exceed a height of five feet above the peak of the roof upon which they are mounted. Roof-mounted antennas shall be vertical, omni-directional antennas, not to exceed a height of twenty feet.

(2) Residential properties shall be limited to one ground-mounted antenna support structure, not to exceed an over-all height of seventy-five feet, including antennas. Said structure shall be located only in the rear yard, a minimum of ten feet from any property line. All antenna support structures shall require building permits and inspection by the Department of Building and Safety. Said structures shall meet all applicable requirements of the Michigan Building Code and/or Michigan Residential Code in addition to all safety requirements specified by the manufacturer.

(Ord. 260-A-122. Passed 7-7-86; Ord. 260-A-415. Passed 12-5-05.)

(f) Lot Area. Any lot of record on the effective date of this Zoning Code may be used for any principal use (other than uses permitted subject to special conditions, for which specific lot area requirements are contained in this Zoning Code) permitted in the district in which such lot is located, whether or not such lot complies with the lot area requirements of this Zoning Code, provided that compliance is made with all regulations, other than lot area requirements, as prescribed in this Zoning Code, and provided that not more than one dwelling unit shall occupy any lot, except in conformance with regulations of this Zoning Code for required lot area for each dwelling unit.

(g) Lots Adjoining Alleys. In calculating the area of a lot which adjoins an alley or lane, for the purpose of applying lot area requirements of this Zoning Code, one-half the width of such alley abutting the lot shall be considered as part of such lot. When reasonable compliance cannot be made with yard requirements on lots of record on the effective date of this Zoning Code, or on lots of peculiar shape, topography or architectural or site arrangement, the Board of Appeals may grant a variance to such requirements.

(Ord. 260. Passed 7-9-79.)

(h) Porches and Decks. An unenclosed, uncovered porch or deck (one that does not have a roof and/or walls) may project into a required front yard for a distance not to exceed eight feet and into a required rear yard for a distance not to exceed twelve feet. Such porch or deck shall not occupy more than thirty percent of any required rear yard plus twenty percent of any non-required rear yard.

(Ord. 260-A-314. Passed 8-10-98; Ord. 260-A-381. Passed 10-6-03.)

(i) Projections Into Yards. Architectural features, such as, but not limited to, window sills, cornices, eaves, wingwalls, bay windows, chimneys or other vertical projections may extend or project into a required side yard not more than two inches for each one foot of width of such required side yard and may extend or project into a required front yard or rear yard not more than three feet. Architectural features shall not include those details which are nominally demountable.

(j) Railroad Rights of Way. Railroads rights of way shall be permitted in all use districts, provided that related industrial uses shall be permitted only when adjacent to an I-1 or I-2 Industrial District.

(Ord. 260. Passed 7-9-79.)

(k) Carnivals and Festivals.

(1) Permitted uses. Carnivals may be permitted in any I-1 or I-2 District, and festivals may be permitted in any district, subject to the procedure and minimum requirements and regulations as hereinafter provided for.

(2) Procedure.

A. Applicants shall submit a written application, upon forms to be provided by the office of the Township Clerk, accompanied



by such non-refundable fee as may be established by the Township Board by resolution, which application shall contain the following minimum information:

1. The name and address of the applicant.
  2. The name and address of any sponsor organization.
  3. The street address or other specific location where the carnival or festival is to be conducted, together with the dates of its proposed operation and the name and address of the owner of such premises or other person authorized to grant permission for use thereof.
  4. A general description of existing business or land use of the premises, if any use exists.
  5. A brief description and number of any licenses, permits or other approvals required under the laws of the State of Michigan or by any governmental agency, together with a copy of each such license, permit or approval.
- B. A copy of a written lease or other authorization to use such premises shall accompany the application.
- C. A sketch or other drawing, depicting the location on the premises where the carnival is to be conducted, including the number and location of all toilet facilities and fencing as required under this Zoning Code, shall accompany the application.
- D. The Township Clerk shall forthwith forward such application to the Department of Planning and Community Development for its review to assure compliance with this Zoning Code and the Department shall return such application to the Township Clerk within seven days with its recommendation and reasons therefor.
- E. The Township Clerk shall forthwith forward such application to the Department of Building, Fire, Police and Public Works for their review and/or inspection of the premises and submittal of their recommendations thereon to the Township Clerk.
- F. Such application and such recommendations shall then be placed upon the agenda of the next regularly scheduled Township Board meeting for its action in granting or denying such uses, provided that the Township Board may postpone final action for good cause, which would include the finding of a necessity to obtain additional information to assure compliance with this Zoning Code and other ordinances or other laws.

(Ord. 260-A-107. Passed 12-9-85.)

G. In addition to the information herein required, an application for a carnival or a festival involving the live performance of amplified music or music played out of doors shall include the following:

1. A statement verifying the capability of personnel to accommodate the potential increase in vehicle and pedestrian traffic.
2. A statement verifying that levels of artificial light and noise generated by the proposed use will not have a negative impact upon surrounding properties.
3. A statement verifying that the nature of the proposed entertainment will not have a negative impact upon the health, safety and welfare of patrons and participants.

(Ord. 260-A-314. Passed 8-10-98.)

(3) Minimum requirements and regulations. Each carnival and festival shall comply with the following minimum requirements and regulations:

- A. Permits and approvals. Any and all permits or approvals required by any governmental agency, Federal, State or Municipal, shall be obtained and maintained in force.
- B. Insurance. A policy of public liability insurance of not less than five hundred thousand dollars (\$500,000) per person and one million dollars (\$1,000,000) per incident, together with property damage of not less than one hundred thousand dollars (\$100,000) shall be maintained, a copy of which policy shall be furnished to the Township Clerk prior to commencement of operation of the carnival or festival.
- C. Parking. Adequate parking shall be provided to reasonably insure that persons attending the carnival or festival or the other existing business conduct on the premises will not find it necessary to park on the public right of way of other lands.
- D. Hours of operation. Carnivals shall not operate prior to 10:00 a.m. and shall close not later than 11:00 p.m., Eastern Standard Time or Eastern Daylight Savings Time, as the case may be. Festivals shall not operate prior to 10:00 a.m. and shall close not later than 2:00 a.m. Eastern Standard Time or Eastern Daylight Savings Time, as the case may be.
- E. Toilet facilities. Each carnival or festival shall have adequate permanent or portable toilet facilities available on the premises.
- F. Refuse containers and daily clean-up. Each carnival and festival shall maintain, about the premises, sufficient refuse containers to reasonably insure that all paper and other debris from products sold or made available to persons in attendance will not be thrown on the ground. Such containers shall promptly be emptied when full into dumpsters or other containers as approved by the Township Department of Public Works. Immediately upon closing each day, the entire premises of the carnival or festival shall be cleaned in a manner to remove and dispose of all debris and refuse on and about the grounds.
- G. Fencing. The entire perimeter of the portion of the premises where the carnival or festival is to be conducted shall be fenced with a temporary fencing of such type and height as to reasonably insure the segregation of this use from the remainder of the premises and to prohibit persons from entering or leaving except through designated entrances and exits.
- H. Security. Each carnival or festival shall provide sufficient professional security guards to reasonably insure the

maintenance of peace and order on the premises and to otherwise protect the public in attendance thereat. "Professional security guard" is hereby defined to mean a person who has received training and/or is licensed as a security guard.

I. Residing on premises. Employees or other persons shall not be permitted to reside upon the premises on which the carnival or festival is conducted, except one person for security purposes who may reside overnight therefor. All other employees and persons participating in such carnival or festival shall reside off the premises and in other duly authorized and lawful locations for residence purposes. They may not occupy mobile homes, trailers or other vehicles situated in any location in the Township except in a duly licensed mobile home park, travel trailer park or campground.

J. Gambling games prohibited. Games of chance or other contests, which are construed as gambling prohibited under the laws of the State of Michigan, shall not be permitted.

K. Clean-up bond. Each applicant for a carnival shall deposit with the Township Clerk a cash bond in the sum of one thousand dollars (\$1,000) and each applicant for a festival shall deposit with the Township Clerk a cash bond in the sum of five hundred dollars (\$500.00) prior to commencement of operation, such cash bond to be held by the Township Clerk as security for cleaning up and removal of all debris from the premises upon termination of the carnival or festival. This bond shall be refunded to the applicant upon request therefor and written certification by the Township Department of Public Works that all debris emanating from such carnival or festival has been removed from the premises. In the event no written request for refund of such bond is received within thirty days following the removal of the carnival or festival from the premises, such bond shall be presumed abandoned and transferred to the Township General Fund as public money.

(4) Waiver of fees. Any bona fide charitable or non-profit organization, which is not established or operated for political purposes, may apply for waiver of fees at the time it submits its application pursuant to the procedure hereinbefore cited, and the Township Clerk shall process such application without the fee paid in advance, and, at the time it is submitted to the Township Board, a determination shall be made by the Township Board as to whether or not the fee should be waived. Any approval of the application by the Township Board without waiver of fee shall be conditioned upon payment of the fee in advance of conducting the carnival or festival.

(Ord. 260-A-107. Passed 12-9-85.)

(l) Other Temporary Uses and Structures. Other temporary uses and structures may be permitted by the Superintendent of the Charter Township of Clinton Building Department for a period not to exceed one hundred eighty (180) days provided that such use or structure is permitted in the district and adequate parking facilities are provided. Additional limitations or conditions are deemed necessary to protect the health, safety and welfare of the users and/or the general public may further be imposed by the Superintendent. The Superintendent is authorized to grant one extension for up to an additional one hundred eighty (180) days for demonstrated cause. In the event the request for a temporary use or structure is denied, the applicant within ten (10) days of the denial may apply to the Township Board, appealing the denial through submitting a written letter requesting an appeal to the Township Clerk. The reasons for the appeal shall be set forth in the letter. In the event the license is issued and the licensee fails to comply with additional limitations or conditions within the license or otherwise fails to comply with additional limitations or conditions within the license or otherwise fails to conform to Township ordinances or interferes with adjoining property owners rights or creates hazards, the Superintendent or his or her designee may request that the Township Board revoke, suspend, or modify the approval for the temporary use and/or structure. A copy of the application to the Township Board shall be furnished to the party receiving the approval who shall appear before the Township Board and show cause why relief as requested should not be granted. The Superintendent is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation is fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC Electrical Code or as otherwise provided in any applicable Building Code adopted by the Township. The Superintendent is authorized to terminate any permit for a temporary structure or use and to order the temporary structure or use to be discontinued. Applications for concrete or asphalt batch plants as temporary uses may be approved solely by the Township Board and may be extended for additional periods of time up to one hundred eighty (180) days.

(Ord. 260-A-58. Passed 8-22-83; Ord. 361. Passed 3-27-06.)

(m) Outdoor Sales and Display of Goods, Tent Facilities, Funerals, Healthcare Emergencies

(1) The Township Board may grant a special permit for outdoor sales and display of goods which are either accessory or not accessory to a principal use such as, but not limited to fruits, vegetables, dairy products, plants, flowers, Christmas trees, etc and such other goods which are readily accessible for inspection and removal by the potential customer, subject to the following conditions:

A. No such use shall be permitted on any lands within the Township except those properties which abut a major or secondary thoroughfare and are located in the OS, B-1, B-2, B-3, I-1, I-2, or RM District.

B. Adequate off street parking shall be provided on the site to accommodate both the proposed additional use and any existing uses and shall not be located within any public right-of-way or required set back.

C. All such outdoor sales and display areas shall comply with Commercial and Noncommercial Solicitors Chapter 882 of these Codified Ordinances.

D. Metal shipping containers or other similar containers shall not be placed upon the site in order to store goods which are sold, or available for sale other than within a fully enclosed building, or as regulated by Sect. 1299.01(l), Other Temporary Uses and Structures.

E. No tent or other temporary structure shall be erected more than two (2) days prior to the permitted date for the sale and display of goods. Tents and other temporary structures shall be removed within two (2) days upon the expiration of the date for the permitted sale and/or display of goods. As a cumulative remedy, further approvals by the applicant and at the property involved may be withheld.

F. The Township shall not grant permission for outdoor sales and display permitting simultaneously in excess of fifteen (15) temporary uses and display of goods within the Township in total per calendar year.

G. The Township shall not permit in excess of two (2) temporary structures for outdoor sales and/or display of goods per legally described parcel and per any site which consists of a shopping center, or other site where a common use of the parking lot occurs amongst parcels at one time. Common use of the parking lot refers to the parking area being open and available for the public since the vehicles may be parked and the parking surface crossed without obstruction to access businesses.

H. No separate legally described parcel, or parking lot which is accessible to businesses shall have in excess of four (4) permitted temporary outdoor sales and display of goods in any calendar year.

I. In granting an approval, the Township Board may select the set back location for temporary structures such as tents from roadways and buildings and provide for tents not to obstruct existing drives and driveways within parking areas.

J. No temporary uses shall be permitted in any shopping plaza which has in excess of twenty percent (20%) vacancy of available gross floor area for all sites within the shopping center.

K. Scaled drawings shall be furnished showing the proposed location of temporary uses and structures. Manufacturers information and fire safety information shall be furnished with respect to all temporary structures, such as tents. An elevation drawing of any temporary structure, including tents, shall be furnished.

L. Except as provided, all sales shall be rung up within one of the existing permanent buildings on site with temporary structures being for display only. At the discretion of the Township Board of Trustees, outdoor sales may be approved when all of the following conditions are met:

1. An entity conducting such sales maintains a physical presence at the parcel proposed for outdoor sales, either through ownership of a building or a lease of at least one year and has been previously approved for operation by the township having complied with all building, fire and police regulations.

2. All taxes are current and all water bills, or other township fees are paid.

3. Such sales are accessory to the principal use and involve a product which consistently makes up at least ten percent (10%) of the sales occurring within the permanent structure to which the proposed temporary outdoor use is accessory and permitted.

M. Temporary structures shall comply with requirements set forth in the current edition of the International Fire Code and the Michigan Building Codes, with applicants obtaining the necessary permits from each department and fully complying with all other Township ordinances.

N. Signs shall comply with Chapter 1488 . Sign permits shall be secured through the Building Department. Balloons, pennants, streamers, spinners, message boards, manikins, inflatable and wind blown devices are not permitted. Applicant shall fully comply with all other Township ordinances.

(2) The Building Superintendent may grant a special permit for the erection of a tent, and other temporary facilities for funeral related services and other outdoor activities that do not involve the sale of goods at any funeral home which is licensed by the State of Michigan subject to the following conditions:

- A. Any and all services and the congregation of people outdoors shall conclude and disperse on or before 10:00 p.m.

- B. Any and all electrical service shall be subject to inspection in compliance with applicable Township ordinances, including procuring permits if required under such ordinances. Tents and cooking devices shall be subject to inspection by the Fire Marshal in compliance with applicable ordinances and laws.

- C. A drawing shall be submitted as a site location drawing, identifying tent locations and temporary facilities and depicting parking lot features and driveway features, such that parking and pedestrian traffic can be evaluated.

- D. No sound amplification, for speech, music, or other purposes shall be permitted whether outdoors or within any tent, or temporary structure.

(3) The Building Superintendent may grant a special permit for the erection of a tent, and related temporary facilities for a hospital, or other similar healthcare facility where emergency circumstances make it impractical to obtain permission for an outdoor use and facilities before the Board of Trustees.

(Ord. 260-A-61. Passed 10-17-83; Ord. 260-A-122. Passed 7-7-86; Ord. 260-A-448. Passed 5-13-13.)

(n) Solid Waste Disposal.

- (1) No solid waste, as defined in Section 1250.07, shall be kept in open containers or piled, placed, stored, dumped or disposed of on any land or within any building within the Township of Clinton, except in accordance with the requirements of the State of Michigan and/or the Federal Government and paragraph (n)(2) hereof.

- (2) Nothing contained in this Zoning Code shall prevent the reasonable use of garbage, fertilizers, manure and similar material for the improvement of land used for farming purposes where such use is not carried on in an unhealthy or unsanitary manner, causing a menace to the health and welfare of the public, provided, however, that the storing, piling, placing or dumping of the above-mentioned materials from other than one household, whether the operation is carried on for a profit or not, shall be subject to the requirements of paragraph (n)(1) hereof. However, in no instance shall any such storage and/or composting of the above-mentioned materials be permitted within 200 feet of any land containing a residential dwelling.

(Ord. 260-A-58. Passed 8-22-83.)

(o) Satellite Dish Antennas.

(1) Satellite dish antennas shall be installed only upon issue of a permit by the Clinton Township Department of Building upon condition that the mounting and support for such antenna meet the requirements of the BOCA National Building Code as adopted by the Township of Clinton from time to time.

(2) Satellite dish antennas shall meet all manufacturer's specifications, be of corrosion-resistant material and be erected in a secure wind-resistant manner.

(3) Satellite dish antennas shall not exceed a diameter of twelve feet.

(4) In a One-Family or Two-Family Residential Zoning District, a satellite dish antenna may be permitted, subject to the following:

A. A satellite dish antenna shall be located in the rear yard of a lot or a parcel of property.

B. In the event that a satisfactory satellite signal cannot be received by locating the satellite dish antenna in the rear yard, the Board of Appeals may grant a variance to permit location of the satellite dish antenna in the front yard, in the side yard or upon the roof of a principal or accessory structure. A finding by the Board of Appeals that a suitable signal cannot be obtained shall be deemed sufficient proof of practical difficulty or unnecessary hardship to authorize the granting of a variance in its sole discretion.

C. Roof or pole-mounted antennas shall not exceed the height requirements of the One-Family or Two-Family Residential District in which they are located.

D. Roof-mounted antennas shall be of mesh construction.

(5) In all other zoning districts, satellite dish antennas are permitted, subject to the following:

A. Satellite dish antennas shall be permitted either at ground level, on a pole or on a roof. Satellite dish antennas shall be placed so as not to exceed the height limit of the district in which they are located.

B. Satellite dish antennas shall not be placed in any required setback nor in a required parking area.

C. In the event that a satisfactory satellite signal cannot be received by compliance with the requirements of paragraphs (o) (5)A. and B. hereof, the Board of Appeals may grant a variance to permit the location of the satellite dish antenna in the front yard, in the side yard or upon the roof of a principal or accessory structure. A finding by the Board of Appeals that a suitable signal cannot be obtained shall be deemed sufficient proof of practical difficulty or unnecessary hardship to authorize the granting of a variance in its sole discretion.

D. Roof-mounted antennas shall be of mesh construction.

(p) Medical Marijuana Cultivation, Growth, Storage, Exchange and Processing

(1) The growth cultivation, processing storage and exchange of medical marijuana by a qualifying patient or by a primary caregiver as defined pursuant to State law including M.C.L.A. 333.26423 and any subsequent amendment or replacement, shall be permitted only in single family or multi-family zoning districts within a single family dwelling which is owned or rented and occupied by the qualifying patient or primary caregiver for their residential use.

(2) The foregoing activities shall be in full compliance with all applicable Township ordinances and other applicable state and county laws and shall not occupy more than 25% of the usable area as measured by interior floor space of the dwelling unit excluding the basement square footage, or 200 square feet whichever is less.

(3) Provisionary centers or dispensaries where marijuana is exchanged for a qualified patient or 250 square feet for a primary caregiver between qualified patients or caregivers are unlawful. Exchanges between qualified patients and caregivers may only occur at the principal home residence of the primary caregiver or qualifying patient. Exchanges between 9:00 p.m. and 8:00 a.m. are prohibited.

(Ord. 260-A-453. Passed 1-11-16; Ord. 260-A-462. Passed 4-10-17; Ord. 260-A-467. Passed 9-25-17.)

## APPENDIX I

### SKETCHES

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Sketch 1. Basement and Story. [\[Click here to view image.\]](#)

Sketch 2. Basic Structural Terms. [\[Click here to view image.\]](#)

Sketch 3. Berm Illustrations. [\[Click here to view image.\]](#)

Sketch 4. Building Height. [\[Click here to view image.\]](#)

Sketch 5. Building Line. [\[Click here to view image.\]](#)

Sketch 6. Distance Spacing for Multiple Dwellings. [\[Click here to view image.\]](#)

Sketch 7. Interior, Through and Corner Lots. [\[Click here to view image.\]](#)

Sketch 8. Lots and Areas. [\[Click here to view image.\]](#)

Sketch 9. Nonconforming Structure and Nonconforming Use. [\[Click here to view image.\]](#)

Sketch 10. Parking Layouts. [\[Click here to view image.\]](#)

Sketch 11. Yards. [\[Click here to view image.\]](#)

## APPENDIX II

### ZONING MAP CHANGES

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Ord.No. Date Description

- 260-A-1 8-20-79 Approximately 1.71 acres of land west of Gratiot Ave. and north of Kemp St., from B-2 to B-3.
- 260-A-2 9-4-79 Land located north of Hartmann St. and east of Groesbeck Hwy., from R-3 to I-1.
- 260-A-3 9-19-79 Land located south of Quinn Rd., north of Pitko and in the vicinity of McGovern, from R-5 and I-1 to B-3.
- 260-A-4 10-15-79 Approximately 2 acres of land west of Groesbeck Hwy. and east of Little Mack, from R-3 to I-1.
- 260-A-5 10-1-79 3.67391 acres of land west of Garfield Rd. and south of Canal Rd., from R-2 and RM-2 to B-2.
- 260-A-6 10-1-79 Approximately 1.3 acres of land west of Garfield Rd. and north of 17 Mile Rd., from R-3 to OS-1.
- 260-A-7 11-13-79 2.597 acres of land south of Millar Rd. and west of Garfield Rd., from R-2 to OS.
- 260-A-8 12-17-79 Approximately 31.98 acres of land east of Gratiot Ave. and north of Joy Blvd., from I-1 to MH.
- 260-A-9 1-28-80 6.050 acres of land east of Moravian Dr. and south of Hillcrest St., from RM-2 and R-3 to RM-3.
- 260-A-10 2-25-80 2 parcels containing 14.9 acres and 23.5 acres of land north of Canal Rd. and west of Clinton River Rd., from R-2 to R-1 and from R-2 to R-5, respectively.
- 260-A-11 3-10-80 Approximately 0.74 acre at the N.E. corner of Grand Trunk Western R.R. and 15 Mile Rd., from I-2 to B-3.
- 260-A-12 3-24-80 Land located west of Garfield Rd. and north of 17 Mile Rd., from R-3 to OS.
- 260-A-13 3-24-80 Land located east of Hayes Rd. and north of 18 Mile Rd., from B-1 to B-2.
- 260-A-14 3-24-80 Approximately 7 acres of land east of Hayes Rd. and south of Hall Rd., from R-1 to B-2.
- 260-A-15 4-7-80 Approximately 2.496 acres of land west of Garfield Rd., north of Forestview and east of Woodside, from R-1 to OS.
- 260-A-16 4-7-80 84.595 acres of land at the S.E. corner of Dunham and Heydenreich Rds., from R-4 to R-5.
- 260-A-17 4-21-80 Approximately 5 acres of land east of Garfield Rd. and north of 19 Mile Rd., from R-1 to OS.
- 260-A-18 5-5-80 Land located at the N.E. and S.E. corners of Grandy and Kirby Aves., from SP-1 and R-5 to RM-2.
- 260-A-19 6-16-80 11.94 acres of land at the S.W. corner of Dunham and Heydenreich Rds., from R-1 to R-4.
- 260-A-20 6-16-80 Approximately 4.84 acres of land north of Cass Ave. and west of Ferndale St., from B-3 to I-1.
- 260-A-21 6-15-80 2 parcels containing approximately 25.64 and 15.28 acres of land north of Canal Rd. and west of Clinton River Rd., from R-2 to R-4 and from R-2 to R-5 respectively.
- 260-A-23 8-11-80 4 parcels designated A, B, C and D south of Vermander St., north of Woodward St. and west of Gratiot Ave., from R-5 to B-3, P, B-3 and P, respectively.
- 260-A-24 8-11-80 2 parcels containing 8.163 and 13.987 acres of land south of Hall Rd. and east of Hayes Rd., from OS to RM-2 and from B-2 to RM-2, respectively.
- 260-A-25 8-11-80 Approximately 1.5656 acres of land east of Hayes Rd. and north of 19 Mile Rd., from R-1 to RM-2.
- 260-A-26 8-11-80 3 parcels containing approximately 15, 79 and 104.776 acres of land north of Dunham Rd. and east of Heydenreich Rd., from RM-1 to R-5, R-4 to R-5, and R-1 to R-5, respectively.
- 260-A-27 10-21-80 1.49 acres of land east of Griswald St. and north of 15 Mile Rd., from R-5 to RM-2.
- 260-A-28 10-20-80 2 parcels containing approximately 1.5656 and 4.0 acres of land east of Hayes Rd. and north of 19 Mile Rd., from R-1 to B-2 and from RM-2 to B-2, respectively.
- 260-A-29 12-15-80 8.4 acres of land north of Lindbergh St. and west of Gratiot Ave., from I-1 to SP-1.
- 260-A-30 2-23-81 Approximately 4.527 acres of land at the S.E. corner of Dunham and Heydenreich Rds., from R-5 to B-1.
- 260-A-32 8-11-81 Land located at the S.E. corner of Dan St. and Harper Ave., from OS to B-1.
- 260-A-35 1-11-82 Approximately 4.627 acres of land east of Hayes Rd. and south of Amore Dr., from B-1 to B-2.
- 260-A-36 2-8-82 Approximately 6.07 acres of land north of Metropolitan Pkwy., west of Gratiot Ave. and south of Wendell Dr., from OS to B-3.
- 260-A-38 4-5-82 Land located east of Groesbeck Hwy. and south of Melborn, from R-3 to OS.

- 260-A-39 4-19-82 Approximately 0.80 acre of land east of Garfield Rd. and south of Clinton River Rd. and north of the Clinton River, from R-3 to OS.
- 260-A-40 6-14-82 4.005 acres of land at the S.E. corner of Garfield and 19 Mile Rds., from B-1 and OS to B-3.
- 260-A-41 6-28-82 11.94 acres of land at the S.W. corner of Dunham and Heydenreich Rds., from R-4 to RM-1.
- 260-A-42 7-12-82 Approximately 2 acres of land east of Garfield Rd. and north of 19 Mile Rd., from R-1 to OS.
- 260-A-43 8-23-82 Approximately 0.985 acre of land east of Garfield Rd. and north of 17 Mile Rd., from R-5 to OS.
- 260-A-44 9-8-82 1.808 acres of land east of Garfield Rd. and south of Canal Rd., from R-2 to B-1.
- 260-A-46 12-13-82 Approximately 3.88 acres of land north of Lindbergh Dr. and west of Gratiot Ave., from R-3 to I-1.
- 260-A-47 12-13-82 Land located north of Abraham St., south of Sharkey St. and west of Gratiot Ave., from R-5 to P.
- 260-A-48 12-27-82 0.57 acre of land east of Garfield Rd. and south of Canal Rd., from R-2 to B-2.
- 260-A-49 2-7-83 Approximately 2.85 acres of land at the N.E. corner of Kelly and 15 Mile Rds., from I-2 to B-2.
- 260-A-50 2-7-83 0.207 acre of land west of Garfield Rd. and north of 17 Mile Rd., from R-3 to P.
- 260-A-51 5-16-83 Approximately 1.684 acres of land at the N.W. corner of Moravian and Utica Rds., from B-1 to B-3.
- 260-A-52 6-1-83 Land fronting the north line of Canal Rd. and east of Garfield Rd., from R-1 to B-3.
- 260-A-53 6-27-83 Approximately 1.20 acres of land at the S.E. corner of Garfield and Canal Rds., from R-2 to B-1.
- 260-A-54 6-27-83 Approximately 1.454 acres of land at the N.E. corner of Garfield and Canal Rds., from R-1 to B-3.
- 260-A-55 7-11-83 Land located west of Garfield Rd. and north of 19 Mile Rd., from R-1 to OS.
- 260-A-56 8-8-83 Approximately 21.44 acres of land west of Greenfield Rd. and north of Canal Rd., from R-3 to RM-1.
- 260-A-57 8-22-83 Land located at the N.E. corner of Harper Ave. and Klix Rd., from B-1 to B-3.
- 260-A-59 9-7-83 A 1.475-acre strip of land, parallel to and south of Carlo Dr., from RM-1 to I-1.
- 260-A-60 10-17-83 2.163 acres of land east of Garfield Rd. and north of Canal Rd., from R-1 to B-1.
- 260-A-62 11-28-83 2.46 acres of land west of Garfield Rd. and south of Millar Rd., from R-2 to OS.
- 260-A-63 12-19-83 2.545 acres of land east of Colchester St. and north of N. Walnut St., from R-5 to RM-2A.
- 260-A-64 1-23-84 42611 Garfield Rd., from R-2 to OS.
- 260-A-65 3-5-84 A strip of land of approximately 6.605 acres, extending south from the S.E. corner of Garfield and Millar Rds., from R-1 to OS.
- 260-A-66 4-2-84 Approximately 0.367 acre of land west of Garfield Rd. and north of 17 Mile Rd., from R-3 to OS.
- 260-A-67 4-30-84 Approximately 0.891 acre of land east of Groesbeck Hwy. and north of 15 Mile Rd., from RM-2 to B-1.
- 260-A-68 7-23-84 Approximately 2.228 acres of land east of Romeo Plank Rd. and south of Cass Ave., from R-2 to B-1.
- 260-A-69 7-23-84 Approximately 1.328 acres of land at the S.W. corner of the Grand Trunk Western R.R. and the Clinton Twp./Harrison Twp. line and north of Henry B. Joy Blvd., from I-1 to MH.
- 260-A-70 8-13-84 3 acres of land east of Garfield Rd. and north of 19 Mile Rd., from R-1 to OS.
- 260-A-71 8-13-84 2.788 acres of land east of Garfield Rd. and north of 19 Mile Rd., from R-1 to B-2.
- 260-A-72 8-13-84 1 parcel bounded by the Grand Trunk Western R.R., Weybridge Dr. and Groesbeck Hwy., from R-3 to I-1; and a second parcel bounded by Henry B. Joy Blvd., the Clinton Twp./Harrison Twp. line and a railroad spur, from I-1 to R-5.
- 260-A-73 8-13-84 Land fronting the west line of Groesbeck Hwy and north of Weybridge Dr., from R-3 to I-1.
- 260-A-74 8-13-84 Land adjacent to the Grand Trunk Western R.R., fronting the west line of Groesbeck Hwy., and north of Weybridge St., from R-3 to I-1.
- 260-A-75 9-5-84 Approximately 2.18 acres of land at the N.W. corner of Canal and Romeo Plank Rds., from R-2 to OS.
- 260-A-76 10-15-84 40.655 acres of land east of Garfield Rd. and north of 19 Mile Rd., from R-1 to RM-1.
- 260-A-77 10-15-84 Land located in the vicinity of Stanton and Drewry Aves. and Lipke St., from I-1 to R-5.
- 260-A-78 11-13-84 20822 Melborn St., from R-3 to OS.
- 260-A-79 11-13-84 11.051 acres of land at the E. corner of Trinity Dr. and Hall Rd., from I-1 to B-2.
- 260-A-81 11-26-84 Land fronting the north line of 15 Mile Rd. and east of Groesbeck Hwy., from RM-1 to I-1.
- 260-A-82 12-10-84 Approximately 0.80 acre of land east of Garfield Rd., south of Clinton River Rd. and north of the Clinton River, from OS to B-1.

- 260-A-83 2-4-85 1 parcel south of Abrahm St., east of Gratiot Ave. and north of Vermander St., from R-5 to B-3; and a second parcel at the E. corner of Vermander St. and Lawless, from R-5 to P.
- 260-A-84 2-4-85 11.032 acres of land east of Hayes Rd. and south of 17 Mile Rd., from R-3 to RM-2.
- 260-A-85 2-19-85 Approximately 43.7 acres of land east of Moravian Dr. and south of Harrington Rd. along the meander line of Harrington Creek, from R-3 to RM-1.
- 260-A-86 2-19-85 0.3376 acre of land north of Shader Dr. and east of Gratiot Ave., from R-3 to P.
- 260-A-87 2-19-85 18.67364 acres of land at the N.E. corner of 19 Mile Rd. and Commons Dr., from R-1 to OS.
- 260-A-88 3-4-85 41700 Garfield Rd., from R-1 to B-2.
- 260-A-89 3-4-85 19747 and 19765 15 Mile Rd., from RM-2 and B-1 to I-1.
- 260-A-90 3-18-85 Approximately 2.8 acres of land fronting the east line of Groesbeck Hwy. and north of Hartman St., from RM-2 to I-1.
- 260-A-91 4-15-85 Approximately 3.595 acres of land south of Hall Rd. and east of Trinity Dr., from I-1 to B-2.
- 260-A-93 5-13-85 4.826 acres of land west of Harper Ave. and south of Metropolitan Pkwy., from R-3 to RM-2.
- 260-A-94 5-13-85 Land located at the N.E. corner of Garfield Rd. and Penrod St., from OS to B-1.
- 260-A-95 5-28-85 Approximately 28.2 acres of land between Stanton and Stevenson Sts. and east of Lipke St., from R-5 to I-1.
- 260-A-96 7-8-85 Land located at the S.E. corner of Harper Ave. and Cottrell St., from RT, R-5 and B-1 to RM-2.
- 260-A-97 7-8-85 Land located north and south of Manila St. and east of Harper Ave., from R-5 and RM-2 to P.
- 260-A-98 7-22-85 Approximately 2.967 acres of land east of Garfield Rd. and south of 19 Mile Rd., from R-1 to RM-1.
- 260-A-99 7-22-85 Approximately 2.034 acres of land east of Garfield Rd. and south of 19 Mile Rd., from R-1 to OS.
- 260-A-100 7-22-85 Approximately 0.4914 acre of land east of Gratiot Ave. and south of E. Price Dr., from R-3 to B-3.
- 260-A-101 9-16-85 Approximately 10 acres of land at the N.W. corner of Heydenreich and Dunham Rds., from R-1 to R-4.
- 260-A-102 9-16-85 4.0 acres of land south of 19 Mile Rd., from R-2 to OS.
- 260-A-103 10-15-85 2 parcels containing approximately 2.63 and 5.34 acres of land at the S.E. corner of Heydenreich and Hall Rds., from I-1 to B-3 and from I-1 to B-2, respectively.
- 260-A-104 11-12-85 5.0 acres of land east of Garfield Rd. and north of 19 Mile Rd., from R-1 to OS.
- 260-A-105 11-12-85 3.0 acres of land north of 19 Mile Rd. and east of Garfield Rd., from R-1 to OS.
- 260-A-106 12-9-85 23291 15 Mile Rd., from R-5 to RM-2.
- 260-A-108 1-20-86 2.9718 acres of land at the S.E. corner of Hayes and 17 Mile Rds., from R-3 to B-3.
- 260-A-109 2-3-86 Approximately 51.7731 acres of land east of Hayes Rd. and north of 19 Mile Rd., from RM-2 to RC.
- 260-A-110 2-3-86 Land located east of Heydenreich Rd., north of Dunham Rd., west of the Clinton River and south of Hall Rd., from I-1, R-5, R-4 and RM-1 to RM-2 and from R-5, R-4 and R-1 to RM-1.
- 260-A-111 2-18-86 8 acres of land fronting the north line of Metropolitan Pkwy. and west of Groesbeck Hwy., from RM-3 to RM-2.
- 260-A-112 2-18-86 22.929 acres of land fronting the north line of Canal Rd. and east of Hayes Rd., from OS to RM-2.
- 260-A-113 3-31-86 Land located north of Webster Ave. and west of Gratiot Ave., from B-3 to RT.
- 260-A-114 3-31-86 5.192 acres of land west of Gratiot Ave. and south of Woodward St., from B-2 to B-3.
- 260-A-115 4-14-86 37228 Groesbeck Hwy., from R-3 to OS.
- 260-A-116 5-12-86 Approximately 1.53 acres of land east of Garfield Rd. and south of proposed 18 Mile Rd., from B-2 to B-3.
- 260-A-117 5-12-86 8.40 acres of land north of Lindbergh St. and west of Gratiot Ave., from SP-1 to B-3.
- 260-A-118 5-12-86 Approximately 1.03 acres of land at the S.E. corner of Hayes and Hall Rds., from B-2 to B-3.
- 260-A-120 6-9-86 Approximately 3.0 acres of land fronting the south line of 19 Mile Rd. and west of Garfield Rd., from RM-2 to OS.
- 260-A-121 6-23-86 2.052 acres of land fronting the south line of Hall Rd. and west of Groesbeck Hwy., from B-2 to B-3.
- 260-A-123 7-21-86 Approximately 0.95 acre of land east of Garfield Rd. and south of Canal Rd., from R-1 to B-1.
- 260-A-124 7-21-86 8.6 acres of land north of 19 Mile Rd. and east of Hayes Rd., from RM-2 to B-2.
- 260-A-125 7-21-86 0.024 acre of land south of Hall Rd. and east of Heydenreich Rd., from B-2 to I-1.
- 260-A-126 8-18-86 Approximately 9.6 acres of land north of 19 Mile Rd. and east of Hayes Rd., from OS to RM-2A.
- 260-A-127 9-29-86 Approximately 75.37 acres of land fronting the north line of 19 Mile Rd. and the west line of Romeo Plank Rd., from R-5 to RM-1.

260-A-128 9-29-86 5.289 acres of land east of Garfield Rd. and south of Hall Rd., from R-1 to OS.

260-A-129 10-14-86 Land located between Charbeneau and Ormsby Sts. and north of Crocker Blvd., from R-5 to SP-1.

260-A-130 11-10-86 1.81 acres of land east of Klix Rd. and north of Shook Rd., from B-3 to RM-2.

260-A-131 11-10-86 Approximately 1.210 acres of land west of Garfield Rd. and south of Moravian Dr., from R-3 to B-2.

260-A-132 12-15-86 3.0 acres of land east of Garfield Rd. and south of 19 Mile Rd., from R-1 to OS.

260-A-133 1-5-87 Land located north of Cass Ave. and west of Ferndale St., from I-1 and B-3 to RM-2.

260-A-134 1-5-87 Approximately 1.285 acres of land east of Garfield Rd. and south of 17 Mile Rd., from R-3 to OS.

260-A-135 1-19-87 2.17 acres of land east of Garfield Rd. and south of Hall Rd., from R-1 to OS.

260-A-136 2-2-87 Approximately 17.922 acres of land north of Canal Rd. and east of Greenfield Rd., from R-2 to R-4.

260-A-138 3-30-87 Approximately 10.0 acres of land at the N.W. corner of Dunham and Heydenreich Rds., from R-4 to R-5.

260-A-139 4-27-87 Approximately 19.0 acres of land south of Laurel St., west of Morse, north of Quinn Rd. and east and west of Lipke St., from R-5 to RM-2.

260-A-140 5-26-87 Land located at the S.E. corner of Harper Ave. and Elmira St., from RM-2 to B-1.

260-A-141 6-8-87 Approximately 2.7 acres of land north of Canal Rd. and east of Hayes Rd., from OS to RM-2.

260-A-142 7-6-87 Approximately 68.981 acres of land east of Romeo Plank Rd. and north of Cass Ave., from R-1 to R-4.

260-A-143 2-1-88 1.837 acres of land fronting the east line of Garfield Rd. and north of Canal Rd., from R-1 to B-1.

260-A-144 7-6-87 0.2204 acre of land west of Garfield Rd. and north of 17 Mile Rd., from R-3 to OS.

260-A-145 8-31-87 Approximately 14.0244 acres of land south of 18 Mile Rd. and east of Hayes Rd., from B-2 to RM-2A.

260-A-146 9-14-87 Land located at the N.E. corner of Gratiot Ave. and Shafer Dr., from OS to B-3.

260-A-147 10-13-87 2.281 acres of land at the S.E. corner of Hall and Elizabeth Rds., from RM-1 and B-1 to B-3.

260-A-148 10-13-87 27.889 acres of land south of Moravian Dr. and west of Utica Rd., from R-3 to RM-2.

260-A-149 11-9-87 Approximately 5.0 acres of land fronting the north line of Canal Rd. and west of Romeo Plank Rd., from R-2 to R-5.

260-A-150 12-7-87 0.377 acre of land north of Clinton River Rd. and east of Garfield Rd., from B-1 to B-2.

260-A-151 12-7-87 6.8218 acres of land north of Clinton River Rd. and east of Day Dr., from R-2 to R-4.

260-A-152 12-21-87 Land located at the S.E. corner of 15 Mile Rd. and Maynard St., from OS to B-1.

260-A-153 2-16-88 2 parcels containing approximately 12.01 and 3.99 acres of land fronting the north line of 18 Mile Rd. and west of Garfield Rd., from R-2 to RM-1 and from R-2 to RM-2, respectively.

260-A-154 3-28-88 1.5511 acres of land at the S.W. corner of Garfield and 18 Mile Rds., from B-2 to B-3.

260-A-155 3-28-88 3 parcels designated A, B and C, containing a total of approximately 11.11 acres of land at the N.W. corner of 19 Mile and Romeo Plank Rds., from R-5 to RM-1, from R-5 to B-1 and from RM-1 to B-1, respectively.

260-A-156 3-28-88 Approximately 0.646 acre of land at the N.W. corner of Harper Ave. and Quinn Rd., from I-1 to B-1.

260-A-157 3-28-88 27.718 acres of land east of Heydenreich Rd. and north of Cass Ave., from R-4 to R-5.

260-A-158 4-11-88 Approximately 4.07 acres of land north of Canal Rd. and east of Hayes Rd., from OS to RM-2.

260-A-159 4-11-88 17.554 acres of land fronting the south line of Hall Rd. and west of Gratiot Ave., from RM-2 to I-1.

260-A-160 4-11-88 4.721 acres of land at the S.W. corner of Metropolitan Pkwy. and Utica Rd., from R-3 to OS.

260-A-161 5-23-88 Land fronting the south line of Williamson St. and east of Little Mack, from R-5 to RT.

260-A-162 6-6-88 3.728 acres of land east of Gratiot Ave. and south of Pitko St., from R-5 to B-3.

260-A-164 6-20-88 3.5516 acres of land east of Garfield Rd. and south of Hall Rd., from R-1 to OS.

260-A-165 7-5-88 0.84 acre of land west of Silvano Dr. and north of 15 Mile Rd., from B-1 to SP-1.

260-A-166 7-5-88 Land located north of Shiell Dr. and east of Gratiot Ave., from R-3 to OS.

260-A-167 7-18-88 Approximately 3.01 acres of land west of Gratiot Ave. and south of Easy St., from B-3 to I-1.

260-A-168 8-8-88 1.147 acres of land at the N.E. corner of Garfield and 18 Mile Rds., from B-2 to B-3.

260-A-169 8-8-88 4.477 acres of land east of Romeo Plank Rd. and south of Cass Ave., from R-2 to B-2.

260-A-170 8-29-88 2 parcels containing a total of 1.443 acres of land fronting the west line of Garfield Rd. and the north line of 17 Mile Rd. from P and R-3 to B-1 and from R-3 to OS.

260-A-171 9-12-88 Land fronting the west line of Garfield Rd. and the south line of 19 Mile Rd., from R-2 to OS.



260-A-172 10-11-88 1.418 acres of land east of Gratiot Ave. and north of Joy Blvd., from B-3 to MH.

260-A-173 10-11-88 Land located at the S.E. corner of Harper Ave. and Manila St., from B-1 to B-2.

260-A-174 11-9-88 20.893 acres of land east of Gratiot Ave. and north of Joy Blvd., from I-1 to MH.

260-A-175 11-9-88 Land fronting the north line of Grandy St. and east of Gratiot Ave., from R-5 to B-3.

260-A-176 11-21-88 1.0 acre of land fronting the west line of Romeo Plank Rd. and south of Canal Rd., from R-3 to R-4.

260-A-177 12-5-88 0.406 acre of land fronting the west line of Harper Ave. and south of Glenwood Rd., from B-2 to RM-2.

260-A-178 1-3-89 5.754 acres of land west of Gratiot Ave. and south of Hall Rd., from B-3 to I-1.

260-A-179 1-3-89 5 acres of land west of Utica Rd. and south of Metropolitan Pkwy., from R-3 to OS-1.

260-A-180 2-27-89 4.67 acres of land east of Hayes Rd. and north of 19 Mile Rd., from R-1 to OS.

260-A-181 3-27-89 Land located north of Olson St. and west of Gratiot Ave., from RM-2 to B-3 and P.

260-A-182 5-8-89 Land fronting the north line of 15 Mile Rd. and west of Little Mack, from B-1 to B-2.

260-A-183 5-22-89 0.72 acre of land south of Cass Ave. and east of Romeo Plank Rd., from R-2 to B-2.

260-A-184 5-22-89 0.34 acre of land at the S.W. corner of Gratiot Ave. and Marlborough Dr., from RM-2 to B-1.

260-A-185 8-7-89 Land located west of Garfield Rd. and north of 17 Mile Rd., from R-3 and OS to B-1.

260-A-186 6-19-89 0.345 acre of land west of Gratiot Ave. and south of Woodbury St., from RM-2 to P.

260-A-188 7-5-89 5.041 acres of land fronting the north line of Clinton River Rd. and east of Romeo Plank Rd., from R-2 to R-4.

260-A-189 7-5-89 1.467 acres of land fronting the east line of Hayes Rd. and north of Uthers Dr., from OS to B-2.

260-A-190 8-7-89 5.657 acres of land fronting the east line of Hayes Rd. and south of Amore Dr., from B-1 to RM-1.

260-A-191 8-28-89 Land fronting the east line of Hayes Rd. and north of 17 Mile Rd., from R-3, OS and B-1 to B-2; and land located east of Hayes Rd. and north of 17 Mile Rd., from B-1 to P.

260-A-192 10-23-89 5.018 acres of land at the S.W. corner of Hall Rd. and Colony Dr., from B-2 to OS-2.

260-A-193 1-3-90 2 parcels containing a total of 8.368 acres of land fronting the north line of Moravian Dr. and west of Utica Rd., from R-3 to B-1 and from R-3 to RM-2.

260-A-194 1-15-90 6.91 acres of land east of Gratiot Ave. and south of Quinn Rd. to south of Coleman St., from R-5 to B-3.

260-A-195 1-29-90 Approximately 0.833 acres of land at the N.W. corner of Patterson and Gratiot Aves., from RM-2 to B-1.

260-A-196 2-26-90 Land fronting the north line of Remick Dr. and west of Gratiot Ave., from R-3 to B-3.

260-A-197 3-12-90 0.58 acre of land at the N.W. corner of 15 Mile Rd. and Carlbro St., from R-5 to I-1.

260-A-198 4-9-90 0.755 acre of land at the S.E. corner of Garfield and Canal Rds., from B-1 to B-3.

260-A-199 4-9-90 7.765 acres of land fronting the north line of 18 Mile Rd. and east of Hayes Rd., from B-2 and OS to RM-2.

260-A-200 7-16-90 Land located at the N.W. corner of 14 Mile Rd. and Little Mack, from RM-2 to P.

260-A-201 7-30-90 Land fronting the north line of Finley St. and west of Gratiot Ave., from R-5 to B-3.

260-A-202 7-30-90 4.63 acres of land east of Hayes Rd. and south of Hall Rd., from OS to B-2.

260-A-203 7-30-90 Land fronting the south line of Thompson Dr. and east of Gratiot Ave., from R-3 to SP-1.

260-A-205 8-27-90 5.735 acres of land fronting the north line of 15 Mile Rd. and east of Garfield Rd., from R-4 to RM-2.

260-A-206 10-22-90 10.015 acres of land fronting the north line of 18 Mile Rd. and west of Garfield Rd., from R-2 to R-5.

260-A-207 11-19-90 Land fronting the north line of Penrod Dr. and east of Garfield Rd., from OS to RT.

260-A-208 12-3-90 Approximately 89.847 acres of land fronting the east line of North Ave. at the intersection of North Ave. and Grand Trunk Western R.R. and north of the City of Mt. Clemens boundary, from I-1, B-3 and R-3 to MH.

260-A-209 12-3-90 3.00 acres of land fronting the east line of Garfield Rd. and south of 19 Mile Rd., from RM-1 to OS.

260-A-210 12-17-90 0.484 acres of land fronting the south line of Canal Rd. and east of Garfield Rd., from R-1 to B-1.

260-A-211 12-17-90 Land located east of Harper Ave. and north of 14 Mile Rd., from RM-2 to OS-1.

260-A-212 2-4-91 1.194 acres of land at the S.W. corner of Hall and Romeo Plank Rds., from I-1 to B-3.

260-A-213 2-19-91 5 parcels containing a total of 21.30 acres of land west of Romeo Plank Rd. and south of Greenfield Rd., from RM-3 to RM-2, from RM-3 to OS-1, from B-2 to RM-2, from B-2 to OS-1 and from R-5 to RM-2.

260-A-215 3-18-91 0.854 acre of land at the N.W. corner of Metropolitan Pkwy. and Utica Rd., from R-2 to OS-1.

260-A-216 3-18-91 7.193 acres of land fronting the south line of Greenfield Rd. and west of Romeo Plank Rd., from R-2 to R-4.

260-A-218 6-24-91 Property fronting the north line of 19 Mile Rd. east of Hayes Rd., from RM-2 to RM-2A.

260-A-219 8-19-91 Property fronting the south line of Greenfield Rd. west of Romeo Plank Rd., from R-2 to R-4.

260-A-220 12-23-91 Property fronting the east line of Garfield Rd. south of 19 Mile Rd., from R-1 to OS-1.

260-A-222 2-3-92 Property fronting the east line of Harper Ave. between Deanhurst and Harvard Shore, from RM-2 to OS-1.

260-A-223 3-2-92 Property fronting the west line of Garfield Rd. south of 19 Mile Rd. at 42625 Garfield Rd., from R-1 to OS.

260-A-224 3-30-92 Property located generally at the southeast corner of Utica Rd. and Moravian Dr., from B-1 to B-3.

260-A-225 7-6-92 Two parcels between North Ave. and Gratiot Ave., north of Patterson St., from MH to I-1 and from B-3 to I-1.

260-A-226 7-20-92 Property fronting the east line of Gratiot Ave. south of Shiell Dr. at 36724 S. Gratiot Ave., from OS to B-1.

260-A-227 11-23-92 Two parcels containing a total of 162.45 acres of land south of Hall Rd. and east and west of Romeo Plank Rd., from I-1 to TR.

260-A-228 12-7-92 Land located west of Little Mack and south of Weybridge, from I-1 to B-3.

260-A-229 1-25-93 Three parcels containing a total of approximately 44.99 acres of land fronting the south line of Hall Rd. and the east line of Hayes Rd., from RM-3, OS and OS, respectively, to B-2.

260-A-230 2-22-93 9.9245 acres of land located at the N.W. corner of 19 Mile and Romeo Plank Rds., from B-1 to RM-2.

260-A-231 3-8-93 53.8952 acres of land fronting the south line of 18 Mile Rd., east of Garfield Rd., from B-2 to R-5.

260-A-232 3-22-93 Two parcels containing a total of 12.0079 acres of land fronting the north line of 15 Mile Rd., west of Utica Rd., from R-3 to RM-2 and B-1.

260-A-233 3-22-93 Land fronting the south line of Price Dr., east of Gratiot Ave., from R-3 to RT.

260-A-234 6-1-93 Land located at the N.W. corner of 15 Mile Rd. and Mabon St., from R-5 to P.

260-A-235 6-14-93 Five parcels containing a total of 2.934 acres of land located north of Laurel St. and east of Lipke Ave., from RM-2 to I-1.

260-A-236 6-14-93 Two parcels containing a total of 0.86 acres of land fronting the north line of Laurel St., west of Morse Ave., from RM-2 to I-1.

260-A-237 6-28-93 Two parcels containing a total of approximately 1.75 acres of land fronting the east line of Hayes Rd., south of 19 Mile Rd., from OS to B-1.

260-A-238 8-23-93 Land fronting the east line of Hayes Rd., north Utica Rd., from MH to RT.

260-A-240 9-7-93 0.981 acres of land fronting the north line of Clinton River Rd., east of Romeo Plank Rd., from R-2 to R-4.

260-A-241 10-4-93 2.73 acres of land fronting the north line of 15 Mile Rd., east of Garfield Rd., from RM-2 to RM-2A.

260-A-243 2-7-94 Three parcels of land located south of Hall Rd. and east of Romeo Plank Rd., from TR to B-2.

260-A-244 4-4-94 0.469 acres of land fronting the north line of Thomson Dr., east of Gratiot Ave., from R-3 to P.

260-A-245 4-18-94 13.848 acres of land fronting the north line of 18 Mile Rd., east of Garfield Rd., from B-2 to RM-2.

260-A-246 5-2-94 Land located east of northbound Gratiot Ave., between Harrington Blvd. and Wellington Crescent, from RM-2 to B-3.

260-A-247 5-16-94 2.61 acres of land fronting the east line of Gratiot Ave., south of Hall Rd., from I-1 to B-3.

260-A-248 8-8-94 Five parcels containing a total of 12.5 acres fronting the east line of Hayes Rd., between Clinton River and Utica Rds., from R-3 to RM-1.

260-A-250 9-19-94 3.9 acres of land fronting the east line of Garfield Rd., south of Canal Rd., from B-1 to B-2.

260-A-251 10-3-94 15491 and 15511 18 Mile Rd., from OS to R-5.

260-A-252 10-31-94 7.832 acres of land fronting the north line of 19 Mile Rd., east of Hayes Rd., from RM-2 to SP-1.

260-A-253 11-28-94 18.649 acres of land at the N.E. corner of 19 Mile Rd. and Commons Dr., from OS to OS-2.

260-A-254 11-28-94 1.924 acres of land fronting the east line of Hayes Rd., south of 18 Mile Rd., from RM-1 to B-2.

260-A-255 11-28-94 10.0 acres of land at the S.W. corner of Metropolitan Pkwy. and Utica Rd., from OS to RM-2A.

260-A-256 11-28-94 1.24 acres of land, except that part taken for the widening of Garfield Rd., at 43200 Garfield Rd., from R-1 to OS.

260-A-257 2-6-95 Land fronting the north line of Hartman Rd., east of Groesbeck Hwy., from R-3 to P.

260-A-258 3-22-95 Four parcels containing a total of approximately 13.2 acres of land fronting the west line of Romeo Plank Rd., south of Greenfield Rd., from B-1 and OS to P and RM-2.

260-A-259 3-6-95 Land fronting the north line of 19 Mile Rd., east of Hayes Rd., from RM-2A to SP-1.

260-A-260 3-6-95 11 acres fronting the west line of Utica Rd., north of Moravian Dr., from R-3 to B-3.

260-A-261 6-26-95 2.37 acres west of Gratiot Ave., south of McKishnie Ave., from R-5 to B-3.

260-A-262 7-10-95 1 acre fronting the south line of Cass Ave., west of Heydenreich Rd., from R-2 to R-4.

260-A-263 7-10-95 6.9 acres fronting the south line of Cass Ave., west of Heydenreich Rd., from R-2 to R-4.

260-A-264 7-10-95 6.66 acres located at the southwest corner of Metropolitan Pky., west of Union Lake Rd., from RM-2 to SP-1.

260-A-266 1-8-96 5.281 acres fronting the south line of Greenfield Rd., west of Romeo Plank Rd., from R-2 to R-4.

260-A-267 1-8-96 Land located at the northeast corner of Glenwood Ave. and Gratiot Ave., from P to B-3.

260-A-268 3-4-96 Land fronting the east line of North Ave., south of Oberliesen, from R-3 to I-1.

260-A-269 3-18-96 3.31 acres fronting the west line of Garfield Rd., north of 17 Mile Rd., from R-3 to OS.

260-A-270 3-18-96 6.01 acres at 38500 and 38600 Garfield Rd., from R-3 to OS.

260-A-271 4-2-96 1.5 acres fronting the north line of 15 Mile Rd., west of Utica Rd., from R-3 to B-3.

260-A-272 4-15-96 2.30 acres at 36860 and 36900 Utica Rd., from R-2 to OS.

260-A-273 5-13-96 Land fronting the east line of Gratiot Ave., north of Schafer Dr., from B-1 to B-3.

260-A-274 6-24-96 2.74 acres fronting the north line of 15 Mile Rd., west of Utica Rd., from R-3 to B-3.

260-A-275 8-12-96 3.39 acres fronting the south line of Hall Rd. (M-59), east of Elizabeth Rd., from RML to B-3.

260-A-276 9-3-96 2.275 acres fronting the south line of 15 Mile Rd., west of Groesbeck Hwy., from I-2 to B-2.

260-A-278 11-12-96 Land fronting the west line of Garfield Ave., north of 15 Mile Rd., from RML to OS.

260-A-279 12-23-96 Land fronting the north side of Shook Rd., east of Shook Ln., from R-3 to RT.

260-A-280 2-18-97 1.5 acres fronting the west line of Garfield Rd., north of 17 Mile Rd., from R-3 to OS.

260-A-281 2-18-97 4.3322 acres fronting the west line of Garfield Rd., north of 19 Mile Rd., from B-1 to B-2.

260-A-282 3-17-97 1.567 acres fronting the east line of Romeo Plank Rd., south of Hall Rd. (M-59), from R-1 to R-3.

260-A-283 5-12-97 6.74 acres north of 15 Mile Rd., west of Utica Rd., from R-3 to OS.

260-A-284 5-12-97 4.526 acres at the southeast corner of Durham and Heydenreich Rds., from B-1 to R-5.

260-A-285 5-27-97 Two parcels containing a total of 3.725 acres fronting the west line of Garfield Rd., north of 17 Mile Rd., from R-3 to B-1 and OS.

260-A-286 5-27-97 27.075 acres fronting south of 18 Mile Rd., east of Garfield Rd., from R-5 to RT.

260-A-287 6-9-97 2.424 acres east of Hayes Rd., north of 17 Mile Rd., from B- 2 to RMH.

260-A-288 6-23-97 4.551 acres fronting Elizabeth Rd., from OS to B-2.

260-A-289 6-23-97 5.455 acres along the northwest right-of-way line of Groesbeck Hwy. (M-97) and the east right-of-way line of Elizabeth Rd., from OS to B-3.

260-A-290 7-7-97 Two parcels containing a total of 5.03 acres fronting the east line of Garfield Rd., south of 17 Mile Rd., from R-3 to OS.

260-A-291 8-18-97 8.26 acres fronting the north line of 18 Mile Rd., between Garfield and Hayes Rds., from R-2 to R-5.

260-A-293 8-2-97 Land located at the northwest corner of Woodbury St. and Gratiot Ave., at 36727 Gratiot Ave., from OS to B-3.

260-A-294 9-15-97 4.634 acres bounded by Little Mack Ave., Harrington Rd. and Groesbeck Hwy. (M-97), from I-1 to P.

260-A-295 9-29-97 6.552 acres, part of 8.098 acres, north of 14 Mile Rd., west of Harper Ave., from I-1 to I-2.

260-A-296 9-29-97 15.34 acres east of Laurel Ave., north of Quinn Rd., from RML to R-5.

260-A-297 10-14-97 Land located north of 15 Mile Rd., east of Kirby St., from R-5 to RMH.

260-A-298 10-14-97 4.856 acres north of 15 Mile Rd., east of Kirby St., from RML to RMH.

260-A-299 12-8-97 6.01 acres fronting the east line of Hayes Rd., between 19 Mile and Hall Rds. (M-59), from B-2 and RML to RMH.

260-A-300 12-22-97 17.59 acres north of Groesbeck Hwy. and Elizabeth Rd. intersection, from OS to I-1.

260-A-301 12-22-97 4.69 acres at the southeast corner of Metropolitan Pkwy. (16 Mile Rd.) and Harper Ave., from B-2 to B-3.

260-A-302 1-12-98 1.885 acres fronting the south line of 19 Mile Rd., east of Hayes Rd., from OS-1 to B-1.

260-A-303 3-23-98 0.98 acres fronting the west line of Utica Rd., north of Moravian Dr., from R-3 to B-3.

260-A-304 3-23-98 4.75 acres fronting the west line of Utica Rd., north of 15 Mile Rd., from R-3 to RML.

260-A-306 4-6-98 2.63 acres fronting the north line of 18 Mile Rd., west of Garfield Rd., from R-2 to R-5.

260-A-307 4-6-98 6.006 acres fronting the east line of Hayes Rd., north of 19 Mile Rd., from OS-1 to B-2.

260-A-308 5-18-98 Three parcels containing a total of 6.24 acres west of the intersection of the centerline of Old Gratiot Ave. and the north line of Fractional Sec. 1, from I-1 to B-3.

260-A-309 6-1-98 87.719 acres fronting the south line of Hall Rd. (M-59), between Romeo Plank and Garfield Rds., from TR to B-4.

260-A-310 6-1-98 Land fronting the south line of Sharkey St., west of Gratiot Ave., at 21328 Sharkey St., from R-5 to P.

260-A-312 6-15-98 1.147 acres fronting the east line of Hayes Rd., between Utica and Clinton River Rds., at 37580 Hayes Rd., from RT to RML.

260-A-313 7-27-98 Land fronting the north line of Vermader and the south line of Abraham, from R-5 to B-3.

260-A-315 8-10-98 Four parcels containing a total of 6.542 acres fronting the north line of Henry B. Joy Blvd., east of Gratiot Ave., from B-3 to I-1.

260-A-316 8-10-98 The north 18.2 ft. of Lot 118 and Lots 119 through 127 of the Deziel Jefferson Gardens Subdivision, on the southeast corner of Elmira Blvd. and Harper Ave., from B-1 to OS-1 and from R-5 to P.

260-A-317 9-21-98 9.216 acres fronting the north line of 19 Mile Rd., east of Hayes Rd., from SP-1 to RML.

260-A-318 11-16-98 2.468 acres at the northwest corner of Metropolitan Pkwy. and Utica Rd., from R-2 to OS-1.

260-A-319 11-16-98 Land located at the southeast corner of Hall Rd. (M-59) and Maddelein Dr., from R-5 to TR.

260-A-320 1-11-99 Land located north of Canal Rd., west of Garfield Rd., from R-2 to RML.

260-A-321 1-11-99 Land located north of Canal Rd., west of Garfield Rd., from R-2 to RT.

260-A-322 1-11-99 Two parcels located at the northeast corner of 19 Mile Rd. and Hayes Rd., from B-2 and OS-1 to B-3.

260-A-323 1-25-99 3.5 acres at the northeast corner of Cass Ave. and Heydenreich Rd., excluding portion designated as a "Floodway," from R-2 to OS-1.

260-A-324 2-8-99 Land fronting the south side of Hall Rd., east of Romeo Plank Rd., also known as 19500 Hall Rd., from I-1 to OS-1.

260-A-325 2-8-99 Land fronting the north line of McKishnie, west of Gratiot Ave., from R-5 to B-3.

260-A-326 2-22-99 Land fronting the west line of Garfield Rd., north of 17 Mile Rd., from OS-1 to B-1.

260-A-328 4-19-99 Land located west of Meadowdale Dr., east of northbound Gratiot Ave., south of Harrington, from RML to B-3.

260-A-329 5-3-99 Land located north of Iroquois, west of Meadowdale, east of Broadway at 22985 Iroquois, from RML to B-3.

260-A-330 6-1-99 26.17 acres fronting the east line of Romeo Plank Rd., north of Canal Rd., from R-2 to R-4.

260-A-331 6-28-99 23.91 acres, excluding the easterly 300 ft., fronting the east line of Utica Rd., south of Metropolitan Pkwy., from R-3 to R-4.

260-A-332 10-4-99 1.0 acre located east of Garfield Rd., south of Heather Dr., aka 39600 Garfield Rd., from R-3 to OS-1.

260-A-333 2-7-00 Land fronting the north line of McKishnie, west of Gratiot Ave., from R-5 to B-3.

260-A-334 2-7-00 1.37 acres located at the southeast corner of Hall Rd. (M-59) and Elizabeth Rd., from R-5 and B-3 to B-2.

260-A-335 3-6-00 20.61 acres fronting the north line of 19 Mile Rd., east of Garfield Rd., from R-1 to RML.

260-A-336 3-6-00 5.688 acres located on the east side of Elizabeth Rd., west of Groesbeck Hwy. (M-97), and north of the Groesbeck - Elizabeth intersection, from B-2 and B-3 to I-1.

260-A-337 5-15-00 1.067 acres fronting the south line of Hall Rd. (M-59), west of Elizabeth Rd., from I-1 to B-3.

260-A-338 7-11-00 9.216 acres fronting the north line of 19 Mile Rd., east of Hayes Rd., from RML to RMH.

260-A-339 10-10-00 2.37 acres fronting the east side of Garfield Rd., north of 19 Mile Rd., being 43240 Garfield Rd., excluding portion taken for the widening of Garfield Rd., from R-1 to OS-1.

260-A-341 1-16-01 Lot 7, Mabon Gardens Subdivision, Section 27, from P to R-5.

260-A-342 2-12-01 Lots 27, 28, and 29, Supervisor's Plat #7, from RM-1 to SP-1.

260-A-343 2-12-01 Lot 528, Ingleside Farms Subdivision #3, from R-3 to OS-1.

260-A-344 2-26-01 3.0 acres fronting the north line of Greenfield, east of Garfield Rd., Section 8, from R-1 to R-2.

260-A-345 4-9-01 11.724 acres fronting the north line of Clinton River Rd., between Hayes and Garfield Rds., Section 19, from R-3 to R-5.

260-A-346 5-7-01 3.5 acres fronting the west line of Garfield, between Metropolitan Parkway and Millar, Section 19, from R-2 to OS-1.

260-A-347 5-7-01 Lot 13, Maplewood Subdivision, Section 27, from R-5 to P.

260-A-348 6-4-01 25.328 acres at the southwest corner of Cass and Clinton River Rd., Section 9, from B-3 to B-1 and R-4.

260-A-349 6-18-01 49.40 acres fronting the south line of Hall Rd., west of Elizabeth Rd., from I-1 to B-2.

260-A-350 7-16-01 3.28 acres fronting the west line of Garfield, north of Faulman, from R-3 to RML.

260-A-351 7-30-01 3.37 acres fronting the north line of 15 Mile Rd., east of Hayes from R-3 to RMH.

260-A-352 9-10-01 3.456 (part of 6.08) acres fronting the west line of Gratiot, north of Patterson, P.C. 141/626, Section 1, from B-3 to I-1.

260-A-353 10-9-01 3.20 acres located at the northeast corner of 18 Mile Rd. and Hayes, Section 7, from B-2 to B-3.

260-A-354 10-22-01 10.706 +/- acres located west of Garfield, north of Seventeen Mile Rd., Section 18, from R-3 and OS-1 to RT.

260-A-355 11-19-01 Parcel A of 6.425 acres fronting the north line of 19 ½ Mile Rd., east of Hayes, Section 6, from B-2 to B-1.

260-A-356 11-19-01 Parcel B of 6.425 acres fronting the north line of 19 ½ Mile Rd., east of Hayes, Section 6, from B-2 to RMH.

260-A-357 11-19-01 Parcel A of 10.326 acres fronting the east line of Miami, north of Fifteen Mile Rd., from R-3 to RMH.

260-A-358 11-19-01 Parcel B of 10.326 acres fronting the east line of Miami, north of Fifteen Mile Rd., from R-3 to B-1.

260-A-359 12-17-01 14.6 acres of land fronting the west line of Little Mack and east of the Harrington Drain, south of Harrington Road, Section 21, from R-3 to R-5.

260-A-360 1-14-02 3.0 acres of land fronting the east line of Garfield, north of Canal, Section 8, from R-1 to RMH.

260-A-362 3-25-02 64.323 acres of land fronting the west line of Lipke and the south line of Quinn Road, Section 34, from I-2 to R-5.

260-A-363 5-6-02 1.012 acres of land located west of Garfield, south of Terra Bella, Section 18, from R-3 to OS-1.

260-A-364 5-6-02 Part of Lot 33, Supervisor's Plat #7 Subdivision, Sections 25/26, Private Claims #164, 173, 542, from B-2 to B-3.

260-A-365 5-20-02 2.271 acres of land fronting the south line of Hall Road, east of Maddelein, Section 2, from R-5 to I-1.

260-A-366 7-1-02 5.47 (2.94 and 2.53) acres of land fronting the south line of Hall Road (M-59), east of Garfield Road, Section 5, from TR to B-3.

260-A-367 7-15-02 3.48 acres of land fronting the north line of Laurel Avenue, east of Lipke Avenue and west of Morse Avenue, Section 35, from I-1 to RML.

260-A-368 8-12-02 6.80 acres of land fronting the east line of Hayes, north of 19 Mile Road, Section 6, from R-1 to OS-1.

260-A-369 8-26-02 0.590 acre (Parcel A) and 0.494 acre (Parcel B) fronting the south line of Canal Road, east of Hayes from R-5 to RT.

260-A-370 9-23-02 1.27 acres of land fronting the north line of Canal Road, west of Romeo Plank Road, Section 8, from R-2 to R-4.

260-A-371 9-23-02 1.517 acres of land fronting the north line of Joy Boulevard, east of Gratiot, Section 12, Private Claim 626, from R-5 to I-1.

260-A-373 11-4-02 Lot 10, Enterprise Industrial Subdivision, Section 3, from I-1 to B-3.

260-A-374 1-2-03 Lot 8, Supervisor's Plat of Canal-Garfield Subdivision, Section 7, from R-2 to B-2.

260-A-375 2-10-03 1.542 acres of land at the northeast corner of Seventeen Mile Road and Garfield Road, Section 17, from OS-1 to B-2.

260-A-376 3-10-03 Lots 6 and 8 Mabon Gardens Subdivision, Section 27, from P to R-5.

260-A-377 4-7-03 1.70 (part of 6.0) acres of land fronting the north line of Fifteen Mile Road, west of Utica Road, Section 30, from OS-1 Office/Service (Low-Rise) to B-2 Community Business.

260-A-378 7-28-03 6.323 acres of land south of Nineteen Mile Road, east of Hayes, from OS-1 Office/Service (Low Rise) to SP-1 Special Purpose (Nursing Homes).

260-A-379 9-8-03 262.51 Acres (Part of 330.80) West of Romeo Plank Road, North of Nineteen Mile Road and South of Hall Road, Section 5 from R-1 One-Family Residential to R-4 One-Family Residential, RML Multiple-Family Residential (Low-Density) and RMH Multiple-Family Residential (High Density).

260-A-380 9-22-03 48.878 acres of land located at the southeast corner of Cass Avenue and Clinton River Road (Private Claim #546/Section 9), from B-3 General Business to R-4 One-Family Residential.

260-A-382 11-3-03 Lots 209 through 217, Superhighway City Subdivision, Section 30, from R-3 One-Family Residential to RT Two-Family Residential for the stated purpose of development of two duplexes with basements.

260-A-383 11-17-03 1.5 acres of land fronting the north line of Canal Road, west of Garfield, Section 7, from R-2 One-Family Residential to RML Multiple-Family Residential (Low Density).

260-A-384 11-17-03 4.81 acres of land at the southeast corner of Metropolitan Parkway and Utica Road, Section 30, from R-3 One-Family Residential to OS Office/Service (Low Rise).

260-A-387 2-9-04 3.0 acres, more or less, located at 43300 Garfield Road, from R-1 One-Family Residential to OS-1 Office/Service (Low-Rise).

260-A-388 2-9-04 6.11 acres, more or less, generally located fronting the east line of Gratiot Avenue, north of Joy Boulevard, from B-3 General Business to MH Mobile Home Park.

260-A-389 3-22-04 Lots 1 and 2, Liberty Industrial Park Subdivision, generally located west of Morley Drive, south of Hall Road at 44945 and 44891 Morley Drive, from I-1 Light Industrial to B-2 Community Business.

260-A-390 3-22-04 Lots 98, 99 and 100, Strevall Heights Subdivision and 1/2 of vacated alley, generally located at the northeast corner of Hillcrest Drive and Moravian Drive, from B-1 Neighborhood Business to RML Multiple-Family Residential (Low-Density).

- 260-A-391 4-5-04 Lot 6 and the northeasterly 50 feet of Lot 7, Meadowlawn Subdivision, generally located at the southwest corner of Lester Street and Southbound Gratiot Avenue, from OS-1 Office/Service (Low-Rise) to B-1 Neighborhood Business.
- 260-A-392 5-3-04 33.108 acres more or less, generally located south of Wm. P. Rosso Highway (M-59), east of Gratiot Avenue (M-3), from I-1 Light Industrial to B-3 General Business.
- 260-A-394 6-14-04 South one-half of Lot 3, Supervisor's Plat of Canal-Garfield Subdivision, generally located fronting the west line of Garfield Road, south of 19 Mile Road, from R-2 One-Family Residential to OS-1 Office/Service (Low-Rise).
- 260-A-395 7-26-04 27.187 acres of land located east of Elizabeth Road, north of Dunham Road, from R-5 One-Family Residential to RML Multiple-Family Residential (Low-Density).
- 260-A-396 8-9-04 Land located north of 15 Mile Road, east of Groesbeck Highway (M-97) addressed as 19619 15 Mile Road, from OS-1 Office/Service (Low-Rise) to B-3 General Business and I-1 Light Industrial.
- 260-A-397 8-23-04 1.401 acres, generally located on the northeast corner of Capital Boulevard and Gratiot Avenue, from I-1 Light Industrial to B-3 General Business.
- 260-A-398 8-23-04 Land generally located fronting the west line of Garfield Road, south of Moravian Drive, from B-2 Community Business to SP-1 Special Purpose (Nursing Homes).
- 260-A-400 10-18-04 2.347 acres, generally located east of Elizabeth Road, west of Macomb Industrial Drive, and south of Hall Road, from R-5 One-Family Residential to I-1 Light Industrial.
- 260-A-401 10-18-04 Land generally located fronting the south line of 15 Mile Road, east of Kentucky Avenue, from B-1 Neighborhood Business to R-5 One-Family Residential.
- 260-A-403 1-4-04 Land located in and being a part of the northeast one-quarter of Section 3, Town 2 north, Range 13 east, from B-2 Community Business to B-3 General Business.
- 260-A-404 3-28-05 Lots 36, 37 and 38, Moravian-Garfield Subdivision #1, generally located at the southeast corner of Moravian Drive and Garfield Road, from OS-1 Office/Service (Low-Rise) to B-1 Neighborhood Business.
- 260-A-405 7-18-05 Lots 63, 64 and 65, Grosse Dale Farms Subdivision, generally located at the northeast corner of Lakewood and Harper Avenue, from RML Multiple-Family Residential (Low-Density) to OS-1 Office/Service (Low-Rise).
- 260-A-406 8-29-05 Land generally located south of 19 Mile Road, west of Garfield Road, from R-2 One-Family Residential to OS-1 Office/Service (Low-Rise).
- 260-A-407 9-26-05 Lots 1, 2, 3, 4, 5, 60, 61, 62, 63 and 64, Clinton Manor Subdivision, generally located west of Marino Street, north of Quinn Road, from R-5 One-Family Residential to RMH Multiple-Family Residential (High Density).
- 260-A-408 9-26-05 Part of Lot 9, Supervisor's Plat #8, from B-3 General Business to RMH Multiple-Family Residential (High-Density).
- 260-A-409 10-11-05 Part of Lot 2, Supervisor's Plat #10 Subdivision, generally located fronting the north line of Quinn Road, west of Oakview, from R-5 One-Family Residential to RML Multiple-Family Residential (Low-Density).
- 260-A-410 10-11-05 Two parcels: Parcel A, generally located fronting the north line of Forsyth Road at the north end of Hereford and Cordelia Streets, east of Gratiot Avenue; and Parcel B, generally located fronting the east line of Hereford Street, north of 15 Mile Road, from I-1 Light Industrial to RMH Multiple-Family Residential (High-Density).
- 260-A-411 10-24-05 Lot 13, Supervisor's Plat #2 Subdivision, generally located at the northwest corner of 14 Mile Road and Harper Avenue, from I-1 Light Industrial to B-3 General Business.
- 260-A-413 11-7-05 Land generally located at the northeast corner of 18 Mile Road and Garfield, addressed as 41050 Garfield, from B-2 Community Business to B-3 General Business.
- 260-A-416 2-17-06 Lots 57 through 61, Gratiot City Subdivision, generally located south of Fifteen Mile Road, east of Canton Street, Sections 33/34, from B-1 Neighborhood Business to R-5 One-Family Residential.
- 260-A-417 4-26-06 5.21 acres of land fronting the east line of Miami, south of Camperdown, Section 30, from R-3 One-Family Residential to R-4 One-Family Residential.
- 260-A-418 4-26-06 0.89 acre of land fronting the east line of Groesbeck, south of Carlier, Section 28, from I-1 Light Industrial to B-3 General Business.
- 260-A-419 7-19-06 Lots, 63, 64, 65 and 66, St/ Clair View Subdivision, at the NW corner of Talbot and Harper from R-5 One-Family Residential and RML Multiple-Family Residential (Low-Density) to OS-1 Office/Service (Low-Rise).
- 260-A-420 8-16-06 0.72 acre of land east of Hayes, north of Nineteen Mile Road, Section 6, from B-1 Neighborhood Business to RMH Multiple-Family Residential (High-Density).
- 260-A-421 8-17-06 75.98 acres of land located fronting the west line of Groesbeck Highway (M-97) and the east line of Moravian Drive, south of Hillcrest Street, from R-3 One-Family Residential, RML Multiple-Family Residential (Low-Density) and RMH Multiple-Family Residential (High-Density) to RML Multiple-Family

Residential (Low- Density) (28.12 acres) and B-3 General Business (47.86 acres).

- 8-16-06 106.1 acres of land located fronting the west line of Groesbeck and the east line of Moravian, south of Hillcrest from R-3 One-Family Residential, RML Multiple-Family Residential (Low-Density) and RMH Multiple-Family Residential (High-Density) to RML Multiple-Family Residential (Low-Density) (60.24 acres) and B-3 General Business (45.87 acres), conditioned upon developer's payment of \$20,000.00 for improvements for residents of Hillcrest Street.
- 260-A-422 9-5-06 0.914 acres and 0.46 acres of land fronting the north line of Greenfield, between Canal and Romeo Plank Roads, Section 8, from R-2 One-Family Residential to R-4 One-Family Residential.
- 260-A-423 10-12-06 Part of Lots 13 and 14, Supervisor's Plat #9 Suvdivision, Section 27, generally located fronting the south line of Glenwood, east of Gratiot, from R-3 One-Family Residential to RML Multiple-Family Residential (Low- Density), conditioned as outlined in correspondence dated September 29, 2006.
- 260-A-424 10-25-06 2.49 acres fronting the north line of Canal Road, west of Romeo Plank Road, from R-2 One-Family Residential to R- 5 One-Family Residential.
- 260-A-425 11-29-06 0.703 acre of land fronting the north line of Canal, west of Garfield, Section 7, From R-2 One-Family Residential to B-2 Community Business.
- 260-A-426 1-18-07 0.887 acre of land fronting the south line of Hall Road, west of Elizabeth Road from I-1 Light Industrial to B-3 General Business.
- 260-A-427 1-18-07 8.69 acres of land fronting the south line of Hall Road, west of Groesbeck, from I-1 Light Industrial to OS-1 Office/Service.
- 260-A-428 6-11-07 35375 Groesbeck Highway, from I-2 General Industrial to B-3 General Business.
- 260-A-429 6-11-07 23291 15 Mile Road, containing 0.69 acre of land, from R-5 One-Family Residential to I-1 Light Industrial.
- 260-A-430 6-11-07 21.45 acres of land, part of Sections 2 and 11, Private Claim 139, Town 2 North, Range 13 East, from I-1 Light Industrial to B-2 Community Business.
- 260-A-432 8-6-06 20933 Finley, from R-5 One-Family Residential to P Parking.
- 260-A-433 10-15-07 35116 Hereford, containing 0.734 acre of land, from I-1 Light Industrial to RML Multiple-Family Residential (Low-Density).
- 260-A-434 11-13-07 Three parcels: 37760 Hayes Road, containing 0.852 acre of land; 37696 Hayes Road, containing 0.4139 acre of land; 37676 Hayes Road, containing 0.855 acre of land, from RML Multiple-Family Residential to OS-1 Office/Service (Low-Rise).
- 260-A-435 1-28-08 2.01 acres (part of 1.25 & 1.50 acres) of land fronting the east line of Garfield Road, south of Hall Road (M-59)(Section 5), from R-1 One-Family Residential to OS-1 Office/Service (Low-Rise).
- 260-A-437 7-14-08 Land generally located north of 19 Mile Road, between Dalcoma and Common Drives, to be added to 15855 19 Mile Road, from R-1 One-Family Residential to SP-2 Special Purpose (Hospitals).
- 260-A-439 7-13-09 20787 Stafford from B-3 General Business to R-5 One-Family Residential.
- 260-A-442 2-16-10 16634 Howard from OS-1 Office/Service (Low-Rise) to R-3 One-Family Residential.
- 260-A-443 3-29-10 35400 Groesbeck Highway from I-1 Light Industrial to B-2 Community Business.
- 260-A-444 6-7-10 Parcel ID #16-11-18-301-041 from B-2 Community Business to R-5 One-Family Residential.
- 260-A-445 8-2-10 35732 Groesbeck from I-1 Light Industrial to B-3 General Business.
- 260-A-446 10-12-10 20850 Colman Street from B-3 General Business to R-5 One-Family Residential.
- 260-A-447 2-17-11 The northerly 164.4 feet of the easterly 90 feet in the Trinity Industrial Subdivision No. 2 from B-2 Community Business to B-3 General Business.
- 260-A-449 4-21-14 36505 and 36607 Utica Road from R-3 One-Family Residential to SP-1 Special Purpose (Nursing Homes).
- 260-A-451 5-19-15 Land located in T.2N, R.13E., Section 2, commencing at intersection of Elizabeth Road & Dunham Road from RML Multiple-Family Residential (Low-Density) to I-1 Light Industrial.
- 260-A-452 11-16-15 Lots 69 and 70 of Piper's Broad Acres Subdivision (Section 34) from R-5 One-Family Residential to B-3 General Business.
- 260-A-455 5-31-16 Land located in the NW 1/4 of Section 17, T2N, R13E, generally described as fronting the east line of Garfield Road north of Kingsbrooke Drive from B-2 Community Business to SP-1 (Special Purpose (Nursing Homes).
- 260-A-456 7-11-16 Land located in T.2N, R.13E, generally located fronting the south line of 15 Mile Road, between Gratiot and Harper Avenues from RML Multiple-Family Residential (Low- Density) to RMH (Multiple-Family Residential (High-Density).
- 260-A-457 7-11-16 Land located in T.2N, R.13E., Section 6, generally located fronting the east lien of Hayes Road, north of 19 Mile Road, addressed as 43400 Hayes Road from OS-1 Office/Service (Low-Rise) to RMH

Multiple-Family Residential (High-Density).

- 260-A-458 8-22-16 Land located in the north 1/4 corner of Section 5, generally located south of Hall Road (M-59), west of Romeo Plank Road from B-4 Regional Business to B-2 Community Business.
- 260-A-459 11-14-16 Lot 31, Moravian-Garfield Subdivision (Section 29), 36250 and 36300 Garfield from OS-1 Office/Service (Low-Rise) to R-3 One-Family Residential.
- 260-A-460 2-27-17 Land located in and being a part of the northwest 1/4 of Section 30, T.2N, R.13E, Parcel B1, from R-3 One-Family Residential to RML Multiple-Family Residential (Low-Density).
- 260-A-461 3-27-17 Land located in and being a part of Section 29, T.2N, R.13E., being Parcel 16-11-29-151-026 and Parcel 16-11-29-151-027, from R-3 One-Family Residential to RT Two-Family Residential.
- 260-A-463 5-30-17 Land located in T.2N, R.13E., Sections 25/26, P.C. 164, 173 and 542, from RML Multiple-Family Residential (Low-Density) to RMH Multiple-Family Residential (High-Density).
- 260-A-464 6-12-17 15840 Edsel Drive and 15831 Coral Avenue from R-3 One-Family Residential to RT Two-Family Residential.
- 260-A-465 6-26-17 Land located in T.2N, R.13E., being Parcels 16-11-07-227-010, 16-11-07-227-012, and 16-11-07-227-011 from R-2 One-Family Residential to B-2 Community Business.
- 260-A-466 8-28-17 Current 4.88-acre parcel, currently addressed as 23970 Hall Road from RML Multiple-Family Residential (Low-Density) to two parcels: Proposed 1.42-acre parcel (Parcel A) to B-2 Community Business and proposed 3.46-acre parcel (Parcel B) to I-1 Light Industrial.
- 260-A-476 5-28-19 Current 8.043-acre parcel, currently addressed as 44315 Gratiot from B-3 General Business to SP-1 Special Purpose (Nursing Homes).
- 260-A-478 9-30-19 Rezoning two parcels of property, the first being approximately 1.126 net acres and the second being approximately 1.7245 net acres and located on the Northeast corner of 15 Mile Road and Miami Road from B-1 Neighborhood Business District to B-3 General Business.
- 260-A-479 11-12-19 Rezoning two parcels of property, the first being 1.71 acres, and the second being 24.04 acres, all as generally located fronting the east line of Romeo Plank Road, north of Canal Road, from R-2 One-Family Residential to PUD Providence Estates Planned Unit Development.
- 260-A-480 3-16-20 Rezoning 7.72 acres of vacant land from RML Multiple-Family Residential and R-1 One-Family Residential to B-3 General Business.
- 260-A-481 3-16-20 Rezoning land commonly known as 15245 Clinton River Road from R-3 One-Family Residential to RMH Multiple-Family Residential.
- 260-A-482 3-16-20 Rezoning land located in and being a part of the southwest 1/3 of Section 30, T.2N. R.13E., from R-3 One-Family Residential to RMH Multiple-Family Residential.
- 260-A-484 6-29-20 Rezoning 1.639 acres of vacant land located north of Canal Road, east of Hayes Road, from OS-1 Office/Service to RML Multiple-Family Residential.
- 260-A-485 10-13-20 Rezoning land located in and being a part of Sections 3 and 4, T.2N., R.13E., from RML Multiple-Family Residential to R-1 One-Family Residential.
- 260-A-489 8-30-21 Rezoning 21.508 acres of land fronting the east line of Groesbeck Highway, north of Elizabeth Road, from B-2 to PUD Planned Unit Development.

## PART THIRTEEN – FLOOD PLAIN MANAGEMENT PROVISIONS

Chap. 1310. State Construction Code Ordinance for Floodplain Management.

### CHAPTER 1310

#### State Construction Code Ordinance for Floodplain Management

- 1310.01 Purpose.
- 1310.02 Agency designated.
- 1310.03 Designation of regulated flood-prone hazard areas.
- 1310.04 Definitions.
- 1310.05 Duties of enforcing agency.

#### 1310.01 PURPOSE.

An ordinance designating an enforcing agency to discharge the responsibility of the Charter Township of Clinton located in Macomb County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

(Ord. 365. Passed 9-11-06.)



### **1310.02 AGENCY DESIGNATED.**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230 of the Public Acts of 1972, as amended, the Building Official of the Charter Township of Clinton is hereby designated as the enforcing agency to discharge the responsibilities of the Charter Township of Clinton under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Charter Township of Clinton assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the Township.

(Ord. 365. Passed 9-11-06.)

### **1310.03 DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREAS.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Macomb County, Michigan (All Jurisdictions)" and dated 12/30/2020 and the Flood Insurance Rate Maps(s) (FIRMS) panel number(s) of 26099C0238G, 26099C0239G, 26099C0243G, 26099C0244G, 26099C0263G, 26099C0326G, 26099C0327G, 26099C0328G, 26099C0329G, 26099C0331G, 26099C0332G, 26099C0333G, 26099C0334G, 26099C0336G, 26099C0337G, 26099C0341G dated 09/29/2006 and Flood Insurance Rate Maps (FIRMS) panel numbers of 26099CIND0D, 26099C0342H, 26099C0351J, 26099C0353J, 26099C0361J dated 12/30/2020 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

(Ord. 365. Passed 9-11-06; Ord. 401. Passed 12-3-12; Ord. 469. Passed 12-21-20.)

### **1310.04 DEFINITIONS.**

For purposes of this chapter, the following definitions shall also apply:

(a) "Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(b) "Flood" or "Flooding" means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters, (ii) the unusual and rapid accumulation or runoff of surface waters from any source, (iii) mudflows, and

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (1)(i) of this definition.

(c) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

(d) "Floodplain" means any land area susceptible to being inundated by water from any source (see definition of "Flooding".)

(e) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

(f) "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

(g) "Structure" means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

(Res. Unno. Passed 9-11-06.)

### **1310.05 DUTIES OF ENFORCING AGENCY.**

(a) The Charter Township of Clinton directs its designated enforcing agent for the Construction Code Act and as amended from time to time, the Superintendent of the Clinton Township Building Department and as directed by the Superintendent, the employees within the Clinton Township Building Department, to administer, apply and enforce the floodplain management regulations as included within the Michigan Building and Construction Codes, including, but not limited to, Appendix G, by:

(1) Obtaining, reviewing and reasonably utilizing available flood hazard data available from Federal, State, or other sources to meet the standards of this chapter. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

(2) Ensuring that all permits necessary for development in floodplain areas have been issued by Federal, State, County and other local agencies, including a floodplain permit, approval or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provision of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

(3) Reviewing all permit applications to determine whether the proposed development will be reasonably safe from flooding. Where it is determined that a proposed development will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:

A. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.

B. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.

(4) Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.

(5) Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining flood proofing and lowest floor construction records, cooperating with other officials, agencies and persons for floodplain management.

(6) Advising FEMA of any changes in community boundaries, including appropriate maps.

(7) Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.

(b) The Charter Township of Clinton assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.

(c) The Charter Township of Clinton further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

(Res. Unno. Passed 9-11-06; Ord. 469. Passed 12-21-20.)

## **PART FOURTEEN – BUILDING AND HOUSING CODE**

### TITLE TWO - Building Standards

Chap. 1420. Michigan Building and Residential Code.

Chap. 1422. Michigan Plumbing Code.

Chap. 1424. Michigan Mechanical Code.

Chap. 1426. National Electrical Code; including Electrical Code Rules, Part 8.

### TITLE FOUR - Building Administration

Chap. 1440. Administration of Building Regulations.

Chap. 1442. Administration of Plumbing Regulations.

Chap. 1444. Administration of Mechanical Regulations.

Chap. 1446. Administration of Electrical Standards.

### TITLE SIX - Miscellaneous Building Regulations

Chap. 1468. Dilapidated Buildings.

Chap. 1469. Collection Boxes.

Chap. 1470. Drainage.

Chap. 1472. Fences.

Chap. 1474. Firewood Storage.

Chap. 1488. Signs.

Chap. 1492. Swimming Pools.

Chap. 1494. Telecommunication Systems and Services. (Repealed)

### TITLE EIGHT - Housing

Chap. 1496. International Property Maintenance Code.

Chap. 1498. Rental Housing Registration, Licensing and Inspections.

Chap. 1499. Abandoned and Vacant Residential Structures.

## **TITLE TWO - Building Standards**

Chap. 1420. Michigan Building and Residential Code.

Chap. 1422. Michigan Plumbing Code.

Chap. 1424. Michigan Mechanical Code.

Chap. 1426. National Electrical Code; including Electrical Code Rules, Part 8.

## CHAPTER 1420

### Michigan Building and Residential Code

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EDITOR'S NOTE: This chapter, previously titled "BOCA National Building Code," was re-titled "Michigan Building and Residential Code" by Ord. 394, passed August 25, 2011.

1420.01 Current edition adopted.

1420.02 References to state and municipality.

1420.03 Enforcement and administrative agency.

1420.04 Fees and charges.

1420.05 Penalties.

#### **CROSS REFERENCES**

Authority of Township re buildings - see Michigan Charter Township Act (Act 359 of 1947)

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.

Building Department - see ADM. Ch. 240

Administration of building regulations - see B. & H.Ch. 1440

Dilapidated buildings - see B. & H.Ch. 1468

Rat harborage - see B. & H. 1496.05(BOCA PM-303.6)

#### **1420.01 CURRENT EDITION ADOPTED.**

Pursuant to the Michigan State Construction Code, Act 230 of the Public Acts of 1972 as amended, MCLA 125.1501 et. seq. and MSA 5.2949(1) et seq., the Charter Township of Clinton adopts by reference the Michigan Building Code as published by the International Code Council as amended by the Michigan Bureau of Construction Codes, Building Code as the Building Code of the Township for the control of buildings and structures as herein provided in each and all of the regulations, provisions, penalties, conditions and terms of said Michigan Building Code hereby referred to, adopted and made a part hereof as if fully set forth in this chapter, with the additions, insertions, deletions and changes, if any, as prescribed in Section 1420.05.

(Ord. 324. Passed 1-25-99; Ord. 394. Passed 7-25-11.)

#### **1420.02 REFERENCES TO STATE AND MUNICIPALITY.**

Any reference to the Michigan Building Code as adopted in Section 1420.01, to "state" (and name of state) shall mean the State of Michigan. Any reference to "municipality" (and name of municipality) shall mean the Charter Township of Clinton, Macomb County, Michigan. Any reference to the "Municipal Charter" and "local ordinances" shall mean the ordinances of the Charter Township of Clinton and all applicable statutes of the State of Michigan pertaining to township government. (Ord. 394. Passed 7-25-11)

#### **1420.03 ENFORCEMENT AND ADMINISTRATIVE AGENCY.**

The Charter Township of Clinton Building Department and each of its employees are appointed as the enforcement and administrative agency of the Michigan Building and Construction Codes. Each and all of the regulations, provisions, penalties, conditions, and terms of said codes, now and hereinafter promulgated, are adopted and made a part hereof as if set forth fully, including, but not limited to, Appendix G of the Michigan Building and Construction Codes shall be enforced by the Charter Township of Clinton Building Department through its Superintendent and each of its employees.

(Ord. 324. Passed 1-25-99; Ord. 394. Passed 7-25-11; Ord. 469. Passed 12-21-20.)

#### **1420.04 FEES AND CHARGES.**

Each and every reference in the Michigan Building Code as adopted to a fee or charge for a permit, services or any other purpose, shall be and is deleted and each such fee or charge for the purpose therein designated shall be in such amount as may be set by resolution of the Charter Township of Clinton Board from time to time, and published in the General Fee Schedule, Chapter 209 of these Codified Ordinances.

(Ord. 324. Passed 1-25-99; Ord. 394. Passed 7-25-11.)

#### **1420.05 PENALTIES.**

Any person who shall violate provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable as provided with the Codified Ordinances of the Charter Township of Clinton.

(Ord. 394. Passed 7-25-11.)

## **CHAPTER 1422**

### **Michigan Plumbing Code**

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EDITOR'S NOTE: This chapter, previously titled "BOCA National Plumbing Code," was re-titled "International Plumbing Code" upon the adoption of the 1997 edition of such Code by Ordinance 328, passed May 18, 1999. The title of this chapter was further edited as "Michigan Plumbing Code" by Ord. 394, passed August 25, 2011.

- 1422.01 Current edition adopted.
- 1422.02 References to state and municipality.
- 1422.03 Enforcement and administrative agency.
- 1422.04 Permit fees, inspection charges and forfeitures.
- 1422.05 Amendments.

#### **CROSS REFERENCES**

- State Plumbing Code - see M.C.L.A. Secs. 125.1501 et seq.
- Plumbers and plumbing generally - see M.C.L.A. Secs. 338.901 et seq.
- Department of Water and Sewers - see ADM.Ch. 246
- Water and sewers generally - see S.U. & P.S.Ch. 1040
- Plumbing fee schedule - see B. & H. 1442.02
- Assignment of plumbing permits - see B. & H. 1442.09

#### **1422.01 CURRENT EDITION ADOPTED.**

Pursuant to the provisions of the Michigan State Construction Code, Act 230 of the Public Acts of 1972, as amended, being M.C.L.A. 125.1501 et seq. and M.S.A. 5.2949(1) et seq., the Charter Township of Clinton hereby adopts by reference the Michigan Plumbing Code Current Edition, as published by the International Code Council, as amended by the Michigan Bureau of Construction Codes, Plumbing Code Rules, Part 7, as the Plumbing Code of the Township for the control of plumbing systems as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said Michigan Plumbing Code Current Edition hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1422.05.

(Ord. 328. Passed 5-18-99; Ord. 394. Passed 7-25-11.)

#### **1422.02 REFERENCES TO STATE AND MUNICIPALITY.**

Any reference in the Michigan Plumbing Code Current Edition, as adopted in Section 1422.01, to "state" (and name of state) shall mean the State of Michigan. Any reference therein to "municipality" (and name of municipality) shall mean the Charter Township of Clinton, Macomb County, Michigan. Any reference to the "Municipal Charter" and "local ordinances" shall mean the ordinances of the Charter Township of Clinton and all applicable statutes of the State of Michigan pertaining to constitutional township government. (Ord. 394. Passed 7-25-11.)

#### **1422.03 ENFORCEMENT AND ADMINISTRATIVE AGENCY.**

The Charter Township of Clinton Building Department and each of its employees are hereby appointed as the enforcement and administrative agency of the Michigan Plumbing Code Current Edition, as adopted in Section 1422.01.

(Ord. 328. Passed 5-18-99; Ord. 394. Passed 7-25-11.)

#### **1422.04 PERMIT FEES, INSPECTION CHARGES AND FORFEITURES.**

All fees, bonds and/or insurance required for the issuance of permits and charges for inspection under the Michigan Plumbing Code Current Edition, adopted in Section 1422.01, shall be in such amount as may be established by resolution of the Township Board for the Charter Township of Clinton from time to time. The Township Board for the Charter Township of Clinton may provide in part or in whole for the forfeiture of fees, bonds, insurance and charges where the same are paid and abandonment, termination or withdrawal by the applicant occurs prior to any inspection which may be required pursuant to the Michigan Plumbing Code Current Edition or other ordinances requiring inspection. The department and location for payment of fees, bonds, insurance or charges may be established by resolution of the Township Board for the Charter Township of Clinton.

(Ord. 394. Passed 7-25-11.)

#### **1422.05 AMENDMENTS.**

The Michigan Plumbing Code Current Edition, as adopted in Section 1422.01, is hereby amended as follows:

Section 101.1 Title. (Amended) These regulations shall be known as the Plumbing Code of the Charter Township of Clinton, hereinafter referred to as "this Code".

Section 106.5.2 Fee schedule. (Amended) Fees for plumbing work shall be in such amount as may be set by resolution of the Charter Township of Clinton Board from time to time and published in the General Fee Schedule, Chapter 209 of the Codified Ordinances of the Charter Township of Clinton.

Fee refunds shall be regulated pursuant to the Fee Schedule, Section 209, which shall be subject to amendment as provided therein by the Board of Trustees.

Section 108.4 Violation penalties. (Amended) Any person who shall violate a provision of this Code, shall fail to comply with any of the requirements hereof or shall erect, install, alter or repair plumbing work in violation of the approved construction document or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor punishable as provided in Section 202.99 of the Codified Ordinances of the Charter Township of Clinton.

Section 108.5 Stop work orders. (Amended) Upon notice of the Code Official that plumbing work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Wherein an emergency exists the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 liable for a fine of not more than five hundred dollars (\$500.00).

(Ord. 328. Passed 5-18-99; Ord. 394. Passed 7-25-11.)

## **CHAPTER 1424**

### **Michigan Mechanical Code**

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EDITOR'S NOTE: This chapter, previously titled "Michigan Mechanical Code," was re-titled "International Mechanical Code" upon the adoption of the 1996 edition of such Code by Ordinance 325, passed January 25, 1999. The title of this chapter was further edited as "Michigan Plumbing Code" by Ord. 394, passed August 25, 2011.

- 1424.01 Current edition adopted.
- 1424.02 References to state and municipality.
- 1424.03 Enforcement and administrative agency.
- 1424.04 Permits, fees and forfeitures.
- 1424.05 Amendments.
- 1424.99 Penalty.

#### **CROSS REFERENCES**

Heat and heating companies in home rule cities - see M.C.L.A. Sec. 117.4f

Ventilation - see M.C.L.A. Secs. 125.419, 125.454, 125.461, 125.471, 125.489

Repair of heating apparatus - see M.C.L.A. Sec. 125.471

Legislative action by municipalities to correct heating and ventilating violations - see M.C.L.A. Sec. 125.501a

Administration of mechanical regulations - see B. & H.Ch. 1444

#### **1424.01 CURRENT EDITION ADOPTED.**

Pursuant to the provisions of the Michigan State Construction Code, Act 230 of the Public Acts of 1972, as amended, being M.C.L.A. 125.1501 et seq. and M.S.A. 5.2949(1) et seq., the Charter Township of Clinton hereby adopts by reference the International Mechanical Code, 1996 edition, as published by the International Code Council, as amended by the Michigan Bureau of Construction Codes, Mechanical Code Rules, Part 9a, as the Mechanical Code of the Charter Township of Clinton for the control of mechanical systems as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said International Mechanical Code hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1424.05.

(Ord. 325. Passed 1-25-99.)

#### **1424.02 REFERENCES TO STATE AND MUNICIPALITY.**

Any reference in the International Mechanical Code, as adopted in Section 1424.01, to "state" (and name of state) shall mean the State of Michigan. Any reference therein to "municipality" (and name of municipality) shall mean the Charter Township of Clinton, Macomb County, Michigan. Any reference to the "Municipal Charter" and "local ordinances" shall mean the ordinances of the Charter Township of Clinton and all applicable statutes of the State of Michigan pertaining to constitutional township government.

### **1424.03 ENFORCEMENT AND ADMINISTRATIVE AGENCY.**

The Charter Township of Clinton Building Department and each of its employees is hereby appointed as the enforcement and administrative agency of the International Mechanical Code.

(Ord. 325. Passed 1-25-99.)

### **1424.04 PERMITS, FEES AND FORFEITURES.**

(a) Any and all permits for work as prescribed in the International Mechanical Code, as adopted in Section 1424.01., shall be obtained in accordance with the provisions of such Code from the Charter Township of Clinton Building Department.

(b) Each and every reference in the International Mechanical Code, as adopted in Section 1424.01, to a fee or charge for a permit, service or any other purpose required therein shall be and hereby is deleted and each such fee or charge for the purpose therein designated shall be in such amount as may be set by resolution of the Charter Township of Clinton from time to time.

(c) The Township Board for the Charter Township of Clinton may provide in part or in whole for the forfeiture of fees where such fees are paid and abandonment, termination or withdrawal by the applicant occurs prior to any inspection which may be required by the State Construction Code, the Michigan Mechanical Code, the International Mechanical Code, as adopted by the Township Board, or by any ordinance requiring inspection. Applicants shall pay said fees to the Building Department of the Charter Township of Clinton.

### **1424.05 AMENDMENTS.**

The International Mechanical Code, as adopted in Section 1424.01, is hereby amended as follows:

Section 101.1 Title. (Amended) These regulations shall be known as the Mechanical Code of the Charter Township of Clinton, hereinafter referred to as "this Code".

Section 106.5.2 Fee schedule. (Amended) Fees for mechanical work shall be in such amount as may be set by resolution of the Charter Township of Clinton Board from time to time and published in the General Fee Schedule, Chapter 209 of the Codified Ordinances of the Charter Township of Clinton.

Section 106.5.3 Fee refund. (Amended) The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Refunds shall be permitted as regulated pursuant to the fee schedule, Section 209, which shall be subject to amendment as provided therein the Board of Trustees.

The Code Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 108.4 Violation penalties. (Amended) Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a mechanical work in violation of the approved construction document or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor punishable as provided in Section 202.99 of the Codified Ordinances of the Charter Township of Clinton.

Section 108.5 Stop work orders. (Amended) Upon notice of the Code Official that mechanical work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Wherein an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 liable for a fine of not more than five hundred dollars (\$500.00).

(Ord. 325. Passed 1-25-99; Ord. 394. Passed 7-25-11.)

### **1424.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1426**

### **National Electrical Code; Including Electrical Code Rules, Part 8.**

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1426.01 Current edition of the National Electrical Code (NFPA-7) and Technical Amendments adopted; file copies.

- 1426.02 References to state and municipality.
- 1426.03 Enforcement and administrative agency.
- 1426.04 Fees and charges.
- 1426.05 Technical Amendments to the 1996 edition of the National Electrical Code. (Repealed)
- 1426.99 Penalty.

#### **CROSS REFERENCES**

Electricians and electrical contractors generally - see M.C.L.A. Secs. 338.881 et seq.

Negligence of electricians and electrical contractors; accrual of claims; limitation of actions - see M.C.L.A. Secs. 600.2912, 600.5805, 600.5838

Underground wiring - see P. & Z. 1244.07, 1266.06

Administration of electrical standards - see B. & H.Ch. 1446

Electrical installations in swimming pools - see B. & H.1492.08

#### **1426.01 CURRENT EDITION OF THE NATIONAL ELECTRICAL CODE (NFPA-7) AND TECHNICAL AMENDMENTS ADOPTED; FILE COPIES.**

The current edition of the National Electrical Code (NFPA-7), as promulgated by the National Fire Protection Association and approved by the Bureau of Construction Codes, is hereby adopted by reference, except those provisions thereof amended hereafter in this chapter. All electrical service, equipment and facilities designed, constructed, installed, altered and maintained in the Township shall conform to the requirements of such Code directly and/or as provided herein. Copies of said Code are on file in the Building Department office of the Township.

(Ord. 319. Passed 12-22-97; Ord. Unno. Passed 5-21-01; Ord. 394. Passed 7-25-11.)

#### **1426.02 REFERENCES TO STATE AND MUNICIPALITY.**

Any reference in the National Electrical Code and in the other standards adopted in Section 1426.01 to "state" (and name of state) shall mean the State of Michigan. Any reference therein to "municipality" (and name of municipality) shall mean the Charter Township of Clinton, Macomb County, Michigan. Any reference to the "Municipal Charter" and "local ordinances" shall mean the ordinances of the Charter Township of Clinton and all applicable statutes of the State of Michigan pertaining to constitutional township government.

#### **1426.03 ENFORCEMENT AND ADMINISTRATIVE AGENCY.**

The Charter Township of Clinton Building Department and each of its employees are hereby appointed as the enforcement and administrative agency of the National Electrical Code and the other standards adopted in Section 1426.01.

#### **1426.04 FEES AND CHARGES.**

Each and every reference in the National Electrical Code and in the other standards adopted in Section 1426.01 to a fee or charge for a permit shall be and hereby is deleted and each such fee or charge for the purpose therein designated shall be in such amount as may be set by resolution of the Charter Township of Clinton Board from time to time.

#### **1426.05 TECHNICAL AMENDMENTS TO THE 1996 EDITION OF THE NATIONAL ELECTRICAL CODE. (REPEALED)**

(EDITOR'S NOTE: Section 1426.05 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1426.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **TITLE FOUR - Building Administration**

Chap. 1440. Administration of Building Regulations.

Chap. 1442. Administration of Plumbing Regulations.

Chap. 1444. Administration of Mechanical Regulations.

Chap. 1446. Administration of Electrical Standards.

## **CHAPTER 1440**

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## **Administration of Building Regulations**

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EDITOR'S NOTE: Chapter 1440: Administration of Building Regulations was repealed in its entirety by Ord. 394, passed 7-25-11.

### **CROSS REFERENCES**

Authority of Township re buildings - see Michigan Charter Township Act (Act 359 of 1947)

Municipal building licenses and permits - see M.C.L.A. Sec. 125.54

Building permits - see M.C.L.A. Secs. 125.1510 et seq.

Inspection of building construction - see M.C.L.A. Sec. 125.1512

Permits for swimming pools - see M.C.L.A. Sec. 333.12525

Building Department - see ADM. Ch. 240

Michigan Building and Residential Code - see B. & H.Ch. 1420

## **CHAPTER 1442**

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### **Administration of Plumbing Regulations**

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EDITOR'S NOTE: Chapter 1442: Administration of Plumbing Regulations was repealed in its entirety by Ord. 394, passed 7-25-11.

### **CROSS REFERENCES**

State Plumbing Code - see M.C.L.A. Secs. 125.1501 et seq.

Plumbers and plumbing generally - see M.C.L.A. Secs. 338.901 et seq.

Department of Water and Sewers - see ADM. Ch. 246

Water and sewers generally - see S.U. & P.S.Ch. 1040

Water and sewer rates, charges and fees - see S.U. & P.S.Ch. 1042

Michigan Plumbing Code - see B. & H.Ch. 1422

## **CHAPTER 1444**

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### **Administration of Mechanical Regulations**

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EDITOR'S NOTE: Chapter 1444: Administration of Mechanical Regulations was repealed in its entirety by Ord. 394, passed 7-25-11

### **CROSS REFERENCES**

Heat and heating companies in home rule cities - see M.C.L.A. Sec. 117.4f

Ventilation - see M.C.L.A. Secs. 125.419, 125.454, 125.461, 125.471, 125.489

Repair of heating apparatus - see M.C.L.A. Sec. 125.471

Legislative action by municipalities to correct heating and ventilating violations - see M.C.L.A. Sec. 125.501a

Building Department - see ADM. Ch. 240

Adoption of Michigan Mechanical Code - see B. & H.Ch. 1424

## **CHAPTER 1446**

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### **Administration of Electrical Standards**

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EDITOR'S NOTE: This chapter, previously a codification of Ordinance 276, passed May 12, 1986, was repealed in its entirety and re-enacted by Ordinance 307, passed December 12, 1994.

1446.01 Definitions.



- 1446.02 Power and duties of Electrical Examining and Licensing Board; rules and regulations; appointment of Electrical Inspector.
- 1446.03 Fees for permits and inspections; fee schedule. (Repealed)
- 1446.04 Right of access to buildings by Electrical Inspector.
- 1446.05 Permits. (Repealed)
- 1446.06 Contractor's requirements; exceptions. (Repealed)
- 1446.07 Notification to Building Department for inspection.
- 1446.08 Reinspections.
- 1446.09 Construction requirements.
- 1446.10 Approved materials.
- 1446.11 Building Department records; review of decisions of Electrical Inspector by Electrical Examining and Licensing Board; Electrical Appeals Board. (Repealed)
- 1446.12 Establishment of Electrical Examining and Licensing Board; license and registration requirements; examinations. (Repealed)
- 1446.13 Licensing of contractors. (Repealed)
- 1446.14 Master, journeyman and apprentice electricians. (Repealed)
- 1446.15 Fire alarm specialty technician's license. (Repealed)
- 1446.16 Fire alarm apprentices. (Repealed)
- 1446.17 Sign specialty technician's license. (Repealed)
- 1446.18 License and registration fee; annual renewals. (Repealed)
- 1446.19 Exemptions.
- 1446.20 Liability.
- 1446.99 Penalty.

#### **CROSS REFERENCES**

Electricians and electrical contractors generally - see M.C.L.A. Secs. 338.881 et seq.

Negligence of electricians and electrical contractors; accrual of claims; limitation of actions - see M.C.L.A. Secs. 600.2912, 600.5805, 600.5838

Underground wiring - see P. & Z. 1244.07, 1266.06

Electrically charged fences - see B. & H. 1472.03(e)

Electrical installations in swimming pools - see B. & H. 1492.08

#### **1446.01 DEFINITIONS.**

As used in this chapter:

- (a) "Apprentice electrician" means an individual, other than an electrical contractor, master electrician or electrical journeyman, who is engaged in learning about and assisting in the installation or alteration of electrical wiring and equipment under the direct personal supervision of an electrical journeyman or master electrician.
- (b) "Board" means the Electrical Examining and Licensing Board of the Charter Township of Clinton.
- (c) "Department" means the Building Department of the Charter Township of Clinton.
- (d) "Electric sign" means fixed, stationary or portable self-contained, electrically illuminated equipment that has words or symbols designed to convey information or attract attention. The term includes outline lighting. Electric sign does not include those signs that are indoor or outdoor portable applications or recognized holiday residential signs listed with a recognized electrical testing laboratory and that use a cord cap-110 volt plug as the electrical energizing attachment method.
- (e) "Electrical contractor" means a person, firm or corporation engaged in the business of erecting, installing, altering, repairing, servicing or maintaining electrical wiring, devices, appliances or equipment.
- (f) "Electrical equipment" means all electrical devices, in connection with the generation, distribution, communication and utilization of electrical energy, within or on a building, residence, structure or properties, including fire alarm and sign devices.
- (g) "Electrical Inspector" means any person who has the necessary qualifications, training, experience and technical knowledge to inspect all electrical apparatus for compliance with all applicable codes adopted by the Township and who shall be the agent or employee of the Department designated by the Building Official as an Electrical Inspector. Inspectors shall be registered pursuant to Act 54 of the Public Acts of 1986, being Section 338.2301 et seq. of the Michigan Compiled Laws, and known as the Building Officials and Inspectors Registration Act.

(h) "Electrical journeyman" means a person other than an electrical contractor who, as his or her principal occupation, is engaged in the practical installation or alteration of electrical wiring. An electrical contractor or master electrician may also be an electrical journeyman.

(i) "Electrical wiring" means all wiring, generating equipment, fixtures, appliances and appurtenances in connection with the generation, distribution, communication and utilization of electrical energy within or on a building, residence, structure or properties, and including service entrance wiring as defined by the National Electrical Code.

(j) "Fire alarm contractor" means a person, firm or corporation engaged in the business of erecting, installing, altering, repairing, servicing or maintaining wiring, devices, appliances or equipment of a fire alarm system.

(k) "Fire alarm specialty apprentice technician" means an individual, other than a fire alarm contractor or a fire alarm specialty technician, who is engaged in learning about and assisting in the installation or alteration of fire alarm system wiring and equipment under the direct personal supervision of a fire alarm specialty technician.

(l) "Fire alarm specialty licensure" means licensure as a fire alarm contractor or a fire alarm specialty or apprentice technician.

(m) "Fire alarm specialty technician" means a person other than a fire alarm contractor who, as his or her principal occupation, is engaged in the practical installation or alteration of fire alarm system wiring.

(n) "Fire alarm system" means a system designed to detect and annunciate the presence of fire, or by-products of fire, installed within a building or structure. "Fire alarm system" does not include a single station smoke detector.

(o) "Job-site" means the immediate work area within the property lines of a single construction project, alteration project or maintenance project where electrical construction or alteration of electrical wiring is in progress.

(p) "Master electrician" means a person having the necessary qualifications, training, experience and technical knowledge to supervise the installation of electrical wiring and equipment in accordance with the standard rules and regulations governing that work.

(q) "Minor repair work" means electrical work such as repairing or replacing flush and snap switches, fuses, lamp sockets or receptacles; replacement of fixtures; repairing or taping bare connections; replacing lamps or the connection of portable electrical equipment to suitable, permanently installed receptacles.

(r) "Municipality" means a city, village or township.

(s) "Outline lighting" means an arrangement of incandescent lamps or electric discharge tubing which is an integral part of an electrical sign that outlines certain features, such as the shape of a building or the decoration of a window.

(t) "Owner" means any natural person, firm, partnership, association or corporation and their legal successors. In all proceedings, actions or prosecutions hereunder, in which a corporation is the owner of any building, structure or part thereof, or of premises, any of its officers directors or persons in control or management thereof, as well as the corporation, shall be subject to the provisions of this chapter.

(u) "Related sign wiring" means:

(1) Except as otherwise provided in paragraphs (u)(2), (3) and (4) hereof, that portion of the electric sign wiring that originates at the load-side terminals of a disconnecting means located in the vicinity of the electric sign involved, but does not include the installation of the disconnecting means, complete with line-side connections.

(2) In the case of electric sign installations having sign transformers installed physically apart from the electric sign, that portion of the electric sign wiring that originates at the load-side terminals of a disconnecting means located in the vicinity of the electric sign involved, but does not include the installation of the disconnecting means, complete with line-side connections.

(3) In the case of the free-standing electric sign installations supplied through underground circuit conductors, that portion of the electric sign wiring that originates at a wiring termination point adjacent to, within or immediately above the permanent base for the electric sign, but does not include, if the base of the sign structure is suitable for use as a raceway, the installation of bushing, complete with free-length circuit conductors extending through to accommodate the connection of the related wiring within the sign structure raceway.

(4) In the case of electric signs specifically designed to be connected directly to the building wiring raceway or cable supply, that portion of the electric sign wiring that originates at the point where the free-length circuit conductors extend through the building wiring raceway or cable at the specifically designed supply location for the electric sign involved, but does not include the installation of the building wiring raceway or cable system to the specifically designated point of supply for the electric sign involved, complete with free-length circuit conductors extending through the building wiring raceway or cable to accommodate the connection of the related wiring.

(v) "Sign specialist" means a person who, as his or her principal occupation, is engaged in the installation, alteration or repair of electric signs.

(w) "Sign specialty contractor" means a person, firm or corporation engaged in the business of manufacturing, installing, maintaining, connecting or repairing electric sign wiring or devices, including wiring that is directly related to electric signs and is electrically dedicated as a sign circuit beginning at the load side of the sign circuit disconnect.

(x) "Sign specialty licensure" means licensure as a sign specialist or sign specialty contractor.

(Ord. 307. Passed 12-12-94.)

(a) The Electrical Examining and Licensing Board, established in Section 1446.12, also referred to in this chapter as the Board, shall have and hereby is given jurisdiction, subject to review as hereinafter provided, over the inspection of all electrical installations, including changes, repairs and additions thereto, within the Township.

(b) The Board is hereby empowered and it shall be its duty to promulgate and recommend such rules and regulations concerning electrical work in the Township as may be required to properly provide for the situations therein. The rules and regulations so made by the Board shall be effective upon approval by the Township Board of Trustees and the Michigan Construction Code Commission and shall take precedence over plans, specifications and National Electrical Code rules.

(c) The Board of Trustees shall appoint an Electrical Inspector, who shall be licensed as an electrical journeyman or master electrician and who shall inspect all electrical installations and report to the inspection authority. This jurisdiction shall apply to the installation of electrical wiring, electrical devices, apparatus and equipment for connection to electrical supply systems, except as provided in Section 1446.06(a) to (f) and (h).

(Ord. 307. Passed 12-12-94.)

### **1446.03 FEES FOR PERMITS AND INSPECTIONS; FEE SCHEDULE. (REPEALED)**

(EDITOR'S NOTE: Section 1446.03 was repealed by Ordinance Unno., passed July 25, 2011)

### **1446.04 RIGHT OF ACCESS TO BUILDINGS BY ELECTRICAL INSPECTOR.**

The Electrical Inspector and/or his or her deputy shall have the right during reasonable hours to enter any building in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of electrical wiring, electrical devices and/or electrical materials contained therein and shall have the authority to cause the turning off of all electrical supply and to disconnect, in cases of emergency, any wire where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department.

(Ord. 307. Passed 12-12-94.)

### **1446.05 PERMITS. (REPEALED)**

(EDITOR'S NOTE: Section 1446.05 was repealed by Ordinance Unno., passed July 25, 2011)

### **1446.06 CONTRACTOR'S REQUIREMENTS; EXCEPTIONS. (REPEALED)**

(EDITOR'S NOTE: Section 1446.06 was repealed by Ordinance Unno., passed July 25, 2011)

### **1446.07 NOTIFICATION TO BUILDING DEPARTMENT FOR INSPECTION.**

(a) Upon the completion of the wiring of any building, it shall be the duty of the person, firm or corporation installing the same to notify the business office of the Building Department, which shall notify the Electrical Inspector to inspect the installation as soon as possible, and if it is found to be fully in compliance with this chapter and does not constitute a hazard to life and property, he or she shall issue upon request to such person, firm or corporation for delivery to the owner a certificate of inspection.

(b) All wires which are to be hidden from view shall be inspected before concealment and any person, firm or corporation installing such wires shall notify the business office of the Building Department, giving sufficient time in which to make the required inspection before such wires are concealed.

(Ord. 307. Passed 12-12-94.)

### **1446.08 REINSPECTIONS.**

The Electrical Inspector may periodically make a thorough reinspection of the installation in buildings of all electrical wiring, electrical devices and electrical material now installed or that may hereafter be installed within the Township. When the installation of any such wiring, devices and/or material is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, devices and material in a safe condition, and have such work completed within fifteen days or any longer period specified by the Electrical Inspector in said notice. The Electrical Inspector is hereby empowered to disconnect or order in writing the discontinuance of electrical service to such wiring, devices and/or material found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by the Electrical Inspector.

(Ord. 307. Passed 12-12-94.)

### **1446.09 CONSTRUCTION REQUIREMENTS.**

No certificate of inspection shall be issued unless the electrical installation is in strict conformity with the provisions of this chapter, the statutes of the State, the rules and regulations issued by the Michigan Public Service Commission under the authority of the State statutes and unless they are in conformity with approved methods of construction for safety to persons and property. The regulations as laid down in the National Electrical Code, the Michigan Building Code, including amendments, currently in effect, and NFPA Standards: 71, 72, 73, 74, 75 and 76 for fire alarm systems, as approved by the American National Standards Institute (ANSI), and in the amendments, rules and regulations established as hereinafter provided, shall be prima-facie evidence of such approved methods.

(Ord. 307. Passed 12-12-94; Ord. 394. Passed 7-25-11.)

#### **1446.10 APPROVED MATERIALS.**

(a) No person shall install or use any electrical device, apparatus or equipment designed for attachment to, or installation on, any electrical circuit or system for heat, light, power or fire alarm system that is not of good design and construction and safe and adequate for its intended use. The Electrical Inspector shall have power to disapprove the use or installation of devices not fulfilling these requirements.

(b) Devices, apparatus and equipment listed by such generally recognized authorities as the United States Bureau of Standards or by qualified electrical testing laboratories, such as Electrical Testing Laboratories (ETL), Underwriters Laboratories (UL) or Factory Mutual (FM), may be given the approval by the Electrical Inspector, unless explicitly disapproved by said authority for reasons of faulty design or poor construction involving danger to persons and/or property.

(Ord. 307. Passed 12-12-94.)

#### **1446.11 BUILDING DEPARTMENT RECORDS; REVIEW OF DECISIONS OF ELECTRICAL INSPECTOR BY ELECTRICAL EXAMINING AND LICENSING BOARD; ELECTRICAL APPEALS BOARD. (REPEALED)**

(EDITOR'S NOTE: Section 1446.11 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.12 ESTABLISHMENT OF ELECTRICAL EXAMINING AND LICENSING BOARD; LICENSE AND REGISTRATION REQUIREMENTS; EXAMINATIONS. (REPEALED)**

(EDITOR'S NOTE: Section 1446.12 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.13 LICENSING OF CONTRACTORS. (REPEALED)**

(EDITOR'S NOTE: Section 1446.13 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.14 MASTER, JOURNEYMAN AND APPRENTICE ELECTRICIANS. (REPEALED)**

(EDITOR'S NOTE: Section 1446.14 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.15 FIRE ALARM SPECIALTY TECHNICIAN'S LICENSE. (REPEALED)**

(EDITOR'S NOTE: Section 1446.15 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.16 FIRE ALARM APPRENTICES. (REPEALED)**

(EDITOR'S NOTE: Section 1446.16 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.17 SIGN SPECIALTY TECHNICIAN'S LICENSE. (REPEALED)**

(EDITOR'S NOTE: Section 1446.17 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.18 LICENSE AND REGISTRATION FEE; ANNUAL RENEWALS. (REPEALED)**

(EDITOR'S NOTE: Section 1446.18 was repealed by Ordinance Unno., passed May 21, 2001.)

#### **1446.19 EXEMPTIONS.**

The provisions of this chapter shall not apply to apparatus and equipment installed by or for any utility operating under jurisdiction of the Michigan Public Service Commission in the exercise of its function as a utility and when such apparatus or equipment is used primarily for the purpose of communication or metering, or for the generation, control, transformation, transmission and distribution of electrical energy.

(Ord. 307. Passed 12-12-94.)

#### **1446.20 LIABILITY.**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical wiring, electrical devices and/or electrical material for damages to persons or property caused by any defect therein, nor shall the Township and the Board of Trustees or the Electrical Inspector be held as assuming any such liability by reason of the inspection authorized herein, or certificate of inspection issued as herein provided.

(Ord. 307. Passed 12-12-94.)

#### **1446.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **TITLE SIX - Miscellaneous Building Regulations**

- Chap. 1469 Collection Boxes.  
Chap. 1470. Drainage.  
Chap. 1472. Fences.  
Chap. 1474. Firewood Storage.  
Chap. 1488. Signs.  
Chap. 1492. Swimming Pools.  
Chap. 1494. Telecommunication Systems and Services. (Repealed)

## **CHAPTER 1468**

### **Dilapidated Buildings**

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- 1468.01 Short title.  
1468.02 Completion and enclosure of existing buildings.  
1468.03 Enclosure of other buildings.  
1468.04 Repair, rehabilitation, demolition and/or securing of dangerous buildings and surrounding premises.  
1468.05 Orders to vacate premises.  
1468.06 Declaration of nuisance and order of abatement.  
1468.99 Penalty; equitable remedies.

#### **CROSS REFERENCES**

Authority of Township re buildings - see Michigan Charter Township Act (Act 359 of 1947)

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.

Building Department - see ADM. Ch. 240

Nuisances generally - see GEN. OFF. Ch. 654

Administration of building regulations - see B. & H.Ch. 1440

International Property Maintenance Code - see B. & H.Ch. 1496

#### **1468.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Clinton Township Dilapidated Buildings Chapter."

(Ord. 169. Passed 1-29-64.)

#### **1468.02 COMPLETION AND ENCLOSURE OF EXISTING BUILDINGS.**

All buildings and parts thereof erected on or before the effective date of this chapter shall be completed and fully and permanently enclosed within one year from such date, or in the alternative, shall be torn down and removed, and any excavation thereunder filled to grade level.

(Ord. 169. Passed 1-29-64.)

#### **1468.03 ENCLOSURE OF OTHER BUILDINGS.**

All buildings and parts thereof hereafter erected shall be fully enclosed in accordance with the building permit issued therefor within one year from the issuance of said permit, or the commencement of said construction, whichever shall first occur. This section shall not apply to the construction of large buildings containing more than 100,000 square feet of first floor space.

(Ord. 169. Passed 1-29-64.)

#### **1468.04 REPAIR, REHABILITATION, DEMOLITION AND/OR SECURING OF DANGEROUS BUILDINGS AND SURROUNDING PREMISES.**

(a) No building or structure, whether now existing or hereafter erected, shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage by fire, collapse or act of God or by virtue of any other cause, but shall be forthwith repaired or rehabilitated, and the dangerous or hazardous condition removed by the owner or occupant thereof, or, in the alternative, torn down and removed and any excavation thereunder filled to grade level.

(b) No building so damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds fifty percent of the assessed valuation of the building, at the time the repair or rehabilitation is to be

made, shall be repaired or rehabilitated, unless it is made to comply in all respects with the provisions of all Clinton Township ordinances governing such building. Any building so damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds 100 percent of the assessed valuation, at the time the repair or rehabilitation is to be made, shall be deemed unfit for human habitation and shall be immediately vacated, and, unless made to comply with all the provisions of this Building and Housing Code, shall be demolished and removed.

(c) It shall be a violation for any person having an ownership interest in or an occupancy right to permit or allow a condition as described above in division (a) and/or where the surrounding premises requires the trimming and removal of vegetation, or the removal of debris and personalty in order to avoid vermin harborage, fire risk, a risk of injury to persons entering the premises, or blighting. As a further cumulative remedy, the court may, upon the consent of the Township, permit the trimming and removal of vegetation, removal of debris and personalty and securing of the building and structures, including boarding, taping, and fencing, and other similar activities. The expenses of Township personnel shall be calculated utilizing an hourly rate, plus fringe benefit costs, and any contractors engaged shall be utilized using the actual expenses incurred. The court may order that such costs and expenses be secured by a recorded lien upon the subject property until full payment is received by the Township.

(Ord. 169. Passed 1-29-64; Ord. 467. Passed 6-29-20.)

#### **1468.05 ORDERS TO VACATE PREMISES.**

Whenever it shall be certified by the Building Department Superintendent or his or her designee, the Fire Chief, the Fire Marshall, or their designees, or the Ordinance Enforcement Officer, that a building is infected with contagious disease, is unfit for human habitation, or is dangerous to life or health by reason of want of repair or of defects in the drainage, plumbing, lighting, ventilation or construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said building, the Building Department Superintendent or his or her designee, the Fire Chief, the Fire Marshall, or their designees, or the Ordinance Enforcement Officer, may issue an order requiring all persons therein to vacate such building within not less than twenty-four hours nor more than ten days for the reasons to be mentioned in said order. In case such order is not complied with within the time specified, the Building Department Superintendent or his or her designee, the Fire Chief, the Fire Marshall, or their designees or the Ordinance Enforcement Officer, may cause said dwelling to be vacated. Whenever the Building Department Superintendent or his or her designee, the Fire Chief, the Fire Marshall, or their designees, or the Ordinance Enforcement Officer is satisfied that the danger from said building has ceased to exist or that it is fit for human habitation, he or she may revoke said order or may extend the time within which to comply with the same.

(Ord. 169. Passed 1-29-64.)

#### **1468.06 DECLARATION OF NUISANCE AND ORDER OF ABATEMENT.**

Whenever any building or premises, or the plumbing, sewage drainage, lighting or ventilation thereof, is, in the opinion of the Building Department Superintendent of his or her designee, the Fire Chief, the Fire Marshall, or their designees, or the Ordinance Enforcement Officer, dangerous or detrimental to life or health, such officer may declare that the same, to the extent he or she may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered, improved or purified, as the order shall specify.

(Ord. 169. Passed 1-29-64.)

#### **1468.99 PENALTY; EQUITABLE REMEDIES.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in Section 202.99, any building which continues to be in violation of the provisions of this chapter after the owner or occupant thereof has been ordered by the Building Department Superintendent, or his or her designee, the Fire Chief, the Fire Marshall, or their designees, or the Ordinance Enforcement Officer to make the same comply or to demolish or remove such building, may, in the discretion of the Township Board, be made to comply or be demolished and removed by such Township Board or its agents, and the costs thereof shall be collected from the owner or occupant of said premises. If the owner or occupant refuses to pay such costs, the same may be assessed against the property of the owner or occupant and collected in the same manner as are taxes assessed under the general laws of the State of Michigan. The owner or occupant who pays such costs may collect from the person who caused such violation to exist, for such sum expended, in an appropriate action at law.

The foregoing remedies shall be in addition to the rights of the Township to proceed at law or in equity with other appropriate and proper remedies.

(Ord. 169. Passed 1-29-64.)

## **CHAPTER 1469**

### **Collection Boxes**

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1469.01 Title.

1469.02 Intent and definitions.

1469.03 Collection box permit.

1469.04 Application for a permit.

- 1469.05 Requirements for a permit.
- 1469.06 Term of permit and renewal of permit.
- 1469.07 Revocation of permit, removal of collection boxes and liability.
- 1469.08 Appeal to Zoning Board of Appeals.
- 1469.99 Penalty and remedies.

### **CROSS REFERENCES**

Nuisances generally - see GEN. OFF. Ch. 654

### **1469.01 TITLE.**

This Chapter shall be known as the Charter Township of Clinton Collection Boxes Chapter.

(Ord. 441. Passed 3-19-18.)

### **1469.02 INTENT AND DEFINITIONS.**

(a) This Chapter is intended to be a regulatory ordinance in the public's health, safety and welfare for the protection of all citizens who use collection boxes. The intent of this Chapter is to impose restrictions and conditions on all collection boxes in the Township so that they are, and remain, clean, safe and do not create hazards to pedestrians and to vehicular traffic, or unsightly or unsanitary conditions. This Chapter is passed under the Township's regulatory authority pursuant to state law and the Michigan Constitution.

(b) "Operator" means a person who owns, operates or otherwise is in control of collection boxes to solicit collections of salvageable personal property.

(c) "Permittee" means a person over eighteen (18) years of age or an entity who is issued a permit authorizing placement of collection box(es) on real property.

(d) "Real property", "Property" or "Land" means a lot of record located in the Township of Clinton.

(e) "Property owner" means the person who is an owner of real property where the collection box(es) are located.

(f) "Collection Box(es)" means any metal container, receptacle, bin, or similar device that is located on any parcel or lot of record within the Township and that is used for soliciting and collection, the receipt of clothing, household items, or other salvageable personal property. This item does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

(Ord. 441. Passed 3-19-18.)

### **1469.03 COLLECTION BOX PERMIT.**

No later than ninety (90) days from the effective date of this Chapter, no person shall place, operate, maintain or allow any collection box(es) on any real property without first obtaining an annual permit issued by the Township to locate a collection box(es).

(Ord. 441. Passed 3-19-18.)

### **1469.04 APPLICATION FOR A PERMIT.**

(a) Any person desiring to secure a permit shall make an application to the Township.

(b) A permit shall be obtained for each collection box(es) proposed. Combining fees for collection box(es) located on a lot of record may be addressed in the fee resolution.

(c) The application for a permit shall be upon a form provided by the Township and be signed by an individual who is an officer, director, member or manager of an entity applicant. The applicant shall furnish the following information:

(1) Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five percent of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.

(2) Date of birth of individuals and date of establishment of an entity or the birth date of an individual applicant.

(3) Whether the applicant has previously received a permit for a collection box in the Township or operates a collection box or similar type receptacle without a permit in the Township.

(4) The name, address, email and telephone number of a contact person for all matters relating to a collection box located in the Township.

(5) The physical address of the real property where the collection box is proposed to be located.

(6) A scaled drawing sufficient to illustrate the proposed location of the collection box on the real property, the dimensions of the proposed collection box and that the location complies with the requirements of Section 1469.05 of this Chapter and all other

sections and applicable ordinances.

(7) If not the owner of the real property, an affidavit from the property owner providing written permission to place the collection box(es) on the property, as well as an acknowledgement from the property owner of receipt of a copy of this Chapter shall be provided on a form provided by the Township. For purposes of this subsection the affidavit and acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.

(8) A nonrefundable fee in an amount established by resolution of the Township Board.

(d) Within ten (10) business days of receiving an application for a permit, the Township shall notify the applicant whether the permit is granted or denied. If the application is denied, the Township shall state in writing the specific reason for denial.

(e) No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.

(f) A person shall be issued a permit by the Township official if the requirements of this Chapter are satisfied.

(g) Upon inspection of the approved location of the collection boxes, the Township shall provide a permit sticker for each approved collection box. The sticker will display the Township name, the permit number, and the expiration date. The color of the sticker will be determined by the Township and will change yearly. Replacement stickers for damaged or lost stickers will be available at a fee established by resolution of the Township Board.

(Ord. 441. Passed 3-19-18.)

#### **1469.05 REQUIREMENTS FOR A PERMIT.**

(a) A permittee shall operate and maintain; or cause to be operated and maintained, all collection boxes located in the Township for which the permittee has been granted a permit as follows:

(1) Collection boxes shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.

(2) Collection boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(3) Collection boxes shall have, at minimum 1/2-inch type visible from the front of each collection box the name, address, email, website and phone number of the operator, as well as whether the collection box is owned and operated by a for profit company or a not for profit company. The collection box shall not have information, advertising or logos other than those relating to the operator.

(4) Collection boxes shall be serviced and emptied as needed, but at least every thirty (30) days.

(5) The permittee and property owner, jointly and severally, shall maintain, or cause to be maintained, the area surrounding the collection boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the Township's cost to abate any nuisance.

(6) Collection boxes shall:

A. Not be permitted on any land zoned or used for residential purposes in any land zoned or used for residential purposes other than land zoned residential used as a church or school with a paved parking lot with completely contiguous parking for at least 75 vehicles;

B. Not be permitted on any unimproved parcel where a structure for occupancy does not exist, nor where a multi-tenant location is not less than 50% occupied based on the square footage of total units, nor where the principal use of the land has been discontinued or the principal business has not been lawfully opened for more than thirty (30) days;

C. Not be less than 1,000 feet from another collection box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two (2) collection boxes on a single lot of record are permitted if the boxes are side by side and are no more than one foot apart;

D. Not exceed 7.0 feet in height, 6 feet in width and 6 feet in depth;

E. Not cause a visual obstruction to vehicular or pedestrian traffic; no refunds will be provided once a permit has been issued;

F. Not be placed other than on a concrete or asphalt surface in an accessible location at least twenty-five (25) feet from a front property line and no closer than ten (10) feet from: (1) a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five (5) foot clearance; (2) a public right-of-way; or (3) a driveway;

G. Not cause safety hazards with regard to a designated fire lane or building exit;

H. Not:

1. Interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic;

2. Encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space;

I. Shall not result in a reduction in useable parking spaces below the minimum required numbers of parking spaces for all uses on the subject property;

J. Shall be insured with general liability insurance in an amount with coverage limits not less than \$100,000.00 per



occurrence and in aggregate;

K. Only one collection box shall be permitted for parcels one acre or less with a maximum of two (2) collection boxes per site for larger parcels;

L. Shall not disrupt the flow of storm drainage.

(Ord. 441. Passed 3-19-18.)

#### **1469.06 TERM OF PERMIT AND RENEWAL OF PERMIT.**

(a) The permit year shall begin on January 1 in each year and shall terminate on December 31 of the same calendar year. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the calendar year next following issuance thereof.

(b) A collection box permit shall be renewed annually. The application for renewal must be filed not later than thirty (30) days before the permit expires. The application for renewal shall be upon a form provided by the Township.

(c) The Township shall either approve or deny the renewal of a permit within ten (10) business days of receipt of the complete renewal application and payment of the renewal fee. Failure of the Township to act before expiration of the permit shall constitute approval of the renewal of the permit.

(d) A permit fee set by resolution of the Board of Trustees shall be submitted with the application for renewal.

(e) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Township in writing of the intent to cancel the permit. The permit shall become void upon the Township's receipt of a written notice to intent to cancel the permit. No refunds will be provided once a permit has been issued.

(f) The Township shall approve the renewal of a permit if the Township finds that no circumstances existed during the term of the permit which would cause a violation to exist and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.

(g) If the permit expires and is not renewed, the collection box(es) must be removed from the real property within a maximum of ten (10) days after expiration of the permit.

(Ord. 441. Passed 3-19-18.)

#### **1469.07 REVOCATION OF PERMIT, REMOVAL OF COLLECTION BOXES AND LIABILITY.**

(a) The Township shall have the right to revoke any permit issued hereunder for a violation of this Chapter. Any of the grounds upon which the Township may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this Chapter or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The Township shall provide a written notification to the permittee and a property owner at the address upon the application for each stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten (10) days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the Township and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.

(b) Upon revocation the collection box shall be removed from the real property within ten (10) days and, if not so removed within the time period, the Township may remove, store or dispose of the collection box at the expense of the permittee and/or real property owner. All costs associated with the removal of the collection box incurred by the Township, or the Township's contractor shall be the responsibility of the property owner. If such obligation is not paid within thirty (30) days after mailing of a billing of costs to the property owner, the Township, may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax with the same penalties and interest. If the same is not paid prior to the preparation of the next assessment roll of the Township, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected there under. Unpermitted collection boxes may also be removed in the same manner. Revoked and unpermitted collection boxes may be disposed of by the Township thirty (30) days after appeal is completed, or thirty (30) days after revocation in no appeal or improper appeal occurs. Disposal after thirty (30) days may occur for unpermitted collection boxes.

(c) A permit for a collection box may be revoked if any governmental authority or agency determines that the collection box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

(Ord. 441. Passed 3-19-18.)

#### **1469.08 APPEAL TO ZONING BOARD OF APPEALS.**

Any person aggrieved by the decision rendered by the Township in granting or denying an application for a permit under this Chapter or in revoking a permit issued under this Chapter may appeal the decision to the Zoning Board of Appeals. The appeal shall be made by filing a written notice thereof with the Planning Department setting forth the grounds for the appeal not later than ten (10) days after mailing notice of the decision of the Township. The Zoning Board of Appeals may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the Township.

(Ord. 441. Passed 3-19-18.)

## **1469.99 PENALTY AND REMEDIES.**

(a) In addition to revocation of permit pursuant to Section 1469.07, any person violating the provisions of this Chapter is guilty of a misdemeanor offense in accordance with Section 202.99 for general code penalty.

(b) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this Chapter, or any ordinance shall be deemed a new separate offense for each day that such condition continues to exist.

(c) Nothing in this Chapter shall prevent the Township from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this Chapter.

(d) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.

(e) No fines shall be imposed for a violation of this Chapter until ninety (90) days after its effective date. All collection boxes existing at the effective date of this Chapter shall apply for a permit as required herein within thirty (30) days of the effective date. Any collection boxes not in compliance with this Chapter after ninety (90) days of the effective date shall be subject to all remedies for violation as provided therein.

(Ord. 441. Passed 3-19-18.)

## **CHAPTER 1470**

### **Drainage**

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1470.01 Short title.

1470.02 Purposes.

1470.03 Definitions.

1470.04 Enforcement.

1470.05 Site drainage plans.

1470.06 Minimum requirements for drainage slope and grade.

1470.065 Minimum requirements for drainage facilities.

1470.07 Drainage site maintenance, improvement or modification.

1470.075 Storm drainage separation from sanitary sewers; discharge from eavestroughs, gutters and downspouts.

1470.08 Drainage Fund.

1470.09 Drainage improvement capital expenditure program.

1470.10 Fees imposed.

1470.11 Location for payment of fees and posting of bonds.

1470.12 Connection inspection.

1470.13 Amount of drainage fees.

1470.14 Installment payments.

1470.15 Sump pump inspection.

1470.99 Penalty.

#### **CROSS REFERENCES**

Drainage of lots, lands, excavations, etc. - see GEN. OFF.676.05

Storm drainage - see S.U. & P.S.1022.07(b); B. & H. 1442.02(c)

Downspouts - see S.U. & P.S.1040.05

Water and sewer connections - see S.U. & P.S.1040.14

Items and fees relating to drainage debt service districts - see S.U. & P.S.Ch. 1050

Drainage in land development - see P. & Z.1244.01, 1248.03

Site grading and drainage water systems - see P. & Z.1244.01, 1248.03

#### **1470.01 SHORT TITLE.**

This chapter shall be known and cited as the "Clinton Township Drainage Chapter."

(Ord. 290. Passed 5-29-91.)

#### **1470.02 PURPOSES.**

The purposes of this chapter are to provide for the installation, maintenance and operation of drainage facilities within road right of ways and/or upon property within the Charter Township of Clinton pursuant to the provisions of Section 31 of the Charter Township Act; to provide for review and approval of drainage plans; to provide for minimum requirements for site drainage; to allow for the accumulation of funds for capital projects for drainage facilities by the Township; to provide for fees and charges; to provide for credits and exclusions from districts where facilities have been installed; and to provide for penalties and enforcement.

(Ord. 290. Passed 5-29-91.)

#### **1470.03 DEFINITIONS.**

The following rules of construction apply:

(a) Words used in the present tense include the future tense and words used in the singular include the plural unless the context clearly indicates otherwise.

(b) The term "shall" is mandatory; the term "may" is permissive.

(c) Any word or term not interpreted or defined by this section shall be used with its common or standard meaning. A customary interpretation adopted by the Department of Public Works through the Superintendent shall prevail in the instance of any conflict with any common or standard meaning.

(d) Unless the context clearly indicates otherwise the following terms, as used in this chapter, are defined as follows:

(1) "Builder" means a person, firm, company, contractor, owner or developer who or which is the applicant for a building permit.

(2) "Clinton" or "Township" means the Charter Township of Clinton. "Board" means the Township Board of Trustees for the Charter Township of Clinton.

(3) "Connect" means to remove the plugs and drainage lead caps or in any other manner to access a drain installed or improved by the Township or others pursuant to the provisions of this chapter.

(4) "Development project" means the project intended for improvements that is required to be reviewed pursuant to the Land Development Regulations of the Charter Township of Clinton.

(5) "District" or "assessment district" means the district area in which properties shall be subject to assessment and installation of drainage improvements as determined by the Township Board for the Charter Township of Clinton under the provisions of Section 31 of the Charter Township Act, Act 359 of the Public Acts of 1947, as amended, and under Act 188 of the Public Acts of 1954, as amended.

(6) "Drain" means a swale, ditch, open channel or storm sewer used to transport drainage water.

(7) "Drainage" or "drainage water" means water resulting from rain, melting snow, water supply discharge, ground water discharge or surface water run-off.

(8) "Drainage facilities" or "drainage water facilities" means any naturally occurring ground configuration or improvement, including, but not limited to, any swales, storm drains (open or enclosed), drain tiles or storm sewers that receive or carry or are part of a system that receives or carries drainage from or to more than a single parcel of land.

(Ord. 290. Passed 5-29-91.)

(9) "Outside grade" means the established finish grade elevation of the ground immediately surrounding and adjacent to a building. "Outside grade" and the terms "finish grade" and "brick ledge" are interchangeable terms having the same meaning in these Codified Ordinances.

(Ord. 290-A-1. Passed 7-26-93; Ord. 319. Passed 12-22-97.)

(10) "Parcel" means an area of land recognized as an individual site based upon assessment records currently in effect with the Assessor's office for the Charter Township of Clinton.

(11) "Utilities structures" means devices or parts of a public utility intended to be exposed or accessible, including, but not limited to, sewer, water, storm drain, telephone, electrical, cable, manhole covers, plugs, junction boxes and caps.

(Ord. 290. Passed 5-29-91.)

#### **1470.04 ENFORCEMENT.**

Drainage facilities shall be subject to inspection, operation, improvement, modification, and maintenance by the Township's Department of Public Works, notwithstanding any obligation of maintenance otherwise imposed upon property owners set forth herein. The Superintendent of the Department of Public Works shall be the principal enforcement officer. All employees within the Department of Public Works, the Building Department and the Water and Sewers Department, and the enforcement officer, are authorized to issue appearance tickets pursuant to the provisions of this chapter.

(Ord. 290. Passed 5-29-91.)

#### **1470.05 SITE DRAINAGE PLANS.**

Prior to issuance of any building permit or the commencement of installation of any building, structure or other improvement, a builder must submit plans and otherwise demonstrate that site drainage complies with the provisions of this chapter and other Township ordinances. The following procedures and requirements apply:

(a) The applicant shall furnish the Engineering Department a scaled plan of the proposed site, including structures with grades, dimensions, and elevations shown, prepared under the seal of a registered engineer or registered land surveyor. A review fee established by resolution of the Township Board shall be paid to defer the cost of plan review. The review fee shall be subject to waiver if the building grades and site drainage have been previously reviewed and approved pursuant to the land development regulations of the Township or any successor ordinance.

(Ord. 356. Passed 4-25-05.)

(b) The plan shall include outside grade elevations for any buildings or structures proposed, site drainage slopes from the building, and dimensioned drainage facilities necessary to drain the site. Utilities structures shall be identified and located on plans.

(c) A fully executed easement upon a form furnished by the Township shall be provided with a title commitment in an amount not less than one thousand dollars (\$1,000) demonstrating ownership of the property. The easement shall be in favor of the Charter Township of Clinton permitting the installation of drainage facilities and maintenance. As part of the easement document the owner, successors and assigns shall indemnify fully the Township from any and all liability for bodily injury or damage to property in connection with the property within the easement area and drainage facilities.

(Ord. 290. Passed 5-29-91.)

(d) The Township Engineer shall review the plans. Approval must be granted prior to the issuance of the building permit. The elevations, grades and slopes indicated on the plan, upon approval, are established as the finished grades to be constructed. Property owners shall be jointly and severally liable at all times for providing that no utility structures be covered or made inaccessible, or otherwise interfered with. All utility structures shall be staked and stakes shall be maintained until issuance of a certificate of occupancy. The method and manner of staking shall be periodically determined by the concurrence of the heads of the Departments of Water and Sewers, Building, Public Works and Engineering. When the building and site are ready for final inspections prior to the issuance of any certificate of occupancy, the Township Engineer will verify that the building and site were developed and constructed according to the approved permitted plan with respect to elevations, grades, slopes and structure location and notify the Department of Public Works of such request prior to the issuance of any certificate of occupancy. The building and site shall be verified by using documentation supplied by the Water and Sewer Department, Department of Public Works and Building Department final inspections and the final certificate of grade and location provided by a licensed State of Michigan engineer or surveyor. If the constructed site is not conforming to the previously established finished grades, elevations and slopes, or if utility structures are covered or accessibility is interfered with, no certificate of occupancy shall be issued until such time as compliance has been achieved. A temporary occupancy permit may be issued prior to a complete, final inspection, following receipt of a properly executed and acceptable temporary letter of agreement by the Building Department, only where an applicant has posted a bond with the Building Department in a minimum amount of one thousand dollars (\$1,000) cash, as approved by the Building Department and, further, only in instances where weather interferes with completion of a site inspection. No interest shall accrue upon funds deposited. However, upon refund, if any, an administrative fee of ten percent of funds deposited shall be retained. Cash deposits shall be subject to forfeiture following the final inspection in the event utilities have been covered or damaged or grades have not been properly established. Such forfeiture shall be cumulative to any other penalties or remedies.

(Ord. 290-A. Passed 2-18-92; Ord. 367. Passed 11-27-06.)

(e) Where the structure or other improvement involves the installation of an above-ground pool, garage, gazebo, deck or similar structure, which structures are associated with a principal structure of a residential nature, plans need not be submitted as otherwise required pursuant to this section unless a change in grade shall occur. The applicant shall submit a statement indicating that no change in grade is anticipated to occur. In the event of any change in grade or resulting change in site drainage caused in whole or in part as a result of the installation of structures and improvements, property owners shall be required to undertake drainage improvements as directed by the Department of Public Works upon recommendation from the Township Engineer. Notice may be delivered of such proposed improvements by first class mail to the last known owner of record pursuant to the Township Assessing Department's records advising of required site drainage. If such notice is furnished and the property owner fails to undertake such proposed improvements within thirty days, the Township may undertake such improvements. The costs of such maintenance, improvements or modification, including administration costs, engineering costs and other professional fees, shall be established as a lien against the property and collected in the same manner as ad valorem real property taxes added as a separate item under the next real property tax statement.

(Ord. 290. Passed 5-29-91.)

#### **1470.06 MINIMUM REQUIREMENTS FOR DRAINAGE SLOPE AND GRADE.**

The sloping grade from any building shall cause the surface water run-off to flow away from such building. The sloping grade shall have a fall of at least six inches in the first ten feet to twenty-five feet from the building grade as established and/or approved by the Township Engineer, thereafter there shall be a sloping grade of at least one percent (i.e. a rate of one foot per 100 feet) and no more than a seven percent slope. The foregoing minimum requirements shall be subject to modification, and slope requirements otherwise shall be determined by existing elevation at the sidelots, including, if necessary, "stepping" the brick ledge of the proposed building to match existing side-lot elevations. In all cases the ultimate determination of drainage, slope and grade pursuant to the foregoing shall be established by the Township Engineer. Unless otherwise established by the Township Engineer, the outside grade shall be not less than twelve inches above the highest elevation of the public sidewalk adjoining the site and not less than eighteen inches above the highest elevation of the top of the curb for adjoining streets (or its center line if no curb exists).

Unless otherwise established by the Township Engineer, the outside grade shall not be more than twenty-four inches above the highest elevation of the public sidewalk adjoining the site and no more than six inches above the outside grade for any existing principal structure on any adjoining lots.

(Ord. 290-A-1. Passed 7-26-93; Ord. 319. Passed 12-22-97.)

#### **1470.065 MINIMUM REQUIREMENTS FOR DRAINAGE FACILITIES.**

For lots developed where an engineering, grading, and drainage plan has not been prepared and approved pursuant to Title Six of Part Twelve of these Codified Ordinances (the Land Development Regulations), the following minimum requirements shall apply:

(a) An eight-inch enclosed drainage line of materials subject to approval by the Township Engineer shall be constructed along the side and rear property lines. A variance in the size and location of the eight-inch line shall be subject to issuance by the Superintendent of the Department of Public Works upon written application therefor.

(b) A two-foot catch basin or a special basin as approved by the Superintendent of the Department of Public Works shall be placed in approved locations at the intersections of the side and rear property lines.

(c) The drainage line shall be made available to adjacent property owners through extension of the line to abutting property lines. An easement permitting the receipt of drainage and the establishment of a connection shall be provided.

(d) Lots shall be graded to allow water to flow freely to the catch basin.

(e) As determined by the Superintendent of the Department of Public Works, a swale may be required along side lots.

(f) Sump pumps may not discharge to any road surface. Sump pumps may only be directed to a storm sewer or a location in a ditch or swale as approved in writing by the Superintendent of the Department of Public Works.

(g) In the event three or more contiguous lots are being developed, the rear lot storm sewer line shall be constructed of materials as approved by the Township.

(h) In the event a site drainage plan cannot meet the requirements of this section and/or this Building and Housing Code, a variance may be sought in writing from the Superintendent of Water and Sewers, the Superintendent of Public Works, the Township Engineer or their designees. The standards for issuance of a variance shall be the same standards as set forth under the Land Development Regulations (Title Six of Part Twelve of these Codified Ordinances) for the issuance of variances.

(Ord. 290-A-1. Passed 7-26-93; Ord. 319. Passed 12-22-97.)

#### **1470.07 DRAINAGE SITE MAINTENANCE, IMPROVEMENT OR MODIFICATION.**

Each property owner shall be jointly and severally liable for the maintenance of drainage facilities and the drainage easement areas. Notice may be delivered by first class mail to the last known owner of record pursuant to the Township Assessing Department's records advising of the need for any maintenance, improvement or modification. If such notice is furnished and the property owner fails to undertake such maintenance, improvement or modification within thirty days, the Township may undertake such maintenance and repair. Costs of such maintenance, improvement or modification, including administration costs, engineering costs and other professional fees, shall be established as a lien against the property and collected in the same manner as ad valorem real property taxes added as a separate item under the next real property tax statement. Notwithstanding the thirty-day notice requirement, in the event of an emergency condition requiring immediate intervention in order to eliminate a nuisance or avoid injury or damage to persons or property, the Township may enter upon the property and complete maintenance and repair without notice. A report will be furnished to property owners of record in such instance. Property owners of record shall be jointly and severally liable for all such costs and expenses incurred by the Township under such circumstances, which shall be collected in the same manner as set forth hereinabove. No structures, objects or plantings, other than grass or fences, shall be permitted in the area of the drainage easement. The Township is authorized to remove, at any time, any structures, fences, plantings or objects not permitted in the area of the drainage easement. The cost of removal shall be billed to the property owner and included upon the next tax bill for ad valorem real property taxes. Structures, objects, plantings and fences removed may be disposed of after three days. The Township shall not be liable for any damage or injury to any items so removed.

(Ord. 290. Passed 5-29-91.)

#### **1470.075 STORM DRAINAGE SEPARATION FROM SANITARY SEWERS; DISCHARGE FROM EAVESTROUGHS, GUTTERS AND DOWNSPOUTS.**

(a) Backfill and Grading. Basement excavations and/or excavations for foundation walls for buildings and structures served by a public sewer shall be backfilled immediately upon completion of construction of the basement wall or other foundation wall. The earth surface surrounding such wall shall be graded so as to direct the drainage water away from such wall to a point of disposal at minimum in accordance with the provisions of Section 1470.06. During stages of construction of the building, temporary downspouts and connections directing the storm water away from the building shall be provided, and the owner and/or contractor or person in charge of the premises shall be jointly and severally liable for maintaining such drainage during all times the building is connected to a public sewer.

(b) Disallowed Connections to Sanitary Sewer. No person shall make or allow connection of any roof downspouts, foundation or footing drains, areaway drains, or other sources of surface runoff and/or groundwater to a building sewer or building service sewer which is in turn connected directly or indirectly to a public sanitary sewer. No person shall allow to be maintained any connection of any roof downspout through any footing drain, areaway drain or other source, which in turn is connected directly or indirectly to a public sanitary sewer.

(c) Mandatory Discharge Point; Eavestrough, Gutter, Downspout Where Footing Drain Connected to Sanitary Sewer. All

buildings, existing and proposed, shall be equipped with adequate eavestroughs, gutters and downspouts, splashguards, and similar connections, extended so as to discharge storm water through an impermeable structure or impermeable surface to a discharge point at least five feet (1-52/100 (1.52) meters) perpendicularly away from all building walls. The point of discharge to the grounds shall slope away from the building so that surface water will be effectively disposed of away from the building. Building service drains and other storm discharge facilities shall be designed, installed and maintained to avoid discharge upon paved surfaces and public rights of way designed for pedestrian and vehicular traffic, and the owner and/or occupants or builders, jointly and severally, shall provide for an appropriate design and/or maintenance to avoid hazards of freezing and thawing on paved surfaces. The provisions of this section requiring discharge five feet perpendicular shall not apply where footing drains are not directly or indirectly connected to a public sanitary sewer.

(d) Notice to Correct; Enforcement by Township; Lien for Reimbursement of Expenses Incurred by Township. The responsibility and cost for providing changes to existing building drainage pursuant to this section is decreed to be the joint and several responsibility of the owner/lessee and/or occupant, and the continuation of drainage contrary to the provisions of this chapter is decreed to be a public nuisance to be abated. Following notification in writing by either the Superintendent of the Department of Public Works, the Superintendent of the Department of Water and Sewers, or his or her designee, the owner/lessee and/or occupant, jointly and severally, shall have sixty calendar days to disconnect the areaway drains to a public sanitary sewer or to install eaves, gutters, downspouts and grading so as to comply with the provisions of this chapter. Thereafter, the Township may enter upon the premises and perform necessary work, with such expenses to be imposed as a lien upon the property, to be collected in the same manner as prescribed by the general laws of the State relative to ad valorem real property taxes, including an additional administration fee of ten percent of the actual costs incurred. Costs incurred shall be calculated by the actual material costs, and the man hours on the project shall be calculated at the regular rate plus any overtime, if applicable, and any and all applicable fringe benefits the Township employees utilized.

(Ord. 290-A-2. Passed 4-14-97.)

#### **1470.08 DRAINAGE FUND.**

There shall be established a Drainage Fund. The revenues for the Fund shall be derived from appropriated moneys from the Township General Fund and other sources permitted by law. The Drainage Fund shall be used for drainage-related projects, including the installation of drainage improvements to be financed by special assessments, and for any other purposes established by the Township Board.

(Ord. 290. Passed 5-29-91.)

#### **1470.09 DRAINAGE IMPROVEMENT CAPITAL EXPENDITURE PROGRAM.**

Each year the Township Department of Public Works Superintendent, in consultation with the Township Engineer, shall develop and submit a drainage improvement capital expenditure program. This program shall be known by the acronym "DICE". The DICE program shall be submitted to the Township Board as part of establishing the annual budget. The DICE program shall include at minimum the proposed project descriptions, estimated costs, recommendations on project financing, and a prioritization of projects.

(Ord. 290. Passed 5-29-91.)

#### **1470.10 FEES IMPOSED.**

In order to provide assistance in the eventual development, maintenance, repair and replacement of major drains throughout the Township (including County drains), a drainage system development fee shall be collected from every applicant for a building permit for new residential construction, except for building permits associated with items pursuant to Section 1470.05(e), unless grade changes are anticipated to occur. Fees shall also be collected from every applicant for a building permit for construction of a new building or a parking lot. Where a site has already been developed and has been previously received site plan approval, a fee shall be collected from every applicant for a site plan associated with any improvements upon the subject site.

Adequate site drainage, otherwise required pursuant to the Subdivision and Land Development Regulations, is required for all parcels within the Township. The development of adequate site drainage may require one or more of the following as determined by the Township:

(a) The installation of trunk and lateral drains, including acquisition of easement rights adequate to provide for off-site drainage in compliance with other Township ordinances, including the Land Development Regulations of the Township or any successor ordinances.

(b) The installation of trunk and/or lateral drains under special assessment district (SAD) proceedings (i.e. Act 188 of the Public Acts of 1954, as amended) to provide adequate off-site drainage as required pursuant to Township ordinances, including Land Development Regulations of the Township or any successor ordinances.

(c) The installation of trunk and lateral drains by the Township under the provisions of this chapter.

In order to assist in alleviating serious drainage problems, the Township may cause the installation of drains other than major drains. When the Township has caused the installation of such drains intended to furnish drainage for a parcel along or adjacent to the front, side or rear property lines, a lateral drain benefit fee obligation shall be imposed. The fee shall be imposed upon and payable jointly and severally by the owner or owners of the property and such fee shall be payable upon connection to the drain. The lateral drain benefit fee shall be a lien upon the property. In the event the lateral drain benefit fee is not paid within thirty days of connection or otherwise pursuant to the provisions of this chapter in a timely manner, the Township shall collect the fee in the same manner and procedures as the collection of ad valorem real property taxes.

A special lateral drain benefit fee shall be imposed where the Township has caused the installation of a drain through a parcel.

A front yard lateral benefit fee shall be imposed where the Township has caused the installation of a drain along the public road frontage of a parcel.

A rear yard lateral drain benefit fee shall be imposed where the Township has caused the installation of a drain along the side or rear property line of a parcel.

Drainage fees shall be paid in full prior to the issuance of a building permit where drains are installed pursuant to the provisions of this chapter.

(Ord. 290. Passed 5-29-91; Ord. 379. Passed 4-1-08.)

#### **1470.11 LOCATION FOR PAYMENT OF FEES AND POSTING OF BONDS.**

All drainage fees and all bonds provided for in this chapter will be payable at the location as provided by direction from the Supervisor for the Charter Township of Clinton and shall be subject to modification and location from time to time within the discretion of the Supervisor.

(Ord. 290-A. Passed 2-18-92; Ord. 379. Passed 4-1-08; Ord. 381. Passed 7-28-08.)

#### **1470.12 CONNECTION INSPECTION.**

All connections to drains pursuant to the provisions of this chapter shall be inspected prior to connection. Inspection requests shall be made through the Department of Public Works upon a prescribed form.

(Ord. 290. Passed 5-29-91.)

#### **1470.13 AMOUNT OF DRAINAGE FEES.**

Drainage fees shall be as prescribed from time to time by resolution of the Board of Trustees for the Charter Township of Clinton, except for initial fees provided herein. Such fees shall be effective thirty days after publication of an adopting resolution in a newspaper of general circulation in the Township. Fees are calculated as follows:

(a) Drainage System Development Fee. A drainage system development fee shall be due and payable prior to the issuance of any building permits in the following manner for the following uses:

(1) For single-family residential development, other than condominium development, drainage fees shall be calculated at ten cents (\$.10) per square foot, based on the grade level perimeter of the building and any attached structures or detached garages or other detached structures in excess of 120 square feet.

(2) For residential condominiums and residential multiple dwellings, five cents (\$.05) per square foot of the grade level perimeter of all buildings and attached structures and any pavement areas including roads and parking areas, excluding sidewalks but including driveways.

(3) For all other development, seven cents (\$.07) per square foot for the grade level perimeter of the building and attached structures and any pavement areas including roads and parking areas, excluding sidewalks but including driveways.

(4) For all redevelopment where a site plan has previously been issued and a new site plan has been applied for the rate shall be one-third of the fee which would be applicable from the foregoing paragraphs based on the nature of the development, i.e., single-family, residential family, residential condominium, residential multiple, or other development, unless the site plan provides for an expansion of parking lot and/or building envelope of over fifty percent of the entire site. If such expansion is proposed, the fees shall be calculated in the same manner as the previous paragraph. Fee calculation shall include all buildings, structures, roads, parking and driveways as depicted on the site plan, whether pre-existing or proposed.

(b) Special Lateral Drain Benefit Fee. Fees shall be charged on the basis of a linear foot or fraction thereof, utilizing the average width of the parcel and calculated as follows:

6 inches	-	\$15/lineal foot
8 inches	-	\$18/lineal foot
12 inches	-	\$32/lineal foot
15 inches	-	\$36/lineal foot
18 inches	-	\$40/lineal foot
24 inches	-	\$46/lineal foot
30 inches	-	\$54/lineal foot
36 inches	-	\$64/lineal foot
42 inches	-	\$84/lineal foot
Over 42 inches	-	\$120/lineal foot

(c) Front Yard Lateral Drain Benefit Fee. Fees shall be charged on the basis of a linear foot or fraction thereof, utilizing the average width of the parcel and calculated as follows:

6 inches	-	\$15/lineal foot
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8 inches	-	\$18/lineal foot
12 inches	-	\$32/lineal foot
15 inches	-	\$36/lineal foot
18 inches	-	\$40/lineal foot
24 inches	-	\$46/lineal foot
30 inches	-	\$54/lineal foot
36 inches	-	\$64/lineal foot
42 inches	-	\$84/lineal foot
Over 42 inches	-	\$120/lineal foot

(d) Rear Yard Lateral Drain Benefit Fee. Fees shall be charged on the basis of a linear foot or fraction thereof, utilizing the average width of the parcel and calculated as follows:

6 inches	-	\$15/lineal foot
8 inches	-	\$18/lineal foot
12 inches	-	\$32/lineal foot
15 inches	-	\$36/lineal foot
18 inches	-	\$40/lineal foot
24 inches	-	\$46/lineal foot
30 inches	-	\$54/lineal foot
36 inches	-	\$64/lineal foot
42 inches	-	\$84/lineal foot
Over 42 inches	-	\$120/lineal foot

(Ord. 290-A. Passed 2-18-92; Res. Unno. Passed 3-25-02; Ord. 379. Passed 4-1-08.)

**1470.14 INSTALLMENT PAYMENTS.**

Where an existing occupied residential structure for which an occupancy permit has been issued pre-exists the installation of drains by the Township under the provisions of this chapter, owners shall be permitted upon connection to pay fees required under the terms of this chapter in ten equal annual installments commencing with connection and each anniversary date thereon with interest at the rate of eight percent per annum.

In the event the parcel has a pre-existing residential structure for which an occupancy permit has issued and is owned by a person sixty-five years of age or older or by a husband and wife, either of which is sixty-five years of age or older, upon written request by all property owners an election may be made to pay connection fees commencing upon connection and thereafter on annual anniversary installments for a period of ten equal installments without interest. An election may otherwise be made to provide for connection with a lien against the property, with interest at eight percent per annum, due and payable in full upon any transfer or conveyance of the property or any interest therein other than to a surviving spouse upon death, or upon the discontinuance of occupancy by persons making such elections as a principal residence.

Where drains have been installed upon pre-existing owner-occupied residential structures for which an occupancy permit has been issued, and where a combined income of all owners of such property is below twenty thousand dollars (\$20,000), as shown by adjusted gross income on the Federal Income Tax Return for the most recent income tax payments may be made in ten equal installments commencing upon connection without interest. Proof of income, including furnishing State and Federal tax returns and other information reasonably required by the Township, shall be furnished as requested.

(Ord. 290. Passed 5-29-91.)

**1470.15 SUMP PUMP INSPECTION.**

Prior to the issuance of any type of certificate of occupancy, sump pumps shall be inspected, including all taps. Arrangements shall be made at least seventy-two hours in advance through the office of the Department of Public Works, and an inspection fee for the initial inspection and each and every reinspection shall be paid prior to each inspection. Such inspection fee shall be in the amount as set by the Charter Township of Clinton Board by resolution from time to time. (See Section 209.13(f)).

(Ord. 290-A-1. Passed 7-26-93; Ord. 319. Passed 12-22-97.)

**1470.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



## CHAPTER 1472

### Fences

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- 1472.01 Definitions.
- 1472.02 Installation and erection; permit required.
- 1472.03 General requirements.
- 1472.04 Obscuring materials.
- 1472.05 Issuance of permit; requirements.
- 1472.06 Hardship cases and appeals.
- 1472.07 Property owner agreements.
- 1472.99 Penalty.

#### **CROSS REFERENCES**

- Fences generally - see M.C.L.A. Secs. 43.1 et seq., 43.51 et seq.
- Galvanized wire fences - see M.C.L.A. Secs. 290.351 et seq.
- Damages for failure to erect or maintain fences - see M.C.L.A. Sec. 433.151
- Malicious destruction of fences - see M.C.L.A. Secs. 750.381 et seq.
- Fences in subdivisions - see P. & Z.1228.04(c)
- Fences around swimming pools - see B. & H.Ch. 1492

#### **1472.01 DEFINITIONS.**

As used in this chapter:

(a) "Building Department" means the Clinton Township Building Department.

(b) "Fence" means any structure of wood, metal, masonry, plastic or other synthetic materials designed, used, erected and affixed to the real estate for the purpose of enclosing or separating any portion of the real estate from adjoining land, whether or not such fence is located on the boundary line of the property to which it pertains. However, this shall not include fences erected and used as enclosures wholly within the confines of the property to which they pertain for the purpose of segregating an animal runway, or similar enclosures upon the property.

(c) "Owner" means any land contract purchaser, actual fee title owner or any other person who or which has an ownership interest other than as a renter or lessee.

(d) "Person" means any individual, corporation, partnership, joint venture, sole proprietor or other legal entity who or which has an ownership interest in lands within a Residential District in Clinton Township, Macomb County, Michigan.

(e) "Property owner" means any person, firm, corporation, association or other legal entity who or which owns or otherwise has any possessory interest in real property situate in Clinton Township which would lawfully entitle such entity to erect a fence upon such property.

(f) "Township Board" means the Clinton Township Board.

(Ord. 249. Passed 8-23-76; Ord. 261-A-1. Passed 2-11-80.)

#### **1472.02 INSTALLATION AND ERECTION; PERMIT REQUIRED.**

The installation, erection and/or maintenance of a fence is hereby prohibited, except in strict compliance with this chapter. A permit to be issued by the Clinton Township Building Department shall be obtained prior to installation or erection of any fence.

(Ord. 261-A-1. Passed 2-11-80.)

#### **1472.03 GENERAL REQUIREMENTS.**

No fence shall be installed, erected or maintained except in strict compliance with the following requirements:

(a) Metal Fences. Metal fences shall consist of new materials manufactured and/or treated in a manner to prevent rust and corrosion.

(b) Wood Fences. Wood fences shall be constructed of new materials and painted, stained, or preserved with decay resistant processes in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with other sections of fence to which it connects or is a part and which it represents.

(c) Plastic or Other Synthetic Material Fences. Where any of these materials are used as a fence, or part thereof, only new such materials shall be used and they shall be treated and maintained in a manner to maintain the fence in good structural condition and

with an appearance that is aesthetically compatible with the type of fence it represents. Further, such materials shall be of a design and constructed or integrated with the fence to which they are a part in a manner to prevent them from being destroyed or torn apart from the fence by climatic elements. For example, metal or synthetic material slats inserted in a fence shall be inserted in a manner so as to prevent them from being blown away or removed by wind or other weather conditions.

(d) Masonry Fences. Except as otherwise provided in any other Clinton Township ordinance requiring such fences or "walls" a masonry fence shall only be permitted with written approval of all property owners abutting the sides of the property upon which the fence is to be erected. Architectural or engineering drawings may be required at the discretion of the Building Superintendent and proper drainage shall be provided for.

(e) Barbed Wire or Electrically Charged Fences. These materials and types of fences are expressly prohibited, except as may be authorized for protective purposes as follows:

(1) Barbed wire may be affixed to the top of any fence used in an industrial or commercial district for protective purposes when such fence is a minimum of six feet between the ground level and the point at which such barbed wire is attached; and

(2) The Building Department determines that such barbed wire will not endanger the public health, safety or welfare.

(f) Height. No fence shall exceed four and one-half feet in height, except:

(1) Any fence which is of a type of material that obscures, and which is designed for the purpose of obscuring the property which it surrounds, may be of a greater height if the Building Department determines that such greater height will not endanger the public health, safety or welfare of the Township of Clinton and its inhabitants.

(2) A fence located in an industrial or commercial zoned district may exceed four and one-half feet in height when necessary for the purpose for which the fence is erected upon a determination by the Building Department that such additional height will not be detrimental to the public health, safety or welfare of the Township of Clinton and its inhabitants.

(3) Fences surrounding private swimming pools in Residential Districts must comply with swimming pool enclosure requirements of the current state building code.

(g) Privacy Screens. These types of structures which are erected for other than swimming pool areas and not upon property lines for enclosure of the land may be erected without a permit under this chapter, provided however, that this type of structure shall be subject to other requirements of this chapter.

(h) Maintenance of Fences. All fences shall be maintained in a manner to prevent rust, corrosion and deterioration and otherwise so as not to become a public or private nuisance, dilapidated or a danger to adjoining property owners and the public.

(i) Existing Fences. Any fence existing upon the effective date of this chapter may not be enlarged, extended or replaced except in strict compliance with all of the requirements of this chapter.

(j) Location in Front Yard. No fence shall be located in the front yard or nearer to the street or roadway upon which the premises abut than the front building line.

(k) Orientation. Post of fences and other supporting members shall be installed facing inward toward the property upon which such fences have been installed and the smooth side of the fence shall be installed facing adjacent properties and/or the public way. Any other orientation shall only be permitted upon approval by all adjoining property owners whose notarized signatures are furnished and approval of the Township in writing by the Superintendent of the Building Department.

(Ord. 261-A-1. Passed 2-11-80; Ord. 394. Passed 7-25-11; Ord. 410. Passed 1-5-15.)

#### **1472.04 OBSCURING MATERIALS.**

After the effective date of this section, it shall be unlawful for any person to plant, maintain or allow any hedge, foliage privacy screen or other substance or material which, in the discretion of the Building Department Superintendent or his or her agent, is opaque to the extent that visibility is obscured on any lot or residential premises in a Residential District in Clinton Township. The restriction listed in this section applies from the front lot line a distance of eighteen feet or to the building setback line if that distance is less than eighteen feet.

Obscuring materials that are less than eighteen inches from the ground elevation or more than six feet above the ground elevation shall not be deemed to be obscuring materials under this section.

(Ord. 249. Passed 8-23-76.)

#### **1472.05 ISSUANCE OF PERMIT; REQUIREMENTS.**

The Building Department shall issue a fence permit under the terms of this Chapter upon written application by the property owner or their authorized agent on forms furnished by the Department. The application shall be accompanied by a general plan showing the location of the proposed fence and a written statement setting forth the height, width, type and manner of construction contemplated, materials to be used along with such permit fee as may be prescribed by resolution of the Township Board. In addition, the following requirements shall apply:

(a) Grade. The grade for the bottom line of the fence shall be subject to approval by the Building Department. If the existing grade or present topography is not proper, the Building Department shall require the owner to establish elevation grades by its own engineer or land surveyor and furnish such grades to the Building Department for inclusion as part of the permit.

(b) Corner Lots. No obscuring fence shall be located nearer than ten feet to the right-of-way line of a side street. The Building Superintendent may permit the angling of obscuring fences provided sufficient sight lines are provided for public safety. A chain-link or other unobscuring fence may be permitted along the exterior side lot line provided said fence is unobscured within a

triangular area formed at the point of intersection of the side and rear lot lines. Such triangular areas shall be formed by a straight line drawn between said lot lines at a distance along the rear lot line of ten feet and along the exterior side lot line of twenty-five feet from their point of intersection. Such triangular areas shall not contain obscuring hedges, shrubs, trees or other plantings which exceed a height of 18 inches.

(Ord. 261-A-1. Passed 2-11-80; Ord. 394. Passed 7-25-11.)

#### **1472.06 HARDSHIP CASES AND APPEALS.**

Where strict compliance with the requirements of this chapter would be an undue hardship on the property owner, as a result of the circumstances and conditions of the property involved and its relationship to surrounding properties, or the type of fence contemplated, pursuant to this chapter, would not adequately and reasonably fulfill any reasonable purpose intended by a fence as contemplated, the Building Department may issue a special permit designed to accommodate such circumstances with reasonable conditions. No permit varying the terms of this chapter shall issue where the fence would create a hazard and/or unreasonably increase the risk of injury to persons or property or would result in a substantial lack of harmony with surrounding properties. The Building Department may refer the matter to the Charter Township of Clinton Zoning Board of Appeals for determination. If the property owner is aggrieved by a decision of the Building Department, the owner may appeal to the Charter Township of Clinton Zoning Board of Appeals for a waiver or variance of requirements. The Zoning Board of Appeals may consider a request for a variance or waiver in light of the requirements of this chapter. A fee shall be paid in the same amount as for a variance by either a residential or nonresidential applicant as set in the Fee Schedule Ordinance, Chapter 209 of this code. The reasons for the variance shall be set forth, in writing, upon an application form approved by the Zoning Board of Appeals. The Zoning Board of Appeals shall consider and issue a decision within forty-five days provided all information necessary for a decision has been timely submitted by the applicant.

(Ord. 261-A-1. Passed 2-11-80; Ord. 459. Passed 9-9-19.)

#### **1472.07 PROPERTY OWNER AGREEMENTS.**

Any agreements between property owners shall be subject to the provisions of this chapter. The Township of Clinton shall not be responsible for the enforcement of any such agreement.

(Ord. 261-A-1. Passed 2-11-80.)

#### **1472.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1474**

### **Firewood Storage**

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- 1474.01 Definitions.
- 1474.02 Purpose.
- 1474.03 Outside storage; compliance required.
- 1474.04 Regulations for outside storage.
- 1474.05 Variances.
- 1474.06 Liability of residents.
- 1474.07 Enforcement.
- 1474.99 Penalty.

#### **CROSS REFERENCES**

Unlawful deposits - see GEN. OFF. 676.01 et seq.

Collection and disposal of flammable materials - see S.U. & P.S. 1060.01(c)

Fire hazards - see P. & Z. 1298.03(i)

#### **1474.01 DEFINITIONS.**

As used in this chapter:

(a) "Face cord" means a quantity of firewood, as defined in this section, which, when piled in an orderly manner, has the dimension of eight linear feet in length, four linear feet in height and not exceeding two linear feet in width for a total of sixty-four cubic feet.

(b) "Firewood" means any part of a tree of whatsoever type that has been severed from the ground and cut into pieces for use in any indoor or outdoor wood burning device. This definition shall include such wood as may have been trimmed or milled into

lumber.

(c) "Outside storage" means the stockpiling of firewood, as defined in this section, in any place except a location completely enclosed within a building, structure, garage, barn or shed.

(d) "Stockpile of firewood" means any face cord, or fraction thereof, as defined in this chapter.

(e) "Yard," "front yard," "rear yard," and "side yard" are as defined in Section 1250.07 of the Zoning Code.

(Ord. 257. Passed 10-16-78.)

**1474.02 PURPOSE.**

It is necessary for the protection and further preservation of the public health, safety and welfare of the inhabitants of the Township of Clinton that the outdoor storage of firewood be regulated and restricted to minimize and eliminate rodent infestation, insect infestation and blocking of view of adjoining properties and vehicular traffic, and otherwise to protect the health, safety, and general welfare of said inhabitants.

(Ord. 257. Passed 10-16-78.)

**1474.03 OUTSIDE STORAGE; COMPLIANCE REQUIRED.**

The outside storage of firewood in any residentially zoned district in Clinton Township, under the applicable provisions of the Zoning Code, including Mobile Home Park Districts and Multiple-Family Residential Districts, is hereby prohibited, except as provided hereinafter.

(Ord. 257. Passed 10-16-78.)

**1474.04 REGULATIONS FOR OUTSIDE STORAGE.**

(a) Location on Premises. No firewood shall be stored in a front yard. Storage in a side yard shall be not closer than three feet to a side yard lot line. Storage in a rear yard shall be not closer than ten feet to a rear lot line.

(b) Manner of Storage:

(1) All firewood shall be stockpiled in a neat and orderly manner.

(2) Stockpiles shall be elevated not less than six inches above the ground and shall not exceed a total height of four feet, six inches, as measured from the ground.

(c) Number of Face Cords and Length of Stockpiles. The total number of face cords permitted on the premises and the length of stockpiles in each district subject to this chapter shall be:

District	Number of Face Cords	Length of Stockpiles (ft.)
R-1	5	24
R-2	4	16
R-3	4	16
R-3A	3	16
R-4	3	16
R-5	3	16
RT	2 *	8
TC	1 *	8 **
RM	1 *	8 **
RM-1	1 *	8 **
RM-2	1 *	8 **

\* Indicates the maximum allowable face cords per unit.

\*\* Face cords may be combined in central locations. However, in no case may the length of such stockpiles exceed twenty-four feet.

(Ord. 257. Passed 10-16-78.)

**1474.05 VARIANCES.**

The Township Board may authorize a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance with this chapter. Such variance may be granted by the Building Department or its representative after consideration of the criteria and standards herein stated.

In considering any such variance, the Board may take into account certain extenuating circumstances, such as trees which have fallen on the aggrieved person's property due to wind, storm or other similar acts of God, or proof, that if it can be provided, that an

unusual amount of wood burning and storage is necessary for health or medical reasons.

(Ord. 257. Passed 12-11-78.)

#### **1474.06 LIABILITY OF RESIDENTS.**

Any person, firm or corporation who or which resides on the premises in any zoning district affected by this chapter shall be responsible for compliance herewith and will be liable for prosecution and punishment upon conviction of a violation hereof.

(Ord. 257. Passed 10-16-78.)

#### **1474.07 ENFORCEMENT.**

This chapter shall be enforced by any employee or agent of the Clinton Township Building Department.

(Ord. 257. Passed 10-16-78.)

#### **1474.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1488**

### **Signs**

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EDITOR'S NOTE: This chapter, previously a codification of Ordinance 278, passed March 14, 1988, as amended, was repealed and re-enacted in its entirety by Ordinance 298, passed December 29, 1993.

1488.01 Purpose.

1488.02 Definitions and restrictions.

1488.03 Schedule of regulations.

1488.04 Permit required; external illumination; location; removal by Township.

1488.045 Pre-existing signs.

1488.05 Variances.

1488.06 Violations; notice.

1488.99 Penalty.

#### **CROSS REFERENCES**

Defacing on private property - see M.C.L.A. Sec. 750.385

Posting without permission - see M.C.L.A. Secs. 752.821 et seq.

Graffiti - see GEN. OFF. Ch. 634

Signs on the Metropolitan Parkway - see GEN. OFF.656.03

Destruction and defacing of signs - see GEN. OFF.660.06

Sign specialty technician's license - see B. & H.1446.17

Fire lane signs - see F.P. 1610.03(BOCA F-311.3)

#### **1488.01 PURPOSE.**

This chapter shall regulate the location, number, type, size and height of all signs and outdoor display structures in all zoning districts, as established in Part Twelve - the Planning and Zoning Code, for the purposes of reducing sign or advertising distractions and thereby reducing traffic hazards and accidents; reducing hazards which could be caused if signs were to be located in, project into or overhang any public right of way or be attached to utility poles; diminishing visual pollution caused by the unlimited number, type and size of signs and thereby increasing the effectiveness of signs; and so protecting the health, safety and welfare of the public.

(Ord. 298. Passed 12-29-93; Ord. 431. Passed 4-24-17.)

#### **1488.02 DEFINITIONS AND RESTRICTIONS.**

As used in this chapter:

(a) "Area of a sign" means the entire area within a circle, triangle, parallelogram, or other geometric configuration, enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or

color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which the sign is placed.

(b) "Awning sign" means a sign that is made of canvas, plastic or similar material, stretched over a frame and directly attached to a wall of a building. Awning signs shall not project more than sixty inches from the wall or more than twelve inches above the roof line.

(c) "Billboard sign" means a sign which advertises a commercial activity or service not conducted on the premises upon which the sign is placed.

(1) The maximum size of a billboard sign shall be 300 square feet in display area.

(2) The maximum height of a billboard sign shall be fifty feet.

(3) A billboard sign shall be permitted on land located within the 1-2 General Industrial District when such District abuts an interstate highway.

(4) A billboard sign shall not be located closer than 1,000 feet to any other billboard sign.

(d) "Changeable copy" means a portion of a business sign, not exceeding twenty square feet, which has characters, letters or illustrations that can be changed or rearranged either manually or electronically.

(1) Changeable copy signs shall contain messages consisting only of letters, numerals and other such characters and shall not contain animation, movement or the appearance of movement.

(2) The frequency of message change shall not be less than 1.5 seconds. Scrolling, flashing, blinking or other visual effects are prohibited.

(3) The luminosity or brightness of the copy shall be within reason and, further, shall not be adjusted to the most intense setting available and shall be reduced at dusk.

(4) Signs with changeable copy shall not be located closer than 300 feet to residentially-zoned property.

(5) If it is determined that the operation of the changeable copy sign constitutes a hazard, distraction or nuisance to motorists or to neighboring property owners, the Township will advise the owner of the sign with written notice.

(e) "Commercial sign" means an accessory sign related to the commercial activity or service conducted on the premises upon which the sign is placed.

(1) A commercial sign may be a lawn sign, pylon sign or wall sign.

A. "Lawn sign" means a free-standing sign supported by uprights, braces or some object on the ground and which is not attached to a building or structure.

1. The maximum size of a lawn sign shall be 120 square feet in display area for parcels abutting a road under jurisdiction of the State of Michigan Department of Highways and Transportation and shall be 100 square feet in display area for parcels abutting any other road.

2. The maximum height of a lawn sign shall be eight feet.

3. A lawn sign shall not be located closer than fifteen feet to any ingress or egress.

B. "Pylon sign" means a type of pole sign.

1. The maximum size of a pylon sign shall be 100 square feet in display area for parcels abutting a road under jurisdiction of the State of Michigan Department of Highways and Transportation and shall be eighty square feet in display area for parcels abutting any other road.

2. The maximum height of a pylon sign shall be eighteen feet for parcels abutting a road under jurisdiction of the State of Michigan Department of Highways and Transportation and shall be fifteen feet for parcels abutting any other road.

3. A pylon sign shall have minimum clearance of six feet from the bottom of the face of the sign to grade level.

4. A pylon sign shall be located not closer than fifty feet to a residentially zoned district.

5. A pylon sign shall be located not closer than fifteen feet to any ingress or egress.

C. "Wall sign" means a sign fastened to or painted on the wall area of a building, structure or canopy with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

1. The maximum size allowed for a wall sign, awning sign or combination of the two, shall be determined by multiplying the linear width of the legally occupied tenant space or the building wall on which the sign is to be placed by two squarefeet, but shall not exceed 200 square feet in any case. An additional wall sign, utilizing the above computations, shall be allowed for any business occupying a unit with the exterior building walls fronting two major or secondary thoroughfares.

2. A wall sign shall not extend more than twelve inches beyond the surface of the building or structure wall on which it is placed.

3. A wall sign shall not extend more than twelve inches above the highest point used to measure the height of the building or twelve inches above the roofline at the point where the sign is attached, whichever is less.

(2) Any freestanding business which occupies its own separate parcel of land within the B-1, B-2, B-3 or B-4 Districts shall be permitted one wall sign and either one pylon sign or one lawn sign. An additional wall sign, and an additional pylon sign or lawn

sign, shall be permitted if the parcel has 250 linear feet or greater of frontage on two major or secondary thoroughfares. For those parcels with frontage on only one major or secondary thoroughfare, an additional pylon sign or lawn sign shall be permitted if the parcel has a linear street frontage of 300 feet or more.

(3) Any parcel of land occupied by two or more businesses in the B-1, B-2, B-3 or B-4 Districts shall be regulated as follows:

A. One lawn sign or one pylon sign advertising the entire development shall be permitted.

B. One additional lawn sign or one additional pylon sign advertising the entire development shall be permitted when such development abuts two major or secondary thoroughfares.

C. Each business within the development shall be permitted one wall sign,

D. One additional wall sign shall be permitted for a business occupying a unit with exterior building walls fronting two major or secondary thoroughfares.

(4) Each business occupying 40,000 square feet or more within a development shall be permitted one pylon sign or one lawn sign.

(5) In the OS-1 and OS-2 Districts, one lawn sign and one wall sign not exceeding forty square feet per development is permitted.

(6) Any parcel of land occupied by two or more businesses in the 1-1, 1-2 or TR Districts shall be regulated as follows:

A. One lawn sign identifying the entire development shall be permitted.

B. One additional lawn sign identifying the entire development shall be permitted such development abuts two major or secondary thoroughfares.

C. Each business within the development having separate and direct access to the exterior of the building and not from an entrance in common with other businesses, shall be permitted one wall sign.

(f) "Directional sign" means a sign providing direction within any one development. Directional signs for the purpose of directing or orienting when established by the Township, County, State, or Government of the United States of America, as may be required for the purpose of directing or orienting are not limited in number or size.

(g) "Festoon sign" means a sign consisting of incandescent light bulbs, banners, pennants or other such features.

(h) "Flashing/moving sign" means a sign which intermittently reflects light either from an artificial source or from the sun, has movement or illumination, such as intermittent flashing, scintillating or varying intensity, or has any visible portion in intermittent or constant motion, either from artificial or natural sources. "Changeable copy" as defined in this chapter is not considered a flashing/moving sign.

(i) "Identification sign" means a sign that displays the name and/or address of a person or firm.

(1) The maximum size of an identification sign shall not exceed four square feet in display area.

(2) The maximum height of an identification sign shall not exceed eight feet.

(j) "Non-Commercial Sign" means a permanent sign which provides non-commercial information at all times.

(1) The maximum size of a non-commercial sign upon a parcel zoned non-residential or occupied by a non-residential use and with an approved occupancy for twenty persons or more, shall be eighty square feet in display area for any non-commercial sign or combination of signs.

(2) The maximum size of a non-commercial sign in an area zoned non-residential or occupied by a non-residential use where the maximum allowed occupancy upon a structure is less than twenty persons shall be eighteen square feet for any non-commercial sign or combination of signs.

(3) The maximum size for any non-commercial sign upon any areas zoned residential and occupied by a structure approved for occupancy by more than twenty persons shall be eighty square feet in display area for any non-commercial sign or combination of signs.

(4) The maximum size of any non-commercial sign in any residential zoned area or area used for residential purposes with an approved structure with an occupancy capacity less than twenty persons shall be eighteen feet for any sign or combination of signs.

(k) "Non-commercial temporary sign" means a sign carrying a non-commercial message which has no permanent footing or foundation.

(1) The maximum size of a non-commercial sign shall be thirty-two square feet of display area on any non-residentially zoned and residentially occupied parcel and sixteen square feet in any residentially zoned and residentially occupied parcel. Signs constituting up to twenty-four square feet in total for all signs, shall be permitted for any residentially owned or occupied parcel. Signs up to thirty-two square feet of display area per each fifty feet of frontage shall be permitted in total in non-residentially zoned and non-residentially occupied areas.

(2) Non-commercial temporary signs shall not be located in, project into or overhang any public right of way or be attached to any utility pole.

(3) Non-commercial temporary signs shall be constructed of durable materials and erected in a manner so as to avoid collapse from inadvertent contact or wind or other weather conditions. Construction materials and erection shall occur so that no dangerous surfaces result, including, but not limited to, protruding nails or sharp edges.

(4) Non-commercial temporary signs shall be placed so as to avoid obstructing the view of vehicular and pedestrian traffic areas and shall be located not less than twenty-five feet, measured perpendicular, from any public right of way, private street, driveway, parking lot or sidewalk.

(l) "Portable sign" means a sign which is not fastened to a building or structure or permanently to the ground.

(m) "Real estate development sign" means a freestanding grade-level sign informing when a subdivision or other real estate development will commence construction or when it will be available for sale, use or occupancy.

(1) A real estate development sign may be located on or off the premises proposed for development.

A. A permit for a real estate development sign, valid for twelve months, shall be secured from the Clinton Township Building Department.

B. Additional permits for a real estate development sign may be granted provided the development is active.

(2) A real estate development sign shall inform the public of developments located in and approved by the Township.

(3) A real estate development sign shall not be located in, project into or overhang any public right of way, driveway, sidewalk or bicycle path.

(4) A real estate development shall be limited to one on-site sign and two off-site signs.

(5) A real estate development sign shall be located only on property abutting a major or secondary thoroughfare having a right-of-way width of at least eighty-six feet.

(6) The location of a real estate development sign shall not impede vehicular or pedestrian traffic.

(7) A real estate development sign shall not be fastened to a tree, utility pole, building or other structure and shall be securely fastened to the ground.

(8) The maximum size of a real estate development sign shall be eighty square feet in display area.

(9) The maximum height of a real estate development sign shall be fifteen feet.

(10) Upon submittal of an application for a permit for each real estate development sign, a cash deposit in the amount of five hundred dollars (\$500.00) shall be made with the Township Treasurer.

(11) Failure to comply with any and all of the above regulations or failure to completely remove the real estate development sign after the permit has expired shall result in forfeiture of the cash deposit.

(n) "Real estate sign" means a sign which advertises the particular property upon which it is placed for sale, rent or lease.

(o) "Sign" means the display of words, numerals, figures, devices, designs or trademarks to make known an individual, firm, profession, business, product or message and which is visible to the general public.

(p) "Special event sign" means a sign which advertises a grand opening, special event or similar message.

(1) A permit for a special event sign shall be secured from the Building Department.

A. A permit for a special event sign shall be issued not more than two times within any twelve-month period.

B. A permit for a special event sign shall be issued for a period not to exceed seven consecutive days.

(2) A special event sign shall be located only on the premises of the property upon which the special event is conducted. In a circumstance where more than one parcel of land is involved, only one special event sign shall be permitted.

(3) A special event sign shall be located so as not to project into or overhang any public right of way, driveway or sidewalk.

(4) The location of a special event sign shall not impede on-site or off-site vehicular or pedestrian traffic.

(5) A special event sign shall not be permanently fastened to a building or structure and shall be securely fastened to the ground.

(6) The maximum size of a special event sign shall be thirty-two square feet in display area.

(7) The maximum height of a special event sign shall be eight feet.

(8) Upon submittal of an application for a special event sign, a cash deposit in the amount of two hundred dollars (\$200.00) shall be made with the Township Treasurer.

(9) A special event sign shall be removed from the premises conducting the special event not later than twenty-four hours after expiration of the sign permit.

(10) Failure to comply with any and all of the above regulations or failure to completely remove the special event sign within twenty-four hours after the permit has expired shall result in forfeiture of one hundred dollars (\$100.00) of the cash deposit.

(11) Applicants who receive a permit for a special event sign thereby give the unconditional right to the Township, as a condition for the privilege of receiving the permit, to remove any special event sign or any portion or part thereof which remains on the premises for more than twenty-four hours after the permit has expired.

(12) Removal of a special event sign or any portion or part thereof by the Township more than twenty-four hours after the permit has expired shall result in forfeiture of the two hundred dollar (\$200.00) cash deposit.



- A. The maximum size of an entranceway sign shall be seventy-five square feet in display area.
- B. The maximum height of an entranceway sign shall be five feet.
- C. An entranceway sign shall not be located within the triangular area formed by the intersection of any two public right-of-way lines and the line between such public right-of-way lines at points twenty-five feet distant from the point of their intersection.
- D. A subdivision entranceway sign located within a public right of way shall comply with regulations established by the Macomb County Road Commission, the Michigan Department of Highways and Transportation or the United States Department of Transportation.

(q) "Vehicle business sign" means a vehicle upon which a sign is painted or attached and which is parked upon the premises for the intent of advertising.

(r) "Window sign" means lightweight sign constructed of material such as cardboard, cloth, paper, plastic, metal or wood.

(1) Window signs shall be limited in area to fifty percent of the total surface of the window.

(2) Window signs shall be located and contained wholly within a building so as to be visible from outside the building.

(Ord. 298. Passed 12-29-93; Ord. 298-A-1. Passed 10-3-94; Ord. Unno. Passed 9-29-97; Ord. Unno. Passed 8-27-01; Ord. Unno. Passed 12-16-02; Ord. Unno. Passed 11-21-05; Ord. 431. Passed 4-24-17.)

### **1488.03 SCHEDULE OF REGULATIONS.**

The following chart specifies those districts in which the designated signs are permitted. All conditions previously cited in this chapter are applicable:

[\[Click here to view chart in PDF format. Adobe Acrobat Reader required to view chart.\]](#)

(Ord. 298. Passed 12-29-93; Ord. Unno. Passed 8-27-01; Ord. Unno. Passed 11-21-05 ; Ord. 431. Passed 4-24-17.)

### **1488.04 PERMIT REQUIRED; EXTERNAL ILLUMINATION; LOCATION; REMOVAL BY TOWNSHIP.**

(a) All commercial signs, except non-electric directional, identification, real estate and window signs, shall require a permit issued by the Clinton Township Building Department.

(b) External illumination of signs shall be directed so as not to cause visual interference to persons driving on adjacent thoroughfares or to adjacent property occupants.

(c) Signs shall not be located in, project into or overhang any public right of way or which are be attached to any utility pole.

(d) Signs which are located in, project into or overhang a public easement or a public right of way or which are attached to a utility pole in violation of this section shall be removed by the Township without notice.

(1) Before any sign which has been removed by the Township is returned to the owner, a fee in the amount of fifty dollars (\$50.00) shall be paid to the Township Treasurer for removal and storage of the sign.

(2) Any sign which has been removed by the Township shall be deemed abandoned and shall be disposed of if the owner does not claim the sign within thirty days from the date of removal.

(e) Streamers, wind-blown devices, spinners, pennants and balloons are hereby prohibited.

(Ord. 298. Passed 12-29-93; Ord. 431. Passed 4-24-17.)

### **1488.045 PRE-EXISTING SIGNS.**

Any pre-existing signs which are not in compliance with the provisions of this chapter and have not received a variance shall not:

(a) Be changed to another type of sign which is not in compliance with this chapter;

(b) 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;

(c) Have its face or faces changed by more than thirty-three percent (one time only) unless the sign is brought into compliance with the requirements of this chapter;

(d) Be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty percent of the appraised replacement cost as determined by the Department of Building; or

(e) Be re-established after the activity, business or usage to which it relates has been discontinued for a period of ninety days or longer.

(Ord. Unno. Passed 9-29-97; Ord. 431. Passed 4-24-17.)

### **1488.05 VARIANCES.**

(a) Any person who has been refused a sign permit by the Township of Clinton because the proposed sign does not meet the provisions of this chapter may request a variance from such provisions from the Clinton Township Board of Appeals.

(b) A variance from the provisions of this chapter shall only be granted if the Sign Appeals Board finds that each of the following is true:

(1) The particular physical surroundings, shape or topographical conditions of the property would render compliance with the provisions of this chapter difficult and would likely result in a particular hardship on the owner, as distinguished from inconvenience to the owner or a desire to increase financial gain or avoid the financial expense of compliance.

(2) Strict enforcement of the provisions of this chapter would serve no useful purpose.

(3) The type of sign structure and the location proposed would not pose a significant risk to the public health, safety and welfare.

(4) The benefit to the general public and/or to the applicant under the circumstances outweighs any risk to traffic safety and the Township's desire to eliminate the accumulation of visual clutter in accordance with the stated purpose of this chapter.

(Ord. Unno. Passed 9-29-97; Ord. 431. Passed 4-24-17.)

#### **1488.06 VIOLATIONS; NOTICE.**

Any person, firm or corporation, public or private, or anyone acting on behalf thereof, who has any ownership interest in any sign placed contrary to the provisions of this chapter, or who places or contributes to the placement of any sign contrary to the provisions of this chapter, or who owns property upon which a sign has been illegally placed, shall be deemed to be in violation of this chapter. Where a property owner does not own the sign and has not placed or contributed to the placement of the sign contrary to the provisions of this chapter, said property owner shall, prior to the commencement of any prosecution against him or her, be provided with written notice and a period of thirty days within which to remove any illegal sign.

(Ord. 298-A-1. Passed 10-3-94; Ord. 431. Passed 4-24-17.)

#### **1488.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1492**

### **Swimming Pools**

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1492.01 Definitions.

1492.02 Construction; permit required.

1492.03 Application for permit.

1492.04 Location of outdoor pools.

1492.05 Fences.

1492.06 Water supply and waste disposal.

1492.07 Construction.

1492.08 Electrical installations.

1492.09 Recirculation system.

1492.10 Maintenance and operation.

1492.11 Abandonment.

1492.12 Inspections.

1492.99 Penalty.

#### **CROSS REFERENCES**

Swimming pools generally - see M.C.L.A. Secs. 325.601 et seq.

Permits for swimming pools - see M.C.L.A. Sec. 333.12525

Fences generally - see B. & H. Ch. 1472

#### **1492.01 DEFINITIONS.**

As used in this chapter:

(a) "Enforcing official" means any person or persons designated by the administrative authority of the Township to enforce the provisions of this chapter.

(b) "Person" means any individual, group of individuals, co-partnership, association, firm or corporation. The singular shall include the plural and the masculine the feminine.

(c) "Private" means not open to the public.

(d) "Swimming pool" means any artificially constructed, non-portable pool located either above or below grade intended for swimming or bathing, having a depth of two feet or more at any point.

(e) Definitions of terms used in this chapter other than those listed above shall be as defined by the International Swimming Pool and Spa Code (ISPSC), which is hereby adopted by reference.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.02 CONSTRUCTION; PERMIT REQUIRED.**

It shall be unlawful for any person to commence construction of a swimming pool until a permit authorizing such work shall have been obtained from the enforcing official.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.03 APPLICATION FOR PERMIT.**

Application for a permit to construct a swimming pool shall be approved by the enforcing official. Such application shall be accompanied by plans, specifications and calculations in duplicate, drawn to scale and in sufficient detail showing the following:

(a) A plot plan with elevations and topography at not greater than one-foot contours for fifty feet, measured radially from all points of the pool walls, and all existing principal and accessory buildings within said radius.

(b) Pool dimensions, depths and volume in gallons.

(c) Filter system with type, size and filtration and backwash capacities.

(d) Pool piping layout, with all pipe sizes and valves shown, and types of materials to be used.

(e) The rated capacity and head at filtration and backwash (where applicable) flows of the pool pump in G.P.M. (gallons per minute) with the size and type of motor.

(f) Disposal system for pool wastes.

(g) Mechanical and structural data and details.

(h) Location of sewer lines and all water supplies, utilities (electrical, gas, telephone, etc.) within twenty-five feet of the pool, and wells, water suction lines and private sewage disposal systems within seventy-five feet of the pool.

(i) Location of ditches, drains, culverts and watercourses within the plot plan area.

(j) Method to be employed to clean the pool (vacuum, etc.).

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.04 LOCATION OF OUTDOOR POOLS.**

All location of outdoor pools shall comply with Section 1258.02(r) of the Planning Zoning Code of the Charter Township of Clinton, which is hereby adopted by reference.

(Ord. 137. Passed 8-12-62; Ord. Unno. Passed 8-23-04; Ord. 437. Passed 10-30-17.)

#### **1492.05 FENCES.**

For the protection of the general public, swimming pools shall meet all enclosure requirements as stated in the current ISPSC, which is hereby adopted by reference.

(Ord. 137. Passed 8-12-62; Ord. 394. Passed 7-25-11; Ord. 437. Passed 10-30-17.)

#### **1492.06 WATER SUPPLY AND WASTE DISPOSAL.**

(a) Swimming pools shall be provided with a portable water supply.

(b) There shall be no cross-connections between portable water systems and swimming pool circulation systems. The water supply line to the pool shall be protected against backflow of water by means of a fixed air gap of six inches or more above the highest possible water level, or by an approved vacuum breaker installed in an approved manner. No over-the-rim fill spout will be accepted unless located under a diving board or installed in an approved manner so as to remove any hazard.

(c) There shall be no direct connections with the private or public sewer system.

(d) All pool drainage and waste water shall be disposed of in a manner approved by the enforcing official.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.07 CONSTRUCTION.**

(a) All types of equipment and material shall be approved by the enforcing official before installation. All work shall be done in a workmanlike manner. The pool structure shall be engineered and designed to withstand the expected forces to which it may be subjected.

(b) A walkway or deck constructed of concrete or other approved material three feet wide sloped away from the pool shall be constructed around the perimeter of the pool. The walkway surface shall be reasonably skid-resistant.

(c) Excavations shall be protected in an approved manner for safety purposes.

(d) The design of the pool and surrounding area shall be constructed and arranged in such a manner that no scum, splash or deck water shall return to the pool except through the filter system.

(e) The pool floor and walls shall have an approved impermeable surface.

(f) Diving boards shall be securely anchored and shall be installed with every consideration for safety in usage.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.08 ELECTRICAL INSTALLATIONS.**

All electrical installations or wiring in connection with swimming pools shall conform to the National Electrical Code and all other standards adopted in Section 1426.01 of these Codified Ordinances.

(a) Illumination lights shall be erected with an intensity of at least two foot-candles, installed and shielded so as to eliminate direct rays and minimize reflected rays upon adjoining premises.

(b) No electrical wires shall be nearer than ten feet from the waters edge nor shall any electric wire be situated within twenty-five feet from the waters edge of the pool which is less than ten feet above ground unless otherwise approved by the Building Department. Wires of any kind shall not cross or be over the water's surface. In the event that provisions of the State Construction Code, or State law applicable are more restrictive, such provisions shall apply.

(Ord. 137. Passed 8-12-62; Ord. 394. Passed 7-25-11; Ord. 437. Passed 10-30-17.)

#### **1492.09 RECIRCULATION SYSTEM.**

All recirculation systems shall comply with the ISPSC, which is hereby adopted by reference.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.10 MAINTENANCE AND OPERATION.**

All maintenance and operation shall comply with ISPSC, which is hereby adopted by reference.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.11 ABANDONMENT.**

The failure to maintain any swimming pool, or any part thereof, for a period of three months, or a shorter period of time should an immediate health hazard be designated by the Building Department shall be deemed conclusive proof of an intention to abandon the same by the owner thereof, and such pool, or any part thereof may be abated by the enforcement official consistent with provisions for abatement within the Code of Ordinances. Abatement remedies may include but are not limited to draining the pool, or providing water treatment. Such abandonment shall be constituted a public nuisance.

(Ord. 137. Passed 8-12-62; Ord. 394. Passed 7-25-11; Ord. 437. Passed 10-30-17.)

#### **1492.12 INSPECTIONS.**

(a) Inspections during and after construction shall be made by the enforcing official for the purpose of determining that all provisions of this chapter are being fulfilled and complied with.

(b) Final inspection and approval shall be required prior to pool usage. All pool installations must be completed, the pool must be filled with water and the filter system must be in operation at the time of the final inspection.

(c) The enforcing official shall have the right, at any reasonable hour, to inspect any swimming pool for the purpose of determining compliance with the intent of this chapter.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

#### **1492.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in Section 202.99, any improper or incorrect installation, operation, maintenance or use, so defined in this chapter, shall constitute a nuisance, and the enforcing official may, in addition to the penal provisions, abate such nuisance by means of a court action.

(Ord. 137. Passed 8-12-62; Ord. 437. Passed 10-30-17.)

## **CHAPTER 1494**

## Telecommunication Systems and Services

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[EDITOR'S NOTE: Chapter 1494, established by Ordinance 330, passed October 18, 1999, was repealed in its entirety by Ordinance 340, passed May 19, 2003.]

### TITLE EIGHT - Housing

- Chap. 1496. International Property Maintenance Code.
- Chap. 1498. Rental Housing Registration, Licensing and Inspections.
- Chap. 1499. Abandoned and Vacant Residential Structures.

#### CHAPTER 1496

#### International Property Maintenance Code

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- 1496.01 Current edition adopted; file copies.
- 1496.02 References to state and municipality.
- 1496.03 Enforcement and administrative agency.
- 1496.04 Fees and charges.
- 1496.05 Rodent and vermin harborage.
- 1496.06 Authority to enforce State laws.
- 1496.99 Penalty.

#### **CROSS REFERENCES**

- State Housing Code - see M.C.L.A. Secs. 125.401 et seq.
- Municipal Housing Act - see M.C.L.A. Secs. 125.651 et seq.
- Municipal housing commissions - see M.C.L.A. Secs. 125.653 et seq.
- Adoption, promulgation and publication of rules - see M.C.L.A. Sec. 125.694b
- Board of Tenant Affairs - see M.C.L.A. Secs. 125.699 et seq.
- Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.
- Hotels, boarding and lodging houses - see M.C.L.A. Secs. 427.1 et seq.
- Fair housing - see GEN. OFF. Ch. 624

#### **1496.01 CURRENT EDITION ADOPTED; FILE COPIES.**

The current edition of the International Property Maintenance Code, published by International Code Council, Inc. is hereby adopted by reference in the current edition of the Michigan Residential Code as amended herein for the purpose of promoting and protecting the public health, safety and welfare and all existing structures, residential and non-residential and on all existing premises, by establishing minimum maintenance standards for all structures and premises, fixing the responsibilities of owners, operators and occupants of all structures, and providing for the administration, enforcement and penalties. The current International Property Maintenance Code, together with the provisions of this Chapter shall be known and may be cited as the Property Maintenance Code of the Charter Township of Clinton. Copies of the Code shall be on file at the Office of the Building Department of the Charter Township of Clinton, available for inspection and for distribution at a reasonable charge as established from time to time by the Building Department Director.

(Ord. 394. Passed 7-25-11; Ord. 420. Passed 1-25-16.)

#### **1496.02 REFERENCES TO STATE AND MUNICIPALITY.**

Any reference in the Current International Property Maintenance Code, as adopted in Section 1496.01, to "state" (and name of state) shall mean the State of Michigan. Any reference therein to "municipality" (and name of municipality) shall mean the Charter Township of Clinton, Macomb County, Michigan. Any reference to the "Municipal Charter" and "local ordinances" shall mean the ordinances of the Charter Township of Clinton and all applicable statutes of the State of Michigan pertaining to constitutional township government.

(Ord. 394. Passed 7-25-11.)

#### **1496.03 ENFORCEMENT AND ADMINISTRATIVE AGENCY.**

The Charter Township of Clinton Building Department and each of its employees are hereby appointed as the enforcement and administrative agency of the Current International Property Maintenance Code, as adopted in Section 1496.01.

(Ord. 394. Passed 7-25-11.)

#### **1496.04 FEES AND CHARGES.**

Each and every reference in the Current International Property Maintenance Code, as adopted in Section 1496.01, to a fee or charge for a permit, services or any other purpose required therein shall be and hereby is deleted and each such fee or charge for the purpose therein designated shall be in such amount as may be set by resolution of the Charter Township of Clinton Board from time to time.

(Ord. 394. Passed 7-25-11.)

#### **1496.05 RODENT AND VERMIN HARBORAGE.**

(a) All structures and property shall be kept free from rodent and vermin infestation. Where rodents and vermin are found, they shall be promptly exterminated by lawful processes in accordance with product data requirements and in a manner not injurious to human health. Following extermination, proper precautions shall be undertaken to prevent re-infestation.

(b) Detached garages, sheds, and similar structures shall be erected on a minimum four-inch wide by twenty-four-inch deep concrete rat wall with a four-inch concrete slab, or as approved by the building official. All applicable requirements of the state building code as amended, shall be enforced.

(c) Any addition constructed on a pier foundation and located less than eighteen inches above the grade adjacent to the proposed structure, must provide a four-inch concrete slab and a four-inch wide by twenty-four-inch deep concrete rat wall or equivalent as approved by the building official.

(Ord. 394. Passed 7-25-11; Ord. 426. Passed 3-13-17.)

#### **1496.06 AUTHORITY TO ENFORCE STATE LAWS.**

This Chapter shall not limit or restrict the Building Department from enforcing any lawful procedures or provisions under the laws of the State of Michigan pertaining to the elimination or correction of defects in any building or structure, or the maintenance of any premises which, because of its condition could be harmful to the health, safety and welfare of the inhabitants of the Charter Township of Clinton. The adoption of this Chapter by the Township recognizes and authorizes the Superintendent of the Building Department, or the Superintendent's designee to enforce compliance with the laws of the State of Michigan by any method permitted under such laws in addition to methods provided herein.

(Ord. 394. Passed 7-25-11.)

#### **1496.99 PENALTY.**

Any violation of any provision herein or any code incorporated or referenced, is deemed a misdemeanor subject to enforcement under penalty provisions for a misdemeanor within the provisions of the code.

(Ord. 394. Passed 7-25-11.)

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1498**

### **Rental Housing Registration, Licensing and Inspections**

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- 1498.01 Short title.
- 1498.02 Purpose.
- 1498.03 Definitions.
- 1498.04 Enforcement.
- 1498.05 Registration and licensing requirements.
- 1498.06 Manner of registering and request for inspection.
- 1498.07 Transfer of ownership.
- 1498.08 Fees.
- 1498.09 Maintenance of records.
- 1498.10 Inspections required.
- 1498.11 Frequency of inspections.

- 1498.12 Inspection procedure.
- 1498.13 Inspection certificate required.
- 1498.14 Contents of license.
- 1498.15 Request for inspection.
- 1498.16 License expiration.
- 1498.17 License transferability.
- 1498.18 License availability.
- 1498.19 Suspension or revocation of license.
- 1498.20 Other actions, prosecutions.
- 1498.21 Nondiscrimination on consent refusal.
- 1498.22 Inspection priority.
- 1498.23 Recurrent violations; additional inspections.
- 1498.24 Percentage based inspections.
- 1498.99 Penalty.

#### **1498.01 SHORT TITLE.**

This chapter shall be known and may be cited as the Rental Housing Registration, Licensing and Inspection Ordinance and will be referred to herein as "this chapter."

(Ord. 357. Passed 9-12-05.)

#### **1498.02 PURPOSE.**

The Township recognizes the need for a registration, licensing, and inspection program for residential rental units within the Township for the health and safety of its residents and to provide an efficient system for compelling landlords to correct violations and to maintain, in proper condition, rental property within the Township. The Township recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration, licensing, and inspection of all residential rental units within the Township as defined in this chapter, so that effective and regularly scheduled inspections can be made by designated Township building officials.

(Ord. 357. Passed 9-12-05.)

#### **1498.03 DEFINITIONS.**

As used in this chapter, the following terms shall have the following meaning, unless the context clearly indicates that a different meaning is intended:

- (a) "Dwelling unit" means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities and sanitary facilities.
- (b) "Rooming unit" means any room or group of rooms forming a single habitable unit or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (c) "Dwellings" mean:
  - (1) "Single-family dwelling." A building designed exclusively for and occupied by one family.
  - (2) "Two-family dwelling (duplex)." A building designed exclusively for occupancy by two families living independently of each other.
  - (3) "Multi-family dwelling." A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.
  - (4) "Boarding house," "rooming house," "lodging house" and "tourist house." A building arranged or used for lodging, with or without meals, for compensation, by individuals who are not members of the family.
  - (5) "Hotel." A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, boarding house, rooming house, tourist house, dormitory or a place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.
- (d) "Person" means any individual, firm, partnership, association, joint stock company, joint venture, limited liability company, public or private corporation or receiver, executor, personal representative, trustee, conservator or other representative appointed by order of any court.
- (e) "Permanent resident" means any person who occupies or has a right to occupy any room or rooms in a hotel or motel for at least thirty consecutive days.
- (f) "Premises" means any lot, plot, or parcel of land including the buildings or structures thereon, which also includes dwelling

units, rooming units and dwellings.

(g) "Property manager" means that person authorized by the property owner to act on his, her, or its behalf.

(h) "Property owner" means any person who owns individually or with others, the premises or any portion thereof which includes the leasehold.

(i) "Township" means the Charter Township of Clinton.

(j) "Building Department" means the Charter Township of Clinton Building Department.

(k) "Building Official" means the Superintendent for the Charter Township of Clinton Building Department, or his or her designee.

(l) "Lease" means a written or unwritten agreement or contract that sets forth the terms and conditions, rights and obligations of each party with respect to a residential dwelling, dwelling unit, rooming unit, boarding house, rooming house, single-family dwelling, two-family dwelling, multi-family dwelling, lodging house, tourist house or hotel, building, premises or structure, that is not occupied by the owner of record.

(m) "Leasehold" means the area allowed to be occupied, rented or let for residential occupancy, i.e. residential dwelling units, dwelling unit, rooming unit, boarding house, rooming house, single-family dwelling, two-family dwelling, multi-family dwelling, lodging house, tourist house or hotel which premises are occupied or intended for residential occupancy.

(Ord. 357. Passed 9-12-05; Ord. 471. Passed 4-26-21.)

#### **1498.04 ENFORCEMENT.**

The Building Official shall be the principal enforcement officer and is authorized to issue violations and appearance tickets pursuant to the provisions of this chapter.

(Ord. 357. Passed 9-12-05.)

#### **1498.05 REGISTRATION AND LICENSING REQUIREMENTS.**

No person shall allow to be occupied, rented or let to another person for occupancy any leasehold, which premises are intended for occupancy or occupied as residential rental property within the Township, unless a registration form has been properly made and filed with the Building Department and for which a current, valid license has been issued and is in good standing with the Building Department. "Good standing" means no outstanding, uncorrected building violations for which written notice has been furnished to the landlord. Registration shall be made upon forms supplied by the Building Department which shall include the following minimum information:

(a) Name, address, telephone number and email address of the property owner;

(b) Name, address, telephone number and email address of the designated local property manager who has authority for receipt of service of notice of violation of the provisions of this chapter, if any;

(c) The street address of the property containing the leasehold;

(d) The number and types of units within the property containing the leasehold;

(e) The maximum number of occupants permitted for each unit;

(f) The name, address, telephone number and email address of the person authorized to make or order repairs or services for the property, if a violation is identified by the Building Official.

(Ord. 357. Passed 9-12-05; Ord. 471. Passed 4-26-21.)

#### **1498.06 MANNER OF REGISTERING AND REQUEST FOR INSPECTION.**

Registration and a request for an inspection shall be made by the property owner or designated local property manager in the office of the Building Department as follows:

(a) For residential rental property that pre-exist this chapter, within ninety days of the effective date of this chapter.

(b) For new residential rental property units, at the time when a temporary or permanent certificate of occupancy is issued by the Building Department.

(c) During the application process, but prior to a license being issued, the dwelling unit may continue to be occupied until a final determination of the Building Official.

(d) Upon receipt of registration and request for an inspection, the building official shall have sixty days to conduct its inspection, absent circumstances beyond its control.

(Ord. 357. Passed 9-12-05.)

#### **1498.07 TRANSFER OF OWNERSHIP.**

Every new owner of residential rental property that is subject to this chapter, which premises are to be let or rented (whether as fee owner or contract purchaser) shall be required to furnish to the Building Department, within thirty days of the transfer of ownership, all the information required in Sections 1498.05 and 1498.06. No registration fee shall be required of the new owner during the year in which the possession takes place provided that the previous owner has paid all registration fees and has



complied with all requirements of this chapter and any notices from the Township concerning correction of violations.

(Ord. 357. Passed 9-12-05.)

#### **1498.08 FEES.**

(a) The Township Board shall establish from time to time by resolution an appropriate fee for registration, licensing and inspections for property subject to this chapter. Such fees shall be effective thirty days after publication of an adopting resolution in a newspaper of general circulation in the Township. Failure to pay fees as required by this chapter shall, in addition to the penalties described below, result in the suspension and/or revocation of a license. All fees shall be payable at the Building Department.

(b) In addition to any other remedies available at law, the Township may impose a lien on the premises for any unpaid fees. Said lien may be collected in the same manner as provided by the general laws of the state relative to ad valorem real property taxes.

(c) Registration fees shall be due and payable in full at the time of filing the registration form. License fees shall be due and payable in full prior to the issuance of any license. Inspection fees shall be due and payable upon scheduling an inspection date with the consent of the lessee/tenant, or otherwise upon completion of the inspection. A property owner or property manager is not liable for an inspection fee if the inspection is not performed and the Building Department is the direct cause of the failure to perform the inspection.

(Ord. 357. Passed 9-12-05; Ord. 471. Passed 4-26-21.)

#### **1498.09 MAINTENANCE OF RECORDS.**

(a) All records, files and documents pertaining to this chapter shall be maintained by the Building Department and made available to the public as required by law.

(b) No person shall provide false information when satisfying the requirements of this chapter.

(c) The Township shall produce a report on income and expenses of the Inspection Program for the preceding fiscal year which shall state the amount of the fees assessed, the costs incurred in performing inspections and the number of units inspected. The report shall be provided to the requesting party in electronic form within ninety days after such request is made in writing. If the Township does not have readily available access to information required for the report, it may charge the requesting party a fee, not greater than the actual reasonable costs of compiling and providing the information. Any charges for fees under this subsection shall be included in the report.

(Ord. 357. Passed 9-12-05; Ord. 471. Passed 4-26-21.)

#### **1498.10 INSPECTIONS REQUIRED.**

(a) All single-family dwelling, two-family dwellings, multi-family dwellings, boarding houses, rooming houses, lodging housing, tourist houses and hotels that rent or lease to permanent residents shall be inspected periodically for compliance with this chapter.

(b) The provisions of this section shall not apply to:

- (1) Dwellings, buildings, structures and uses owned and operated by any governmental agency;
- (2) Dwelling, buildings, structures and uses licensed and inspected by the state;
- (3) Hotels, motels, or similar uses that do not rent to permanent residents.
- (4) Owner occupied dwellings. This exception only applies to that portion of the dwelling occupied by the owner.

(5) Multiple dwellings and other dwellings, where inspection has been conducted by the United States Department of Housing and Urban Development under the Real Estate Assessment Center inspection process.

(c) Where a nonresidential business or activity, or a state licensed and inspected use occupies a portion of a building and premises which would be otherwise subject to this chapter, the provisions of this chapter shall be applicable to the residential and common or public areas of such building and premises.

(Ord. 357. Passed 9-12-05; Ord. 471. Passed 4-26-21.)

#### **1498.11 FREQUENCY OF INSPECTIONS.**

(a) All premises for rent or lease as defined in this chapter will be subject to inspection by the Building Department at a minimum of every two years, upon the transfer of ownership, or upon discovery of a failure to register.

(b) Neither the common areas nor the dwelling or rooming units in structures newly constructed shall be further inspected after the completion and issuance of a certificate of occupancy for a period of two years from the date of the said certificate, unless the Township has notice that unit is not meeting minimum requirements of the Township ordinances or State codes. Thereafter said units shall be inspected in accordance with the requirements of this chapter.

(c) Inspections may occur more frequently than every two years where any of the following occurs:

- (1) The lessee/tenant has made a complaint and requested an inspection and consented to entry;
- (2) The Township serves an administrative warrant ordering the property owner to provide access;
- (3) The Township has been advised by either a property owner or a property manager that the lessee/tenant has consented to

a requested inspection by the Township;

(4) The lease authorizes the Township Inspector to enter the leasehold for inspection.

(Ord. 357. Passed 9-12-05; Ord. 471. Passed 4-26-21.)

#### **1498.12 INSPECTION PROCEDURE.**

(a) The following procedure shall apply to inspections:

(1) Inspections shall be conducted by the Building Official during reasonable business hours. An Inspector must receive consent from the lessee/tenant (or if more than one lessee/tenant, a lessee/tenant), prior to undertaking an inspection. The property owner shall notify the lessee/tenant of the Township's request to inspect, making a good faith effort to obtain the lessee's/tenant's consent for the inspection, and upon such consent being obtained, arranging for the inspection by the Township. The Inspector seeking admittance shall notify the lessee/tenant, from whom admittance is sought, that lessee/tenant has the right to refuse entry, unless a properly issued search warrant is issued and served. Consent of the lessee/tenant is not required, and a property owner of the leasehold shall provide the Township access to the leasehold for inspection during reasonable hours if any of the following apply:

A. The lease authorizes an Inspector to enter the leasehold for an inspection;

B. The lessee/tenant has made a complaint to the enforcing agency;

C. The leasehold is vacant;

D. The Township serves an administrative warrant ordering the property owner to provide access;

E. The lessee/tenant has consented to an inspection and/or the property owner has made a representation that the lessee/tenant has consented to the Township's inspection.

Prior to a property owner entering the leasehold under the exclusive possession of the lessee/tenant, the property owner shall request and obtain permission to enter, except in the case of emergency, including but not limited to fire, flood or other threat of serious injury or death, whereupon the property owner may enter at any time. The property owner of a leasehold shall provide access to the enforcing agency to areas of the premises that are not part of the leasehold, such as common areas or that are open to public view without the aid of binoculars, aircraft or other similar devices.

(2) The inspection shall include a review of the units interior and exterior, basement, and common areas. The inspection is by visual observations only and will be non-destructive in nature. The scope of the inspection is in no way to be construed as a comprehensive inspection as generally performed for new residential construction.

(3) If, upon completion of the inspection, the premises appear to be in compliance with all applicable Township ordinances and/or State codes and the appropriate fee has been paid, the Township shall issue a license certifying inspection of the premises within ten days.

(4) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable Township ordinances and/or State codes, the Township shall provide written notice of such violation(s) by first class mail to the property owner or manager, as the case may be, within ten days and shall set a reinspection date before which such violation shall be corrected. If such violation has been corrected within that period, the Township shall issue a license certifying inspection of the premises within ten days. If such violations have not been corrected within that period, the Township shall not issue a license or may suspend an existing license, as the case may be, and may take any action necessary to enforce compliance including; but not limited to, injunctive relief prohibiting occupancy.

(b) If the Building Official is denied access to the property to conduct an inspection as required by this chapter, said Building Official may apply for an administrative search warrant to access the property.

(c) Any person who owns any premises defined in this chapter shall be responsible for the maintenance of the structure and premises so as to comply with the applicable building, zoning, and property maintenance codes and/or ordinances.

(d) No person shall occupy, nor shall any owner allow a person to occupy, any premises defined in this chapter beyond sixty days after the revocation of an inspection license.

(e) Inspection reports, outlining the nature of rental inspections, shall be available at the Building Department for review. Said report is a guideline for inspections and is not intended to be all inclusive.

(f) Reinspection shall follow the same procedures as an original inspection.

(Ord. 357. Passed 9-12-05; Ord. 471. Passed 4-26-21.)

#### **1498.13 INSPECTION CERTIFICATE REQUIRED.**

(a) No person shall rent or lease for occupancy any premises as defined in this chapter without having a valid and current license certifying inspection for that premises.

(b) No person shall occupy, nor shall an owner allow a person to occupy, any premises as defined in this chapter that does not have a valid and current license certifying inspection for that premises.

(Ord. 357. Passed 9-12-05.)

#### **1498.14 CONTENTS OF LICENSE.**

(a) A license issued pursuant to this chapter shall provide the date the rental property was inspected and that the property appears to be in compliance with applicable Township ordinances and State codes. The license shall bear this legend in capital letter or bold faced type:

THIS LICENSE DOES NOT CONSTITUTE ANY REPRESENTATION OR WARRANTY AS TO THE CONDITION OF THE PREMISES DESCRIBED HEREIN (OR ANY ASPECT OF SUCH CONDITIONS), AND INTERESTED PERSONS ARE ADVISED AND ENCOURAGED TO MAKE THEIR OWN INDEPENDENT INSPECTIONS OF THE PREMISES IN ORDER TO DETERMINE THE CONDITION THEREOF. THE SUBJECT PREMISES HAVE BEEN VISUALLY INSPECTED BY A BUILDING OFFICIAL EMPLOYED FOR THIS PURPOSE, NOT BY A CERTIFIED HOUSING INSPECTOR. THE INSPECTION AND RELATED REPORTS ARE EVIDENCE ONLY OF WHAT HAS BEEN OBSERVED AND WHAT HE/SHE WAS ABLE TO REASONABLY OBSERVE AT THE TIME OF INSPECTION.

(b) No person shall alter or deface any license issued pursuant to this chapter without the written approval of the building official.

(Ord. 357. Passed 9-12-05.)

#### **1498.15 REQUEST FOR INSPECTION.**

The owner of any premises subject to this chapter shall request an inspection at the time of registration. The date and time of the inspection shall be scheduled at that time. Owners may also request inspections of said premises at any time with the procedures for inspections identified above taking place. Additional inspections shall occur at a frequency and time as determined by the Building Official.

(Ord. 357. Passed 9-12-05.)

#### **1498.16 LICENSE EXPIRATION.**

(a) The licenses certifying inspection issued pursuant to this chapter shall expire two years from the date the previous license was issued unless otherwise suspended and/or revoked pursuant to this chapter.

(b) The license shall have the expiration date prominently displayed on its face.

(Ord. 357. Passed 9-12-05.)

#### **1498.17 LICENSE TRANSFERABILITY.**

A license issued pursuant to this chapter shall be transferable to succeeding owners; provided, that within seven days of the transfer, the transferor shall provide written notice of said transfer to the Building Department. Such notice shall contain the name and address of the succeeding owners. The failure to provide such notice shall result in the suspension of the license. Further, upon receipt of written notice of transfer of ownership, the Township, at its option, reserves the right to conduct an inspection of the premises to determine whether the premises are in compliance with all applicable Township ordinances and State codes before approving a license transfer.

(Ord. 357. Passed 9-12-05.)

#### **1498.18 LICENSE AVAILABILITY.**

Upon the request of an existing or prospective tenant, the owner or the owner's agent or property manager shall produce the license certifying inspection by the Building Department.

(Ord. 357. Passed 9-12-05.)

#### **1498.19 SUSPENSION OR REVOCATION OF LICENSE.**

If the Building Official determines that any person has failed to comply with this chapter or any applicable Township ordinances or State code, the Building Official may suspend the license held by that person. A notice of suspension shall be provided by first class mail. A person aggrieved by such a suspension, or the initial denial of license, may appeal to the Construction Board of Appeals of the Township in writing within twenty days of issuance of the suspension or denial of license. During the appeal process to the Construction Board of Appeals, the dwelling unit may continue to be occupied until a final determination of the Construction Board of Appeals. A fee of one hundred dollars (\$100.00) is required at the time an appeal application is filed. Upon receipt of the request for appeal and application fee, the Board of Appeals shall hear and consider the matter. Failure to file a timely appeal will result in revocation of the license. The property owner and/or property manager or property owner's agent shall have the right to appear and be represented by counsel. The Board of Appeals, after proper hearing, shall issue its Order of Decision. There shall be no appeal to the Township Board. If an appeal is denied the license is revoked. If the appeal is granted, the license suspension is terminated and the application fee shall be returned by the Building Department. A notice of revocation shall be provided by first class mail.

(Ord. 357. Passed 9-12-05.)

#### **1498.20 OTHER ACTIONS, PROSECUTIONS.**

(a) Nothing in this chapter shall prevent the Township from taking action under any of its applicable fire, housing, building, zoning, health or safety codes, property maintenance codes or blight prevention codes for violations thereof or to seek injunctive relief or criminal prosecution of such violations in accordance with the terms and conditions of the particular ordinance under which

the Township would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this registration, licensing, and inspection chapter.

(b) Further, any violation of this chapter is hereby declared to be a nuisance per se. In addition to any other relief provided by this chapter, the Township may apply to a court of competent jurisdiction for an injunction to prevent the continuation of any violation of this chapter.

(Ord. 357. Passed 9-12-05.)

#### **1498.21 NONDISCRIMINATION ON CONSENT REFUSAL.**

Neither the Township nor the property owner shall discriminate against a lessee/tenant on the basis of whether the lessee/tenant consents to or refuses entry to the leasehold for an inspection by the Township. The Township shall not discriminate against a property owner who has made a good faith effort to obtain the lessee's/tenant's consent for an inspection and arranged or the for the inspection by the enforcing agency because the lessee/tenant refuses the agency entry for an inspection.

(Ord. 471. Passed 4-26-21.)

#### **1498.22 INSPECTION PRIORITY.**

(a) Individuals under 18. If a complaint identifies a multi-dwelling or other dwelling unit regulated under this chapter in which an individual under 18 years of age resides, or is reasonably believed to reside, the dwelling shall be inspected prior to any inspection in response to a nonemergency complaint.

(b) Immediate threats. Inspection frequency may be prioritized for lessee/tenant complaints where the Building Official determines that the nature of the complaint may represent a more immediate threat to the safety and wellbeing of any occupant.

(c) Lessee/tenant complaints. Inspection priority may occur where the origination of the complaint is from the lessee/tenant.

(d) Observed code violations. Inspection priority may occur where the observable conditions from public view, without the aid of binoculars, aircraft or other similar devices, indicate violations which may threaten the safety and wellbeing of any existing or perspective occupant.

(e) Geographic area or nature of residential unit. The Building Official may establish priority for inspection based upon the relative geographic location of units, such that units in one area are inspected and then another geographic area is moved to. The Building Official may further establish priority for inspection based upon the nature of units such that the premises with more or fewer residential units are scheduled for inspection.

(Ord. 471. Passed 4-26-21.)

#### **1498.23 RECURRENT VIOLATIONS; ADDITIONAL INSPECTIONS.**

Where within a two year period, on two or more occasions, as a result of lessee/tenant complaints or conditions otherwise observed, violations of the Property Maintenance Code or other Township ordinances relating to the leasehold premises are identified resulting in corrective action occurring or violations issuing resulting in corrective action, fines or costs imposed, more frequent inspections may be scheduled.

(Ord. 471. Passed. 4-26-21.)

#### **1498.24 PERCENTAGE BASED INSPECTIONS.**

The Building Official may promulgate a rule or rules which shall be established in writing and made available upon request to the public which permits the inspection of fewer than all of the units where residential premises contain more than a single unit. If this occurs, persons wishing to be notified of any change in the rules may submit their name, address and email by email to the Building Official who will provide notification upon any changes in the rules upon establishment.

(Ord. 471. Passed 4-26-21.)

#### **1498.99 PENALTY.**

See Section 202.99 for general code penalty.

(Ord. 357. Passed 9-12-05.)

## **CHAPTER 1499**

### **Abandoned and Vacant Residential Structures**

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1499.01 Definitions.

1499.02 Inspection requirements foreclosure.

1499.03 Registration of abandoned and vacant properties.

1499.04 Registration information.

- 1499.05 Monitoring fees abandoned and vacant residential structures.
- 1499.06 Obligation to timely secure residential structure.
- 1499.07 Right of entry.
- 1499.08 Maintenance of property.
- 1499.09 Requirement of re-inspection upon notice to register or notice to secure.
- 1499.10 Avoidance of utility interruption.
- 1499.11 Outstanding cost and assessments lien.
- 1499.12 Appeals.
- 1499.13 Penalty.

#### **1499.01 DEFINITIONS.**

As used in this chapter the following terms have the meaning set forth herein:

(a) "Abandoned structure." A residential structure is considered to be abandoned if it has not been legally occupied or maintained by a human, continuously for thirty days or more or meets any of the following criteria:

- (1) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity.
- (2) Has been boarded or partially boarded restricting ingress and egress through windows and/or doors for at least thirty days.
- (3) Has real estate taxes in arrears for a period of time exceeding 165 days.
- (4) Has either water, sewer, electric or gas or any of the foregoing disconnected or not in use.
- (5) Has not been maintained in compliance with the International Property Maintenance Code and ordinances of the Charter Township of Clinton that relate to residential structures their occupancy or use.

(b) "Vacant structure." Refers to a residential structure not legally occupied or maintained by a human for thirty days or more continuously.

(Ord. 387. Passed 7-27-09.)

#### **1499.02 INSPECTION REQUIREMENTS FORECLOSURE.**

Any lender under a note secured by a mortgage or any person, firm, or corporation holding a mortgage on a property who has filed a complaint for foreclosure by judicial action or is publishing a notice of foreclosure by advertisement, shall within five days of either filing the complaint or publishing the notice, inspect the property subject matter of the foreclosure proceedings. If the property is vacant or shows evidence of either being abandoned or vacant, the property shall forthwith be registered within ten days pursuant to this chapter. The property shall thereafter be inspected at least once monthly until any rights of the lender or party holding a mortgage no longer exists in the subject property.

A lender and/or party holding a mortgage shall undertake all reasonable and necessary steps to continue utility service to the subject parcel in order to avoid sump pump failure, back-up, broken pipes, or other damage to the subject property.

(Ord. 387. Passed 7-27-09.)

#### **1499.03 REGISTRATION OF ABANDONED AND VACANT PROPERTIES.**

Owners and holders of any mortgage on abandoned and/or vacant structures, jointly and severally, shall be responsible for registering such properties compliant with this chapter. Registration requirements do not preclude the Township from taking action pursuant to any applicable federal or state law or ordinance of the Township, or to issue notices and orders as may apply under other ordinances of the Township. Fees shall be charged to defray the Township's cost of registering such properties, as shall be determined and established periodically by resolution of the Board of Trustees.

(Ord. 387. Passed 7-27-09.)

#### **1499.04 REGISTRATION INFORMATION.**

For each abandoned and/or vacant structure as defined in this chapter an owner of such property and any person, firm, or corporation holding a mortgage on a property as disclosed as a matter of record shall register with the township providing the following information:

(a) The legal name and date of birth of each owner, or mortgage holder. If ownership or the entity holding a mortgage is by means of a corporation limited liability company partnership or other non-natural means, the resident agent. The resident agent, managing partner, general partners and/or shareholders names and dates of birth shall be provided.

(b) Address of persons referred to in paragraph 1.

(c) Telephone number and address of an agent or representative authorized by the owner, and/or party holding a mortgage to handle affairs for the property and to act as the person for notification. Such agent or representative must be capable of traveling to the property within a one hour driving radius of the city.

(d) Proof of identification of owners by way of copies of drivers licenses, copies of Articles of Incorporation, co-partnership agreements or other agreements verifying the existence of such entity.

(e) A statement which shall set forth the estimated length of time the property is expected to remain unused, reason for non use and description for all plans for restoration, repair, reuse, maintenance and continuation of utility operation.

(f) Such additional information as may be required and set forth and any registration form approved by the Superintendent of the Building Department.

(Ord. 387. Passed 7-27-09.)

#### **1499.05 MONITORING FEES ABANDONED AND VACANT RESIDENTIAL STRUCTURES.**

In order to defray the Township's costs of monitoring abandoned and/or vacant residential structures, the Township shall charge a monthly fee in an amount as established from time to time by resolution of the Board of Trustees. No fee shall be imposed until sixty days following transmittal by first class mail to the last known owner of record based on assessing records of a notice to register pursuant to this chapter.

(Ord. 387. Passed 7-27-09.)

#### **1499.06 OBLIGATION TO TIMELY SECURE RESIDENTIAL STRUCTURE.**

(a) Upon a notice to secure a residential structure being sent by first class mail to any person or entity appearing as an owner of record based on assessing records, such residential premises shall be secured within 72 hours. The Township may but is not required to secure the property, including the removal of debris, cutting of vegetation, snow removal and securing building openings by means of boarding the property in whole or in part, or taking other measures to secure the property. All such costs shall be assessable against any owner of the property.

(b) Both the owner and any holder of a mortgage shall be responsible to make an on-site inspection at a minimum monthly of any abandoned and/or vacant property, to determine whether the property is compliant with the requirements of this chapter.

(Ord. 387. Passed 7-27-09.)

#### **1499.07 RIGHT OF ENTRY.**

If any owner or mortgage holder fails to secure the property, the Township may seek an administrative search warrant in order to permit entry upon the property in order to secure the property. All administrative expenses associated with the issuance of the search warrant shall be recoverable and assessed against any owner and/or mortgage holder of the property jointly and severally.

(Ord. 387. Passed 7-27-09.)

#### **1499.08 MAINTENANCE OF PROPERTY.**

(a) Each owner and/or mortgage holder of any abandoned or vacant residential structure shall be jointly and severally responsible for maintaining the structure and property in conformity with applicable law including ordinances of the Township. This includes but is not limited to exterior maintenance, vegetation cutting and maintenance, landscaping, snow removal and maintenance and repairs to the structure itself.

(b) The property shall be kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials and any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned. The property shall be maintained free of graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint matching the color of the exterior of the structure. Visible front, side and rear yards shall be landscaped and maintained to the neighborhood standard at the time registration was required. Landscaping includes but is not limited to trimming grass, ground cover, bushes, shrubs, hedges or similar plantings, maintaining decorative rock or bark and mulching. Maintenance includes but is not limited to regular watering, irrigation, cutting, pruning and removal of all trimmings. Irrigation systems shall be maintained and or winterized. Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained, kept dry and/or winterized. Code required safety enclosures (fencing, gates, alarms and covers) shall be maintained. Each of these requirements shall be cumulative and in addition to any and all other requirements otherwise required of the ordinances of the Township or other laws and codes.

(Ord. 387. Passed 7-27-09.)

#### **1499.09 REQUIREMENT OF RE-INSPECTION UPON NOTICE TO REGISTER OR NOTICE TO SECURE.**

Upon a notice to register or notice to secure being sent to any owner, such abandoned and/or vacant structure shall not be reoccupied until inspected and found to be in full compliance with the codes of the Charter Township of Clinton. All violations shall be corrected in accordance with the state construction code and/or any other applicable codes including the international property maintenance code if applicable. All mechanical, electrical, plumbing and structural systems shall be certified by a licensed contractor as being in good repair. A right to occupy shall not be permitted until all outstanding cost assessments or fees owed to the Township have been paid in full including re-inspection fees.

(Ord. 387. Passed 7-27-09.)

#### **1499.10 AVOIDANCE OF UTILITY INTERRUPTION.**

Owners of property and holders of mortgages shall be jointly and severally liable for avoiding and/or correcting any interruption in utilities which will have the result of causing or contributing damage to the premises including maintaining continuity of electrical power so that sump pumps will operate, maintaining heat so as to avoid broken pipes and furnishing other utilities as necessary to secure and maintain the premises.

(Ord. 387. Passed 7-27-09.)

#### **1499.11 OUTSTANDING COST AND ASSESSMENTS LIEN.**

Any and all fees or costs incurred relating to this chapter including but not limited to registration fees and costs incurred associated with enforcement activity shall be fully reimbursable to the Township by the owners of the property and mortgage holders jointly and severally and shall be considered a lien upon the subject property subject to enforcement in the same manner as ad valorem real property taxes. Such method of enforcement shall be a cumulative remedy. Further examples of activities for which fees and costs shall be payable, include costs for preparation of correspondence relating to this chapter, costs for inspection, costs for vehicle removal, costs for entry of the subject property, costs for preparation and securing of an administrative search warrant, costs for preparation of proceeding with enforcement pursuant to this chapter.

(Ord. 387. Passed 7-27-09.)

#### **1499.12 APPEALS.**

Any person aggrieved by any requirement of this section, may appeal to the Superintendent of the Building Department, Charter Township of Clinton, furnishing a written application filed within twenty days of the decision, notice, order or action from which an appeal is taken. Such appeal shall be based on a claim that the true intent of the ordinance or rules adopted thereunder have been incorrectly interpreted or that the provisions of the ordinance do not fully apply or that the requirements of the ordinance are adequately satisfied by other means, or that the strict application of any requirement of the ordinance would cause undue hardship.

(Ord. 387. Passed 7-27-09.)

#### **1499.13 PENALTY.**

Any violations of this chapter shall be deemed to be a civil infraction punishable as a civil infraction in accordance with state law and this code. Institution of civil infraction proceedings shall not restrict the Township from pursuing further remedies.

(Ord. 387. Passed 7-27-09.)

## **PART SIXTEEN – FIRE PREVENTION CODE**

Chap. 1610. 2015 International Fire Prevention Code.

Chap. 1620. Fireworks.

Chap. 1621. Open Flames and Sparks.

### **CHAPTER 1610**

#### **2015 International Fire Prevention Code**

- 1610.01 2015 International Fire Code adopted.
- 1610.02 References to state and municipality.
- 1610.03 Enforcement and administrative agency.
- 1610.04 Fees and charges.
- 1610.05 Local amendments to International Fire Code.
- 1610.99 Penalty.

#### **CROSS REFERENCES**

Fire Department - see Michigan Charter Township Act (Act 359 of 1947); ADM.Ch. 238

Fires and fire protection generally - see M.C.L.A. Secs. 29.1 et seq.

Storage and transportation of explosives - see M.C.L.A. Sec. 29.3a

Arson - see M.C.L.A. Secs. 750.71 et seq.

Construction or possession of explosive devices - see M.C.L.A. Sec. 750.211a

Interference with Fire Department communications - see GEN. OFF. 676.09

Alarm systems - see B.R. & T.Ch. 607

Fire hydrants - see S.U. & P.S. 1040.12

Fire alarm specialty technician's license - see B. & H.1446.15

Fire alarm apprentices - see B. & H.1446.16

#### **1610.01 2015 INTERNATIONAL FIRE CODE ADOPTED.**

That certain document, copies of which are on file in the office of the Clerk of the Charter Township of Clinton, being marked and designated as the 2015 International Fire Code with all chapters and appendices as published by the International Code Council, Inc., is hereby adopted as the Fire Prevention Code of the Charter Township of Clinton in the State of Michigan for the control of all buildings, structures, premises and other property as therein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said 2015 International Fire Code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with the additions, insertions, deletions or changes, if any, provided in this chapter.

(Ord. 331. Passed 11-1-99; Ord. 402. Passed 1-28-13; Ord. 425. Passed 9-6-16; Ord. 432. Passed 4- 24-17.)

#### **1610.02 REFERENCES TO STATE AND MUNICIPALITY.**

Any reference to 2015 International Fire Code as adopted referring to "state" shall mean the State of Michigan. Any reference to "municipality" shall mean the Charter Township of Clinton, Macomb County, Michigan. Any reference to "municipal charter" and "local ordinances" shall mean ordinances of the Charter Township of Clinton and all applicable statutes of the State of Michigan pertaining to the Charter Township of Clinton, including but not limited to, statutes applying to charter townships and general law townships. Any reference to the Code Official, or Chief Enforcement Official, or similar terms, shall refer to the Fire Chief. Any reference to any deputy, or deputy fire official, or similar terms shall refer to the Fire Marshal.

(Ord. 402. Passed 1-28-13; Ord. 425. Passed 9-6-16; Ord. 432. Passed 4-24-17.)

#### **1610.03 ENFORCEMENT AND ADMINISTRATIVE AGENCY.**

The Charter Township of Clinton Department of Fire-Rescue-EMS, and the Fire Chief, and the Fire Marshal are hereby appointed to perform enforcement functions as otherwise provided and designated under the Code.

(Ord. 331. Passed 11-1-99; Ord. 402. Passed 1-28-13.)

#### **1610.04 FEES AND CHARGES.**

Each and every reference in the 2015 International Fire Code with all appendices to a fee, or charge, or providing, or permitting for a fee or charge, shall be governed by and provided pursuant to a fee schedule resolution for fees and charges as established by resolution of the Board of Trustees pursuant to such fee schedule ordinance as adopted and amended by the Charter Township of Clinton from time to time.

(Ord. 331. Passed 11-1-99; Ord. 402. Passed 1-28-13; Ord. 425. Passed 9-6-16; Ord. 432. Passed 4-24-17.)

#### **1610.05 LOCAL AMENDMENTS TO INTERNATIONAL FIRE CODE.**

To further the goal of promoting and protecting public health, safety and welfare, the 2015 International Fire Code, previously adopted hereto, is subject to the following sections which are amended or added as set forth in the following paragraphs:

(a) 107.2.2 Test and Inspection Reports. All test and inspection reports relating to the requirements of this "Code" shall be electronically submitted to the Fire Department within seven (7) days, through an electronic information data manager designated and approved by the Fire Department through the Fire Chief or the Chief's designee to facilitate the collection and transmission of such reports. The reports shall be in a format designated by the Fire Chief or the Chief's designee.

(b) 107.2.2.1 Service Provider Registration Required. Effective October 1, 2018, every service provider performing inspections, repairs, or tests within the Township and any entity that performs inspections within the Township shall register with, and be approved by the Fire Chief or the Chief's designee prior to performing any tests or inspections within the Township. Failure to fully comply shall be punishable first by a written warning notice, with subsequent violations being a municipal civil infraction subject to punishment as set forth within the Code of Ordinances. The Fire Chief or the Chief's designee shall select an electronic information data manager and shall advise each service provider and affected entities or properties, of the tests and inspections for which requirements of this subsection shall apply, such as, by way of illustration, fire alarm inspections, backflow inspections, fire pump tests, sprinkler systems, fire extinguishers, and emergency lighting. The Fire Chief or the Chief's designee may waive electronic reporting requirements of this subsection for cases involving extreme hardship beyond the reasonable control of the company or entity on whose behalf test or inspections is performed upon the submittal of a written request prior to undertaking such testing or inspection.

(c) 107.2.2.2 Service Provider Qualification. Effective October 1, 2018, any service provider furnishing fire inspection and/or testing within the Township shall register with and be approved by the Fire Chief or the Chief's designee. A list of such providers shall be made available at no charge upon request within the Township. Tests and/or inspections conducted in violation of this subsection are deemed invalid for purposes of fire code compliance. Standards for service provider qualifications shall be promulgated by the Fire Department and are subject to periodic review and revisions and shall be available upon request from the Fire Department.

(d) 107.2.2.3 Installer Exception. Service providers installing new fire suppression or fire alarm systems shall not be required to register as service providers prior to performing such installations.

(Ord. 445. Passed 10-1-18.)



## **1610.99 PENALTY.**

The penalty for violation of this chapter shall be that as set forth in Section 202.99 and the amendments thereto in the Code of Ordinances. Continued maintenance of any violation shall constitute a separate offense for each day the violation occurs. The imposition of any penalty shall not excuse the violation, or permit it to continue and all persons shall be required to correct and remedy such violation. Any penalties provided herein, shall be deemed to be a cumulative remedy to any other penalties, or remedies as provided elsewhere in the 2009 International Fire Code.

(Ord. 402. Passed 1-28-13.)

## **CHAPTER 1620**

### **Fireworks**

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#### **GENERAL PROVISIONS**

1620.01 Definitions.

1620.02 Inspection sales and storage areas.

#### **MANUFACTURE AND STORAGE OF FIREWORKS**

1620.21 Manufacture of fireworks prohibited.

#### **FIREWORKS AND PYROTECHNIC DISPLAYS**

1620.25 Ignition, discharge, and use of consumer fireworks.

1620.26 Display fireworks and pyrotechnic special effects; permit required.

1620.27 Responsibility display fireworks.

#### **PERMIT PROCEDURES DISPLAY FIREWORKS AND SPECIAL EFFECTS**

1620.31 Application procedures, display fireworks and special effects and renewal.

1620.32 Investigation.

1620.33 Certificate or permit; refusal, suspension, revocation, or nonrenewal.

1620.34 Procedure for nonrenewal, revocation, or suspension.

1620.35 Denial; hearing.

1620.36 Regulation and permitting of consumer fireworks sales from temporary structures.

1620.99 Penalty.

#### **CROSS REFERENCES**

Michigan Fireworks Safety Act - see M.C.L.A. 28.451 et seq.

Fire Department - see ADM. Ch. 238

Nuisances - see GEN. OFF. Ch. 654

Peace disturbances - see GEN. OFF. Ch. 664; S.U. & P.S. Ch. 1062

Littering - see GEN. OFF. 676.02; S.U. & P.S. 1062.30

Air pollution - see GEN. OFF. 676.07

Prohibited in parks - see S.U. & P.S. 1062.37

#### **GENERAL PROVISIONS**

##### **1620.01 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Act" means the Michigan Fireworks Safety Act, M.C.L.A. 28.451 et seq.

(b) "APA Standard 87-1" means APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

(c) "Articles pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

(d) "Bureau" means the Department of Licensing and Regulatory Affairs' Bureau of Fire Services.

(e) "Consumer fireworks" means firework devices that are designed to produce visible and audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks are often commonly known as, but not limited to, sky rockets, bottle rockets, missile-type rockets, helicopters, aerial spinners, roman candles, mine and shell devices, aerial shell kits, firecrackers, chasers, and certain multiple tube fireworks devices. Consumer fireworks does not include low-impact fireworks.

(f) "Consumer fireworks certificate" means the certificate issued by the Department which allows a person to sell consumer fireworks in accordance with the Act.

(g) "Department" means the Michigan Department of Licensing and Regulatory Affairs.

(h) "Display fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

(i) "Fire Marshal" means the Fire Marshal of the Township of Clinton or his or her designee.

(j) "Fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

(k) "Low-impact fireworks" means ground and handheld sparkling devices as that phrase is defined in APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5. Low impact fireworks are often commonly known as, but not limited to, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, certain toy smoke devices, certain wire sparklers/dipped sticks, and certain multiple tube fireworks devices.

(l) "National holiday" means any of the following: New Years Day (January 1); Birthday of Martin Luther King Jr. (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

(m) "NFPA" means the National Fire Protection Association headquartered at 1 Batterymarch Park, Quincy, Massachusetts.

(n) "Novelties" shall have the same meaning as set forth in APA Standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5, often commonly known as, but not limited to, party poppers, snappers, toy smoke devices containing not more than 5g of pyrotechnic composition, snakes, glow worms, wire sparklers/dip sticks containing not more than 10g of pyrotechnic composition, and all of the following:

(1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (1) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(o) "Permanent building" or "permanent structure" means any building or structure that is affixed to a foundation on a site that has fixed utility connections and that is intended to remain on the site for more than 180 consecutive calendar days, including stores and Consumer Fireworks Retail Sales Area (CFRSA) facilities, as defined by NFPA 1124 (2006 edition).

(p) "Person" means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

(q) "Retailer" means a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.

(r) "Retail location" means a facility listed under NFPA 1124, 7.1.2.

(s) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

(t) "Temporary structures" shall mean a moveable structure that is used in the sale, display, storage, transportation, or distribution of consumer fireworks, including but not limited to a tent or stand.

(u) "Township" means the Township of Clinton.

(v) "Warehouse" means a permanent building or structure used primarily for the storage of consumer fireworks or low-impact fireworks.

(w) "Wholesaler" means any person who sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person who sells only display fireworks or special effects.

(Ord. 405. Passed 8-26-13; Ord. 458. Passed 8-26-19.)

The Fire Marshal may, at any time, undertake a review of any fireworks sales or storage area for which a consumer fireworks certificate has been issued or is required, or any discharge of fireworks, to determine whether any violations of State law or local ordinance are occurring which might endanger the public health, safety, and welfare, or which might warrant revocation of the certificate or permit. Should any person fail or refuse access, the Fire Marshall may apply and obtain a search warrant as allowed under applicable law.

(Ord. 405. Passed 8-26-13.)

## **MANUFACTURE AND STORAGE OF FIREWORKS**

### **1620.21 MANUFACTURE OF FIREWORKS PROHIBITED.**

No person shall manufacture any fireworks within the Township.

(Ord. 405. Passed 8-26-13.)

## **FIREWORKS AND PYROTECHNIC DISPLAYS**

### **1620.25 IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS.**

(a) A person shall not ignite, discharge, use, permit, allow, or aid and abet in the ignition, discharge, or use of consumer fireworks except during permitted hours as follows:

- (1) After 11:00 a.m. on December 31 until 1:00 a.m. on January 1.
- (2) After 11:00 a.m. on the Saturday and Sunday immediately proceeding Memorial Day until 11:45 p.m. on each of those days.
- (3) After 11:00 a.m. on June 29 through July 4 until 11:45 p.m. on each of those days.
- (4) After 11:00 a.m. on July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (5) After 11:00 a.m. on the Saturday and Sunday immediately proceeding Labor Day until 11:45 p.m. on each of those days.

(b) No person shall ignite, discharge, or use consumer fireworks, or aid or abet in such use on public property, school property, church property, or the property of another person without that person's express permission to use consumer fireworks on those premises.

(c) Consumer fireworks shall not be furnished or sold to a minor.

(d) Any person who violates subsection (a) above, is guilty of a civil infraction with a civil fine of one thousand dollars (\$1,000.00) for each violation of this section. The Township shall provide for the remittance of five hundred dollars (\$500.00) of the fine collected under this section to the local law enforcement agency responsible for enforcing this section.

(e) Any person who violates any other provisions herein are guilty of a misdemeanor punishable by imprisonment of not more than ninety-three days and a fine, or a fine of five hundred dollars (\$500.00), or both. A person found guilty or no contest pursuant to this chapter shall be required to reimburse the Township for the costs of storage, and disposal of seized fireworks confiscated for a violation of this provision.

(Ord. 405. Passed 8-26-13; Ord. 458. Passed 8-26-19.)

### **1620.26 DISPLAY FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS; PERMIT REQUIRED.**

No person shall discharge any display fireworks without a permit issued by the Board of Trustees. Pyrotechnic special effects shall not be discharged or displayed without a permit issued by the Fire Marshal. Permit applicants shall follow the procedures set forth in this chapter. Permits are not transferable and shall not be issued to a minor.

(Ord. 405. Passed 8-26-13.)

### **1620.27 RESPONSIBILITY DISPLAY FIREWORKS.**

(a) An owner, occupant, or other person with control of real property shall not allow, permit, or otherwise assent to the possession or display of display fireworks on the property or an adjacent public way if such possession or display is in violation of this chapter.

(b) An owner, occupant, or other person with control of real property shall be presumed to have assented to the possession or display of display fireworks on the property or adjacent public way in violation of this chapter if law enforcement or fire officials observe and document the existence of unlawful fireworks on the premises or the adjoining public way, or the existence of the remnants of unlawful fireworks on the premises or adjoining public way indicative of the use or display of such fireworks.

(c) A person who pleads to or is found responsible for a violation of subsection (a) shall clean up any fireworks remnants on or adjoining the person's property, or pay the Township's costs for such clean up, and reimburse the Township's actual costs for destruction of any unlawful fireworks and materials impounded by law enforcement or fire officials during investigation of the unlawful activity under subsection (a).

(d) A violation of subsections (a) or (c) is a municipal civil infraction. If the unlawful activity does not cease after issuance of a municipal civil infraction citation, the owner, occupant, or other person with control of the real property shall be guilty of a misdemeanor.

(Ord. 405. Passed 8-26-13.)

## PERMIT PROCEDURES DISPLAY FIREWORKS AND SPECIAL EFFECTS

### 1620.31 APPLICATION PROCEDURES, DISPLAY FIREWORKS AND SPECIAL EFFECTS AND RENEWAL.

(a) Every applicant for a permit to use or discharge display fireworks and/or pyrotechnic special effects shall submit to the Fire Department, with a nonrefundable application fee, current and fully completed application on a form provided by the Fire Department.

(b) The fees shall be set by the Township's fee resolution in an amount to cover the cost of investigation, review, and inspection by the Township of the premises which will be used for the use or discharge of display fireworks and/or pyrotechnic special effects.

(c) A permit shall not be issued to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this State or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(d) All applications shall contain the following information:

(1) The name, residence address, and telephone number of a resident agent who is a natural person (no post office boxes will be accepted as legal addresses);

(2) The name, residence address, and telephone number of the applicant:

A. If the applicant is a corporation, the name, residence address, and telephone number of each of the officers and directors of the corporation and of each stockholder owning more than ten percent (10%) of the stock of the corporation if that individual is or will be involved in the management and/or operation of the business. The applicant shall also provide the name, residence address, and telephone number of each individual who will be involved in the management and/or operation of the business, as well as documentation that the corporation is in good standing in the State of incorporation;

B. If the applicant is a partnership, the name of the partnership and the name, residence address, and telephone number of each of the partners having at least a ten percent (10%) partnership interest, as well as any individual who is or will be involved in the management and/or operation of the business;

C. If the applicant owns stock or has a financial interest in any other business which sells or manufactures fireworks, the name, address, and telephone number of the corporation and the name, address, and telephone number of each such business;

(3) The address and legal description of the property where the fireworks will be displayed, or where pyrotechnic special effects will be displayed;

(4) Authorization for the Township, its agents and employees to seek information and conduct a safety inspection of the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed. The applicant shall give such additional information and identification necessary to discover the truth of the matters required to be set forth in the application; and

(5) The application shall be signed and sworn to by the applicant.

(e) Permits. In addition to the other conditions set forth in this section, permit applications shall be subject to background investigations to determine whether the applicant has ever been involved in criminal or fraudulent activities, or has ever had a license or permit suspended or revoked for cause.

(1) If, as a result of the investigation, the Fire Marshal or Public Works Director has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a fireworks display permit, the Board of Trustees may deny the application.

(2) If, as a result of the investigation, the Fire Marshal or Public Works Director has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a pyrotechnic special effects display permit, the Fire Marshal may deny the application.

(f) Applicants for a permit to use, discharge, or display fireworks or pyrotechnic special effects must demonstrate financial responsibility in the form of a bond or insurance policy in an amount, character, and form deemed necessary by the Board of Trustees for the protection of the public.

(g) Before granting a permit to use, discharge, or display fireworks, the Board of Trustees shall rule on the competency and qualifications of the operator of the display as required under NFPA 1123, and the time, place, and safety aspects of the display.

(h) Cost of Policing. Fireworks displays vary in size and scope, and displays of large magnitude cause the Township to incur significant additional expenses for police, fire, and emergency services. Therefore, in addition to the nonrefundable application fee, an applicant for a permit to use, discharge, or display fireworks shall deposit with the Township, as a condition of enjoying the privileges inherent in receipt of a permit, an amount reasonably calculated to reimburse the Township for the cost of additional police and emergency services. The Township shall hold such amount, to be determined by the Board of Trustees at the time the permit application is considered, in escrow until after the fireworks display. In determining the amount, the Board of Trustees may utilize its past experiences and the experiences of other communities. The Township shall itemize its additional police and emergency services expenses incurred as a result of the fireworks display and may draw from the escrowed funds to achieve full reimbursement. Remaining funds shall be returned to the permit applicant. In the event that the escrowed funds are insufficient to cover the Township's actual costs under this subsection (h), the Township shall serve an invoice upon the permit applicant with a demand for payment. Failure of a permit applicant to comply with any of the provisions of this subsection (h) shall be a misdemeanor.

(i) Term. Permits for the use or discharge of display fireworks or pyrotechnic special effects are valid only for the date(s) and time(s) stated on the permit itself. Each subsequent use or discharge of display fireworks or pyrotechnic special effects shall

require a new permit, and the applicant shall follow the application process set forth in this chapter.

(j) Display Permit Conditions. The issuance of a permit for the use or discharge of display fireworks or pyrotechnic special effects shall be conditioned upon compliance with all of the terms and conditions of this chapter, as well as the provisions of Chapter 33 of the International Fire Code. In addition, the issuance of such a permit shall be conditioned upon the following:

(1) The applicant and property owner must execute a written agreement, in a form approved by the Township Attorney, to allow police, fire, and emergency personnel designated by the Township to be present on the premises before, during, and after the fireworks or pyrotechnic special effects display for purposes of supervising and inspecting the display and surrounding conditions for public safety hazards and violations of Township codes and ordinances; and

(2) The applicant and property owner must execute an indemnification agreement, in a form approved by the Township Attorney, to indemnify the Township for any and all liability or damages incurred by any person or entity as a result of the fireworks or pyrotechnic special effects display.

(Ord. 405. Passed 8-26-13.)

#### **1620.32 INVESTIGATION.**

(a) Upon receipt of the fully completed application, fees, and such other information as may be required or requested by the Fire Department, the Fire Marshal shall schedule a safety inspection to examine the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed.

(b) If the Fire Marshal finds reasonable cause to believe that other code violations exist which are not fire safety related, the Fire Marshal may refer the application to the Building Official, or his or her designated representative, who shall cause a thorough inspection of the premises to be made to ensure that the premises are in compliance with all pertinent provisions of State law and local ordinances. The results of such inspections shall be returned to the Fire Marshal within 30 days of the date the application was referred.

(c) For fireworks display permits, the Fire Marshal shall forward his or her recommendation to the Board of Trustees for consideration of the permit application within 120 days of receipt of the properly completed application. For pyrotechnic special effects display permits, the Fire Marshal shall issue a decision to grant or deny the permit within 60 days of receipt of the properly completed application.

(Ord. 405. Passed 8-26-13.)

#### **1620.33 CERTIFICATE OR PERMIT; REFUSAL, SUSPENSION, REVOCATION, OR NONRENEWAL.**

A permit issued under this chapter may be refused by the Fire Marshal or suspended, revoked, or not renewed by the Board of Trustees for cause. The term "cause" as used in this chapter, shall include the doing or omitting of any act or permitting any condition to exist on the premises for which a permit is issued, which act, omission, or condition is contrary to the health, safety, and welfare of the public, is unlawful, irregular, or fraudulent in nature, is unauthorized or beyond the scope of the permit issued, or is forbidden by this chapter or any applicable law. Cause shall include but not be limited to:

(a) Fraud or material misrepresentation in the application;

(b) Fraud or material misrepresentation in the operation of the business or during a safety inspection;

(c) Any material violation of this chapter or of the regulations authorized herein;

(d) Any violation of Federal or State law or local ordinance which creates a risk to the health, safety, or welfare of the community;

(e) Conducting the business in an unlawful manner or in such a manner as to constitute a maintenance of a nuisance upon or in connection with the premises for which a permit is issued. For purposes of this chapter, "nuisance" shall be given its normal and customary meaning and shall include the nuisances found within Chapter 654 of this Code as well as, but not be limited to, the following:

(1) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes;

(2) A pattern or practice of patron conduct which is in violation of the law and/or interferes with the health, safety, and welfare of the properties in the area.

(f) Failure by the owner or operator to permit inspection of the premises by the Township's agents or employees in connection with the enforcement of this chapter;

(g) Failure to pay personal property taxes, other Township obligations and real property taxes by February 14 of each year.

(Ord. 405. Passed 8-26-13.)

#### **1620.34 PROCEDURE FOR NONRENEWAL, REVOCATION, OR SUSPENSION.**

(a) Before any action is taken concerning revocation or suspension of a permit, the Township shall serve the holder of the permit by personal service or first class mail, served or mailed at least ten days prior to a hearing, with notice of hearing before the Board of Trustees or a hearing panel designated by the Board of Trustees to conduct a hearing and forward a recommendation to the Board of Trustees, which notice shall contain the following:

(1) Date, time, and place of the hearing;

- (2) Notice of the proposed action;
- (3) Reasons for the proposed action;
- (4) Names of witnesses known at the time who will testify;
- (5) A statement that the holder of the permit may be represented by legal counsel, present evidence and testimony, and confront and cross-examine adverse witnesses;

(6) A statement requiring the holder of the permit to notify the Township Attorney's office at least three days prior to the hearing date if he, she, or it intends to contest the proposed action and to provide the names of witnesses known at that time who will testify on his, her, or its behalf.

(b) Upon completion of the hearing, and after a decision by the Board of Trustees, the Township shall submit to the holder of a permit a written statement of the findings and determination of the Board of Trustees within 30 days.

(c) Revocation may occur prior to hearing if there is an immediate and significant risk of harm to persons or property as determined by the Fire Marshal, or his or her designee.

(Ord. 405. Passed 8-26-13.)

#### **1620.35 DENIAL; HEARING.**

(a) Any person whose initial request for a pyrotechnic special effects display permit, is denied by the Fire Marshal shall have a right to a hearing before the Board of Trustees, provided a written request for such a hearing is filed with the Township Clerk within ten days following such denial. The Board of Trustees shall have the right to affirm and sustain any refusal to issue a permit or the Board of Trustees may grant any such permit.

(b) In addition to the information required in this chapter, an applicant whose permit under this chapter was denied by the Fire Marshal should be prepared to submit

and discuss any additional information required by the Board of Trustees for the appeal hearing.

(Ord. 405. Passed 8-26-13.)

#### **1620.36 REGULATION AND PERMITTING OF CONSUMER FIREWORKS SALES FROM TEMPORARY STRUCTURES.**

(a) Sales of consumer fireworks with a valid State certificate from temporary structures are subject to regulation as follows:

(1) No temporary structures shall be located closer than 2,000 feet to another temporary structure selling consumer fireworks as measured in the shortest direct line between the two temporary structures.

(2) Only two temporary structures selling or storing consumer fireworks shall be permitted at any given time each of which shall be required to have prior to approval a valid State certificate.

(3) Temporary structures selling fireworks shall otherwise be fully compliant with the Zoning Ordinance, General Exceptions, Section 1299(m). Notwithstanding, up to two temporary structures shall be permitted at any given time, and temporary structures for consumer fireworks, pursuant to this section, shall be permitted only in the B-2 Community Business Zoning District.

(4) The Township will accept applications up until April 1 of each year for a permit which may be issued for up to one year, or a shorter period of time as determined by the Township. Upon receipt of an application upon a form by the Township such application and attached materials shall be submitted to the Building, Fire, Planning, and Police Departments for review and reviewed for completion. The Township Board will act to approve or deny upon a completed application at the first Township regular board meeting in May. The following factors shall be considered in reviewing and acting on an application:

A. The fireworks experience of the applicant in selling fireworks from temporary structures within the Township and in other locations.

B. Whether the applicant or persons working for the applicant previously have been convicted of any violations pertaining to fireworks, felonies, or misdemeanors involving drugs or alcohol.

C. The location proposed in relationship to the dispersal of locations within the Township.

D. The proposed location and sale with respect to the issue of traffic flow and potential hazards for vehicles and pedestrians.

E. The proposed signage in relation to its harmony with surrounding signage and uses.

F. The proposed lighting and its relationship with regard to surrounding uses.

G. The proposed hours of operation and its harmony with respect to surrounding uses.

H. The size of the proposed temporary structures and their relationship with regard to surrounding uses.

I. Proposed storage methods and sizes in relationship to surrounding uses.

(Ord. 458. Passed 8-26-19.)

#### **1620.99 PENALTY.**

(a) Unless otherwise provided in this chapter, if a person knowingly, intentionally, or recklessly violates this chapter, the person is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both.

(b) In addition to any other penalty imposed for the violation of the Act or this chapter, a person who tenders a plea of guilty, no contest, or responsible to a violation of this chapter shall be required to reimburse the Township for the costs of storing and disposing of seized fireworks that the Township confiscated for a violation of the Act or this chapter.

(Ord. 405. Passed 8-26-13.)

## CHAPTER 1621

### Open Flames and Sparks

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1621.01 Definitions.

1621.02 Prohibited open burning.

1621.03 Unmanned airborne devices flame and spark emission prohibited.

1621.99 Penalty.

#### 1621.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "Barbeque" means a gas, propane, charcoal or wood burning device which is U.L. listed and contains a receptacle within which combustion occurs, as a functional cover that maybe used and is designed for purpose of food preparation.

(b) "Fire pit" means a constructed area using non-combustible materials such as brick or block which is designed to completely enclose and contain fire on all sides and shall have no diameter measured wider than forty inches unless such fire pit is situated on a parcel greater than one acre.

(c) "Fireplace" means a U.L. listed fireplace product which has a diameter where burning occurs no wider than thirty-six inches and has enclosures on all sides to regulate spark emission and which can be moved from place to place.

(d) "Flame" means combustion of materials which results in a flame observable to the naked eye.

(e) "Open burning" means the burning of any materials wherein products or combustion are emitted directly into the ambient air without passing through an enclosed approved chamber. A chamber shall be regarded as enclosed when during the time combustion occurs only apertures, ducts, stacks, flues, chimneys necessary to provide combustion air and permit the escape of exhaust gas, or open, or a permitted fireplace or fire pit is being utilized.

(f) "Spark" means a combustion event which is observable to the naked eye from the glow of materials undergoing combustion.

(Ord. 429. Passed 3-13-17.)

#### 1621.02 PROHIBITED OPEN BURNING.

(a) Prohibitions. No person shall cause, allow or maintain any open burning or burning of any matter, or materials of any kind or nature and no person in charge of or in possession of any premises upon which such burning occurs or any premises immediately adjacent to any public place upon which such burning occurs shall fail to extinguish the fire if they have knowledge of such fire and it is within their capability to extinguish such fire. The owner of all premises shall be responsible for open burning occurring on such premises unless trespass without the knowledge of the owner has occurred. The following fires shall be permitted:

(1) Barbeques, except barbeques situated upon balconies or other open areas attached to multiple dwelling units or otherwise within ten feet of any multiple dwelling unit, ceiling, roof, extension or protrusion from a multiple dwelling unit.

(2) Controlled fires for training fire fighters where a certified fire fighter is present.

(3) Personal use of smoking materials in compliance with all applicable state and local laws.

(4) Use of incendiary devices for lighting authorized fires.

(5) Construction site fires for warmth of workers as permitted under the International Fire Code Section F-403.4.

(6) The use of permitted consumer fireworks in accordance with state law and ordinances of the Township.

(7) Utilization of barbeques, fire pits and fireplaces in conformity with state and local law, including the provisions of this section.

(b) Hazardous Conditions. The Fire Marshall shall prohibit open burning that is offensive or objectionable due to smoke or odor emissions, or when atmospheric conditions or local circumstances, make fires hazardous. The Fire Marshall shall order the extinguishment by the permit holder or the Fire Department if any open burning creates or adds to an objectionable or offensive situation or a hazardous situation.

(c) Location Restrictions Permitted Burning. No permitted burning shall occur less than 100 feet from any residential structure which is not situated upon property owned where the burning is occurring and not less than fifty feet from any non-residential structure which is not situated upon the property where burning is occurring. A provision shall be made to prevent a fire from spreading to within fifty feet of any structure. A fire extinguisher or hose must be present. Fire pits, barbeques, and fireplaces as defined herein shall be permitted, but may not be located less than twenty feet from any occupied or unoccupied structure situated upon the property where the fire is occurring and shall not be less than fifty feet from any structure situated upon any adjoining property to the property from which the fire is occurring.

(Ord. 429. Passed 3-13-17.)

#### **1621.03 UNMANNED AIRBORNE DEVICES FLAME AND SPARK EMISSION PROHIBITED.**

No person shall sell, offer for sale or aid and abet in the sale of an unmanned airborne device to lift into the air from which is emitted a flame or spark. No person shall cause or assist in causing an unmanned airborne device to lift into the air from which is emitted a flame or spark. The owner of property from which such device is emitted and any person who causes or assists in causing such device to lift into the air are severally liable for any violation except the owner is relieved from violation where the release has occurred as a result of a trespass upon the owner's property. This prohibition does not prohibit the utilization of a hot air balloon otherwise in full compliance with all applicable law and manned the time of lifting into the air. It is a violation for any person to allow or assist in allowing any particulate matter from which sparks or flame travel beyond the boundary of property from which particulate matter is released and the person allowing or assisting in such particulate matter being released and the property owner shall be severely liable except the owner is relieved from violation following a trespass for which the owner was without knowledge and an opportunity to correct.

(Ord. 429. Passed 3-13-17.)

#### **1621.99 PENALTY.**

Any violation of this chapter shall be a civil infraction punishable by a civil fine of at least one hundred dollars (\$ 100.00), as well as any other penalties permitted pursuant to the Code of Ordinances for a civil infraction.

(Ord. 429. Passed 3-13-17.)