



# Watertown Charter Township Code of Ordinances

Amended through July 1, 2025

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# How to Use This Ordinance

This Code of Ordinances is organized into 28 Chapters, which are further divided using standard outline hierarchy. The page layout is designed to promote quick retrieval of relevant standards, procedures, and other information. The following key assists with navigating through this document.

## 1 General Provisions

2. Any provision of this Code that is made or declared to be a misdemeanor, civil infraction or municipal civil infraction is a violation of this Code.
3. In this Section, the term "violation of this Code" does not include the failure of a township officer or township employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this Section.
4. Except as specifically provided otherwise by state law or township ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 93 days or by both such fine and imprisonment.
5. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.
6. The imposition of a penalty does not prevent suspension or revocation of a license, permit, or franchise or other administrative sanctions.
7. Violations of this Code that are intermittent or ongoing are a nuisance per se and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasijudicial enforcement.

*State Law References: [Penalty for Ordinance Violations, Charter Township Act, MCL 42.21; Act 236 of 1961 Chapter 87, Municipal Civil Infractions, MCL 600.8701 et seq.](#)*

### Sec. 1.8 Schedule of civil fines established.

1. A schedule of fines payable to the Township Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations listed below shall be as follows:
  - A. First offense: \$50.00.
  - B. First repeat offense as designated on the violation notice: \$125.00.
  - C. Second repeat offense as designated on the violation notice: \$250.00.
  - D. Any subsequent offense as designated on the violation notice: \$400.00.
2. A copy of the schedule, as amended from time to time, shall be posted at the bureau.
3. Unless another penalty is expressly provided for by this Section or by any other township ordinance for the violation of any particular provision or Section, every person found responsible by the judge or

**Chapter Tabs** link to the first page of each Chapter. The red tab indicates the Chapter in which the current page is located.

**Blue bold font** links to referenced sections within this Code of Ordinances and State laws.

**Pages** are numbered sequentially within each Chapter.

Section 1.7 to 1.8

**Section** provides helpful information on which sections are contained on the page.

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Watertown Charter Township, Michigan

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# *Code of Ordinances—Chapter 1*

## *General Provisions*

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# 1 General Provisions

## Sec. 1.1 Designation and citation of Code.

The ordinances embraced in this and the following Chapters shall constitute and be designated the "Code of Ordinances, Charter Township of Watertown, Clinton County, Michigan," and may be so cited. Such ordinances may also be cited as the "Watertown Charter Township Code."

*State law reference—Authority to Codify Ordinances, MCL 41.186, MCL 42.20.*

## Sec. 1.2 Definitions and rules of construction.

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

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

*Agencies.* Any reference to any federal, state or local agency, officer or employee shall be interpreted to include any successor agency, officer or employee.

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

*Code.* The term "Code" means the Code of Ordinances, Charter Township of Watertown, Clinton County, Michigan, as designated in [Section 1.1](#).

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

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

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

*County.* The term "county" means Clinton County, Michigan.

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

1. Imprisonment.

2. A fine not designated as a civil fine.

3. Other penal discipline.

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

*Gender.* Words of one gender include the other genders.

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

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

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

*Joint authority.* The term "joint authority" means a grant of authority to three or more persons as a public body confers the authority on a majority of the number of members as fixed by statute or ordinance.

*MAC.* The abbreviation "MAC" means the Michigan Administrative Code, as amended.

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

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

*MCL.* The abbreviation "MCL" means the Michigan Compiled Laws, as amended.

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

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

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

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

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

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

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



# 1 General Provisions

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

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

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

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

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

*Public acts.* References to public acts are references to the Public Acts of Michigan. Any reference to a public act, whether by act number or by short title, is a reference to the act as amended.

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

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

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

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

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

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

*Street.* The term "street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

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

*Tense.* The present tense includes the past and future tenses. The future tense includes the present tense.

*Township.* The term "township" means the Charter Township of Watertown, Clinton County, Michigan.

*Township board, township board of trustees, board of trustees and board.* The terms "township board of trustees," "township board," "board of trustees" and "board" mean the governing body of the Charter Township of Watertown, Clinton County, Michigan.

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

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

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

*State Law References: Definitions and Rules of Construction Applicable to State Statutes, MCL 8.3 et seq.*

### Sec. 1.3 Catchlines of Sections; history notes; references.

1. The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.
2. The history or source notes appearing in parentheses after sections in this Code have no legal effect and only indicate legislative history. State law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.
3. Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

*State Law References: Catchlines in State Statutes, MCL 8.4b.*

### Sec. 1.4 Effect of repeal of ordinances.

1. Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving provision in it.
2. The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any rights, privileges, suit, prosecution, or proceeding pending at the time of the amendment or repeal.

*State Law References: Effect of Repeal of State Statutes, MCL 8.4.*

### Sec. 1.5 Amendments to Code; effect of new ordinances; amendatory language.

1. All ordinances adopted subsequent to this Code that amend, repeal, or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.
2. Amendments to provisions of this Code may be made with the following language: "Section (Chapter, Article, Division, or subdivision, as appropriate) \_\_\_\_\_ of the Code of Ordinances, Charter Township of Watertown, Clinton County, Michigan, is hereby amended to read as follows: . . ."
3. If a new Section, subdivision, Division, Article, or Chapter is to be added to the Code, the following language may be used: "Section (Chapter, Article, Division or subdivision, as appropriate) \_\_\_\_\_ of the Code of Ordinances, Charter Township of Watertown, Clinton County, Michigan, is hereby created to read as follows: . . ."
4. All provisions desired to be repealed should be repealed specifically by Section, subdivision, Division, Article, or Chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

# 1 General Provisions

## Sec. 1.6 Supplementation of Code.

1. Supplements to this Code shall be prepared and printed whenever authorized or directed by the township. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
2. In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
3. When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:
  - A. Arrange the material into appropriate organizational units.
  - B. Supply appropriate catchlines, headings, and titles for Chapters, Articles, Divisions, subdivisions, and Sections to be included in the Code and make changes in any such catchlines, headings, and titles or in any such catchlines, headings, and titles already in the Code.
  - C. Assign appropriate numbers to Chapters, Articles, Divisions, subdivisions, and Sections to be added to the Code.
  - D. Where necessary to accommodate new material, change existing numbers assigned to Chapters, Articles, Divisions, subdivisions, or Sections.
  - E. Change the words "this Ordinance" or similar words to "this Chapter," "this Article," "this Division," "this subdivision," "this Section," or "Sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
  - F. Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

## Sec. 1.7 General penalty; continuing violations.

1. In this Section, the term "violation of this Code" means any of the following:
  - A. Doing an act that is prohibited or made or declared unlawful, an offense, or a violation by ordinance or by rule or regulation authorized by ordinance.
  - B. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
  - C. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, or a violation by ordinance or by rule or regulation authorized by ordinance.



2. Any provision of this Code that is made or declared to be a misdemeanor, civil infraction or municipal civil infraction is a violation of this Code.
3. In this Section, the term "violation of this Code" does not include the failure of a township officer or township employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this Section.
4. Except as specifically provided otherwise by state law or township ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 93 days or by both such fine and imprisonment.
5. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.
6. The imposition of a penalty does not prevent suspension or revocation of a license, permit, or franchise or other administrative sanctions.
7. Violations of this Code that are intermittent or ongoing are a nuisance per se and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasijudicial enforcement.

State Law References: [Penalty for Ordinance Violations, Charter Township Act, MCL 42.21; Act 236 of 1961 Chapter 87, Municipal Civil Infractions, MCL 600.8701 et seq.](#)

#### Sec. 1.8 Schedule of civil fines established.

1. A schedule of fines payable to the Township Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations listed below shall be as follows:
  - A. First offense: \$50.00.
  - B. First repeat offense as designated on the violation notice: \$125.00.
  - C. Second repeat offense as designated on the violation notice: \$250.00.
  - D. Any subsequent offense as designated on the violation notice: \$400.00.
2. A copy of the schedule, as amended from time to time, shall be posted at the bureau.
3. Unless another penalty is expressly provided for by this Section or by any other township ordinance for the violation of any particular provision or Section, every person found responsible by the judge or

# 1 General Provisions

district court magistrate for a violation of any provision of a township ordinance designated as a municipal civil infraction shall pay a civil fine of not more than \$500.00 plus costs, damages, and expenses as follows:

- A. A person found responsible by the judge or district court magistrate for any violation of a township ordinance charged as a municipal civil infraction shall be ordered to pay a civil fine to be determined by the court or magistrate, and costs which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction, up to the entry of the judgment. Costs of not less than \$9.00 or more than \$500.00 shall be ordered.
- B. In addition to ordering the defendant to pay a civil fine, costs, and expenses, the judge or district court magistrate may issue any judgment, writ or order necessary to enforce the township ordinance as provided in MCL 600.8302.
- C. If a defendant fails to comply with an order or judgment issued pursuant to this Section within the time prescribed by the court, the court may proceed under MCL 600.8729 and MCL 600.8731. A defendant who fails to answer a citation or notice to appear in court for a municipal civil infraction is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 and costs of prosecution or by imprisonment for not more than 90 days, or both such fine and imprisonment.
- D. If a defendant does not pay a civil fine or costs or expenses or an ordered installment payment within 30 days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the township may obtain a lien against the land, building or structure involved in the violation by recording a copy of the court order requiring payment of the fine, costs, and expenses with the county register of deeds containing the legal description of the property, which lien may be recorded and enforced in the manner provided by MCL 600.8731.
- E. In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.
- F. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

State Law References: [Chapter 87 of P.A. 236 of 1964, Municipal Civil Infractions, MCL 600.8701 et seq.](#)



### Sec. 1.9 Severability.

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

*State Law References: Severability of State Statutes, MCL 8.5.*

### Sec. 1.10 Provisions deemed continuation of existing ordinances.

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

*State Law References: Similar Provisions as to State Statutes, MCL 8.3u.*

### Sec. 1.11 Code does not affect prior offenses or rights.

1. Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.
2. The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises which was in violation of any township ordinance on the effective date of this Code.

### Sec. 1.12 Certain ordinances not affected by Code.

1. Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of any ordinance:
  - A. Annexing property into the township or describing the corporate limits.
  - B. Deannexing property or excluding property from the township.
  - C. Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
  - D. Authorizing or approving any contract, deed, or agreement.
  - E. Granting any right or franchise.
  - F. Making or approving any appropriation or budget.
  - G. Providing for the duties of township officers or employees not codified in this Code.



# 1 General Provisions

- H. Providing for salaries or other employee benefits.
  - I. Adopting or amending a master plan.
  - J. Levying or imposing any special assessment.
  - K. Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing, or vacating any street, sidewalk, or alley.
  - L. Establishing the grade of any street or sidewalk.
  - M. Dedicating, accepting, or vacating any plat or subdivision.
  - N. Not codified in this Code that levies, imposes, or otherwise relates to taxes, exemptions from taxes and fees in lieu of taxes.
  - O. Pertaining to rezoning.
  - P. That is temporary, although general in effect.
  - Q. That is special, although permanent in effect.
  - R. The purpose of which has been accomplished.
2. The ordinances or portions of ordinances designated in [subsection 1 of this Section](#) continue in full force and effect to the same extent as if published at length in this Code.

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## 2 Administration

### ARTICLE I. IN GENERAL

Sec. 2.1 to 2.18 Reserved.

### ARTICLE II. TOWNSHIP BOARD\*

\* *State Law References: Township Board, MCL 42.5; Township Meetings, MCL 42.7 et seq.; Standards of Conduct and Ethics, MCL 15.341 et seq.; [Open Meetings Act, MCL 15.261 et seq.](#); [Freedom of Information Act, MCL 15.231 et seq.](#)*

Sec. 2.19 to 2.39 Reserved.

### ARTICLE III. OFFICERS AND EMPLOYEES\*

\* *State Law References: Township Officers, MCL 42.9 et seq.; Standards of Conduct and Ethics, MCL 15.341 et seq.*

#### DIVISION 1. GENERALLY

Sec. 2.40 to 2.67 Reserved.

#### DIVISION 2. GROUP INSURANCE

Sec. 2.68 Created and established.

Pursuant to Public Act No. 77 of 1989 (MCL 41.110b), the township hereby creates and establishes a group insurance plan covering health, hospitalization, medical, and surgical service and expense of its officers and employees enumerated herein, and for such purposes also hereby authorizes the township supervisor to contract, in the name of the township board, subject to approval of the township board, with any company authorized to transact business within the state for such group insurance policies.



### Sec. 2.69 Coverage.

The group insurance plan created, established and contracted for under this Division shall cover each person within the following classes of officers and employees and is also available to cover the Internal Revenue Service recognized dependents of such person as outlined in township policy 1.12, contract and/or collective bargaining agreement:

1. All full-time elected officials;
2. All regular township employees who are employed on a full-time basis.

### Sec. 2.70 Township coverage of premiums.

According to township policy 1.12 Health Insurance, the township shall annually contribute toward the premium or charges under such health, hospitalization, medical and surgical service and expense insurance contract for each person within the class of persons enumerated in [Section 2.69](#) hereof. Such township contribution shall be secured from the general fund of the township. Each person within such class shall be responsible for the remainder of the premium or charges not paid for by the township according to policy 1.12 Health Insurance, employment contract or collective bargaining agreement, whichever is applicable to that person. The township clerk is hereby authorized to deduct the same from each person's pay, salary or compensation and to apply the amount to such person's responsibility. Persons electing not to be covered shall give written notice to the township clerk that they do not wish to be insured or covered, and if the notice is received before they have become insured or covered under the contract, they shall not be covered thereunder. If the notice is received after an individual has become insured or covered, coverage under the contract shall cease as provided for in the contract.

### Sec. 2.71 Denial of coverage.

Persons electing not to be covered by the township policy because they have coverage through a family member may thereafter elect to become covered if that alternative coverage is no longer available or desirable. In such a case, the commencement date for township sponsored coverage shall be in accordance with the contract for insurance.

### Sec. 2.72 Validity of health, medical coverage.

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



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Sec. 2.73 to 2.104 Reserved.

### DIVISION 3. RETIREMENT PLAN

Sec. 2.105 Plan established.

Pursuant to Public Act No. 77 of 1989 (MCL 41.110b), the township hereby creates and establishes a defined contribution retirement plan and program for the retirement of its employees and officials and for such purposes, also hereby authorizes the township manager and the township clerk to contract, in the name of the township, subject to the approval of the township board, with any company authorized to transact such business within the state for defined contribution retirement plans. The township manager is hereby designated as the plan administrator.

Sec. 2.106 Eligibility requirements.

The defined contribution retirement plan created, established and contracted for under this division shall cover the following:

1. Dates of eligibility. Each township employee and official shall be eligible to participate in the plan upon meeting both of the following eligibility requirements as of the first day of any calendar month:
  - A. Age eligibility. The employee or official must have attained the age of 18.
  - B. Tenure eligibility. The township will begin making retirement contributions for employees or officials after 90 days of employment. Employees must have completed 12 months of employment or service to receive any of the township retirement contributions, according to the vesting schedule.
2. Service eligibility.
  - A. An employee, either salaried or hourly rated, must be scheduled or working an average of 24 hours per week for a minimum of nine months of the year.
  - B. All township officials who attend at least 66 percent of their scheduled meetings and perform their duties as required by statute.

Sec. 2.107 Entry dates.

1. Each person who meets eligibility requirements on the initial effective date of the retirement plan shall be eligible for coverage on that day. Every person who subsequently meets the eligibility requirements shall be eligible to participate on the first day of any calendar month after they meet the requirements of [Section 2.106](#).
2. Any person desiring not to be covered shall give written notice to the township clerk of their desire not to be covered, and if the notice is received before the person has become covered under this plan, they shall not be covered hereunder. If the notice is received after the individual has become covered, their coverage under this plan shall cease as provided for in the contract.

### Sec. 2.108 Contributions.

The township shall contribute an amount equal to eight percent of a participant's pay, salary or compensation, for qualifying employees, effective January 1, 2015, in accordance with the township's payroll policy. Such contributions shall be secured from the general fund of the township. Also, the participants are allowed to make voluntary contributions on their own behalf in excess of those made by the township. The township shall match qualifying employee contributions up to an additional six percent of the employee's pay, salary or compensation.

### Sec. 2.109 Vesting.

1. Benefits attributable to employer contributions shall be 100 percent vested on death, total disability, or age 65.
2. Upon retirement or on termination of service, other than because of death, disability or attainment of age 65, such benefits shall be vested as follows:
  - A. Twenty percent (not less than 20 percent) for each completed year of service, until 100 percent of vesting is achieved.
  - B. For vesting purposes only, years of completed service shall not include any service on any township commissions, committees or similar service.

### Sec. 2.110 Distributions.

A participant's benefit on retirement, death, disability or termination of service shall be made on the dates and according to the benefit payment options selected by the participant in accordance with contract provisions of any retirement plan adopted by the township board of trustees in compliance with the requirements of the Internal Revenue Code.

### Sec. 2.111 Emergency withdrawals by participants.

Any participant shall be entitled to request distributions from the plan on account of unforeseen emergency in accordance with the rules of the Internal Revenue Code and the contract provisions of any retirement plan adopted by the township board of trustees.



## 2 Administration

### Sec. 2.112 Loans

Any participant who is fully vested shall be entitled to borrow up to fifty percent of the value of their 457 account contributions, in accordance with the contract provisions of any retirement plan adopted by the township board of trustees in compliance with the requirements of the Internal Revenue Code.

### Sec. 2.113 Existing plan.

The township hereby ratifies and confirms the validity of the retirement plan with the original effective date of May 21, 2001, as last modified on January 1, 2015, and again on July 1, 2025, in existence on the effective date of this amendatory division.

Secs. 2.114 to 2.139 Reserved.

Amended by Ord. No. 60, Effective July 1, 2025

## ARTICLE IV. BOARDS AND COMMISSIONS

### DIVISION 1. GENERALLY

Secs. 2.140 to 2.161 Reserved.

### DIVISION 2. LOCAL OFFICIALS COMPENSATION COMMISSION

Sec. 2.162 Created and established.

A local officials compensation commission is created pursuant to the provisions of Section 95 of the Revised Statutes of 1846 (MCL 41.95). The commission shall determine the salary of each township elected official. 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 of the members first appointed. One each shall be appointed for terms of one, two, three, four and five years. The first members shall be appointed within 30 days after the effective date of the ordinance from which this Division is derived. Members other than the first members shall be appointed before October 1, of the year of appointment. Vacancies shall be filled for the remainder of an unexpired term. An officer or employee of a government agency or unit or member of the immediate family of an officer or employee shall not be appointed to the commission.

### Sec. 2.163 Duties and responsibilities.

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. The determination of the commission shall be effective 30 days following filing of the determination with the township clerk unless rejected by the township board. If the determination is rejected, the existing salary shall prevail. An expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of township business and accounted for to the township.

### Sec. 2.164 Removal of members.

Members of the commission shall be removable by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

### Sec. 2.165 Procedure, public meetings and compensation.

The commission shall meet for not more than 15 session days in each odd-numbered year and shall make its determination within 45 calendar days of its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date, and place of the meeting shall be given in the manner required by such Act. 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 its members. As used in this Section, the term "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.

### Sec. 2.166 Minutes kept and filed.

All meetings of the commission shall be held at the call of the chairman, and at such other times as the commission may determine. The commission shall keep minutes of its proceedings, showing the vote of each member on all questions and shall keep records of its finding, proceedings at hearings, and other official action, which shall be immediately filed in the office of the township clerk and shall be public record.

### Secs. 2.167 to 2.185 Reserved.



## 2 Administration

### ARTICLE V. FINANCE\*

\* *State Law References: Local Government Fiscal Responsibility Act, MCL 141.1201 et seq.; Revised Municipal Finance Act, MCL 141.2101 et seq.; Uniform Budgeting and Accounting Act, MCL 141.421 et seq.*

#### DIVISION 1. GENERALLY

Sec. 2.186 to 2.208. Reserved.

#### DIVISION 2. CHARGES FOR FIRE PROTECTION AND AMBULANCE SERVICES\*

\* *State Law References: Authority for this Division, MCL 41.806a.*

Sec. 2.209 Purpose.

This Division is adopted for the purpose of providing financial assistance to the township in the operation of a fire department and/or ambulance service for those involved in an incident in which there is a response to either of such services. It is the further purpose of this Division to provide an additional method of funding the township's fire and ambulance services which remains, in part, an at-large governmental expense, based upon the general benefits derived by all property owners within the township. The existence of the township fire and ambulance services, with their ability to extinguish fires, perform emergency services and to respond to the scene of an accident and/or to prevent possible property damage, provide an essential and needed service to the community and to any person traveling within the boundaries of the township.

Sec. 2.210 Establishment of fees.

All owners of premises, or all individuals as the case may be, involved in an incident in which there is a response of either fire protection or ambulance equipment and personnel within the township shall remit to the township the actual cost or fee established by township resolution. Said funds shall be used to help defray the costs associated with providing and/or contracting for fire and ambulance protection services by the township. The resolution establishing the fees may be updated or changed on a periodic basis to reflect changes in the cost of providing these services.

### Sec. 2.211 Calculation of fees.

The township supervisor shall prepare and propose a schedule of fees for review by the township board. The schedule shall consider the actual cost of services, the nature and extent of the services required, and for certain fire services, whether a permit to burn had been obtained or not. Upon review, the township board shall adopt by resolution a schedule of fees and such fees shall be charged to the owner of the premises or to another individual, as the case may be, for receiving such fire or ambulance services. A copy of such schedule shall be made available to the public at the office of the township.

### Sec. 2.212 Modification of fees and charges.

Fees and charges referenced in [Section 2.211](#) may be modified and amended from time to time by resolution of the township board.

### Sec. 2.213 Time for payment.

All of the charges shall be due and payable within 30 days from the date the service is rendered. The debt shall become, 30 days after billing, delinquent with the township reserving all rights of collection that may be available for charges to the township resulting from such fire protection or ambulance services. It is the responsibility of the township to bill the responsible party by first class mail as soon as practicable after the services rendered.

### Sec. 2.214 Enforcement of collection.

The township supervisor is hereby authorized to enforce the collection of charges for fire protection and ambulance services and legal action may be instituted by the township against the customer to collect payment of charges. The charges for fire protection and ambulance services may become a lien on the premises to which fire protection or ambulance services were furnished. The township treasurer shall certify all unpaid charges for services furnished to any premises or person which are unpaid for a period of six months to the township supervisor who shall proceed with appropriate collection procedures.

### Sec. 2.215 Exemptions.

The following circumstances shall be exempt from the foregoing charges:

1. False alarms, except as otherwise provided;
2. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies;
3. Fire or ambulance service performed outside the jurisdiction of the township under a mutual aid contract or agreement with another municipality.

## 2 Administration

### Sec. 2.216 Nonexclusive charges.

The foregoing rate and charges shall not be exclusive of the charges that may be made by the township for the cost and expenses of maintaining fire protection or ambulance services, but shall only be supplemental thereto. Charges may additionally be collected by the township through general taxation or by a special assessment established under state statutes pertinent thereto, or by general fund appropriations, in order to cover fire service costs and expenses.

### Sec. 2.217 Multiple persons and/or property protection.

When a response is made by the providers of the township which involves more than one person (or family) or more than one unit of personal or real property, each person and/or owner of property involved in the incident shall be liable for the payment of the full charge for such response as hereinbefore set forth. Any person receiving a bill may appeal to the township board at the next regularly scheduled meeting for a decision concerning whether and to what extent that individual is responsible for payment.

Secs. 2.218 to 2.242 Reserved.

## ARTICLE VI. MUNICIPAL CIVIL INFRACTIONS

### Sec. 2.243 Definitions and rules of construction.

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

**Act** means [Public Act No. 236 of 1961 \(MCL 600.101 et seq.\)](#), being the Revised Judicature Act of 1961.

**Authorized township official.** A police officer or other personnel of the township authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

**Bureau.** The township Municipal Ordinance Violations Bureau as established by this Article.

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

**Municipal civil infraction citation.** A written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**Municipal civil infraction violation notice.** A written notice prepared by an authorized township official, directing a person to appear at the township municipal ordinance violations bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under Sections 8396 and 8707(6) of the Act (MCL 600.8396 and 600.8707(6)).



### Sec. 2.244 Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced for any violation of a township ordinance designated by such ordinance as a municipal civil infraction upon the issuance by an authorized township official of:

1. A municipal civil infraction citation directing the alleged violator to appear in court; or
2. A municipal civil infraction violation notice directing the alleged violator to appear at the township Municipal Ordinance Violations Bureau.

### Sec. 2.245 Municipal civil infraction citations; issuance and service.

Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

1. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
2. The place for appearance specified in a citation shall be the district court for the county.
3. Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the township and issued to the alleged violator as provided by Section 8705 of the Act (MCL 600.8705).
4. A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief.
5. An authorized township official who witnesses a person committing a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
6. An authorized township official may issue a citation to a person if:
  - A. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - B. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and prosecuting attorney or township attorney approves in writing the issuance of the citation.
7. Municipal civil infraction citations shall be served by an authorized township official as follows:
  - A. Except as provided by [subsection 7.B of this Section](#), an authorized township official shall personally serve a copy of the citation upon the alleged violator.

## 2 Administration

- B. If the municipal civil infraction action involves the use or occupancy of land, a building, or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure, by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address.

### Sec. 2.246 Civil infraction citations; contents.

1. A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
2. Further, the citation shall inform the alleged violator that he may do one of the following:
  - A. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - B. Admit responsibility for the municipal civil infraction with explanation by mail by the time specified for appearance or, in person, or by representation.
  - C. Deny responsibility for the municipal civil infraction by doing either of the following:
    - i. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.
    - ii. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
3. The citation shall also inform the alleged violator of all of the following:
  - A. That if the alleged violator desires to admit responsibility with explanation in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
  - B. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
  - C. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the township.
  - D. That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

- E. That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
4. The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

#### Sec. 2.247 Municipal ordinance violations bureau.

1. Established. The township hereby establishes a Municipal Ordinance Violations Bureau (Bureau) as authorized under Section 8396 of the Act (MCL 600.8396) to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized township officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.
2. Location; supervision; employees; rules and regulations. The Bureau shall be located at the township hall and shall be under the supervision and control of the township treasurer. The treasurer, subject to the approval of the township board, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified township employees to administer the Bureau.
3. Disposition of violations. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled by this Section and for which a municipal civil infraction violation notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Article shall prevent or restrict the township from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's right, privileges, and protection accorded by law.
4. Bureau limited to accepting admissions of responsibility. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
5. Municipal civil infraction violation notices. Municipal civil infraction violation notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as provided for citations as provided in [Section 2.245](#). In addition to any other information required by this Article or any other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the bureau, the hours during which the Bureau is open, the

## 2 Administration

amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

6. Appearance; payment of fines and costs. An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
7. Procedure where admission of responsibility not made or fine not paid. If an authorized township official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act (MCL 600.8705, 600.8709), and shall fairly inform the alleged violator how to respond to the citation.

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*Code of Ordinances—Chapter 3*  
*Reserved*



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Code of Ordinances—Chapter 4

Alcoholic Liquors

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# 4 Alcoholic Liquors

## ARTICLE I. IN GENERAL

Secs. 4.1 to 4.18 Reserved.

## ARTICLE II. LICENSING\*

\* State Law References: [Local Approval for Licensing, MCL 436.1501](#).

### Sec. 4.19 Application for new license.

1. Application. Applications for license to sell beer and wine or spirits shall be made to the township board in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:
  - A. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
  - B. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
  - C. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
  - D. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date which its charter was issued.
  - E. The location and description of the premises or place of business which is to be operated under such license.
  - F. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
  - G. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Article or the laws of the state.
  - H. A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the township in the conduct of its business.



- I. The application shall be accompanied by building and lot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.
2. Restrictions on license. No such license shall be issued to:
  - A. A person whose license, under this Article has been revoked for cause.
  - B. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
  - C. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
  - D. A corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
  - E. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
  - F. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
  - G. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
  - H. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.
  - I. For premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations, or any other applicable township ordinance.
  - J. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control or where a nuisance does or will exist.
  - K. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.



## 4 Alcoholic Liquors

3. Term of license. Approval of a license shall be for a period of one year subject to annual renewal by the township board upon continued compliance with the regulations of this Article. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the state liquor control commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction or in commencement of business may subject the license to revocation. Failure to commence business within nine months of a grant of a new license by the state liquor control commission shall be deemed grounds for a recommendation of license nonrenewal or revocation.
4. Reservation of rights by authority. No such applicant for a liquor license has the right to the issuance of such license to him and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interest of the township at large and for the needs and convenience of its citizens.
5. Licensing hearing. The township board shall grant a public hearing upon the license application when, in its discretion, the board determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing the board shall submit to the applicant a written statement of its findings and determination. The board's determination shall be based upon satisfactory compliance with the restrictions set forth in [subsections 4.19.2.A-K and 4.19.3 of this Section](#).

### Sec. 4.20 Objections to relocation, renewal and request for revocation.

1. Procedure. Before filing an objection to relocation, renewal or request for revocation of a license with the state liquor control commission, the township board shall serve the license holder, by first class mail, mailed not less than ten days prior to hearing with "Notice of Hearing," which notice shall contain the following:
  - A. Notice of proposed action.
  - B. Reasons for the proposed action.
  - C. Date, time and place of hearing.
  - D. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

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

2. Criteria for nonrenewal or revocation. The township board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at the hearing, either of the following exist:
  - A. Violation of any of the restrictions on licenses set forth in [Section 4.19.2.A-K and 4.19.3](#) ; or
  - B. Maintenance of a nuisance upon the premises.
3. Township's right to obtain injunctive relief. The foregoing shall be deemed to be in addition to any other remedies provided by law and the township reserves the right to proceed directly to obtain injunctive relief to immediately abate such nuisance or to address any situation deemed detrimental to the health, safety and welfare of its citizens.

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4	Alcoholic Liquors
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*Code of Ordinances—Chapter 5*  
*Reserved*

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## *Code of Ordinances—Chapter 6*

# *Buildings and Building Regulations*

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Buildings and Building Regulations

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Projects that do not Require a Building Permit

- Deck Spec Sheet
- Residential Pole Barn Sheet

- Building Permit - Fillable
- Driveway Permit
- Electrical Permit - Fillable
- Mechanical Permit - Fillable
- Plumbing Permit - Fillable
- Site Plan Application - Fillable
- Soil Erosion & Sedimentation Permit





## ARTICLE I. IN GENERAL

Secs. 6.1 to 6.18 Reserved.

## ARTICLE II. STATE CONSTRUCTION CODE

Sec. 6.19 Agency designation.

1. Enforcement of state code. Pursuant to the provisions of and in accordance with Public Act No. 230 of 1972 (MCL 125.1501 et seq.), the building inspector of the township is hereby designated as the enforcing agency to discharge the responsibilities of the township under such Act to enforce [the state construction code](#). The township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.
2. Qualifications for building inspector. The building inspector shall be generally informed on the principles and practices of good building construction, fire prevention, the proper installation of plumbing, heating and electrical systems, and shall be capable of reading and interpreting plans and specifications.
  - A. Duties and powers.
    - i. The building inspector shall be responsible to the township supervisor for the enforcement of the provisions of the building regulations of the township and shall perform such other duties as the supervisor may direct him to perform.
    - ii. It shall be the duty of the building inspector to receive all applications for building permits, issue permits, collect fees therefore, inspect all buildings for which permits have been issued, investigate all complaints concerning violations of this Article, make every effort to detect violations of this Article and to take all necessary steps to abate such violations.
  - B. Relief from liability in performance of duties. The building inspector shall be relieved of all personal responsibility from and in all suits for any alleged or sustained damage or damages to property or persons arising from the performance of his duty where he is acting in good faith and without malice to enforce the provisions of this Article.
  - C. Right of entry. In the discharge of his duties, the building inspector and his assistants shall be given the right to enter any building or premises at all reasonable hours to enforce to provisions of this Article or to investigate any suspected or alleged violations.

## 6 Buildings and Building Regulations

### Sec. 6.20 Construction board of appeals.

The construction board of appeals shall consist of three members to be appointed by the township board of trustees. The initial length of appointments shall be for one-, two- and three-year terms. Thereafter, the term of each appointment shall be for three years. Compensation of members shall be on a per diem basis and determined by the board of trustees. Procedural requirements for the construction board of appeals are outlined under Public Act No. 230 of 1972 (MCL 125.1501 et seq.).

*State Law References: Construction Board of Appeals, MCL 125.1514.*

### Sec. 6.21 Fees.

A schedule of fees shall be established by resolution of the board of trustees of the township, and revised as necessary in order to defray the cost of administering and enforcing the provisions of this Article. A current fee schedule shall be maintained by the township clerk.

### Sec. 6.22 Violation as municipal civil infraction.

Any person violating this Article shall be responsible for a municipal civil infraction.

Secs. 6.23 to 6.47 Reserved.

## ARTICLE III. BUILDING AND ADDRESS NUMBERING

### Sec. 6.48 Purpose.

The purpose of this Article is to establish a township system of assigning addresses to buildings in order to protect the public health and safety by enabling a quicker response time by police, fire, ambulance, and other emergency services; and to provide for the more efficient delivery of township services such as building inspections, soil evaluations, property tax administration, property mapping, and other township affairs; and to provide for efficient parcel delivery, and U.S. mail delivery in the township by:

1. Creating a formal building numbering system with standards and regulations for assigning addresses on public and private roads.
2. Providing for notification of interested parties of assigned address numbers.
3. Coordinating this Article with other township ordinances.
4. Providing minimum standards and regulations for display of addresses.

5. Providing for the creation of a master record of addresses along with other information necessary to locate buildings on the property.
6. Providing for the enforcement of this Article.

#### Sec. 6.49 Administrative office.

The township supervisor's office shall have overall administrative and coordination responsibility to administer and enforce this Article. In the event the township supervisor appoints an assessor to carry out the administration of the property tax administration function, the assessor will carry the duty on behalf of the township supervisor.

#### Sec. 6.50 Approval office.

The township supervisor or assessor shall have overall jurisdiction over address numbers and shall insure that an address number does not duplicate the number for any building considered to be along the same road.

#### Sec. 6.51 Rural address numbering system.

The rural address numbering system which is structured as follows shall generally be used except when other existing municipal systems are more appropriate as determined by the township supervisor or assessor:

1. Address number shall be evenly spaced, 1,000 per mile, so that when following northerly/southerly road one reaches address number 1,000 when arriving at the next section line north or south. Such address numbers shall continue in the same manner by 1,000 whole numbers for each section of the township.
  - A. Numbers shall begin at 11,000 on northerly/southerly roads intersecting with Cutler Road.
  - B. Numbers shall end at 16,999 on northerly/southerly roads intersecting with Eaton Highway or the southern most portion of the township.
2. Address numbers shall be evenly spaced, 1,000 per mile, so that when following an easterly/westerly road one reaches address number 1,000 when arriving at the next section line east or west. Such address numbers shall continue in the same manner by 1,000 whole numbers for each section of the township.
  - A. Numbers shall begin at 4,000 on easterly-westerly roads intersecting with Airport Road.
  - B. Numbers shall end at 9,999 on easterly-westerly roads intersecting with Bauer Road or the western most portion of the township.
3. Even numbers shall be on the westerly and northerly sides of roads, odd numbers shall be on the southerly and easterly sides of the road.

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## 6 Buildings and Building Regulations

4. Roads which are not aligned due north/south or meander shall be numbered as a north-south if the major portion of the road within township runs north/south. Once a north/south road has address numbers assigned to buildings then that road shall always be considered to be a north/south road.
5. Roads which are not traveling due east/west or meander shall be numbered as an east/west road if the major portion of the road within township runs east/west. Once an east/west road has address numbers assigned to buildings then that road shall always be considered to be an east/west road.
6. Address numbers shall be assigned so they run consecutively so that numbers are not out of sequence.
7. Upon determination of the township supervisor or assessor, address numbers in common use prior to the adoption of this Article may continue to be used if:
  - A. The existing address numbers run consecutively in the same direction as the township address system for that side of the road.
  - B. The system is definable and can be administered and maintained for future construction of buildings.
8. Other county or municipal numbering systems shall be used in place of the above rural system upon approval of the township supervisor or assessor, provided that only one numbering system shall be used for both sides of a defined road segment.
9. This system shall be applied to all addresses on public roads and on private roads which have been legally established in the township.

### Sec. 6.52 Changing address numbers.

It shall be the policy of this Article to discourage the practice of changing existing addresses or address numbers which are already in use except:

1. If the existing address number is not in sequence and/or does not run consecutively in the same direction as the township address system.
2. If the existing number is such that the assignment of address numbers for new buildings is not practical and in keeping with the requirements of this Article.
3. When a new road is constructed, or recognized, which results in the most appropriate address for a building to be on the new road rather than the original road such as where a building was previously located on an extended drive which subsequently became a private road.
4. When an address is a duplicate or otherwise violates this Article.

Sec. 6.53 Notice and enforcement.

1. The township supervisor or assessor is responsible for insuring that the proper notice and enforcement procedures are followed.
  - A. When a person applies for a development permit the township supervisor or assessor shall assign an address and provide the applicant:
    - i. The building's address number.
    - ii. The road prefix (if any).
    - iii. The road name.
  - B. When a person's address is changed pursuant to this Article the township supervisor or assessor shall notify the resident and owner, if different, on a form that contains the following:
    - i. The old address.
    - ii. The new address.
    - iii. The reason for the change.
    - iv. The effective date of the change.
  - C. In cases where an existing address is changed, the township supervisor or assessor shall send a written notice to the affected resident. Said notice shall explain the reason for the address change.
 

If the resident has not properly displayed the new number on completion of 90 days the township supervisor or assessor shall send by registered mail to the resident and/or owner of the property a notice of violation of this Article.
2. A notice of violation shall state the amount of time, which shall not exceed 60 days, during which the resident and/or owner must comply with the Article.
3. If the violation remains at the end of the prescribed period of time, the township supervisor or assessor shall either issue an appearance ticket to the resident and/or owner of the property or seek a criminal warrant through the county prosecuting attorney's office.

Sec. 6.54 Master address file.

The township supervisor or assessor shall keep a master file of assigned addresses and corresponding property code numbers.

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## 6 Buildings and Building Regulations

### Sec. 6.55 Display of address.

1. All principal buildings shall be required to display an address number in the manner prescribed in this Article.
2. The resident, occupant, or owner of a building shall display the address number in such a manner as will be plainly visible and legible from a vehicle traveling on the road that is named in the address. The address number shall be displayed at a height of at least two feet above the grade and not higher than six feet above grade. All numbers shall be Arabic numerals of at least three inches in height (or larger) and of a color that contrasts with the background color of the structure supporting the numbers. When a building is located more than 100 feet back from the traveling centerline of the road that is named in the address, or the view of a building is obstructed by trees, shrubs, or another building, the address number shall be displayed in one of the following manners:
  - A. On a sign or attached to a fence, tree, or post located within 40 feet of centerline of the driveway and between ten and 30 feet back from the edge of the traveled roadway provided that any sign used to comply with this Article must also comply with applicable zoning regulations concerning the location and size of sign.
  - B. On both sides of a mailbox located within 40 feet of the centerline of the driveway on the same side of the road as the principal building or within 20 feet of the extended centerline of the driveway on the opposite side of the road provided that the view of both sides of the mailbox is not obstructed by other mailboxes to comply with the address number display requirements of this Article is subject to the regulations of both the post office and the county road commission.

### Sec. 6.56 Permit issuance subject to compliance with Article; exception for new development on vacant parcel.

No development permit shall be issued by the zoning administrator for a site which has failed to properly display the address number as assigned in accordance with this Article. The only exception would allow a development permit to be issued for new development on a vacant parcel. In this instance, a certificate of zoning compliance shall not be issued until the site is found to be in compliance with this Article.

### Sec. 6.57 Violation as municipal civil infraction.

Any person violating this Article shall be responsible for a municipal civil infraction.

### Sec. 6.58 Appeals hearings officer.

The township shall appoint annually a hearings officer to hear petitions for relief from administrative actions taken by the township supervisor or assessor pursuant to the authority granted by this Article. The hearings officer shall not be an employee of the township supervisor's office or assessor's office.

**Sec. 6.59 Appeals of administrative decisions.**

The hearings officer shall have the power to affirm, reverse or modify the decision of the township supervisor or assessor after conducting a hearing at which the aggrieved party or parties and the township supervisor or assessor are permitted to testify. Findings of fact shall be made on the record of the hearing. When the findings of fact support a conclusion that an error in fact has occurred, the hearings officer may reverse the decision of the township supervisor or assessor with instructions for corrective action. When the findings of fact support a decision that action of the township supervisor or assessor has created an unnecessary hardship, the hearings officer may allow an extension of time not to exceed 12 months to comply with the administrative order of the township supervisor's office or assessor's office.

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6	Buildings and Building Regulations
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*Code of Ordinances—Chapter 7*  
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## Code of Ordinances—Chapter 8

### Cemeteries

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#### Cemetery Fee Schedule



## 8 Cemeteries

### Sec. 8.1 Cemetery board.

1. The township board, as the legislative body owning and controlling a cemetery or burial grounds, may by resolution or ordinance provide for the perpetual care and maintenance of a cemetery or burial space upon payment by the owner of the space or another person of the agreed upon sum, and in consideration may bind itself to perpetually care for and maintain the lot.
2. The township board has assigned advisory duties to the cemetery board. The cemetery board shall consist of three members appointed by the board of trustees. Each member shall be appointed to a three-year term with one term expiring on December 31 of each year. The cemetery board shall be responsible for advisement of policy and operating procedures which shall be carried out by the sexton under the general management and supervision of the clerk and/or township manager.

### Sec. 8.2 Definitions.

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

*Board* means the cemetery board.

*Burial Rights* (formally known as *deed*). Burial rights grant a right of burial only to a space (earth or columbarium) within the cemetery and does not convey any other title to the lot or burial space sold.

*Cemetery* means a burial ground for earth or columbarium interments.

*Cemetery services* means all services offered to the public, including grave opening, closings, and foundation installation.

*Cenotaph* means a memorialization of deceased individuals. A monument or marker is placed in honor of a person whose remains are elsewhere.

*Columbarium* means a structure with individual space for holding urns containing the ashes of deceased persons.

*Cremains* means the container and incinerated body of the deceased person.

*Grave/lot owner* means the owner of burial rights. Such rights are limited to a burial privilege as evidenced by a burial rights certificate. The interest created by purchase or transfer of any plot is a personal contract right and not an interest or estate in real property. Spouses or no more than two unrelated persons may be joint owners with rights of survivorship to any burial space.

*Fee Schedule* means charges set by the township board by resolution, outside of ordinance.

*Immediate family* means as follows: spouse, parent, stepparent, grandparent, child, stepchild, grandchild and spouse of the aforementioned, of the owner, and shall include "great-" to the above where applicable.

*Interment* means the disposition of the remains of a deceased human by earth or columbarium interment.

*Lot* means a lot consisting of numbered divisions as shown on the recorded plat sufficient to accommodate one to ten burial spaces.

*Lot marker* means any method used by the cemetery to locate and mark corners of the lot.

*Management* means the person or persons duly designated by the township board for the purpose of managing the cemetery.

*Marker or monument* means a stone or plaque either flush or above the ground indicating the given and/or family name and must be located on the west side (head) of the plot, except where there is no other option. Only one marker is allowed per burial space or may be centered over two spaces. A marker may be shaped as a bench, provided that all other requirements are followed.

*Niche* means a space in columbarium designated for placement of one or two urns containing human remains.

*Plot or Space* means a burial space consisting of a land area 42 inches wide and nine feet in length, sufficient in size to accommodate one adult interment.

*Resident* means any person who has legal or official ownership, individually or jointly with another, of any real property which is subject to assessment by the township for ad valorem property taxes or has established domicile with a mailing address within the township at the time of purchase.

*Township* means Watertown Charter Township.

*Trustees* means the township board of trustees.

### Sec. 8.3 Rights of residents and nonresidents of township; transactions regarding plots.

1. *Purchase of burial rights.* Residents and nonresidents of the township may purchase burial rights at a cost to be determined from time to time by resolution of the township board of trustees. All such sales shall be recorded on an official form, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such rights shall be executed by the township clerk. Purchase of burial rights are limited to five spaces. All spaces must officially be assigned by the owner at the time of purchase.
2. *Assignments.* Each burial space sold should be designated with a specific person's name for burial at the time of sale. If assignment changes are to be made, the owner or assignee (if the owner is deceased or incompetent) must contact the township and make the assignment change to the official record. If the assignee no longer wishes to use space/niche, then they may waive assignment by signing a waiver form with the township if a marker has not been placed on the space. If the assignee is interred elsewhere, the assignment is terminated. In both these instances of transfer, burial authority is returned to the owner.
3. *Transfer of burial rights.* Burial rights may be transferred to those persons defined as an immediate family member or a resident upon payment to the township of a transfer fee. Burial rights may be transferred to a nonresident upon payment to the township of the transfer fee plus the difference, at the time of the transfer, between the current cost of a resident plot and the current cost of a nonresident plot. A transfer of burial rights must be endorsed by and filed with the township clerk.

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## 8 Cemeteries

Upon such transfer, the clerk shall issue a new burial certificate to cancel the original certificate thus issued. In addition, all transfers of burial rights are subject to the applicable transfer fee. Burial rights may not be sold between private individuals, funeral homes, or for speculative purposes.

4. *Transfer requested when original purchaser is deceased.* If the original purchaser is deceased or cannot be found, a transfer or reassignment is to be by order of probate court or upon the written direction of an estate's personal representative acting with letters of authority issued by probate court. Burial rights purchased prior to date of the ordinance may sign a written affidavit of last known heir giving ownership to burial rights to that heir. The township has no authority to determine heirs, personal representatives, or next of kin.
5. *Methods of payment.* All burial rights must be paid in full at the time of purchase. Payment can be made by cash, check, or credit card to the township office.
6. *Correction of errors.* The township shall have the right to correct any errors that may be made concerning interment, disinterment, or in the description, transfer, or conveyance of any burial space, either by canceling the permit for a particular vacant burial space or spaces and substituting and conveying in lieu thereof another vacant burial space or spaces in a similar location within the cemetery at issue or by refunding the money paid for the burial space to the purchaser or the successor of the purchaser. If an error involves the interment of the remains of any person, the township shall have the right to remove and transfer the remains so interred to another burial space in a similar location in the same township cemetery in accordance with law.

### Sec. 8.4 Purchase price and transfer fees.

1. *Resident and nonresident fees.* The township board of trustees shall establish a fee for the purchase of a burial space by a resident and a separate fee for the purchase of a burial space by a nonresident.
2. *Transfer fees.* The transfer of one or more burial rights from the original purchaser to a qualified resident or family assignee shall require payment of a per space transfer fee to the township. The transfer of one or more burial rights from an original purchaser to a nonresident assignee shall require payment of a nonresident per space transfer fee plus payment of the difference in costs as required in [Section 8.3.2](#).
3. *Deposit of cemetery revenue.* The cemetery fees and charges shall be submitted to the township treasurer and shall be deposited in the general fund as determined by the township board of trustees.
4. *Authority to increase fees.* The township board of trustees, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

### Sec. 8.5 Grave opening charges.

1. *Authority to establish grave opening/closing fees.* The opening and closing of any burial space or niche, prior to and following a burial therein, and including the interment of ashes shall be at a cost to be determined from time to time by resolution of the township board of trustees, payable to the township.
2. *Authority of sexton or his/her designee to open/close graves.*
  - A. *Sexton to control.* No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton or his/her designee.
  - B. *Exceptions; control over removal, reinterment.* This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department, or other properly constituted public authorities.

### Sec. 8.6 Markers, memorials and monument regulations.

1. *Permitted materials and styles.* All markers, memorials, and monuments must be of quality granite or standard bronze. Marble may be permitted if it is of durable quality and finish. All other grades of marble, sandstone, slate, artificial stone, fieldstone, terra cotta, wood, iron, or glass, in any form, shall not be permitted. Appendages such as books, photos, or glasswork are prohibited unless cast in bronze and used as a plate in the die of a marker, memorial, or monument. The board may cause a marker, memorial, or monument to be removed, rebuilt, or remodeled, at the owner's expense, where and when such is desirable for the proper and orderly development of the cemetery and to preserve the aesthetic value thereof. In the event that a marker, memorial, or monument must be removed, rebuilt, or remodeled, the township will not be responsible for any loss thereof either to the lot owner or dealer. The township retains the right to regulate the requirements for markers, memorials, and monuments placed in the cemetery.
2. *Township's liability.* The township assumes no responsibility for ensuring that ordered markers, memorials, or monuments are proper for the area and for name placement on the marker. Markers, memorials, or monuments are private property. The township assumes no responsibility for acts of nature, deterioration, vandalism, etc. In addition, the township is not responsible for care, cleaning or repair of markers, memorials, or monuments.
3. *Monument companies liable for damage.* Monument companies are responsible for all damage to cemetery grounds and surrounding markers, memorials, or monuments that occurs during their installation of a marker, memorial, or monument. The township is not responsible for markers, monuments, or memorials incorrectly placed. Installers are responsible for all damage. The township is not responsible for moving markers.

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## 8 Cemeteries

### 4. *Marker, monument, and memorial regulations.*

- A. Only one marker, monument, or memorial shall be permitted per burial space or may be centered over two spaces. All markers, monuments, and memorials shall be located on the west side of the space, except where precedent requires otherwise. A Veterans Plaque can be added to an existing marker by affixing it to the front or back.
- B. The marker or monument base, as well as the widest portion of the monument, may not be more than 36 inches long, the width of a single burial space, and 14 inches in depth. The marker or monument base, as well as the widest portion of the monument on two or more adjoining spaces may not be more than 54 inches long and 14 inches wide. All monuments must face the east or west direction.
- C. A temporary marker or monument indicating the name of the deceased person may be placed on a grave for up to six months after a burial.
- D. It is not the responsibility of the township for receipt of delivery or placement markers, monument, or memorials ordered from online vendors.

### 5. *Foundations.* The foundation upon which any marker, memorial, or monument must be placed, shall be constructed by the sexton of the cemetery, per specifications and shall be billed to the plot owner or the deceased member's family at the rate set by resolution of the board of trustees. Orders for foundations shall be placed a minimum of 30 days in advance of delivery of the marker/memorial or monument. Foundations shall not be poured during the winter months nor for a period of 60 days from the date of the burial to allow sufficient time for the ground to settle. .

### 6. *Payment of foundation fees.* No foundation shall be poured unless payment in full has been made. No marker, memorial, or monument may be placed upon any foundation for which there is a balance due, nor may any marker, memorial, or monument be placed upon a gravesite for which payment has not been made.

### 7. *Variances from requirements.* Any variance from the preceding requirements in [Sec. 8-6](#) must be approved by the board. No variance may be granted to alter the rule of one marker per burial space.

### 8. *Cenotaph.* The purchase of a burial space or niche is required for the placement of a marker, memorial, or monument on cenotaph spaces. All regulations for foundations and markers apply to burial spaces.



**Sec. 8.7** Interment regulations.

1. *Interments per grave site.* Only one person may be buried in a burial space, except for a parent and infant or two children buried at the same time. The ash remains of one person may be interred in a grave wherein lie the remains of only one other person who was an immediate family member or joint owner at the time of initial purchase.
2. *Advance notice required.* Not less than 36 business hours' notice shall be given in advance of the time of a funeral to allow for the opening of the burial space. Business hours shall be defined as all weekdays from 9AM to 5PM excluding holidays when the township office is closed.
3. *Burial transit permit and fee required.* No burial shall proceed until a burial transit permit has been issued and the sexton has received payment of the interment fee.
4. *Method of ordering grave opening.* The township will not assume responsibility for errors in opening graves when orders are given by any means of communication other than in writing or in person. Orders submitted by funeral directors for the opening of graves will be considered as if coming from the plot owner.
5. *Removal of flowers and emblems.* Following an interment, all flowers or emblems used at the interment that have become unsightly or remain beyond 60 days from burial will be removed. Management assumes no responsibility for their return to the owners.
6. *Interments not permitted on Sundays and holidays.* Interments shall not be permitted on Sundays, the Saturday before Memorial Day, or holidays, except as ordered by the county or state health department. The term 'holiday' shall mean every weekday that the township offices are closed, as determined by the township yearly calendar.
7. *Township Official Authority.* The opening and closing of burials spaces or niches shall only be done by the sexton or his/her designee. The sexton or his/her designee must be present for all burials.

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## 8 Cemeteries

### Sec. 8.8 Ground maintenance.

1. *Unauthorized groundwork.* No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton.
2. *Plantings.* The board reserves the right to direct the planting of trees and shrubs in the cemetery. Plot owners may obtain permission to plant dwarf evergreens on a plot and must be planted in line on either side of a marker, memorial, or monument. All requests must be submitted to the township clerk.
3. *Board authority regarding plantings.* The board reserves the right to direct the removal or trimming of any tree, plant, bush, or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery. The sexton has the discretionary authority to trim and/or remove all trees, bushes, shrubs, and plantings, which have become unsightly or overgrown. No unauthorized trimming, pruning, or removing of a branch from any tree or shrub in the cemetery is permitted except under the supervision of the sexton.
4. *Mounds are prohibited.* Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
5. *Cemetery sexton authority.* The cemetery sexton shall have the right and authority to remove and dispose of all growth, emblems, displays, or containers that are in violation of ordinance or have become unsightly, source of litter, or maintenance problem through decay, deterioration, damage.
6. *Surface Requirements.* Surfaces other than earth or sod are prohibited.
7. *Proper disposal of refuse.* All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.
8. *Urn regulations.* An urn, defined as an open top, concrete or stone container for planting flowers, is permitted on lots which consist of two plots (63 square feet). An urn must be set in line with the marker, memorial, or monument on a lot. Urns not in use by June 1 may be marked and removed without notice.
9. *Location of flower beds.* Flower beds must be located directly in front of and adjacent to the marker, memorial, or monument and extend not more than eight inches from the base of the marker, memorial, or monument. Potted flowers placed above the ground are not allowed. Beds or urns set contrary to this chapter may be removed without notice.
10. *Cut flower regulations.* Cut flowers may be placed in a depressed metal vase set adjacent to and/or in line with a marker, memorial, or monument and extend not more than eight inches from the base of the marker, memorial, or monument.

11. *Artificial flowers and wreath regulations.* Artificial flowers, grave blankets, and artificial wreaths are permitted at ground level on lots only during fall and winter from November 1 to April 1. They may be placed adjacent to the marker, memorial, or monument or in an urn. The sexton shall remove all artificial flowers, wreaths, and blankets remaining on the grave after April 1. During the summer season (April 2 to October 31) artificial flowers and/or wreaths are permitted only if placed in urns that meet these regulations or affixed to the marker in such manner so as not to interfere with general maintenance practices.
12. *Veteran flag.* The township will place the United States of America flag on all graves when notified of military service. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
13. *Lighting.* Solar lighting is permitted if it is part of the original purchased marker. Additional solar lights placed in the ground or on the grave are prohibited.
14. *Items not permitted.* The following items shall not be permitted: chairs, settees, benches (unless marker is shaped as a bench), hanging baskets, flowerpots, glass containers, glass covered boxes, photos, and boxes for the preservation of flowers, wreaths, statues, ornaments, trellis, wind chimes, shepherd hooks, bricks, mulch, cloth, alcohol, fire or open flames. Other questionable items are subject to the discretion of the sexton and/or the board.

#### Sec. 8.9 Forfeiture of vacant cemetery lots or burial spaces.

1. Vacant Lots. Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale or last transfer shall automatically revert to the township upon occurrence of the following events:
  - A. Notice shall be sent by the township by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing the notice, his or her desire to retain said burial rights.
  - B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the township from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

#### Sec. 8.10 Repurchase of lots or burial spaces.

The township will repurchase the burial rights to any cemetery lot or burial space from the owner for the original price paid the township, upon request of said owner or his legal heirs or representative.

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## 8 Cemeteries

### Sec. 8.11 Records.

1. The township shall maintain records concerning sales of all burial rights, all burials, issuance of burial permits, and transfers of burial rights, and shall have access to all cemetery funds, separate and apart from any other records of the township, and the same shall be open to public inspection at all reasonable business hours.
2. Owners of burials rights must keep the township updated with their current address and contact information.

### Sec. 8.12 Vaults.

1. All burials shall be contained within a standard concrete or steel vault (or vaults made of other materials when standardized and accepted) constructed in each burial space before interment with the exception of infant burials and cremains. Burial vaults over four feet in length shall be considered adult size.
2. Cremains must be enclosed within a non-biodegradable container.

### Sec. 8.13 Columbarium rules and regulations.

1. *General information.* The township is responsible for the sale and maintenance of columbarium niches. The township will establish records regarding the columbarium. These records will include the names of those who have reserved a niche, copies of Columbarium Rights Agreement, assignments, and Niche Maintenance Reports.
  - A. A columbarium niche is for the interment of human cremains only.
  - B. The township will be responsible for repairs to the columbarium. The township will not be held responsible for the loss or destruction of interred remains due to vandalism, acts of nature or any unforeseen circumstances.
2. *Niches.* A single niche is 12"x12"x12". The township will allow up to two cremains per niche if the total dimensions of the urn(s) does not exceed 11"x11"x11". The urn must be made of non-biodegradable material suitable for interment (no cardboard). The township shall have full authority to refuse any cremains receptable deemed unsuitable. Leaving the cremains in the urn sent by crematorium is allowed if it meets the above requirements.

3. *Niche purchase.* Residents and nonresidents of the township may purchase committal rights to a columbarium niche. The cost of niches is determined from time to time by resolution of the township board of trustees. All such sales shall be recorded on a Columbarium Rights Certificate, which grants rights to the niche. This is the owner's proof of purchase and should be kept in a safe place that is known to family members or friends. The owner will receive a copy of the Cemetery Ordinance.
  - A. Purchases of niches are limited to two niches in one purchase.
  - B. All niches must officially be assigned by the owner at the time of purchase. If assignment changes are to be made, the owner or transferee must contact the township and make the assignment change to the official record. If the assignee no longer wishes to use space/niche, then they may waive assignment by signing a waiver form with the township. If the assignee is interred elsewhere, the assignment is terminated. In both these instances of transfer, burial authority is returned to the owner.
  - C. The holder of the Columbarium Rights Certificate acquires no property rights in the columbarium or any of its niches. Legal title to the columbarium and niches always remains with the township. The certificate attests only to the right of interment of cremains of the person(s) named on the certificate in the specific niche. In the event of a discrepancy between the certificate and the administrative records, the latter shall take preference.
  - D. Columbarium Rights Certificates for a niche can only be made through the township. A niche must be paid in full before interment. There will be no exceptions to this rule. The township will buy back a niche from the owner for the original price paid upon written request of said owner or his/her legal heirs or representatives.
  - E. Niche transfers are permitted to those persons defined as an immediate family member or a resident upon payment to the township of a transfer fee. Burial rights may be transferred to a nonresident upon payment to the township of the transfer fee plus the difference, at the time of the transfer, between the current cost of a resident niche and the current cost of a nonresident niche. A transfer must be completed, endorsed by, and filed with the township. Upon such transfer, the township shall issue a new Columbarium Rights Certificate to the transferee and shall void the original certificate issued. Niches may not be sold between private individuals, funeral homes, or for speculative purposes.
4. *Interment.* Interment arrangements shall be made through the funeral home or the owner's family.
  - A. Niche openings can only be performed by township employees. Anyone other than a township employee who attempts to open a niche will be prosecuted under state and local laws.
  - B. Any funeral home costs are the responsibility of the owner or the owner's family. The township will assess and collect an opening and closing fee before the niche is accessed.

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## 8 Cemeteries

5. *Engraving of niche cover.* To maintain the columbarium in a uniform manner, only first and last name, date of birth, and death date will be allowed. Military brass badge/emblem is allowed on Veterans niche covers. The specific font and size of the engraving is set by township and must be adhered to. Engraving of the niche fronts is allowed before interment of the cremains. Niche covers are not required to be engraved. The township is not responsible for engraving errors. Corrections to engraving errors are at the owner's expense.
6. *Tribute items.* No flower arrangements, plants, wreaths, toys, flags, or mementoes will be allowed to be placed near the Columbarium at any time, except at the time of interment.
7. *Disinterment of niche cremains.* If cremains must be removed from the columbarium by the family or an authorized person, a written request must be made to the township. This request must explain the reason for the removal, who is making the request, their relationship to the deceased, the day and time requested for the removal, and who will take possession of the cremains. Additional information or documentation may be required.
  - A. An opening and closing fee will be assessed and collected at the time of the opening at the current rate. The township assumes no liability for damage to any urn in the process of making a removal.
  - B. The original price paid for the vacated niche will be refunded to the owner or the owner's family.
  - C. If a niche's cover has already been engraved, the cost of replacement cover is the responsibility of the vacating owner, not the responsibility of the township. Replacement covers can be obtained from the township with prepayment at the current rate.
  - D. If the columbarium requires repairs to maintain its integrity, the owner agrees to permit the temporary removal of any cremains until those repairs are completed. The cremains will be returned to the proper niche by the township.

### Sec. 8.14 Cemetery hours.

1. *Public visitation hours.* The cemetery shall be open between 8:00 a.m. to 5:00 p.m. between November 1 and April 30. Between May 1 and October 31 the cemetery shall be open the same hours as the township parks, from 8:00 a.m. until dusk, except when inclement weather conditions necessitate an earlier closing time.
2. *Visitation during non-visitation hours.* No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the trustees, the board, or the sexton of the cemetery.

### Sec. 8.15 Perpetual care and maintenance.

The purchase price of every plot includes perpetual care and maintenance, and such care is made a part and condition of each sale in order to provide for the essential services and requirements of a cemetery without further expense to the owner. Perpetual care and maintenance shall consist of mowing, reseeding, and leveling all sunken graves at reasonable intervals. Anything other than the essential features of lot maintenance as herein outlined is not included, such as the repair, maintenance, or replacement of any marker, memorial, monument, or urn. Nor does it include the watering of plants, flower beds or cut flowers, except as such work is done in the normal care incidental to regular maintenance.

### Sec. 8.16 Disinterments and reinterments.

1. Disinterment regulations. Disinterment of a body once properly interred shall not be made without the approval of the board and is subject to the orders and laws of the properly constituted public authorities. Graves shall not be opened for inspection except for official investigation.
  - A. A permit for disinterment and reinterment is required before disinterment of a dead body. The local health department in whose jurisdiction the body is interred shall issue the permit.
  - B. The department shall prepare and furnish the local health department the forms for permits and applications thereof, which shall be used in the procedures prescribed by this section. The local health department shall retain an application for a disinterment and reinterment permit for not less than five years. A duplicate copy of the permit shall be maintained in permanent records of the cemetery from which the body was disinterred.
  - C. If a required consent cannot be obtained, a person may petition the circuit court of the county in which the cemetery is located for a disinterment order.
2. *Notice and fees required.* At least one week's notice is required prior to any disinterment or removal. All fees for disinterment and reinterment shall be prepaid.
3. *Fees for resetting markers.* Any marker or monument designating the location of an interment shall be removed at the time a disinterment is made. If the body is reinterred, there will be a charge for resetting the marker or monument, the same as for a newly placed marker, memorial, or monument and must be prepaid.

### Sec. 8.17 Damage to cemetery properties.

The township shall not be responsible for any kinds of damage by the elements, vandals, and thieves or by other causes beyond its control. The defacement of markers, memorials, monuments, graves, or cemetery appurtenances, whether intentional or otherwise, and the removal of flowers, urns or any of the cemetery equipment without proper authority will be considered a misdemeanor and the individual will be liable for the damages. The operator of any vehicle will be liable for any damage caused by said vehicle, whether intentional or unintentional. The speed limit established on cemetery roads is ten miles per hour.

*State Law References: Malicious Mischief Generally, MCL 750.377a et seq.*



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8	Cemeteries
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*Code of Ordinances—Chapter 9*  
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*Code of Ordinances—Chapter 10*  
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*Code of Ordinances—Chapter 11*  
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## ARTICLE I. IN GENERAL

Secs. 12.1 to 12.20. Reserved.

## ARTICLE II. OPEN BURNING\*

\* State Law References: Air Pollution Control, MCL 324.5501 et seq.; Open Burning of Leaves and Grass Clippings, MCL 324.11522.

## Sec. 12.21 Burn permit requirements.

No person, partnership, association, corporation or other entity, or employee or agent thereof, shall within the limits of the township, start, set, or cause to be started or set, an open fire, except an approved "domestic fire" as defined in [Section 12.25](#), without a verbal or written permit from the Looking Glass Regional Fire Authority (LGRFA).

## Sec. 12.22 Burning permit required.

Any person, partnership, association, corporation or other entity, or employee or agent thereof, desiring to start or set an open fire, except an approved "domestic fire" as defined in [Section 12.25](#), shall make application for a verbal or written permit to the Looking Glass Regional Fire Authority (LGRFA), which application shall state the name and residence of the applicant, the owner of the property and whether consent of the owner to burn on the property has been given, the location of the premises where such fire is to be set, the time, day and date contemplated for setting such fire, the reason for setting such fire, type of material to be burned and such other information as the township board or the fire chief may from time to time require.

## Sec. 12.23 Approval of application.

If such application is approved, the Looking Glass Regional Fire Authority (LGRFA) shall forthwith issue a verbal or written permit to said applicant, provided that such a permit does not conflict with the provisions of any applicable local, state or federal law.



### Sec. 12.24 Violation.

Any person, partnership, association, corporation or other entity, or employee or agent thereof, who violates or fails to comply with any provision of this Article or who starts, sets, or causes to be started or set, an open fire which necessitates calling the Looking Glass Regional Fire Authority (LGRFA) or any other fire department on behalf of the township, shall pay to the township all charges applicable that are in the emergency schedule of fees adopted by resolution of the township board of trustees. The township may sue in any court of competent jurisdiction for civil damages and to recover such costs and expenses. Also, see [Chapter 2, Article V, Division 2](#) and any future ordinances that may be adopted or revised for an update on the township fire protection and ambulance service for the recovery of costs for the fire run.

### Sec. 12.25 Domestic fires.

As used herein, an approved "domestic fire" falls in the following categories:

1. Any fire where the material to be burned has been placed in a fireproof container, constructed of metal or masonry, with an approved spark arrestor, and with openings not larger than three-fourths of an inch. Such fireproof containers shall be located not less than 300 feet from any neighboring house or structure. Commercial or industrial properties are not allowed to open burn at anytime. Such fires shall be burned only between the hours of sunrise and sunset.
2. Any fire where the material to be burned has been placed in a patio burner or chimnea, constructed of metal, clay or masonry. Such patio burners shall be located not less than 25 feet from any neighboring house or structure.
3. Any campfire with a total fuel area of three feet or less in diameter and two feet or less in height. Such campfires shall be located not less than 75 feet from any neighboring house or structure and no closer than 25 feet to any structure.

### Sec. 12.26 Open fires.

An open fire, such as a brushfire shall require a verbal or written permit from the Looking Glass Regional Fire Authority (LGRFA). No fire shall be left unattended until it has been completely extinguished.

### Sec. 12.27 Burning of garbage, hazardous materials, etc.

In addition to any substances and materials specifically prohibited by the state department of environmental quality, pursuant to Part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.), and the state department of natural resources, pursuant to Part 515 of Public Act No. 451 of 1994 (MCL 324.51501 et seq.), no person, partnership, association, corporation or other entity, or employee or agent thereof, shall burn garbage, hazardous waste or explosives, animal carcasses, animal waste, petroleum based products, plastics, shingles, demolition or construction materials, buildings, tires, automobiles or parts thereof, refuse from multiple dwellings, or any material giving off foul odors, at anytime. The provisions of this Section shall also apply to any approved "domestic fire" as defined in [Section 12.25](#).

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12	Fire Prevention and Protection
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Sec. 12.28 Violations deemed a nuisance.

Any violation of this Article shall be deemed a nuisance per se, and the township board, its agents or law enforcement officers may take action to abate such nuisance in any court of competent jurisdiction.



*Code of Ordinances—Chapter 13*  
*Reserved*

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# Code of Ordinances—Chapter 14

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[Final Plat Application](#)

[Land Division Application](#)

[Planned Unit Development Application](#)

[Preliminary Plat Application](#)

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## ARTICLE I. IN GENERAL

Secs. 14.1 to 14.18 Reserved.

## ARTICLE II. SUBDIVISIONS

DIVISION 1. GENERALLY

## Sec. 14.19 Purpose.

The purpose of this Chapter is to regulate and control the subdivision of land within the township, in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

1. Provide for orderly growth and harmonious development of the community.
2. Secure adequate traffic circulation through coordinated street systems with proper relation to existing streets and highways, adjoining subdivisions and vacant land, and public utilities.
3. Achieve individual property lots for maximum utility and livability.
4. Establish standard procedures for processing preliminary and final plats thoroughly and efficiently.
5. Establish subdivision requirements for design, site preparation and public improvement installation.
6. Provide standards for water, waste disposal, storm drainage, police and fire protection, sidewalks, streets, highways and the procedures to ensure that these standards are consistently met.

## Sec. 14.20 Scope.

This Chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the ordinance from which this Chapter is derived, except for the further subdividing of lots. This Chapter does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, chapters, comprehensive plan provisions or regulations. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of any other ordinance, law, or comprehensive plan or regulations of this township, the provisions of this Chapter shall prevail.

## Sec. 14.21 Administration.

The approval provisions of this Chapter shall be administered by the township board in accordance with Public Act No. 288 of 1967 (MCL 560.101 et seq.).



#### Sec. 14.22 Fees.

1. Fees for purposed permitted under this Chapter shall be as established by resolution of the township board of trustees. All fees and categories for the payment of fees may be amended by resolution of the board of trustees of the township and shall be deemed effective immediately upon adoption of said resolution and shall apply to all applications thereafter filed.
2. Any additional expense to the township for expert professional specialist review or additional review meetings will be passed on to the applicant. Upon receipt of an application and/or subdivision proposal, the zoning administrator may make such a determination or at any time thereafter, and require that an escrow account be established by the applicant based on the zoning administrator's best estimate of cost. All review fees will be withdrawn as needed and money not expended will be returned promptly to the applicant within five business days after action on the site plan.

#### Sec. 14.23 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter, unless otherwise specifically stated:

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

**As-built plans.** Revised construction plans in accordance with all approved field changes.

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

**Buffer strips.** See Greenbelts.

**Building line or setback line.** A line parallel to a street right-of-way line, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way.

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

**Comprehensive development plan (master plan).** A plan adopted by the township for the physical development of the township showing the general location for major streets, parks, schools, public building sites, land use and other similar information. The plan may consist of maps, data and other descriptive matter.

**County health department.** The Mid-Michigan District Health Department.

**County plat board.** The Clinton County Plat Board.

**County road commission.** The Clinton County Road Commission.

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

**Developer.** See Proprietor.

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*Floodplain, 100-year.* That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which has a one-percent chance of being inundated by a flood in any given year.

*Floodprone area.* The 100-year floodplain.

*Governing body/township board.* The Township Board of the Charter Township of Watertown.

*Greenbelts or buffer strips.* A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

*Improvements.* Any structures incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

*Land Division Act.* Public Act No. 288 of 1967 (MCL 560.101 et seq.).

*Lot.* A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

1. Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the rear lot lines, measured along the median between the side lot lines.
2. Lot width means the horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

*Master plan.* See Comprehensive development plan.

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

*Parcel.* A continuous area or acreage of land which can be described as provided for in the Land Division Act.

*Pedestrian walkway.* See Crosswalk.

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

*Planning commission.* The planning commission of the township as established under Public Act 168, 1959 (MCL 125.321 et seq.).

*Plat.* A map or chart of a subdivision of land.

1. Pre-preliminary plat means an informal plan or sketch drawn to scale showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
2. Preliminary plat means a map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

3. Final plat means a map of a subdivision of land made up in final form ready for approval and recording.

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

*Public open space.* Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, streets and highways and public parking spaces.

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

*Replat.* The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries or the outlot is not a replat.

*Reserve strip.* A one-foot-wide strip of land placed at the end of stub streets which terminate at subdivision boundaries for the purposes of controlling access and preventing the erection of structures which might obstruct future street extensions.

*Right-of-way.* Land acquired by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, public and private utility lines, and similar uses.

*Setback line.* See Building line.

*Sight distance.* The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of six inches.

*Sketch plan.* A pre-preliminary plat.

*Street.* A right-of-way which provides for vehicular and pedestrian access to abutting properties.

1. Freeway means those streets designed for high-speed, high-volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
2. Expressway means those streets designed for high-speed, high-volume traffic, with full or partially controlled access, some grade crossings and no private driveway connections.
3. Arterial street means those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic. All one-mile roads are arterial.
4. Major thoroughfare means an "expressway" or "arterial street" as defined in this Chapter.
5. Collector street means those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
6. Cul-de-sac means a minor street of short length having one end terminated by a vehicular turn around.

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7. Minor street means a street which is intended primarily for access to abutting properties.
8. Service street means a street running parallel to a freeway or expressway and serving abutting properties.
9. Stub street means a street extended to the boundary line of the tract to provide for the future projection of streets into adjacent areas.

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

*Subdivider.* See Proprietor.

*Surveyor.* Either a land surveyor who is registered in this state as a registered land surveyor or a civil engineer who is registered in this state as a registered professional engineer.

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

*Tract.* Two or more parcels that share a common property line and are under the same ownership.

#### Sec. 14.24 Enforcement.

1. Subdivision plats; final approval. No subdivision plat required by this Chapter or the Land Division Act shall be admitted to the public land records of the county or received or recorded by the county register of deeds, until such subdivision plat has received final approval by the township board. No public board, agency, commission, official, or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Chapter unless such public improvement shall have already been accepted, opened, or otherwise received the legal status of a public improvement shall correspond in its location and to the other requirements of this Chapter.
2. Violation procedures. The zoning administrator shall enforce the provisions of this Chapter in cooperation with an attorney named by the township. The decision to employ an attorney will be a joint determination by the zoning administrator and the executive committee of the planning commission. Enforcement procedures shall be as follows:
  - A. When a violation of this Chapter is found, the subdivider, property owner and/or person maintaining the violation shall be contacted by mail or in person by the zoning administrator. The zoning administrator shall explain the intent of this Chapter, the nature of the violation, and the corrective action necessary to comply.

- B. When a property owner or other party who has violated this Chapter manifests by word or action an intent not to correct the violation or to further violate this Chapter, the zoning administrator shall proceed with a formal inspection and issue a "Notice of Violation" without delay. When a property owner or other party who has violated this Chapter expresses an intent to correct the violation, the zoning administrator shall allow a reasonable time period, not to exceed 30 days, for correction of the violation.
- i. Inspection of property; record of inspection. At the end of the correction period, the zoning administrator shall make a formal inspection of the property to determine if the noted violations have been corrected. A record of this inspection shall be made and shall contain photographs, instrument readings and other information necessary to establish the nature and extent of any remaining violation.
  - ii. Corrective action taken; compliance with provisions. If the corrective action has been taken by the property owner or other person responsible for the violation, the zoning administrator shall indicate that the property is in compliance with this Chapter by sending a letter stating this to the property owner.
  - iii. Passive violations. If the noted violations remain and are evident in the record of formal inspection, the zoning administrator shall issue a "Notice of Violation." This notice shall be delivered in person or by certified mail, return receipt requested restricted to addressee, to the property owner and/or other person responsible for the violation and shall contain the date of formal inspection, the provision of this Chapter that was violated, the penalties which may be imposed, and the amount of time allowed for corrective action not to exceed 15 days.
  - iv. Inspection after corrective action taken. At the end of this correction period, the zoning administrator shall again make a formal inspection of the property to determine whether or not the indicated corrective actions have been taken.
  - v. If the violation remains, the zoning administrator shall present all evidence to a designated attorney for the purpose of seeking either a criminal warrant, a civil action, or both against the property owner or other person responsible for the violation.

#### Sec. 14.25 Penalties.

Penalties for failure to comply with the provisions of this Chapter shall be as follows: Violation of any of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor. The landowner, tenant, subdivider, builder, public official, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the township board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Chapter or of the Land Division Act.



Sec. 14.26 Proposal to amend, supplement or repeal Chapter provisions.

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

Secs. 14.27 to 14.55 Reserved.

## DIVISION 2. PLATTING PROCEDURES

Sec. 14.56 Purpose.

This Division provides for the review of the subdivision plan, as submitted. The township board and planning commission shall have the authority to hire professional services, as applicable, to assist in this review. The fee shall be according to [Section 14.22](#).

Sec. 14.57 Pre-preliminary contact and sketch plan.

A pre-preliminary sketch plan shall be required for planned unit developments but is optional for all other plats.

### 1. Purpose.

- A. To provide guidelines for the subdivider concerning development policies of the township.
- B. To acquaint the subdivider with the platting procedures and requirements of the township board and planning commission.
- C. To provide the planning commission and other affected agencies with general information concerning the proposed development.
- D. Acceptance of the sketch plan does not ensure acceptance of the preliminary plat.

### 2. Requirements.

- A. Pre-preliminary plat or sketch plan. The plan shall show the subdivision's entire development scheme including the area for immediate development, and shall include the following:
  - i. General layout of streets, blocks and lots.
  - ii. A legal description of the proposed site.
  - iii. Total number of acres in the site.
  - iv. A statement of the approximate number of residential units.

- v. The number of acres to be preserved as open or recreational space.
    - vi. All known natural resources and natural features to be preserved.
    - vii. Existing conditions and characteristics of the land proposed for subdividing and adjacent to the site.
  - B. Suitability engineering letter. A letter from a surveyor or engineer concerning the general suitability of the land for subdividing.
  - C. Ownership.
    - i. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
    - ii. A written statement as to whether there are any options on the property, or any liens against it.
    - iii. The name and address of the owner of record if the applicant is not the owner of record (or firm or corporation having legal or equitable interest in the land), and the signature of the owner.
  - D. Financing. The township board shall require such proof of financing of the proposed subdivision as they deem necessary.
3. Procedure.
- A. The subdivider shall submit two copies of the pre-preliminary plat to the planning and zoning office not less than 21 days before the next meeting of the planning commission.
  - B. The zoning administrator shall make a preliminary review and call a meeting of the site plan review/subdivision committee. The committee will review the plan with the subdivider or his agent.
  - C. The site plan review committee/subdivision committee shall inform the subdivider or his agent of the township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
  - D. The site plan review committee/subdivision committee shall inform the planning commission and the subdivider of the results of the review.
  - E. The planning commission shall inform the township board of the results of the review of the pre-preliminary plat.

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**Sec. 14.58 Preliminary plats.**

The following shall be required for approval of preliminary plats under Sections 112–120 of the Land Division Act (MCL 560.112–560.120).

**1. Requirements.**

- A. Submittal. The subdivider shall submit ten copies of the preliminary plat on a topographical map, to the township clerk at least 30 days before a meeting of the planning commission when the plat is scheduled to be considered. Tentative preliminary plat approval must be granted by the township board prior to submission of the plat to outside agencies for review. Subdivider shall also submit an application form. Signature on the application will grant permission for the township to make any on-site investigations it deems necessary. On the application form, the subdivider shall certify that he has:
  - i. Obtained current copies of the following township documents as may be available:
    - a. Zoning ordinance.
    - b. Subdivision regulations.
    - c. Comprehensive development plan.
    - d. Applicable sewer ordinances.
    - e. Such other ordinances or controls applicable to the subdivision and improvement of land.
  - ii. Obtained current copies of:
    - a. Manual of instructions: Land Division Act (state department of labor and economic growth).
    - b. Regulations and/or standards of Clinton County road commission and drain commission.
    - c. Regulations and/or standards of Mid-Michigan District Health Department.
  - iii. Verified that the area for the proposed subdivision is properly zoned for the intended use or that an application for rezoning to the proper zone is pending.
  - iv. Made investigation with the appropriate officials concerning the adequacy of open spaces, including parks and playgrounds, to serve the proposed subdivision.
  - v. Made an investigation of the present adequacy and proposed development of major thoroughfares with respect to the proposed subdivision.
  - vi. Investigated the availability and adequacy of sanitary sewers, water supply and surface drainage in regard to the proposed subdivision.
  - vii. Obtained a soil survey, made on-site investigation and has determined that the soil conditions of the property to be platted are of such a nature that all limitations can reasonably be expected to be overcome by proper planning and construction.



- B. Size and scale. The preliminary plat shall be drawn on a 24-inch by 36-inch sheet at a scale of not smaller than one inch equals 200 feet and shall show the date and north arrow.
- C. Information required on plat.
- i. Name of proposed subdivision.
  - ii. Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat, and the seal of the surveyor preparing the plat.
  - iii. Location of the subdivision giving the numbers of Section, township and range, and the name of the township and county.
  - iv. The names of abutting subdivisions and the names and addresses of owners of adjacent properties.
  - v. Statement of intended use of the proposed plat, such as, residential single- and multiple-family; local business; general business; office; industrial; or agricultural. Shall include proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Shall include any sites proposed for open or recreational uses, and indicate all known natural resources and features to be preserved.
  - vi. A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development. If phasing is intended, a statement of phasing plan must be included.
  - vii. A location map showing the relationship of the proposed plat to the surrounding area, including the nearest road intersection.
  - viii. The land use and zoning of the proposed subdivision and adjacent tracts.
  - ix. Streets, alleys, street names, right-of-way and roadway widths, together with drainage arrows.
  - x. Lot widths, the size of the smallest lot, and the total number of lots.
  - xi. Contours shall be shown at five-foot intervals where slope is greater than ten percent, and two-foot intervals where slope is ten percent or less.
  - xii. All governing conditions such as:
    - a. Rivers, 100-year floodplain, natural watercourses, existing county or private drains.
    - b. Railroads, power lines and cemeteries or parks.
    - c. All other features that the location or existence of which might influence the layout of the plat.
  - xiii. Proposed and existing storm and sanitary sewers, water mains and their respective profiles or alternative methods.

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xiv. Typical cross section of streets to be constructed including right-of-way width, which shall comply with requirements as established by the Clinton County road commission standards for street construction.

xv. Right-of-way easements, showing location, width and purpose.

D. Other information required.

i. Site report. A site report as described in the rules of the state department of environmental quality, if the proposed subdivision is not to be served by public water systems.

ii. Restrictive covenants. Four copies of proposed restrictive covenants and deed restrictions, or state in writing that none are proposed.

iii. Traffic engineer study. If the proposed subdivision or the entire area scheduled for development will contain more than 80 dwelling units, or if the proposed subdivision requires planned unit development approval, or if the proposed subdivision is nonresidential, the proprietor may be required to submit a professionally prepared traffic engineering study as determined by the planning commission.

iv. Proof of ownership.

a. Proof of ownership, and whether there are any options on the property, or any liens against it.

b. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.

c. The name and address of the owner of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner.

v. Preliminary engineering plans. The subdivider shall submit five sets of preliminary engineering plans for water, sewers, sidewalks and other required public improvements. The plans shall contain enough information and detail to enable the planning commission or township engineer to make preliminary determination as to conformance of the proposed improvements to applicable township regulations and standards.

2. Procedures.

A. Tentative approval-review and action by the planning commission.

i. The zoning administrator shall review the submitted proposed subdivision data for completeness. If the plat or application is incomplete, the zoning administrator shall notify the subdivider outlining the deficiencies and instruct the subdivider that the application and plat will not be acted upon until the required data is submitted.

- ii. As of the date the application and the plat are complete, a meeting of the site plan/subdivision review committee will be called within three weeks before the next planning commission meeting, and the proposed plat will be placed on the agenda of the next planning commission meeting. The zoning administrator shall transmit copies of the proposed plat to other appropriate agencies such as the school district, fire chief of the appropriate district, the sheriff's department, and other agencies as deemed necessary.
  - iii. The planning commission shall conduct a public hearing. Notice of said hearing shall be given at least 15 days prior to the hearing by one publication in a newspaper (or newspapers) of general circulation in the township and by mail to each public utility company and to each railroad within the geographical sections or divisions of the township affected by the proposed plat. Notice of said hearing shall also be sent to the subdivider and to all owners of land adjoining the land to be platted. The zoning administrator shall maintain an affidavit of the mailing. If the proposed subdivision requires a planned unit development hearing, such hearing shall be held concurrently.
  - iv. The planning commission shall recommend to approve, modify, or disapprove the preliminary plat within 60 days of the date of receipt by the township clerk and shall within those same 60 days report its action to the township board. The 60-day period may be extended if the applicant consents. If no action is taken within 60 days, the preliminary plat shall be deemed to have been approved by the planning commission. The action of the planning commission and report of action of the planning commission to the township board may contain any recommendations, conditional or otherwise, which the planning commission deems appropriate.
- B. Tentative approval-review and action by the township board.
- i. The township board shall not approve, modify, or disapprove a preliminary plat until it has received the planning commission's report, unless no action has been taken by the planning commission as set forth in [Section 14.58.2.A.iv](#).
  - ii. Within 30 days of the meeting at which the township board receives the report of the planning commission, or within 30 days following the expiration of the period set forth in [Section 14.58.2.A.iv](#) if no action has been taken by the planning commission, the township board shall approve, modify, or disapprove the preliminary plat.
- C. Conditions and duration of tentative approval of preliminary plat. Tentative approval of the preliminary plat by the township board shall confer upon the subdivider 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 subdivider before the expiration date and granted by the township board.

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3. Final approval, preliminary plat.

- A. Submittal. The subdivider shall submit to the township clerk 30 copies of the approved tentative preliminary plat which shall be stamped with the date and time received. Ten copies shall be retained for township use. To meet the requirements of Sections 113–119 of the Land Division Act (MCL 560.113–560.119), the proprietor shall transmit the approved tentative preliminary plat to the required reviewing agencies and shall submit two copies to the tri-county regional planning commission for approval of street names. The subdivider shall also remit all fees established by this Chapter for review of plats.
- B. List of authorities; filing. The subdivider shall file with the township clerk a list of all authorities to whom stamped copies of the preliminary plat have been distributed, and certify that these are the only authorities whose approval is required under Sections 112–119 of the Land Division Act (MCL 560.112–560.119).
- C. Information required.
- i. When the subdivider has secured the approvals of the various approving authorities as required by Section 113–119 of the Land Division Act (MCL 560.113–560.119), he shall deliver all approved copies to and letters from all approving agencies stating all conditions of approval, to the township clerk, along with the required fees. If revisions were required on the preliminary engineering plans, the revised plans shall also be submitted at this time.
  - ii. The subdivider shall have completed a written agreement with the township board regarding any cost splits between the proprietor and the township covering over-sizing and/or deep ditching of township utilities, and any other financial participation by the township.
  - iii. Where the plat is to contain open space, buffer zones, fences, landscaping, greenery, community facilities, or any other private appurtenances to be held or used in common by lot leasers or purchasers, copies of all proposed protective covenants or deed restrictions shall be submitted to the township board. The township may suggest such changes in the covenants and/or restrictions as it deems necessary to insure protection of the future interests of the community.
- D. Township board action.
- i. Preliminary engineering plans for all improvements required shall be reviewed and approved by the township engineer and fees shall be charged according to [Section 14.22](#).
  - ii. The township board shall within 30 days after receipt of the necessary approved copies of the final preliminary plat either approve or reject it and give its reasons therefore.
- E. Conditions and duration of approval.
- i. Conditions.
    - a. The township board may enter into a written agreement with the subdivider to construct, within a reasonable time, certain improvements within the area to be platted. No construction shall be undertaken in the plat area prior to the granting of all final approvals of the preliminary plat plans as approved in the Land Division Act.

- b. Approval of the final preliminary plat shall not constitute approval of the final plat.
- ii. Duration.
  - a. Final approval of the preliminary plat by the township board shall be for a period of two years from the date of its approval.
  - b. The township board may extend the approval period if the subdivider applies for an extension prior to the expiration date.
  - c. The subdivider shall not be required to resubmit for approval at a later date his preliminary plat if making final plat in stages, so long as he does not alter the original preliminary plat approved by the township board, or exceed the time limit as set by the Land Division Act or as extended by agreement with the township board.

#### Sec. 14.59 Final plat.

1. Requirements.
  - A. Final plats shall be prepared and submitted as provided in the Land Division Act.
  - B. A written application for approval and the filing and the recording fees shall accompany all final plats.
  - C. The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.
  - D. The township may require other information as it deems necessary to establish whether the proper parties have signed the plat.
2. Submittal. Four copies and one Mylar of the final plat shall be submitted to the township clerk.
3. Procedures.
  - A. Submittal to approving authorities. The subdivider shall submit the final plat and as-built engineering plans where required for approval to the following:
    - i. Road commission. For approval or rejection;
    - ii. Drain commission. For approval or rejection;
    - iii. Mid-Michigan District Health Department. For issuance of a letter of approval or rejection;
    - iv. Planning commission (through township clerk). For recommendations to the township board;
    - v. Township clerk. For approval or rejection by the township board;
    - vi. Airport authority. For approval or rejection.



B. Planning commission.

- i. The planning commission shall meet within ten days of receipt of the proposed final plat to consider the plat and make a recommendation to the township board. The time for review and recommendations by the planning commission may be extended by agreement with the subdivider. If no action is taken by the planning commission within ten days, the final plat shall be deemed to have been approved.
- ii. The planning commission shall review the plat for conformance to:
  - a. The provisions of the Land Division Act;
  - b. The provisions of this Division;
  - c. The preliminary plat, as approved.
- iii. Recommendation for approval of the plat by the township board shall be accompanied by a copy of the minutes of the township planning commission in which approval was recommended.
- iv. Recommendations for the disapproval of the plat by the township board shall be accompanied by a copy of the official minutes of the planning commission which shall state the reasons for such recommendation.

C. Township engineer. The township engineer shall review the proposed final plat and make a recommendation to the township board in writing at or before the township board meeting where final plat will be considered.

D. Township board's review.

- i. The township board shall review the final plat, the report from the township engineer, and the report of the planning commission at its next regular meeting, or at a meeting called within 20 days of the planning commission meeting at which the final plat was considered, or within 30 days of receipt if no action has been taken by the planning commission.
- ii. The township board shall instruct the township clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection.
- iii. The township board shall approve or disapprove the final plat.
- iv. If disapproved, the township board shall give the subdivider its reasons in writing and rebate the recording fee.
- v. If approved, the township board shall instruct the township clerk to sign the municipal certificate of the approved final plat on behalf of the township board. The certificate shall show the date of the meeting at which the approval was made and the date the certificate was signed by the clerk.

4. Improvements and facilities required by the township.

- A. The township board may require all improvements and facilities to be completed before it approves the final plat.

- B. If improvements and facilities are not required to be completed by the township board, the final plat shall be accompanied by a contract between the subdivider and the township board for completion of all required improvements and facilities.
  - C. Performance of the contract shall be guaranteed by a cash deposit, certified check, or irrevocable bank letter of credit, as detailed in [Section 14.119](#).
  - D. All costs for improvements and facilities within the development as required by the township under the authority of this Division are the sole responsibility of the subdivider except as provided under [Section 14.117.8](#) regarding required over-sizing of infrastructure and utilities.
5. Model homes. Subdivider may be permitted to begin on one or more, not to exceed four, model homes after the subdivision receives final approval of the preliminary plat from the township board, and provided that the following guidelines are met:
- A. Sewer and water lines must be in and accepted.
  - B. The number of model homes permitted shall be determined by the zoning administrator based on the number of acres in the subdivision.
  - C. The house is located on the site by a surveyor such that the house will be appropriately situated on the lot if final plat is approved, or can meet the stricter zoning ordinance requirements if final plat is disapproved.
  - D. A development permit is secured from the township planning and zoning office prior to beginning construction on the home.

Secs. 14.60 to 14.76      Reserved.

### DIVISION 3. DESIGN STANDARDS

#### Sec. 14.77 Trafficways; streets and roads.

1. Generally. Subdivision design standards set forth by the county road commission and the state department of transportation's uniform criteria for major streets, as from time to time amended, shall be followed in addition to the other standards specified in this Chapter. If there is a conflict between standards, the more stringent shall apply.
2. Specific requirements.
  - A. Location. Streets in a subdivision or planned unit development encompassing five or more condominium units, lots or building sites shall only access to an asphalt or hard-surfaced (not gravel) arterial street or major thoroughfare.
  - B. Local or minor streets. Such streets shall be so arranged as to discourage their use by through traffic.

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- C. Street continuation and extension. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the planning commission and the county road commission.
- D. Stub streets. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas (see [Section 14.82.2.B](#)).
- E. Relation to topography. Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.
- F. Alleys.
- i. Alleys shall not be permitted in areas of single- or two-family residences.
  - ii. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading and parking. Alleys shall have a width of not less than 30 feet. Dead-end alleys shall be prohibited.
- G. Service streets. Where a subdivision abuts or contains an arterial street, the township may require:
- i. Service streets approximately parallel to and on each side of the road right-of-way.
  - ii. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- H. Cul-de-sac streets. Cul-de-sacs shall not be more than 600 feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turnaround in accordance with the county road commission standards.
3. Specifications.
- A. Street rights-of-way and roadway widths. Street and road rights-of-way and roadway widths shall conform to the adopted major street plan and rules of the county road commission and the state department of transportation.
- B. Street gradients. Street gradients shall conform to the county road commission standards.
- C. Street alignment.
- i. Horizontal alignment. Horizontal alignment shall conform to the county road commission standards.
  - ii. Vertical alignment. Vertical alignment shall conform to the county road commission standards.
- D. Street names. Street names shall be approved by the tri-county regional planning commission.
- E. Intersections. Streets shall intersect at 90 degrees or closely thereto and in no case at less than 80 degrees. Intersections shall not be permitted less than 250 feet apart.



- F. Number of streets. No more than two streets shall cross at any one intersection.
- G. Street surfacing. All subdivision and planned unit development streets shall be asphalt or concrete surfaced and constructed according to the county road commission specifications and standards.

#### Sec. 14.78 Pedestrianways.

1. Sidewalks. Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of the street.
2. Crosswalks. Right-of-way for pedestrian crosswalks in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation. The right-of-way shall be at least ten feet wide and may extend entirely through the block.

#### Sec. 14.79 Easements.

1. Location. Easements shall be provided along front, side, or rear lot lines for utilities including cable television systems and private telecommunication systems operated under franchise or permit granted by the township, as determined to be necessary and appropriate for access and future extension. The total width shall not be less than six feet along each lot, or a total of 12 feet for adjoining lots (see also [Section 14.81.6](#) for backup lots).
2. Drainageway. The subdivision shall provide drainage easements as required by the rules of the county drain commissioner.

#### Sec. 14.80 Blocks.

1. Arrangements. A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.
2. Minimum length. Blocks shall not be less than 500 feet long.
3. Maximum length. The maximum length allowed for residential blocks shall be 1,320 feet long from center of street to center of street.

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## Sec. 14.81 Lots.

1. Conformance to zoning. The lot width, depth, and area shall not be less than the particular district requirements of the zoning ordinance, except in the case of a planned unit development or where out lots are provided for some permitted purpose.
2. Lot lines. Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.
3. Width related to depth. Narrow, deep lots shall be avoided. The depth of a lot generally shall not exceed three times the width as measured at the front building line.
4. Corner lots. Corner lots shall be platted at least 20 feet wider than the minimum interior lot width permitted by the zoning ordinance. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.
5. Uninhabitable areas. Lands subject to flooding or otherwise deemed by the planning commission to be uninhabitable shall not be platted for residential purposes, or for uses that may, in the judgment of the planning commission, increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses such as parks or other open space.
6. Backup lots. Lots shall back up to such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to restricted access to the arterial street to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets shall be prohibited.
7. Lot frontage. All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned unit developments.
8. Future arrangements. Where parcels of land are subdivided into unusually large parcels (such as when large lots are required for septic tank operations), the parcels shall be divided where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future resubdividing or lot splitting is contemplated the plan thereof shall be approved by the planning commission prior to the taking of such action.
9. Lot division. The division of a lot in a recorded plat is prohibited, unless approved following application to the township board. The application shall state the reasons for the proposed division. The zoning administrator shall prepare a report containing general information regarding the proposed split, and shall notify property owners and residents within 300 feet of the proposed split. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall not be less in area than permitted by the township zoning ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the planning commission. The division of a lot resulting in a smaller area than prescribed herein may be permitted, but only for the purpose of adding to the existing building site or sites, application shall so

state and shall be in affidavit form. Unpaid assessments shall be divided between the existing and proposed lot as determined by the township assessor.

10. Strip platting. No lot shall be platted to access directly onto any major street or thoroughfare. All lots must access to a paved collector street within a development.

#### Sec. 14.82 Greenbelts and reserve strips.

1. Greenbelts. Greenbelts may be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide, and shall not be part of the normal roadway right-of-way or utility easement.
2. Reserve strips.
  - A. Private. Privately held reserve strips controlling access to streets shall be prohibited.
  - B. Public. A one-foot reserve strip may be required to be placed at the end of stub or dead-end streets which terminate at subdivision boundaries and half streets.

#### Sec. 14.83 Floodprone areas and natural features.

1. Floodprone areas.
  - A. If a proposed subdivision is located in whole or in part of a floodprone area, the plat design shall:
    - i. Be consistent with the need to minimize flood damage within the floodprone area;
    - ii. Ensure that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
    - iii. Provide adequate drainage to reduce exposure to flood hazards.
  - B. New and replacement water supply systems shall be designated within the floodprone areas to minimize or eliminate infiltration of floodwaters into the systems.
  - C. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.
  - D. On-site waste disposal systems shall be located to avoid contamination from them during flooding.
2. Natural features. Existing natural features which add value to residential development and enhance the attractiveness of the community such as trees, watercourses, historic spots, and similar irreplaceable assets shall be preserved in the design of the subdivision.

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Sec. 14.84 Planned unit development.

1. Modification of requirements of this Division. This Division may be modified in accordance with Division 5 of this Article in the case of a subdivision large enough to constitute a complete community or neighborhood which provides and dedicates adequate public open space and improvements for the traffic circulation, recreation, education, and service needs of the tract when fully developed and populated.
2. Modification of standards for commercial or industrial development. The subdivision design standards of this Division may be modified in accordance with Division 5 of this Article in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesale areas, and planned industrial districts. In all cases, however, adequate provisions shall be made for off-street parking and loading areas as well as for traffic circulation.
3. Public utilities required. No planned unit development encompassing five or more condominium units, lots, or building sites shall be approved unless the development shall be connected to a public sanitary sewer system. No planned unit development containing 15 or more lots, condominium units as defined by MCL 559.104, living units, or building sites shall be approved or constructed unless the development and each lot, condominium unit, or building site therein is connected to a public water supply system constructed in the form and manner required by [Section 14.117.7](#).

Sec. 14.85 Connection required to sanitary sewer.

All proposed platted subdivisions, condominium subdivisions, and planned unit developments which include units, lots, or building sites must be connected to a public sanitary sewer system.

Secs. 14.86 to 14.113. Reserved.

DIVISION 4. PUBLIC IMPROVEMENTS

Sec. 14.114 Purpose.

It is the purpose of this Division to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public facilities, and to further establish procedures for ensuring compliance with these requirements.

Sec. 14.115 Responsibility for construction plan preparation.

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross section, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible agencies shown. All construction plans shall be prepared in accordance with the standards or specifications of those responsible agencies.

Sec. 14.116 Procedure.

When construction has been completed at the time of filing the final plat, one complete copy of as-built engineering plans of each required public improvement shall be filed with the township clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in [Section 14.59](#).

Sec. 14.117 Required public improvements.

1. Monuments. Monuments shall be set in accordance with the Land Division Act, and the rules of the state department of labor and economic growth.
2. Streets and alleys. All streets and alleys shall be asphalt or concrete surfaced and constructed in accordance with the standards and specifications adopted by the county road commission.
3. Curbs and gutters. Curbs and gutters shall be required on all neighborhood access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the county road commission.
4. Installation of public utilities. Public utilities and driveways shall be located in accordance with the rules of the county road commission. The underground work for utilities shall be stubbed to the property line.
5. Driveways. All driveway openings in curbs shall be as specified by the county road commission or the state department of transportation.
6. Storm drainage. An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, detention/retention facilities and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the county drain commissioner. Construction shall follow the specifications and procedures established by the county drain commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the county drain commissioner.

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7. Water supply system.

- A. All proposed platted subdivisions, condominium subdivisions, or planned unit developments which include units, lots, or building sites may SHALL be required to be served by a public water supply system prior to being approved or developed. Fire hydrants and other required water system appurtenances shall be provided by the subdivider. Installation of public water systems shall contemplate future development of adjacent properties. The subdivider may be required to up-size the water pipe to the next diameter at the expense of the developer.
- B. If there is no existing or accessible public water supply system the subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.). The system provided shall be turned over to the township for operation and maintenance. In the case of a proposed subdivision or a planned unit development encompassing less than 15 lots, condominium units, living units, or building sites, individual wells may be permitted in accordance with the requirements of the Mid-Michigan Health Department.

8. Sanitary sewer system.

- A. All proposed subdivisions, planned unit development lots, condominium units, or building sites shall be serviced by a public sanitary sewer system. Sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.), and the township's sewer ordinance. Construction of sewer lines shall be videotaped and kept as a record of installation.
- B. After the effective date of the ordinance from which this Chapter is derived, whenever sewer mains are constructed by the township or are over-sized beyond the diameter required by this Division at the expense of the township, and there are properties which may be connected to the sewer main which do not directly participate in the cost of the main (other than by payment of the general property tax), or have not been assessed the costs of the main or over-sizing by special assessment, a determination shall be made of the total cost of construction.
- C. The township engineer shall calculate the total residential units of all properties which may potentially connect to the main and shall compute the number of total residential units for each individual lot or parcel of property served by the main. Each owner of property which may thereafter connect to the main, as determined from the assessor's records, shall be provided written notice by the subdivider or developer advising them that their property shall be subject to an additional capital charge if connected to the sewer main in the future, and stating the amount of such charge. The suspense account and the obligation to pay the additional capital charge shall expire 20 years after completion of construction. The amount collected as an additional sewer main capital charge pursuant to this subsection shall be placed in the capital improvement fund for extension and improvements to the township municipal sewer system.
- D. Installation of public sewer systems shall anticipate future development of adjacent properties. Sewer lines shall be extended to the boundaries of the subdivision. The subdivider may be required to up-size the sewer pipe to the next diameter at the expense of the developer. Any



further required over-sizing of sewer infrastructure shall be capitalized by the township and said cost or expense (separately accounted and adjusted annually for inflation) shall be recovered as each additional connection to the transmission line is made. The charge levied by the township to recover the cost of over-sizing shall be on a per residential equivalent unit (REU) basis and will be calculated by dividing the total capitalized amount by the remaining capacity in the line expressed in REUs.

9. Street name signs. Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the county road commission.
10. Sidewalks and crosswalks.
  - A. Sidewalks shall be required on both sides of the street. Where the average width of lots, as measured at the street frontage line or at the building setback line, is over 100 feet, sidewalks on one side may be considered by the township. Sidewalks shall be constructed in accordance with the requirements of the county road commission.
  - B. Crosswalks, when required by the township, shall have easements at least ten feet in width and include a paved walk at least five feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.
11. Street lighting. Streetlights shall be required to be installed throughout the subdivision. The township board shall approve the design and style of the streetlights which shall conform to the requirements of the public utility providing the lighting and to the requirements of Chapter 28.

#### Sec. 14.118 Optional public improvements.

1. Recreational provisions. Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the planning commission, is located in whole or part in the proposed subdivision, the township board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for future purchase by the respective school district in the case of school sites or for the township in all cases; however, voluntary dedication of these land areas is encouraged.
2. Greenbelts. It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts.
3. Street trees. Street trees of a variety and size in accordance with the standards adopted by the township may be planted between the street curb and sidewalk. The location of street trees shall be approved by the county road commission.

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Sec. 14.119 Guarantee of completion of improvements required by the township.

1. Financial guarantee arrangements, exceptions. In lieu of the actual installation of required public improvements, the township board may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the county road commission, county drain commissioner or any other agency responsible for the administration, operation and maintenance or the applicable public improvement. The planning commission may recommend and the township board may waive financial guarantees of performance under this Division for sidewalks, street lights, or street trees. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits.

A. Performance or surety bond.

- i. Accrual. The bond shall accrue to the township covering construction, operation and maintenance of the specific public improvement.
- ii. Amount. The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the township board.
14. iii. Term length. The term length in which the bond is in force shall be for a period to be specified by the township board for the specific public improvement.
- iv. Bonding or surety company. The bond shall be with a surety company authorized to do business in the state, acceptable to the township board.
- v. Escrow agreement. The escrow agreement shall be drafted and furnished by the township board.

B. Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.

- i. Treasurer, escrow agent or trust company. A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, or such surety acceptable by the township board, shall accrue to the township. These deposits shall be made with the township treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the township board.
- ii. Dollar value. The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the township board.
- iii. Escrow time. The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the township board.
- iv. Progressive payment. In the case of cash deposits or certified check, an agreement between the township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.



2. Condition of township approval of final plat; financial guarantees. With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
  - A. The construction of improvements required by this Division shall have been completed by the subdivider and approved by the township board.
  - B. Surety acceptable to the township shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
3. Special arrangements. A special arrangement shall be entered into between the subdivider and the township board where street trees and streetlights have been included in the plans.
4. Inspection of public improvements under construction. Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the township board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plat. There will be a fee for such inspection. Funds are to be on deposit and developer is to pay the actual cost of inspection.
5. Penalty in case of failure to complete the construction of a public improvement. In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and is included in a written agreement between the township board and the subdivider.

Secs. 14.120 to 14.136 Reserved.

#### DIVISION 5. VARIANCES

Sec. 14.137 Generally.

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

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1. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Chapter would clearly be impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the planning commission.
2. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
3. That such variance will not violate the provisions of the state Land Division Act.
4. That such variance will not have the effect of nullifying the interest and purpose of this Chapter and the comprehensive development plan of this township.

The planning commission shall include its findings and the specific reasons therefor in its report of recommendations to the township board and shall also record its reasons and action in its minutes.

#### Sec. 14.138 Topographical; physical limitation variance.

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

#### Sec. 14.139 Planned unit development variance.

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

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

*Code of Ordinances—Chapter 15*  
*Reserved*

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*Code of Ordinances—Chapter 16*  
*Operating Marihuana Establishments*

Section 16.1

[Operating Marihuana Establishments](#)

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16	Operating Marihuana Establishments
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Sec 16.1            Operating Marihuana Establishments

No person shall establish, operate, control or assist in the establishment, operation or control of a marihuana establishment. The term “person” and the term “marihuana establishment” shall be defined as set forth in MCL 333.27953. A marihuana establishment does not include the transportation of marihuana through the township.



*Code of Ordinances—Chapter 17*  
*Reserved*

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## Code of Ordinances—Chapter 18

# Outdoor Assemblies

Section 18.1	Findings	18-2
Section 18.2	Definitions	18-2
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# 18 Outdoor Assemblies

## Sec. 18.1 Findings.

The township finds and declares that the interests of the public health, safety and welfare of the citizens of such township requires the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility, and other public services regularly provided in the township.

## Sec. 18.2 Definitions.

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

*Attendee.* Any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

*Licensee.* Any person to whom a license is issued pursuant to this Chapter.

*Outdoor assembly.*

1. The term "outdoor assembly" means any event, attended by more than 300 attendees, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement, or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals, or similar gatherings.
2. The term does not mean:
  - A. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
  - B. An event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 USC 501(c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax of 1967, Public Act No. 281 of 1967 (MCL 206.201 et seq.).

*Sponsor.* Any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

## Sec. 18.3 License required for assembly.

A person shall not sponsor, operate, maintain, conduct, or promote an outdoor assembly in the township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

#### Sec. 18.4 Application for license.

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township, and shall be made at least 60 days prior to the date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as currently established or as hereafter adopted by resolution of the township board from time to time and shall include at least the following:

1. The name, age, residence, and mailing address of the person making the application. (Where the person making the application is a partnership, corporation, or other association, this information shall be provided for all partners, officers, and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed and the names and addresses shall be provided of all shareholders, having financial interest greater than \$500.00.)
2. The name of an individual who will constantly be in charge on the premises for the duration of the license, and authorized to receive notice of a revocation of such license.
3. A statement of the kind, character, and type of proposed assembly.
4. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
5. The dates and hours during which the proposed assembly is to be conducted.
6. An estimate of the maximum number of attendees expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

#### Sec. 18.5 Details of application.

Each application shall be accompanied by a detailed explanation, including drawings and diagrams, where applicable, of the prospective licensee's plans to provide for the following:

1. Police and fire protection.
2. Food and water supply and facilities.
3. Health and sanitation facilities.
4. Medical facilities and services including emergency vehicles and equipment.
5. Vehicle access and parking facilities.
6. Camping and trailer facilities.
7. Illumination facilities.
8. Communications facilities.
9. Noise control and abatement.

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# 18 Outdoor Assemblies

10. Facilities for cleanup and waste disposal.

11. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map of the overall site of the proposed assembly.

## Sec. 18.6 Application review process.

On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, the state fire marshal, and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application, and within 20 days of the receipt thereof, shall report their findings and recommendations to the township board.

## Sec. 18.7 Issuance of license.

Within 30 days of the filing of the application, the township shall issue, set conditions prerequisite to the issuance of, or deny, a license. The township may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within five days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

## Sec. 18.8 Denial of license.

*A license may be denied if:*

1. The applicant fails to comply with any or all requirements of this Chapter, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

## Sec. 18.9 License to be conspicuously posted.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendees permissible, the duration of the license, and any other conditions imposed pursuant to this Chapter. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

### Sec. 18.10 Minimum requirements for application.

In processing an application the board shall, at a minimum, require the following:

1. Security personnel. The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendees at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the county in cooperation with the director of state police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
2. Water facilities. The licensee shall provide potable water, sufficient in quantity and pressure to ensure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if located, and approved in accordance with part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the Mid-Michigan Health Department in the county.
3. Restroom facilities.
  - A. The licensee shall provide separate enclosed flush-type water closets as defined in Public Act No. 733 of 2002 (MCL 338.3511 et seq.), and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the county health officer may permit the use of other facilities which are in compliance with Section 12771 of Public Act No. 368 of 1978 (MCL 333.12771), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.
  - B. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Public Act No. 733 of 2002 (MCL 338.3511 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.
  - C. The number and type of facilities required shall be determined, on the basis of the number of attendees, in the following manner:

18.10.3.C Number and Type of Facilities Required		
Facilities	Male	Female
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking fountains	1:500	
Taps or faucets	1:500	

- D. Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendees, in the following manner:

18.10.3.D Number and Type of Shower Facilities Required		
Facilities	Male	Female
Showerheads	1:100	1:100

- E. All facilities shall be installed, connected, and maintained free from obstructions, leaks, and defects and shall at all times be in operable condition as determined by the county health officer.
4. Food service.
- A. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of part 129 of Public Act No. 368 of 1978 (MCL 333.12901 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.
- B. If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendees.
5. Medical facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities, shall be as prescribed by the county health officer.
6. Liquid waste disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the county health officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with part 117 of Public Act No. 451 of 1994 (MCL 324.11701 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will ensure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
7. Solid waste disposal.
- A. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendees. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will ensure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

- B. The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches, and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.
8. Public bathing beaches. The licensee shall provide or make available or accessible public bathing beaches only in accordance with Sections 12541–12546 of Public Act No. 368 of 1978 (MCL 333.12541 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any applicable provision of state or local law.
  9. Public swimming pools. The licensee shall provide or make available public swimming pools only in accordance with Sections 12521–12534 of Public Act No. 368 of 1978 (MCL 333.12521 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other provision of state or local law.
  10. Access and traffic control. The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the state. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter, and other emergency vehicles. Prior to the issuance of a license, the director of the department of state police and the director of the department of state highways must approve the licensee's plan for access and traffic control.
  11. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four attendees.
  12. Camping and trailer parking. A licensee who permits attendees to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with Sections 12501–12516 of Public Act No. 368 of 1978 (MCL 333.12501 et seq.), and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.
  13. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township supervisor.
  14. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than as currently established or as hereafter adopted by resolution of the township board from time to time from a company approved by the commissioner of insurance of the state, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of the township in writing at least ten days before the expiration or cancellation of said insurance.

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15. Bonding. Before the issuance of a license, the licensee shall obtain from a corporate bonding company authorized to do business in the state, a corporate surety bond in the amount as currently established or as hereafter adopted by resolution of the township board from time to time in a form to be approved by the township attorney, conditioned upon the licensee's faithful compliance with all provisions of state or local law, and which shall indemnify the township board, its agents, officers, and employees and the township board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.
16. Fire protection. The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.
17. Sound producing equipment. Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments, and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township.
18. Fencing. The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendees from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.
19. Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendees.
20. Miscellaneous. Prior to the issuance of a license, the township board may impose any other conditions reasonably calculated to protect the health, safety, welfare and property of attendees or of citizens of the township.

#### Sec. 18.11. Revocation.

The township board may revoke a license whenever the licensee, his employee or agent fails, neglects, or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

#### Sec. 18.12. Violations.

It shall be unlawful for a licensee, his employee, or agent, to knowingly:

1. Advertise, promote, or sell tickets to, conduct or operate an assembly without first obtaining a license as herein provided.
2. Conduct or operate an assembly in such a manner as to create a public or private nuisance.



3. Conduct or permit, within the assembly, any conduct, display, exhibition, show, play, entertainment or amusement which consists of the public exposure of uncovered, or less than opaquely covered, post-pubertal human genitals or pubic areas in a lewd fashion; human sexual intercourse; human or animal masturbation; bestiality; oral intercourse; anal intercourse; human-animal intercourse; excretory functions; homosexual acts; direct physical stimulation or touching of unclothed genitals or pubic areas of the human male or female; or flagellation or torture by or upon a person who is nude or clad in revealing or bizarre costumes in the context of a sexual relationship or sexual stimulation.
4. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by conduct set forth in [subsection 3 of this Section](#) or by other conduct which endangers the health or safety of persons in, around, or near the assembly.
5. Permit any person to unlawfully consume, sell, or possess alcoholic liquor while on the premises.
6. Permit any person to unlawfully use, sell, or possess any controlled substances as defined in Article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

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*Code of Ordinances—Chapter 19*  
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*Code of Ordinances—Chapter 20*  
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*Code of Ordinances—Chapter 21*  
*Reserved*

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## ARTICLE I. IN GENERAL

Secs. 22.1 to 22.18. Reserved.

## ARTICLE II. PUBLIC FACILITY USE

Sec. 22.19 Policies, rules and fees.

Community groups and organizations, business groups, and private individuals shall be permitted to use township property and facilities when such usage does not interfere with township functions. Facility use fees may be charged to groups reserving the use of township facilities. Township residential users shall pay less because they pay taxes. Community organizations may be charged minimum facility use fees. Any nonprofit organizations active within the township requesting the use of township facilities may come before the township board at a regularly scheduled meeting to ask that rental fees be waived. The privilege is limited to twice a year or four days total, whichever occurs first. All groups are to enforce the rules and policies governing the use of township facilities in order to control, protect and regulate such usage. All damages or expenses of time to clean or repair resulting from carelessness or negligent destruction of township property or facilities will be billed to the responsible party. The township board has the right to deny, limit or withdraw permission to any group. The policies, rules and fees are subject to change by the township board when deemed necessary. A reward may be offered for information leading to the arrest and conviction of persons destroying township property or facilities.

Sec. 22.20 Protection of property.

Destruction of township property shall be prohibited, and no person within/on township property shall:

1. Willfully destroy, deface, alter, change or remove any monument, stone marker, benchmark, stake, post or blaze marking or designating any boundary line, survey line or reference point.
2. Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamppost, fence, gate, hedge or other structure.
3. Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property by the commission or its authorized agent.
4. Appropriate, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the commission or its authorized agent or an agent of the government entity owning the public park.

*State Law References: Malicious mischief generally, MCL 750.377a et seq.*



**Sec. 22.21 Destruction in public parks.**

Destruction of plant life and natural surrounding shall be prohibited, and no person within a public park in the township shall:

1. Cut, remove or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.
2. Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the commission or its authorized agent or an agent of the government entity owning the public park.

*State Law References: Natural resources and environmental protection act, MCL 324.101 et seq.*

**Sec. 22.22 Fire control.**

The following rules shall apply to fires on property within a public park in the township:

1. No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the park property.
2. No person shall build any fire except within the grills installed and approved and designated by the commission or appropriate governmental entity for such purpose.
3. No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other inflammable materials within or upon any park property.
4. Fires shall not be left unattended. All fires shall be extinguished upon leaving the immediate vicinity.

*State Law References: State fire prevention code, MCL 29.1 et seq.*

**Sec. 22.23 Protection of wildlife.**

It shall be unlawful for any person while within a public park located within the township to:

1. Bring, drive, lead or carry any dog or other small animal or pet which is unleashed, or upon a leash more than six feet in length, upon public park property. All animals, large or small, must be under the immediate control of a competent person at all times.
2. Torture, ill-treat or neglect any animal or fowl.
3. Hunt, trap, catch, wound, kill, treat cruelly, attempt to trap, catch, wound or kill any bird or animal; molest or rob any nest of any bird or any lair, den or burrow or any animal in or upon any public park, land or waters.

*State Law References: Wildlife conservation, MCL 324.40101 et seq.; cruelty to animals, MCL 750.50.*

### Sec. 22.24 Operation of motor vehicles.

It shall be unlawful within a public park in the township for any person to:

1. Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas.
2. Operate any motor-driven sled, toboggan or snowmobile on any public park property.
3. Operate any motor vehicle upon public park property while his license to so operate has been suspended or revoked by the state.
4. Operate any vehicle upon public property contrary to posted traffic signs, symbols, rules or regulations or marked roadways.

*State Law References: Michigan Vehicle Code, MCL 257.1 et seq.*

### Sec. 22.25 Horses to be in specifically designated areas.

It shall be unlawful for any person to ride, lead or cause or suffer a horse to be upon any public park property except on specifically designated and posted areas or bridle paths.

### Sec. 22.26 Trespass by livestock.

No person shall drive or cause to be driven any horse, cattle, sheep, goats, swine or other livestock upon or across any public park property without the written permission of the township or its authorized agent or the representative of the appropriate governmental entity.

*State Law References: Livestock running at large prohibited, MCL 433.51 et seq.*

### Sec. 22.27 Prevention of persons use of park prohibited.

No private person shall by force, threats, intimidations, unlawful fencing, enclosing, or by any other means, prevent or obstruct any person from entering, leaving, or making full use of any public park property.

### Sec. 22.28 Control of admission to activities.

The applicant shall have control of those who may be admitted to the activity, except that the supervisor or designee shall not be refused admission at any time.

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Sec. 22.29 Availability of facilities, request procedure.

Applications for use of township facilities will be considered on a first-received, first-served, basis with applications being made at the township office during regular business hours and within 12 months of the date requested.

Sec. 22.30 Chaperones required for groups of minors.

Reservations to groups of minors must be made by a responsible adult, and a sufficient number of adults must be present during the reservation period to ensure proper control and orderly conduct of the group. A law enforcement representative may be demanded in such instances where the supervisor or designee deems it in the best interest of the township or adjacent property owners.

Sec. 22.31 Alcoholic liquors restricted.

1. No person shall possess, sell, drink or use alcoholic liquors in any township park, facility or area open to the public adjacent to or near said park or facility, except as provided in [subsections 2 and 3 of this Section](#).
2. The township board, or its designee, may issue a special permit for the possession, sale and consumption of alcohol within a park or facility for a specific period of time.
3. No special permit may be issued until the following conditions have been met:
  - A. Completion of a special permit application and payment of a security deposit as currently established or as hereafter adopted by resolution of the township board from time to time.
  - B. Providing proof of an insurance policy that includes a liability limit as currently established or as hereafter adopted by resolution of the township board from time to time.
  - C. Filing of proof of a special liquor license from the state liquor control commission (if applicable).

*State Law References: Michigan Liquor Control Code of 1998, MCL 436.1101 et seq.*

Sec. 22.32 Security deposit required; refundable.

An applicant for use of township facilities shall provide a security deposit at the time the application is made. This fee shall be refundable, in part or in whole, if the applicant restores the facilities to the condition they were in prior to use by the applicant.

**Sec. 22.33** Covenant of liability.

The applicant shall assume responsibility for all damage of any kind and shall save harmless and indemnify the township from any liability, expense or cost in connection with the use of township facilities.

**Sec. 22.34** Reimbursement for damages or theft to property facilities required.

The applicant shall be responsible for all damage or thefts of township property or facilities, and shall reimburse, based on replacement costs, the township for such damage within 30 days after such occurrence.

**Sec. 22.35** Approval required for decorations and equipment installation.

All decorations, furnishings and equipment installed by the applicant must be removed by noon of the day following use of the facility unless the supervisor or designee has approved other arrangements. There shall be no installation or alterations to existing facilities without the approval of the supervisor or designee. All decorations used within the building must be fireproof and are subject to the approval of the supervisor or designee. No open flame decorations shall be permitted, and no decorations shall be fastened to the walls, floors or ceilings that will in any manner damage the finish.

**Sec. 22.36** Controlled substances.

Use, possession, sale or delivery of narcotics, hallucinogens, depressants, marijuana or other controlled substances shall be prohibited in or upon property under the jurisdiction of the township.

*State Law References: Controlled substances, MCL 333.7101 et seq.*

**Sec. 22.37** Warming house.

The warming house at Looking Glass Valley Park may only be utilized when responsible adult supervision is present.

**Sec. 22.38** Fees; refunds.

All fees and other costs for facility use shall be paid at the time of application. Money paid for reservations of township facilities will be refunded if cancellation is made 14 days prior to the reservation date. Receipt and permit must be presented to obtain such refund. Exception: If the cancelled time is reserved by another group and is used, a refund can be made upon request and presentation of receipt and permit. It shall be unlawful for any person, group or organization to occupy, use or fail to vacate any facility, building, land, area or equipment for which a permit has been granted to any other person, group or association.

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**Sec. 22.39 Fireworks and firearms.**

No individual or organization shall fire, discharge or have in its possession any fireworks, firearms or any substance of an explosive nature within or upon property of the township unless the supervisor or designee shall have authorized the same by issuance of a permit. Such permits shall only be issued if the individual or organization has obtained any permits or authorizations required by any other federal or state law. This Section does not apply to law enforcement officers while carrying out the duties and responsibilities of their position.

*State Law References: Firearms and weapons, MCL 750.222 et seq.*

**Sec. 22.40 Hindering employees.**

No person shall interfere with or in any manner hinder any employee or agent of the township while performing their responsibilities.

**Sec. 22.41 Motorized vehicles.**

No person shall operate any motorized vehicle of any kind or nature on any property under the jurisdiction of the township except on roads, highways or parking lots, unless otherwise permitted by posted notice. No operator of any vehicle shall stand, stop or park any vehicle upon a roadway or in a parking area in such a manner as to form an obstruction to traffic thereon or an inconvenience to private property neighboring the property of the township.

**Sec. 22.42 Noise.**

Radios, phonographs, stereos, bands, orchestras, groups and the like shall maintain noise levels so as not to interfere with adjacent property owners or with others that are using the park or facilities.

**Sec. 22.43 Peddling and soliciting.**

No person or organization shall peddle or solicit business of any nature whatsoever, distribute handbills or other advertising material or post signs on buildings or property of the township unless first authorized in writing by the township board.

**Sec. 22.44 Smoking.**

Smoking shall be prohibited in areas designated by no smoking signs. In areas where smoking is allowed, proper containers must be used.



**Sec. 22.45** Requests beyond scope of Article provisions.

Any matter not herein expressly provided for shall be decided at the discretion of the supervisor or designee. All specific rules or regulations posted in or upon any portion of township property or facilities shall apply as indicated. Requests beyond the scope of these policies must be approved by the township board.

**Sec. 22.46** Dogs and pets.

Dogs and other pets may be permitted in parks and recreational areas provided that: All dogs or other animals shall at all times be tethered to a leash or similar device no greater than six feet in length and under the immediate control of a responsible person. No dog or other animal shall create an annoyance or disturb other persons within the park. A person in charge of any dog or other animal shall immediately remove all droppings deposited by such animal in a sanitary manner. Such droppings shall be disposed of on the property owned or operated by the person owning or in charge of such animal. Owners of leader, guide, hearing and service dogs are not responsible for cleaning up such droppings.

**Sec. 22.47** Litter control.

It shall be unlawful for any person to dump, deposit, place, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public property or waters, other than property specifically designated for such purpose or in receptacles specifically designed for such purpose. The term "litter" as used herein means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other substance of every kind and description.

*State Law References: Littering, MCL 324.8901 et seq.*

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22	Streets, Sidewalks and Other Public Places
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*Code of Ordinances—Chapter 23*  
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## ARTICLE I. IN GENERAL

Secs. 24.1 to 24.18 Reserved.

## ARTICLE II. CABLE COMMUNICATIONS SERVICE

Sec. 24.19 Declaration of purpose.

The purpose of this Chapter is to provide fair regulation of cable communications service in the township in the interest of the public; to promote and encourage adequate, economical and efficient cable communications service to the residents of the township; to promote and to encourage harmony between cable communications companies and their subscribers and to provide for the furnishing of cable communications service to the residents of the township without unjust discrimination, undue preferences or advantages.

Sec. 24.20 Definitions.

The following words, when used in this Chapter, shall have the following meanings, unless otherwise clearly apparent from the context:

Board. The township board or its designee.

*Cable communications company.*

1. The term "cable communications company" means any person who owns, controls, operates or manages a cable communications system for the purpose of providing cable communications service to members of the public located in the township.
2. Such definition shall not include:
  - A. A telephone, telegraph, or electric utility in a case where it merely leases or rents to a cable communications company utility pole contact space for the placing thereon of wire or cable facilities used in the distribution of television or other signals to the subscribers of such cable communications company; or
  - B. A telephone or telegraph utility regulated by the state public service commission or Federal Communications Commission in a case where it merely provides communication channel service under published tariffs to cable communications subscribers of such company.



*Cable communications service.* means the business, in whole or in part, of receiving directly or indirectly over the air, and amplifying or otherwise modifying signals transmitting programs broadcast by one or more signals, sound signals, pictures, visual images, digital signals, telemetry, or any other type of closed circuit transmission by means of electrical or light impulses, whether or not directed to originating signals or receiving signals off the air, and redistributing such signals by wire, cable or other means to members of the public located in the township who pay for such service.

*Cable communications system, cable system, cable television system, CATV, or system.* A system of coaxial cables or other conductors, antennas, and other equipment used or to be used to originate or receive television or radio signals directly or indirectly off the air and to transmit them via cable to subscribers for a fixed or variable fee, including the origination, receipt, transmission, and distribution of voices, sound signals, pictures, visual images, digital signals, telemetry, or any other type of closed circuit transmission by means of electrical or light impulses, whether or not directed to originating signals or receiving signals off the air.

*Channel.* A signaling path provided by the franchisee and the cable television system to relay to a subscriber terminal, television or radio broadcast programs that are received off the air or are obtained by microwave or direct connection to a television or radio broadcast station.

*Converter.* An electronic device which converts signals to a frequency not susceptible to interference within the television receiver of a subscriber, and by an appropriate channel selector, also permits a subscriber to view all signals delivered at designated dial locations.

*FCC.* The United States Federal Communications Commission.

*Franchise or franchise agreement.* An agreement by which a nonexclusive franchise is granted pursuant to the provisions of this Article.

*Franchisee or grantee.* The person or entity to whom a franchise agreement has been issued pursuant to the provisions of this Article.

*Subscriber.* A person or organization whose premises are physically wired to receive any transmission from the system.

*Subscriber service drop.* Each extension wiring from the franchisee's distribution lines to a subscriber's building.

#### Sec. 24.21 Franchise--Required.

1. No person shall construct, install, maintain or operate a cable communications system in the township nor shall any person provide a cable communications service or acquire ownership or control of a cable communications company in the township without such person having first obtained a franchise therefore from the township in the form of a franchise agreement between the township and the franchisee, which franchise agreement shall include, at a minimum, compliance with the specifications of this Article.

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## 24 Telecommunications

2. No person shall use, occupy or traverse the township streets, alleys, lanes, avenues, boulevards, other public place or public way of the township or any extensions thereof or additions thereto, whether on, above or under the surface of the ground, for the purposes of installing, constructing, maintaining or operating a cable communications system or facilities therefor or for the purpose of furnishing a cable communications service without such person having first obtained a franchise therefor from the township in the form of a franchise agreement between the township and the franchisee, which franchise agreement shall include, at a minimum, compliance with all the specifications of this Article.
3. The specifications required by this Article are minimum requirements of a franchise agreement. Additional requirements including, but not limited to, rates, charges, deposits, specifications regarding required interconnections, studios or other signal origination facilities, number of channels to be equipped and available for immediate use upon initial construction of the system, use of channels by the township, schools, and other educational institutions, quality, community access, availability of equipment to users, required establishment and expansion of service area, other use of channels and other specifications or requirements of a cable communications franchise or system may be established in the franchise agreement.

### Sec. 24.22 Same--Application; fees; issuance; transfer.

1. The application for such franchise to install, construct, maintain or operate a cable communications system in the township or to furnish a cable communications service therein shall be made in writing to the board in such form as may be prescribed; shall include a description and map of the territory within the township in which the cable communications system is to be installed, constructed, maintained or operated or cable communications service to be provided; shall be accompanied by a showing of the applicant's legal, financial, technical and other qualifications to be a franchise hereunder; shall contain:
  - A. In establishing legal qualifications, if other than a single individual, a certified copy of the partnership agreement, articles of association, or articles of incorporation, as the case may be, and also, if a foreign corporation, a certified copy of its authorization to do business in the state;
  - B. In establishing financial qualifications, a copy of the applicant's current balance sheet as of a date not more than 60 days prior to the date of the application; if a loan or other credit arrangement is to be consummated to finance the establishment and operation of the proposed facilities, disclosure of full particulars relative thereto, including the identity of the creditor;
  - C. In establishing technical qualifications, a statement of the arrangements to ensure the rendition of good service, including the type and kind of facilities to be employed, the technical standards to be followed, the maintenance and repair facilities to be used, the number and description of technical personnel, including copies of any contracts, agreements or arrangements relating to any of the above;
  - D. A statement as to the location of the antenna site or sites and the location of any places of business in the township;

- E. A statement as to any affiliated corporations or business organizations engaged in providing cable communications service, or interlocking directorships or ownerships held by any owners, officers or directors of the applicant with any other business engaged in providing cable communications service;
- F. A detailed statement as to the arrangements and timetable by which the applicant proposes to construct its cable communications facilities and system including detailed descriptions of the portions of the township to be served by the system within one year, 18 months, two years, 30 months, and three years of the granting of a certificate of compliance by the Federal Communications Commission;
- G. Information as to the programming services and public services which it shall propose to provide:
  - i. The off-air signals to be carried initially.
  - ii. The number of channels offered and the potential for diversified services to local government, educational institutions, community groups, households and local commercial interests.
  - iii. Projected development of customer and community services, indicating priorities in development, and estimated time schedules thereof.
- H. Cost estimates of development, installation and maintenance of the system, which items shall be deemed to include, but not be limited to, the proposed cost of acquisition of the system where approval of a transfer of the franchise has been requested;
- I. Revenue forecasts for the first five years of service;
- J. A proposed schedule of rates for installation charges, monthly service fees and relocation charges;
- viii. Such other information as the township may request.

The application shall be accompanied by a fee as currently established or as hereafter adopted by resolution of the township board from time to time, which fee shall be refunded if applicant is not granted a franchise.

- 2. Upon the filing of such an application and the payment of the fee as prescribed, the board shall consider the application and may request such additional information as it may deem necessary to establish the legal, financial, technical and other qualifications of the applicant to provide a cable communications service in the township.
- 3. If the board determines that the applicant possesses the necessary qualifications, legal, financial, technical or otherwise, to reasonably ensure applicant's ability to satisfactorily install, construct or maintain or operate a cable communications system or to furnish a cable communications service to the public in the township, the board may issue applicant a nonexclusive franchise therefor in the township provided that no franchise shall be issued:

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## 24 Telecommunications

- A. Until the franchise application has been on file and available for public inspection in the office of the township clerk at least 30 days.
  - B. Until the board has, thereafter, held a public hearing on such application after due notice of the time and place of such hearing has been given to the public.
4. In determining whether such a franchise shall be issued, the board shall take into consideration, among other things, the technical qualifications of the applicant; the financial responsibility of the applicant; the ability of applicant to perform efficiently the service for which the franchise is requested, including the prior experience, if any, of the applicant in providing cable communications systems or furnishing cable communications service; the proposed rate schedule; the nature and scope of the applicant's proposed system; the timetables for development of applicant's proposed system.
5. No franchise granted hereunder may be sold, transferred or assigned unless such transaction is first approved by the board after receipt of a written application therefor containing the same information as to transferee as would be required of an original applicant. Prior approval of the board shall be required where ownership or control of more than 25 percent of the right of control of the franchisee is acquired by a person or group of persons acting in concert, none of whom already own or control 25 percent or more of such right of control, singularly or collectively. No franchise granted hereunder may be sold, transferred or assigned nor may more than 25 percent of the right of control of franchise be transferred to a person or group of persons acting in concert, none of whom already own or control 25 percent or more of such right of control, singularly or collectively, until such sale, transfer or assignment of franchise or transfer of right of control shall first have been offered to the township or to a person approved by the township board. Such offer shall be made at a price not greater than, and on terms equivalent to, that made to the offer or by a bona fide bidder for such franchise or right of control. The township or the person approved by the township board shall accept or reject the offer within 90 days. This provision shall not be deemed to restrict the transfer by request or descent of stock of the franchisee.

### Sec. 24.23 Same--Nonexclusive; term limit.

Any franchise issued pursuant to this Article shall be a nonexclusive franchise for a term of years, not to exceed 15 years, as the board may approve and shall be issued in such form as shall be determined by the board.

Sec. 24.24 Same--Fees; reports; records.

1. During the term of any franchise granted pursuant to this Article, the person granted such franchise shall pay to the township, for the use of its streets, public places, and other facilities, as well as the maintenance, improvements, and supervision thereof, and for the regulation activities required by virtue of the franchise, an annual franchise fee in an amount equal to three percent of the annual local gross subscriber revenues on a quarterly basis. Local gross subscriber revenues are those gross revenues of the franchisee from subscribers within the township. Local gross subscriber revenues include installation fees, disconnect and reconnect fees, and fees for regular and special cable benefits, including, but not limited to, the transmission of broadcast signals and access and origination channels, all movie or special channels such as HBO, FM service, etc., and future additional cable television service and channel capabilities, as acquired by the franchisee. Local gross subscriber revenues include local gross revenues from pay TV, in excess of the fair market value royalty paid by franchisee therefor, and local leased channel revenues. To the extent that franchisee's books of account do not reflect the source of any gross subscriber revenue, that portion of gross subscriber revenue allocable to the township shall be based on the ratio of the number of subscribers in the township to the number of subscribers outside the township. Sales tax or other taxes levied directly on a per subscription basis and collected by franchisee shall be deducted from the local gross revenues before computations of the fee due the township is made. The township shall be furnished a statement with each payment, signed and certified as correct by the franchisee, and an annual statement for the entire year, prepared by a certified public accountant. All statements shall reflect the total amount of local gross subscriber revenues and the above charges, deductions and computations for the period covered by the statement.
2. Such franchise fee shall be paid quarterly during the existence of the franchise on or before the end of each quarter, at the office of the treasurer of the township during regular business hours. If the township treasurer's office is closed on said day, then payment may be made during regular business hours on the next following day on which the office is open for business.
3. The township shall have the right to inspect at all reasonable times the customer records of any person granted a franchise hereunder from which its franchise fee payments are computed and shall have the right of audit and recomputation of any and all franchise fees paid. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the township may have for further or additional sums payable as a franchise fee under this Article or for the performance of any other obligation hereunder.

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## 24 Telecommunications

### Sec. 24.25 Construction of facilities; rights and restrictions.

1. A franchise granted pursuant to this Article shall confer upon the grantee named therein the nonexclusive right to erect, install, construct, reconstruct, replace, remove, repair, maintain and operate in or upon, under, above and across the streets, avenues, highways, sidewalks, bridges and other public ways, easements, and rights-of-way, as existing as of the date of the grant of said franchise and all subsequent extensions thereof and additions thereto, in and belonging to the township, all necessary towers, poles, wires, cables, coaxial cables, transformers, amplifiers, underground conduits, manholes, and other television and/or radio conductors, equipment and fixtures for the installation, construction, maintenance and operation of a cable communications system (including audio, video and radio signals) or the furnishing of a cable communications service.
2. Prior to the erection or installation of any towers, poles, guys, anchors, underground conduits, manholes, or fixtures for use in connection with the installation, construction, maintenance or operation of a cable communications system under a franchise granted pursuant to this Article, the grantee of a franchise hereunder desiring to erect or install such facilities for use in connection with its cable communications system shall first submit to the board or township engineer for their review and approval, a concise description of the facilities proposed to be erected or installed, including engineering drawings, if requested or required, together with a map indicating the proposed location of such facilities. No erection or installation of any tower, pole, guy, anchor, underground conduit, manhole, or fixture for use in a cable communications system shall be commenced by any person until approval therefor has been received from the board or township engineer, provided further, that such approval shall not be unreasonably withheld.
3. Any person accepting a franchise pursuant to this Article and erecting or installing towers or poles shall, upon written request by the township, grant the township reasonable attachment space upon such towers or poles without a rental charge for the attachment of wire or cable owned and used by the township; provided, however, that the township shall pay any costs incurred by such person in providing attachment space to said township, including all necessary costs or rearrangement of such person's wires, cables or equipment and tower or pole replacement cost for a larger tower or pole, if required.
4. Upon the expiration, termination or revocation of any franchise granted pursuant to this Article, or should any person wish otherwise to dispose of any tower or pole erected or installed for use in connection with a township retains the first right and option to purchase in place such towers or poles as it may require or such portion of the system for the fair market value thereof, subject to the provisions of [Section 24.31.5](#). The township shall be under no obligation to purchase all or any part of the system upon obligation to purchase all or any part of the system upon expiration, termination or revocation for cause of any franchise granted pursuant to this Article. Further, upon the expiration, termination or revocation for cause of any franchise granted pursuant to this Article, should the township determine that it does not desire to purchase the system or any part thereof, the franchisee shall have a period of six months from the date of expiration, termination or revocation to remove its towers, poles, wires, cables, fixtures or other facilities from the streets, alleys, public rights-of-way or public places. Provided, however, that the franchisee shall not disturb any underground conduit,

manholes or other facilities constructed underground. At the expiration of such six-month period, any property not removed by the franchisee shall become the property of the township to do with as it may choose. Any cost to the township in removing said property from the streets, alleys, public rights-of-way or public places shall be claimed against the franchisee under the performance bond required under [Section 24.30.1](#).

5. In areas or portions of the township where transmission or distribution facilities of public utilities providing telephone service and electrical service are underground, or may be placed underground when installed, any person granted a franchise pursuant to this Article shall likewise install, construct, maintain and operate its transmission and distribution facilities in like manner underground to the maximum extent feasible and permitted by existing technology and conditions, subject to the approval of the board or township engineer as provided in [subsection 2 of this Section](#).
6. All construction, installation, maintenance and operation of any cable communications system or of any communications service or of any facilities employed in connection therewith shall be in compliance with the provisions of the National Electrical Safety Code as prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, the Bell Telephone System's Code of Pole Line Construction, any standards issued by the Federal Communications Commission or other federal or state regulatory agencies in relation thereto, and applicable regulations of public utilities operating in the township. Every cable communications system or service installed, constructed, maintained or operated in the township shall be so designed, constructed, maintained and operated as not to endanger or interfere with the safety of persons or property in the township. The franchisee shall provide the township with a map designating the location of cable television facilities; said map shall be available for public examination and shall be corrected annually by franchisee to show any extensions or changes in said facilities.
7. Any opening or obstruction in, disturbance of or damage to the streets, alleys, public rights-of-way or public places by any person in the exercise of any right granted pursuant to this Article shall be properly guarded by adequate barriers, lights, signals and warnings as to prevent danger to any person or vehicle using such streets, alleys, public rights-of-way or public places and shall be properly and promptly repaired, all in a manner specified and approved by the board or township engineer, at such person's expense.
8. Any person owning or maintaining a cable communications system or service or facilities therefor in or on the streets, alleys, public rights-of-way or public places in the township shall, at its expense and without reimbursement from the township, upon request of the township, protect, support, temporarily disconnect, relocate or remove from the street, alley, public right-of-way or public place, any property of such person when required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, tracks, the construction or change of the transmission or distribution facilities of any telephone or electric public utility or other public improvements. Any such person shall also, at the request of any private party holding an appropriate permit issued by the township, temporarily raise or lower its cable communications transmission or distribution wires or cables to permit the moving of any building or other structure, provided that the actual expense of such temporary raising or lowering shall be paid in full by the party requesting the

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## 24 Telecommunications

same. This Article shall not be construed as to deprive the township of any rights or privileges which it now has or may hereafter have to regulate the use and control of streets, public utilities, or other improvements within the township.

9. If any person shall fail to commence, pursue or complete any work required by law or by the provisions of this Article as hereinbefore set forth to be done in any street, alley, public right-of-way or public place as designated by the board or engineer of the township, the board or township engineer may cause such work to be done and such person shall pay to the township the cost thereof within 30 days of the receipt of an itemized statement of such cost.

### Sec. 24.26 Cable television access to private property.

1. No owner, agent or representative of the owner of any dwelling shall directly or indirectly prohibit any resident of such dwelling from receiving cable communications, installation, maintenance and services from a grantee operating under a valid franchise issued by the township. For purposes of this Section, the term "dwelling" shall include, but not be limited to, buildings, apartments, townhouses, cooperatives, condominiums and mobile home parks.
2. If the owner, agent or representative of the owner of any dwelling refuses directly or indirectly to permit any resident of such building from receiving cable television service, installation and maintenance from a grantee operating under a valid franchise issued by the township, the township, upon request of the grantee, may commence condemnation proceedings in accordance with applicable law. Neither the giving of notice, as described above, nor the assertion of a specific claim, nor the filing of a legal action to enforce such claim, shall delay or impair the right of the township to authorize grantee to proceed with construction, installation or repair of cable system facilities or for delivery of cable service to residents of the township. In the event a condemnation proceeding is commenced by the township, the township shall condemn only that space to be occupied by the grantee's cable and related facilities. Subsequent to the completion of the acquisition of the premises, the township shall prepare and the owner shall execute an appropriate easement use agreement providing, among other things, for the exterior and interior use of the premises for all purposes necessary for franchisee to provide service to the premises.
3. The grantee shall indemnify and hold harmless the township for all expenses and costs, including any actual legal fees incurred by the township, in the condemnation proceedings as well as for the full amount of the condemnation award made to the owner if such condemnation proceedings completed or otherwise settled.
4. Neither the owner, agent nor representative of the owner of any dwelling shall penalize, charge or surcharge a tenant or resident or threaten to forfeit any right of such tenant or resident who requests or receives cable communication services from a company operating under a valid and existing cable communication franchise issued by the township.



## Sec. 24.27 Standard of service.

1. Any cable communications company granted a franchise pursuant to this Article shall install, construct, maintain and operate its cable communications system in accordance with the accepted standards of the industry, in conformity with the state of the art and any standards of operation or maintenance for a cable communications system which may be established or issued by the Federal Communications Commission. Further, it is the intention of the board that any person granted a franchise to furnish a cable communications service to the public within the township shall possess the financial and technical qualifications necessary to provide a cable communications system which will assure its subscribers high quality technical and public service.
2. Every cable communications system franchised under this Article shall be a two cable system and each cable shall have at least 240 MHz of bandwidth (the equivalent of 40 television broadcast channels per cable) available for potential use for the totality of cable services to be offered. The system shall possess the capability for the reception and distribution of worldwide radio signals. Upon commencement of service, 35 channels shall be available for immediate use upon initial construction of the system. If the township determines based upon the public interest and the required criteria set forth in this Article, to grant a franchise to a cable company which will be extending cable service into the township from another municipality, and if the existing service fails to comply with this subsection, the township may waive compliance with the requirements of this subsection provided:
  - A. That no less than 35 broadcast channels are provided; and
  - B. The franchisee agrees to install cable complying with this Section immediately upon undertaking such action in any other municipality with which the township system is interconnected.
3. Every cable communications system franchised under this Article shall maintain bi-directional signal capacity for digital, audio and video signal transmission on all elements of the system.
4. Every cable communications system franchised under this Article, at a minimum, shall maintain and make available without charge, such public access channels, education access channels and local government access channels as may be required by the franchise agreement, and by the rules and regulations of the Federal Communications Commission, including the expansion of such access channel capacity as may be required to fulfill the needs for such access channels pursuant to the rules and regulations of the Federal Communications Commission as may from time to time be in force and effect.
5. Every cable communications system franchised under this Article shall maintain such capacity, capability and technical standards as will enable it to interconnect with any other cable communications system located in any adjacent community. It is the intention of the board to require that all access channels in the Lansing metropolitan area be interconnected to the cable communications system franchised under this Article.

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# 24 Telecommunications

## Sec. 24.28 Schedule of rates and increases to be approved by board; public hearing; exceptions.

1. No cable communications company shall make any unjust or unreasonable discrimination in rates, charges, classifications, promotions, practices, regulations, facilities or services for or in connection with like services, nor subject any person to any prejudice or disadvantage in any respect whatsoever; provided, however, that this shall not be deemed to prohibit the establishment of a graded scale of charges and classifications of rates to which any subscriber coming within such classification shall be entitled.
2. No rate or charge for installation or basic cable communications service provided in the township shall be effective, nor shall any cable communications company advertise, collect, or receive any rate or charge for its services, until it shall have filed a complete schedule of rates and charges with the clerk of the township and until such rates and charges shall have been approved by the township board. The charges made for services of the franchisee hereunder shall be fair and reasonable and no higher than necessary to meet all costs of the service (assuming efficient and economical management), and provide a fair return to the franchisee. The franchisee shall receive no consideration whatsoever for its service other than in accordance with this Section or the franchise agreement, without approval of the board. The applicant for a franchise shall include in its application its proposed rates, charges and deposits.
3. No cable communications company may increase any rate or charge for cable communication service, or alter any classification, contract, rule, regulation, or practice as to result in any increase in its schedule of rates or charges for such service without the prior approval of such increased rate or charge or alteration in its classification, contract, rule, regulation or practice by the township board after public hearing thereon. Such public hearing shall be noticed at least ten days in advance in a newspaper of general circulation in the township. At said public hearing the cable communications company shall set forth in detail the basis for its requested increase in rates or charges for service or alteration in its classification, contract, rule, regulation or practice, including the reasonableness and lawfulness thereof. In the determination of just, reasonable and lawful rates and charges the board shall consider and give weight to all lawful elements properly to be considered, including expenses, a reasonable return on the cost of the property used in the service, depreciation, obsolescence, taxes, risks of the business and value of the service to the customer. The board shall render its decision with respect to any request by the franchisee for a rate increase within 90 days of the date of such request, unless the franchisee shall stipulate in writing to an extension of the 90-day period.
4. Notwithstanding the provisions of [subsections 2 and 3 of this Section](#), where the township board determines that it is in the public interest to grant a nonexclusive franchise to a cable communications company to extend service from a portion of the Lansing metropolitan area into the township, and where that company is not subject to rate regulation by any other municipality in the Lansing metropolitan area, the township board may grant a franchise to a cable communications company excluding the company from the provisions of [subsections 2 and 3 of this Section](#).
5. In no event, however, shall the rates exceed those which are being charged for the same category of cable service in the City of Lansing.

Sec. 24.29 Service provision for township, schools, public emergencies, etc.

1. Every cable communications company furnishing service within the township shall, without charge for installation or service, provide one installation of its cable communications service to each department of the township and each fire and police station in the township and shall, without charge, provide cable communications service to each primary school, secondary school and public library within the franchisee's current service area, provided, that such services provided without charge shall not be included in determining the number of subscribers in service for computation of the franchise fee as hereinbefore provided.
2. Every cable communications company providing service within the township shall make its cable system available, without charge, to the township, the county, the state, the United State of America and/or emergency operations agencies for the prompt and simultaneous communication to subscribers and the public within the township of any information resulting from or required by war, threat of war, natural catastrophe, riot or insurrection, necessary to save or protect life or property.

Sec. 24.30 Surety bond, indemnity agreement, proof of insurance required.

1. Every cable communications company shall, within 30 days of the grant of a franchise to it pursuant to this Article, file with the township clerk and at all times thereafter maintain in full force and effect for the term of the franchise, at its expense, a corporate surety bond, or such other surety arrangement as the board may approve in the amount as currently established or as hereafter adopted by resolution of the township board from time to time, conditioned upon the faithful performance by such cable communications company of its obligations under its franchise as herein set forth, and upon the further condition that if such cable communications company shall fail to comply with any one or more provisions of this Article, there shall be recoverable jointly and severally from the principle and surety of such bond any damages or loss suffered by the township as a result thereof, including the full amount of any compensation, indemnification, or cost of removal of any property of such cable communications company as provided in this Article plus attorney's fees and costs, up to the full amount of the bond, said condition to be a continuing obligation for the duration of any franchise granted under this Article and any renewal thereof and thereafter until such cable communications company has liquidated all of its obligations with the township which may have arisen under the franchise or from the exercise of any privilege or right granted thereby. Any bond provided under this Section shall provide that at least 30 day's prior notice of any intention not to renew, to cancel or to make a material change therein shall be construed to excuse faithful performance by any cable communications company or in any way to limit its liability for damages or otherwise. The bond required hereunder may be reduced in face amount to \$15,000.00 at such time as franchisee is actively providing cable communications service to 1,000 or more subscribers within the township. Said reduction shall be deemed a "material change" in the bond.
2. Any cable communications company within 30 days of the grant of franchise pursuant to this Article shall file with the township clerk in addition to the bond as hereinbefore set forth:

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## 24 Telecommunications

- A. An indemnity agreement to indemnify, defend and save the township harmless from and against any or all claims, suits, actions or liability for damages which may arise in any way from the grant of a franchise to such cable communications company, or its operations thereunder in the township including all expenses incurred by township in defending itself against any claim, action or suit;
  - B. Proof of a general comprehensive liability insurance policy and an automobile liability insurance policy issued by companies licensed to do business in the state, protecting the township, its officers, boards, commissions, agents and employees against liability for loss or damage for personal injury, death and property damage, occasioned by the installation, construction, maintenance or operation of a cable communications system in the township with minimum liability limits as currently established or as hereafter adopted by resolution of the township board from time to time and said policy shall contain a provision that a written notice of cancellation, or material change or reduction in coverage, shall be given to the township clerk at least 30 days in advance of the effective date thereof; and
  - C. Proof of adequate insurance as required by the state workers' compensation law applicable to it.
3. No franchise hereunder shall be effective until the provisions of [subsections 1 and 2 of this Section](#) have been fully complied with and failure to file with the township clerk within 30 days after grant of a franchise, the bond, indemnity agreement, proof of general comprehensive liability insurance policy, proof of automobile liability insurance policy and proof of adequate workers' compensation insurance, or any of them as required by [subsections 1 and 2 of this Section](#) shall render the franchise null and void without notice or further proceedings.

### Sec. 24.31 Termination, revocation or surrender of franchise.

1. Any franchise granted pursuant to this Article shall expire without further proceedings 120 days after its effective date, or if the issuance of a certificate of compliance by the FCC is required, within 120 days of the issuance of such certificate in the event the person granted such franchise has not commenced construction of a cable communications system within such a period.
2. If any person granted a franchise pursuant to this Article shall fail to provide cable communications service within and throughout the franchise areas as required under the terms of its franchise agreement, said franchise shall, on the anniversary of the effective date of such franchise next following the 12-month period during which cable communications service has not been extended as required under the terms of the franchise agreement, be deemed revoked without the necessity of board action, unless prior to said date, such person shall have applied to the board and the board shall have, for good cause shown, granted an extension of the construction for service periods set forth in the franchise agreement.

3. Any franchise granted pursuant to this Article shall be terminated and cancelled without further proceedings 120 days after the appointment of a receiver or trustee to take over and conduct the business of a cable communications company, whether in receivership, reorganization, bankruptcy or other action or proceedings unless such receivership or trusteeship shall have been vacated prior to the expiration of such period; provided, however, that such receiver or trustee may apply for a transfer or assignment of such franchise, as hereinbefore provided in [Section 24.22.5](#) hereof, within 60 days of the appointment of such receiver or trustee, if duly approved by the court having jurisdiction on the premises, and provided further, in case of a foreclosure or other judicial sale of the plant, property or facilities of a cable communications company, with or without the appointment of a receiver or trustee, including or excluding the franchise granted under this Article, such franchise as granted will be terminated and cancelled without further proceedings upon 30 days' written notice of terminations served upon the cable communications company and the purchaser thereof, unless within such 30-day period, the purchaser shall apply to the township for a transfer or assignment to it of the same as provided in [Section 24.22.5](#) hereof.
4. Any franchise granted pursuant to this Article is revocable for cause by the board prior to its expiration where the cable communications company has failed substantially to comply with any provision or requirement of this Article or the provisions of its franchise agreement. The board may give a written notice containing full particulars as to the provision or requirement with which compliance is claimed deficient and allow such cable communications company 60 days to comply. At the expiration of such 60 days, such franchise shall be deemed terminated and revoked, without further board action, unless such cable communications company shall request a hearing before the board upon its alleged failure to substantially comply with any provision or requirement of this Article or of its franchise agreement. Said hearing shall be public with the cable communications company being permitted to fully participate therein including the right to introduce testimony and exhibits and to examine and cross examine witnesses. The hearing shall be recorded and at the conclusion thereof, the board, if it finds that the cable communications company has not substantially complied with any provision or requirement of this Article or its franchise agreement, may terminate and revoke the franchise.
5. Any person granted a franchise pursuant to this Article may surrender it by written notice of intent to surrender its franchise filed with the township clerk not less than 60 days prior to the surrender date. On the surrender date specified in such notice, all rights, privileges and authority under said franchise shall terminate; provided, however, at the expiration of the term of this franchise or any renewal, or upon revocation thereof, or upon determination of bankruptcy of the grantee, if the township does not renew or continue this franchise, the township shall have the assignable right to acquire at "fair market value" the assets of the franchisee then used by the franchisee in providing the services herein contemplated. Immediately upon a determination of nonrenewal or termination, the franchisee and the township shall attempt to mutually agree upon said valuation; but, if within a reasonable period they cannot agree upon the valuation, it shall be determined by a panel of appraisers, one each selected by the franchisee and the township and the third selected by the other two. The cost of such appraisal shall be borne equally by the township and the franchisee. For purposes of this Section, the term "fair market value" shall be determined by valuing grantee's business as determined of the franchisee's various assets, no value shall be assigned to the

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franchise granted hereunder. Within 60 days after valuation has been established, the township shall give the grantee written notice of its intent to either:

- A. Reconsider denial of the grantee's request for renewal, extension or continuation;
- B. Exercise the right established in this subsection and concurrently advise the grantee of a closing place and date, not more than one year after expiration, renewal or revocation of this franchise, at which place and time the grantee shall deliver to the township or its designee good and clear title of all of its assets, both tangible and intangible, and its property, both personal and real, free from all liens and encumbrances, except those liabilities, if any, which the township elects to assume and thereby deduct from the valuation to determine the net transfer price, and the township or its designee shall make payment of the net purchase price at mutually agreed upon terms; or
- C. If the township does not grant renewal or elect to acquire the franchise at fair market value, the franchisee shall have a period of six months to remove its towers, poles, wires, cables, fixtures or other facilities from the streets, alleys, public rights-of-way or public places, subject to the rights of the township as set forth in [Section 24.25.4](#). At the expiration of such six month period, any property not removed by such person shall become the property of the township to do with as it may choose. Any cost to the township in removing said property from the streets, alleys, public rights-of-way or public places shall be claimed against such person under the performance bond required under [Section 24.30.1](#).

### Sec. 24.32 Commencement and completion of construction.

1. Any person granted a franchise pursuant to this cable communications Article shall commence construction or installation of its cable communications system within 120 days after the franchise is granted, or if the issuance of a certificate of compliance by the FCC is required, within 120 days of the issuance of such certificate.
2. Any person granted a franchise pursuant to this cable communications Article shall, within such period as designated in the franchise agreement, complete construction in the area designated in the franchise agreement. Any person granted a franchise pursuant to the cable communications Article who is unable to construct according to the provisions of this Section for "good cause" shall notify the board in writing within 30 days of the occurrence of any delay or interruption of construction of more than 15 working days duration which interruption or delay would affect its inability to construct according to schedule.
3. The franchisee shall provide service to all parts of the designated areas which have 50 homes per mile or greater density. Provided, however, that within such 120 days, the area served shall contain not less than 50 percent of the population of the township. Any person granted a franchise pursuant to this Article shall extend service within a reasonable period of time to all areas within the township which can be reached by system extension to areas containing 40 homes per mile or greater density, and the township board will not designate for construction any areas with lesser density than 40

homes per mile as measured in new cable miles necessary for construction from the nearest point of the existing system.

4. For those residents of the township who live in areas which have an average density of less than 40 dwelling units per cable mile, as set forth in [subsection 3 of this Section](#), a cost contribution method of obtaining cable television service is provided. In response to interest demonstrated by potential subscribers, the cable television company in cooperation with the township may survey an area to determine the extent of interest. The cable television company may then design an extension and estimate costs of construction and maintenance over a five-year period. The cost contribution to be allocated to each interested subscriber is determined as follows:
  - A. The total construction cost and five-year maintenance cost shall be determined;
  - B. The standard cost per home shall be determined by dividing the total from this subsection by 40, being the standard minimum density of [subsection 4.A of this Section](#);
  - C. The cable television company's contribution to the cost of the extension shall be determined by multiplying the standard cost by the number of homes passed by the extension;
  - D. The difference between the total costs ([subsection 4.A of this Section](#)) and the cable television company's contribution is the resident's contribution;
  - E. The amount to be paid by each interested resident shall be determined by dividing the resident's contribution from [subsection 4.D of this subsection](#) by the number of persons wanting service in the extended area.
5. Each interested prospective subscriber shall pay the individual amount as determined in subsection 4 of this Section to the cable television company, which individual payment will be held in escrow until such time as all interested residents have made their contribution, after which the cable television company agrees to commence construction as soon as reasonably possible. The monthly charge for cable service in the extended area shall be the same as elsewhere in the system.
6. If any resident in this extended area who did not participate by initial resident contribution wants to become a subscriber within the first two years after service is commenced in the extended area, such resident must make a proportionate contribution to the original construction cost and this new contribution will then be divided equally among the original contributors. At the end of two years following the commencement of service to the extended area, all new subscribers in the extended area will then be provided cable television service under the same terms as all the residents of the township.

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## 24 Telecommunications

### Sec. 24.33 Hearing and determination of complaints; procedure; local business office.

1. The board, or any person or department designated by it, shall, upon its own motion or upon complaint of any person or subscriber of a cable communications company, have authority to hear and determine all complaints concerning the rates, charges, rules, regulations, practices, quality of service rendered or furnished, or any other matter relating to the service or operation of the cable communications system or any person franchised under the terms of this Chapter.
2. Upon the filing of any complaint against any person pursuant to [subsection 1 of this Section](#), the board or its designated representative shall give such person at least 20 days notice of the time and place of a hearing to be given such person upon the matters alleged in the complaint. The board shall have the power to order such changes in the rates, charges, rules, regulations, services, equipment or other matters relating to the service or operation of the cable communications company as in its judgment, based upon the record of the hearing and findings of fact made thereon, appear to be just, reasonable and lawful.
3. Every person granted a franchise pursuant to this Article shall have a business office located in or within two miles of the township suitably staffed for the purpose, among others, of receiving and investigating complaints, dealing with its subscribers, receiving payment for service and otherwise conducting business, unless otherwise provided in the franchise agreement.

### Sec. 24.34 Use of right-of-way subordinated.

Any right or privilege granted to any person under this Article to use or occupy any street, alley, public right-of-way or public place shall be subordinate to any prior lawful occupancy of such property. Nothing in this Article shall be construed as limiting in any way the township in the lawful exercise of the police power, and the grant of a franchise to any person as provided in this Article shall confer no right, privilege or exemption not specifically presented herein.

### Sec. 24.35 Surrender of other franchises.

By the applications for and acceptance of a franchise pursuant to this Article, a cable communications company agrees that upon subsequent additions of areas to the township, either by annexation, consolidation or otherwise, any and all franchises and/or licenses held by it to provide a cable communications service or to install, construct, maintain or operate a cable communications system in such areas shall be surrendered and any rights or privileges in streets, alleys, public rights-of-way or public places to install, construct, maintain or operate a cable communications system or to furnish a cable communications service in such areas as may subsequently be added to the township by annexation, consolidation or otherwise, shall thereafter be subject to and authorized by this Article.



### Sec. 24.36. Annual reports required.

Every cable communications company shall file annually with the board or township engineer, a current map showing the exact location of the transmission and distribution facilities and equipment in the township used by it in providing cable communications service and further shall prepare and furnish the township on written request therefore, at such time and in such form as may be prescribed, such reports as to its operations, finances, the facilities and activities as may be reasonably necessary to enable the township to perform its obligations, functions and duties under this Article.

### Sec. 24.37 Rights of township.

Any franchise granted under this Article is made subject to all applicable provisions of law relating to the township and ordinances thereof, and specifically subject to the rights and powers of the township and limitations upon the cable communications company holding such franchise as are set forth in the statutes of the state pertaining to charter townships, which are herein incorporated by reference, and such cable communications company shall abide by and be bound by said rights, powers and limitations, and any franchise granted under this Article constitutes and shall be considered as a public utility franchise and a cable communications company shall be deemed to be a public utility.

### Sec. 24.38 Cable communications commission.

1. The board may establish a commission to be known as the township cable communications commission. The board shall solicit from the public and from the franchisee names of persons interested in serving on the commission, but is not limited to names thereby submitted.
2. The commission shall consist of five residents of the township appointed by the board. Each member shall serve a term of three years; provided, however, that appointments to the first commission shall be for such terms as follows: two members for a term of three years; two members for a term of two years; and one member for a term of one year. Any vacancy in the office shall be filled by the board for the remainder of the term. No employee or person with ownership interest in a cable television franchise granted pursuant to this Article shall be eligible for membership on the commission. Members of the commission may be compensated at a rate to be determined by the board. Such rate of compensation, if any, shall be established and may be revised, from time to time by resolution of the board.
3. The commission, in addition to the functions and responsibilities that the board may delegate to it from time to time by resolution, shall have the following functions:
  - A. Discuss this Article and the franchises thereunder with prospective franchise applicants.
  - B. Advise the board on applications for franchises.
  - C. Advise the board on matters which might constitute grounds for revocation of a franchise under this Article.

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## 24 Telecommunications

- D. Recommend to the board, after hearing, resolutions of disputes between franchisees, between franchisee and subscribers, between franchisee and access users, and between access users.
- E. Advise the board on the regulation of rates under this Article and make recommendations on requested changes in rates, services or classifications.
- F. Recommend to the board a general policy relating to access channels with a view to maximizing the diversity of programs and services to subscribers.
- G. Encourage the use of access channels by institutions, groups and individuals within the township.
- H. Encourage and supervise the interconnection of systems.
- I. Review and report to the board concerning records and reports which the franchisee is required to submit under this Article.
- J. The commission shall annually prepare a budget and, prior to adopting same shall conduct a public hearing thereon. The commission shall also prepare an annual report to the township board including an accounting of budgeted fees received and distributed by the commission and a report of the type and amount of use of access channels.
- K. Conduct evaluations of the system at least every three years and make recommendations to the township board regarding amendments to this Article or to the franchise agreement.

### Sec. 24.39 Miscellaneous provisions.

- 1. Any person granted a franchise pursuant to this Article shall have no recourse whatsoever against the township, its officers, boards, commissions, agents or employees for any loss, cost, expense or damage arising out of any provision or requirement of this Article or the enforcements thereof.
- 2. Section headings as set forth in this Article are for convenience only and shall not be a part of this Article nor be used to construe any provision hereof more broadly or narrowly than its text would indicate.

### Sec. 24.40 Injunctive relief.

Notwithstanding the existence of any criminal remedy as hereinbefore provided, any cable communications system or cable communications service in violation of any provision of this Article shall constitute a nuisance per se, and the township shall be empowered to seek injunctive relief in a court of appropriate jurisdiction to enjoin such violation and abate such nuisance.

Secs. 24.41 to 24.68. Reserved.

### ARTICLE III. BASIC CABLE TV RATES

#### Sec. 24.69 Definitions.

For purposes of this Article , the term "Act" shall mean the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time; the term "FCC" shall mean the Federal Communications Commission; the term "FCC Rules" shall mean all rules of the FCC promulgated from time to time pursuant to the Act; the term "basic cable service" shall mean "basic service" as defined in the FCC Rules, and any other cable television service which is subject to rate regulation by the township pursuant to the Act and the FCC Rules; the term "associated equipment" shall mean all equipment and services subject to regulation pursuant to 47 CFR 76.923; and the term "increase" in rates shall mean an increase in rates or a decrease in programming or customer service. All other words and phrases used in this Article shall have the same meaning as defined in the Act and FCC Rules.

#### Sec. 24.70 Purpose; interpretation.

The purpose of this Article is to:

1. Adopt regulations consistent with the Act and the FCC Rules with respect to basic cable service rate regulation; and
2. Prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the township.

This Article shall be implemented and interpreted consistent with the Act and FCC Rules.

#### Sec. 24.71 Rate regulations promulgated by FCC Rules.

In connection with the regulation of rates for basic cable service and associated equipment, the township shall follow all FCC Rules.

#### Sec. 24.72 Submit schedule of rates; additional information for rates and increases; compliant with the Act.

1. A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable operator shall file ten copies of the schedule or proposed increase with the township clerk. For purposes of this Article, the filing of the cable operator shall be deemed to have been made when at least ten copies have been received by the township clerk. The township board may, by resolution or

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otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator's filing schedule of rates or a proposed increase.

2. In addition to information and data required by rules and regulations of the township pursuant to [subsection 1 of this Section](#), a cable operator shall provide all information requested by the township supervisor in connection with the township's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The township supervisor may establish deadlines for submission of the requested information and the cable operator shall comply with such deadlines.
3. A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC Rules including, without limitation, 47 USC 543 and 47 CFR 76.922 and 76.923.

### Sec. 24.73 Proprietary information.

1. If this Article, any rules or regulations adopted by the township pursuant to [Section 24.72.1](#), or any request for information pursuant to [Section 24.72.2](#) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response are treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will 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. The township shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied, where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or the cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.
2. Any interested party may file a request to inspect material withheld as proprietary with the township. 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. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.
3. The procedures set forth in this Section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 CFR 0.459.

#### Sec. 24.74 Public notice; initial review of rates.

Upon the filing of ten copies of the schedule of rates or the proposed increase in rates pursuant to [Section 24.72.1](#), the township clerk shall publish a public notice in a newspaper of general circulation in the township which shall state that:

1. The filing has been received by the township clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying; and
2. Interested parties are encouraged to submit written comments on the filing to the township clerk not later than seven days after the public notice is published.

The township clerk shall give notice to the cable operator of the date, time, and place in which the township board shall first consider the schedule of the rates or the proposed increase. This notice shall be mailed at least three days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the township board, then the township clerk shall mail a copy of the report by first-class mail to the cable operator at least three days before the meeting at which the township board shall first consider the schedule of rates or the proposed increase.

#### Sec. 24.75 Tolling order.

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule will remain in effect or the proposed increase in rates will become effective after 30 days from the date of filing under [Section 24.72.1](#) unless the township board (or other properly authorized body or official) tolls the 30-day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within 30 days of the date of filing. The township board may toll the 30-day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.

#### Sec. 24.76 Public hearing on basic cable service rates following tolling of 30-day deadline.

If a written order has been issued pursuant to [Section 24.75](#) and 47 CFR 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the township any additional information required or requested pursuant to [Section 24.72](#). In addition, the township board shall hold a public hearing to consider the comments of interested parties within the additional 90-day or 150-day period, as the case may be. The township clerk shall publish a public notice of the public hearing in a newspaper of general circulation within the township which shall state:

1. The date, time, and place at which the hearing shall be held;
2. Interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates; and

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3. Copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the clerk.

The public notice shall be published not less than 15 days before the hearing. In addition, the township clerk shall mail by first-class mail a copy of the public notice to the cable operator not less than 15 days before the hearing.

### Sec. 24.77 Staff or consultant report; written response.

Following the public hearing, the township supervisor shall cause a report to be prepared for the township board which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the township board pursuant to [Section 24.78](#). The township clerk shall mail a copy of the report to the cable operator by first-class mail not less than 20 days before the township board acts under [Section 24.78](#). The cable operator may file a written response to the report with the township clerk. If at least ten copies of the response are filed by the cable operator with the township clerk within ten days after the report is mailed to the cable operator, the township clerk shall forward it to the township board.

### Sec. 24.78 Rate decisions and orders.

The township board shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC Rules. If the township board issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this Section shall be issued within 90 days of the tolling order under [Section 24.75](#) in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under [Section 24.75](#) in all cases involving a cost-of-service showing.

### Sec. 24.79 Refunds; notice.

The township board may order a refund to subscribers as provided in 47 CFR 76.942. Before the township board orders any refund to subscribers, the township clerk shall give at least seven days' written notice to the cable operator by first-class mail of the date, time and place at which the township board shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the township board.

#### Sec. 24.80 Written decisions; public notices.

Any order of the township board pursuant to [Section 24.78](#) or [Section 24.79](#) shall be in writing, shall be effective upon adoption by the township board, and shall be deemed released to the public upon adoption. The clerk shall publish a public notice of such written order in a newspaper of general circulation within the township which shall: 1) summarize the written decision, and 2) state that copies of the text of the written decision are available for inspection or copying from the office of the clerk. In addition, the township clerk shall mail a copy of the text of the written decision to the cable operator by first class mail.

#### Sec. 24.81 Rules and regulations.

In addition to rules promulgated pursuant to [Section 24.72](#), the township board may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules.

#### Sec. 24.82 Failure to give notice.

The failure of the township clerk to give the notice or to mail copies of reports as required by this Article shall not invalidate the decisions or proceedings of the township board.

#### Sec. 24.83 Additional hearings.

In addition to the requirements of this Article, the township board may hold additional public hearings upon such reasonable notice as the township board, in its sole discretion, shall prescribe.

#### Sec. 24.84 Additional powers.

The township shall possess all powers conferred by the Act, the FCC Rules, the cable operator's franchise, and all other applicable law. The powers exercised pursuant to the Act, the FCC Rules, and this Article shall be in addition to powers conferred by law or otherwise. The township may take any action not prohibited by the Act and the FCC Rules to protect the public interest in connection with basic cable service rate regulation.

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Sec. 24.85 Failure to comply; remedies.

The township may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the township) for failure to comply with the Act, the FCC Rules, any orders or determinations of the township pursuant to this Article, any requirements of this Article, or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC Rules, any orders or determinations of the township pursuant to this Article, any requirements of the Article, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of renewal of a cable operator's franchise.

Sec. 24.86 Conflicting provisions.

In the event of any conflict between this Article and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this Article shall control.

Secs. 24.87 to 24.115 Reserved.

## ARTICLE IV. TELECOMMUNICATIONS FACILITIES

Sec. 24.116 Purpose.

The purpose of this Article is to regulate access to and ongoing use of public rights-of-way in the township by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the metropolitan extension telecommunications rights-of-way oversight act, Public Act No. 48 of 2002 (MCL 484.3101 et seq.) and other applicable law, and to ensure that the township qualifies for distributions under the Act by modifying the fees charged to providers in compliance with the Act.

Sec. 24.117 Conflicting provisions.

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



## Sec. 24.118 Definitions.

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

*Act.* The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Public Act No. 48 of 2002 (MCL 484.3101 et seq.).

*Permit.* A nonexclusive permit issued pursuant to the Act and this Article to a telecommunications provider to use the public rights-of-way in the township for its telecommunications facilities.

*Township board.* The township board of the township. This Section does not authorize delegation of any decision or function that is required by law to be made by the township's elected officials.

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

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

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

*Public right-of-way.* The area in the township on, below, or above a public roadway, highway, street, alley, easement, or waterway. The term "public right-of-way" does not include a federal, state, or private right-of-way.

*Telecommunication facilities or facilities.* The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. The term "telecommunication facilities" or "facilities" do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of part I of title III of the Communications Act of 1934, Ordinance No. 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

*Telecommunications provider, provider and telecommunications services.* Those terms as defined in Section 102 of the state telecommunications act, Pubic Act No. 179 of 1991 (MCL 484.2102). The term "telecommunication provider" does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of title II of the communications act of 1934, Ordinance No. 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this Article only, the term "provider" also includes all of the following:

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

## Sec. 24.119 Telecommunication permit required.

1. Permit required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the township for its telecommunications facilities shall apply for and obtain a permit pursuant to this Article.
2. Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act (MCL 484.3106(1)). A telecommunications provider shall file one copy of the application with the township clerk, one copy with the township administrator, one copy with the township attorney. Upon receipt, the township clerk shall distribute a copy to the zoning administrator. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act (MCL 484.3106(5)).
3. Confidential information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.), pursuant to Section 6(5) of the Act (MCL 484.3106(5)), the telecommunications provider shall prominently so indicate on the face of each map.
4. Application fee. Except as otherwise provided by the Act, the application shall be accompanied by a one-time nonrefundable application fee in the amount of \$500.00.
5. Additional information. The township clerk may request an applicant to submit such additional information which the clerk or township administrator deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the township clerk. If the township and the applicant cannot agree on the requirement of additional information requested by the township, the township or the applicant shall notify the MPSC as provided in Section 6(2) of the Act (MCL 484.3106(2)).
6. Previously issued permits. Pursuant to Section 5(1) of the Act (MCL 484.3105(1)), authorizations or permits previously issued by the township under Section 251 of the state telecommunications act, Public Act No. 179 of 1991 (MCL 484.2251) and authorizations or permits issued by the township to telecommunications providers prior to the 1995 enactment of Section 251 of the state telecommunications act but after 1985 shall satisfy the permit requirements of this Article.

7. Existing providers. Pursuant to Section 5(3) of the Act (MCL 484.3105(3)), within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the township as of such date, that has not previously obtained authorization or a permit under Section 251 of the state telecommunications act, Public Act No. 179 of 1991 (MCL 484.2251), shall submit to the township an application for a permit in accordance with the requirements of this Article. Pursuant to Section 5(3) of the Act (MCL 484.3105(3)), a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under [subsection 4 of this Section](#). A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the authority, as provided in Section 5(4) of the Act (MCL 484.3105(4)).

#### Sec. 24.120 Issuance of permit.

1. Approval or denial. The authority to approve or deny an application for a permit is hereby delegated to the township clerk. Pursuant to Section 15(3) of the Act (MCL 484.3115(3)), the township clerk shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under [Section 24.119.2](#) of this Article for access to a public right-of-way within the township. Pursuant to Section 6(6) of the Act (MCL 484.3106(6)), the township clerk shall notify the MPSC when the township clerk has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The township clerk shall not unreasonably deny an application for a permit.
2. Form of permit. If an application for permit is approved, the township clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act (MCL 484.3106(1), (2), 484.3115).
3. Conditions. Pursuant to Section 15(4) of the Act (MCL 484.3115(4)), the township clerk may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
4. Bond requirement. Pursuant to Section 15(3) of the Act (MCL 484.3115(3)), and without limitation on [subsection 3 of this Section](#), the township clerk may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.
5. Construction/engineering permit. A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the township without first obtaining a construction or engineering permit from the county road commission and/or the township road department, for construction within the public rights-of-way. No fee shall be charged by the township for such a construction or engineering permit.

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6. Conduit or utility poles. Pursuant to Section 4(3) of the Act (MCL 484.3104(3)), obtaining a permit or paying the fees required under the Act or under this Article does not give a telecommunications provider a right to use conduit or utility poles.
7. Route maps. Pursuant to Section 6(7) of the Act (MCL 484.3106(7)), a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the township, submit route maps showing the location of the telecommunications facilities to the MPSC, the township, and the county road commission. The route maps should be in paper and electronic format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act (MCL 484.3106(8)).

#### Sec. 24.121 Repair of damage.

Pursuant to Section 15(5) of the Act (MCL 484.3115(5)), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the township, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

#### Sec. 24.122 Annual maintenance fee.

1. Establishment and payment of fee. In addition to the nonrefundable application fee paid to the township as set forth in [Section 24.119.4](#), a telecommunications provider with telecommunications facilities in the public rights-of-way of the township shall pay an annual maintenance fee to the authority pursuant to Section 8 of the Act (MCL 484.3108).
2. Modification of existing fees. In compliance with the requirements of Section 13(1) of the Act (MCL 484.3113(1)), the township hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the authority. In compliance with the requirements of Section 13(4) of the Act (MCL 484.3113(4)), the township also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the township's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The township shall provide each telecommunications provider affected by the fee with a copy of this Article, in compliance with the requirement of Section 13(4) of the Act (MCL 484.3113(4)). To the extent any fees are charged to the telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the township's policy and intent, and upon application by a provider or discovery by the township, shall be promptly refunded as having been charged in error.
3. Savings clause. Pursuant to Section 13(5) of the Act (MCL 484.3113(5)), if Section 8 of the Act (MCL 484.3108) is found to be invalid or unconstitutional, the modification of fees under [subsection 2 of this Section](#) shall be void from the date the modification was made.

4. Use of funds. Pursuant to Section 10(4) of the Act (MCL 484.3110(4)), all amounts received by the township from the authority shall be used by the township solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the township from the authority shall be deposited into the township general fund and appropriated to the township's highway department fund account 101-446 and expended for activity in the following subaccounts: engineering - 801-006; road maintenance - 801-808; and road capital improvements - 801-838.
5. Annual report. Pursuant to Section 10(5) of the Act (MCL 484.3110(5)), the township clerk shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.

**Sec. 24.123 Existing rights; cable television operators.**

1. Existing rights. Pursuant to Section 4(2) of the Act (MCL 484.3104(2)), except as expressly provided herein with respect to fees, this Article shall not affect any existing rights that a telecommunications provider or the township may have under a permit issued by the township or under a contract between the township and a telecommunications provider related to the use of the public rights-of-way, issued or executed prior to the effective date of this Article.
2. Cable television operators. Pursuant to Section 13(6) of the Act (MCL 484.3113(6)), the township shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of the Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

**Sec. 24.124 Compliance.**

The township hereby declares that its policy and intent in adopting this Article is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The township shall comply in all respects with the requirements of the Act, including the following:

1. Exempting certain route maps from the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.), as provided in [Section 24.119.3](#);
2. Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with [Section 24.119.6](#);
3. Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500.00 application fee, in accordance with [Section 24.119.7](#);
4. Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the township, in accordance with [Section 24.120.1](#);

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5. Notifying the MPSC when the township has granted or denied a permit, in accordance with [Section 24.120.1](#);
6. Not unreasonably denying an application for a permit, in accordance with [Section 24.120.1](#);
7. Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in [Section 24.120.2](#);
8. Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with [Section 24.120.3](#);
9. Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with [Section 24.120.4](#);
10. Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with [Section 24.120.5](#);
11. Providing each telecommunications provider affected by the township's right-of-way fees with a copy of this Article, in accordance with [Section 24.122.2](#);
12. Submitting an annual report to the authority, in accordance with [Section 24.122.5](#); and
13. Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with [Section 24.123.2](#).

**Sec. 24.125      Reservation of police powers; enforcement.**

1. Reservation of police powers. Pursuant to Section 15(2) of the Act (MCL 484.3115(2)), this Article shall not limit the township's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the township's authority to ensure and protect the health, safety, and welfare of the public.
2. Municipal civil infraction. A person who violates any provision of this Article or the terms or conditions of a permit issued by the township is responsible for a municipal civil infraction, and shall be subject to the penalty provided by Ordinance No. 25, as codified in [Article VI of Chapter 2](#). Nothing in this Section shall be construed to limit the remedies available to the township in the event of a violation by a person of this Article or a permit.
3. Enforcement. The township administrator is hereby designated as the authorized township official to issue municipal civil infraction citations or municipal civil infraction violation notices for violations under this Article as provided by the township ordinances.

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*Code of Ordinances—Chapter 25*

*Fair Housing*

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# 25 Fair Housing

## Sec. 25.1 Statement of Purpose.

An Ordinance prohibiting and making unlawful discrimination in housing and/or real property because of race, color, religion, creed, national origin, ancestry, sex, or disability in the Township of Watertown.

Whereas, the Township of Watertown, Michigan desires to assure equal opportunity to all residents regardless of race, color, religion, creed, national origin or ancestry, sex, or disability, to live in decent, sanitary, and healthful living quarters; and,

Whereas, the 1963 Constitution of the State of Michigan provides as follows in Article I (Section 2) “...no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin...” (Section 4) “...The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief...” (Section 9) “...Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state...” and,

Whereas, the Congress of the United States has provided that “it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States” and has established by law the following provisions:

“... it shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, or national origin.
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, or national origin ...”

Now, therefore, be it ordained by the Township Board of Watertown, Michigan, as follows:

## Sec. 25.2 Declaration of Policy.

1. In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Township may be ensured, it is hereby declared the policy of the Township of Watertown, Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.
2. It is the policy of the Township of Watertown that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Township, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the condi-



tions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

3. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

### Sec. 25.3 Definitions.

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Ordinance.

*Discriminate.* The terms “discriminate” or “discrimination” mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

*Housing accommodation.* The term “housing accommodation” includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

*Real property.* The term “real property” means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Township of Watertown, Michigan.

*Real estate broker.* The term “real estate broker” means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

*Financial institution.* The term “financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

*Owner.* An “owner” means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

*Decent, sanitary, healthful standard living quarters.* “Decent, sanitary, healthful standard living quarters” is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

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# 25 Fair Housing

## Sec. 25.4 Prohibited Acts.

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property. In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the Township of Watertown, Michigan:

1. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Township or in furnishing of any facilities or services in connection therewith.
2. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.
3. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
4. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.
5. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.
6. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
7. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.
8. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.



**Sec. 25.5      Penalty.**

Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than fifteen hundred dollars (\$1,500.00). Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the Township of Watertown, Michigan, to specifically enforce, by any legal means, any of the provisions of this Ordinance.

**Sec 25.6      Repeal.**

That all Ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**Sec. 25.7      Severability.**

That it is the intention of the Board of Trustees of Watertown Township, Michigan that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Sec. 25.8      Title.**

That this Ordinance shall be known as The Fair Housing Ordinance, Chapter 25 of the Charter Township of Watertown, Michigan, Code of Ordinances, and shall be in full force and effect from and after its passage, approval, recording, and publication in pamphlet form in accordance with law.

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25	Fair Housing
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Code of Ordinances—Chapter 26

Utilities\*

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\* *State Law References: Local Government Authority to Provide and Regulate Water and Sewer Service, MCL 324.4301 et seq.; Collection of Water or Sewerage Charges, MCL 123.161 et seq.; Sewage Disposal, Water Supply and Solid Waste Management System, MCL 124.281 et seq.; Rates Charged for Use of Public Improvement in Order to Pay Bonds, MCL 141.121.*



# 26 Utilities

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**Sewer Permit Application**

**Water Service Installation Application**

**Well & Septic Permit**



## ARTICLE I. IN GENERAL

Secs. 26.1- to 26.18 Reserved.

## ARTICLE II. WATER SYSTEM\*

\* State Law References: Safe Drinking Water Act, MCL 325.1001 et seq.

## Sec. 26.19 Public purpose.

It is hereby determined to be in the interest of the public health, safety, and welfare for the township to establish and provide a method for the acquisition and construction of improvements to the township public water supply system and the maintenance and administration thereof, to provide for extensions thereof, and to provide a means for the funding of said construction and orderly administration of the system.

## Sec. 26.20 Creation of water system improvement fund.

1. There is hereby established a fund to be known as the "Watertown Charter Township Water System Improvement Fund." Said fund shall receive such revenues as shall be collected from time to time pursuant to this Article and as may be appropriated from time to time by the township board of trustees for the purposes enumerated herein. Said fund, hereafter referred to as the "water improvement fund," may serve as a receiving fund to retain proceeds from borrowing undertaken for the purpose of constructing and acquiring improvements to said system. Revenue generated as a result of borrowing shall, however, not be utilized except in accordance with ordinances and resolutions pertaining to said borrowing. Revenue within the water improvement fund shall be placed on deposit in a bank or other financial institution, duly qualified to do business in the state, and to act as a depository for municipal funds. Revenues on deposit within said fund shall be utilized to finance, in whole or in part.
2. Construction of water mains and necessary appurtenances where assessable front footage is not available; construction in areas where public water supply is of benefit to the township at large, including by way of example but not by way of limitation, major highway crossings and construction necessary to provide a suitable "loop" or alternate direction of water flow in cases of emergency, or for fire suppression purposes. The over-sizing of water mains and appurtenant facilities to serve areas of the township which will not immediately connect to the system and which have not participated in the cost of the construction through direct payment or special assessment. Construction, installation, and maintenance of public fire hydrants.

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## 26 Utilities

### Sec. 26.21 Water user fees and connection charges.

1. User fee. Each user connected to the township water system shall pay a user fee in an amount equal to 2.5 percent of the retail customer and commodity charges which are charged to the users by the Lansing Board of Water and Light or by such other retail water supplier providing services to users in the township under franchise or agreement with the township. The user charge established and collected pursuant to this Article shall be deposited to and become an asset of the township general fund.
2. Connection charges. Where property to be connected to the township water system has not directly participated in or been assessed by special assessment for the cost of the water main and facilities serving said property, a connection fee shall be paid to the township in advance as currently established or as hereafter adopted by resolution of the township board from time to time. The capital connection charges shall be deposited to and become an asset of the water system improvement fund as established in [Section 26.20](#).

### Sec. 26.22 Water reimbursement agreements.

In the event that a property owner or developer desires to obtain water service by advancing the cost of construction of mains, hydrants, and other necessary appurtenances, and the mains may potentially serve properties owned or controlled by other than the owner or developer, the township may enter into an agreement with the owner of said premises providing for reimbursement of construction costs to the entity advancing same, said reimbursement to be from direct capital connection charges only from the benefited area. If a reimbursement agreement is executed between the township and the owner/developer, the township shall collect from said entity an amount equal to two percent of the total construction cost for township administrative expense which shall be determined by first reducing the actual cost of construction, including the administrative fee, by the portion thereof potentially benefiting others as determined on a residential equivalent basis. Reimbursement shall be without interest and shall be on a residential equivalent basis charged to subsequent users for standard connections in said area at the connection charges provided as [Section 26.21.2](#) pertaining at the time of collection. Any excess funds over and above the agreed reimbursable costs collected from said subsequent users during the term of the agreement, and all fees collected from users in the benefited area after the term of the agreement shall be deposited in the water improvement fund. No reimbursement agreement shall extend beyond ten years.

### Sec. 26.23 Modification of rates and charges.

The rates and charges specified herein may be amended, modified, and revised from time to time by resolution of the township board of trustees.



#### Sec. 26.24 Collection of revenue.

All user fees required to be paid pursuant to this Article shall be collected by the Lansing Board of Water and Light or any other supplier of retail water service to township users under contract or franchise with the township on a quarterly basis subject to a year-end reconciliation to actual retail sales revenues as of December 31 and transmitted to the township treasurer. Connection fees shall be collected by the township upon receipt of an application requesting same. All charges for retail water service, user fees, and connection fees are made a lien on the premises to which service or connection is furnished under the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.) Nonpayment of any township user charge shall be treated as a delinquency on the entire water bill and subject to the remedies provided for nonpayment of water charges by the City of Lansing including legal action for collection, water shutoff and establishment of a lien against the delinquent premises.

#### Sec. 26.25 Charges for debt service.

The rates and charges herein shall be in addition to any special assessment or other user charge system adopted to discharge bonds or other indebtedness incurred by the township or special assessment district for construction, maintenance, and extension of said water supply system serving entities and persons within the township.

Secs. 26.26 to 26.53 Reserved.

## ARTICLE III. SEWERS

### DIVISION 1. GENERALLY

#### Sec. 26.54 Sanitary sewer construction standards.

The sanitary sewer construction standards shall be as adopted by the township board from time to time and kept on file in the office of the township clerk.

Secs. 26.55 to 26.79 Reserved.

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# 26 Utilities

## DIVISION 2. WASTEWATER COLLECTION AND TREATMENT SYSTEM

### Sec. 26.80. Definitions.

As set forth herein, the following terms shall have the meanings described in this Section unless the context specifically indicates a different meaning:

*Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Approval authority.* The state acting through the director of the state department of environmental quality (MDEQ).

*Attorney.* The township attorney for the township.

*Authority.* The Southern Clinton County Municipal Utilities Authority (SCCMUA).

*Authority agent.* Any constituent municipality or designated representative of the Southern Clinton County Municipal Utilities Authority.

*Authorized representative of the user.*

1. If the user is a corporation:
  - A. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar decision making functions for the corporation; or
  - B. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in [subsections 1—3 of this Section](#) may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the township and the authority.

*Available public sanitary sewer system.*

1. A public sanitary sewer system located in a right-of-way, easement, highway or public way which crosses, adjoins, abuts, or is contiguous to the realty involved and passes not more than 200 feet from the nearest point from a structure in which sanitary sewage originates;
2. In the case of a premises served by an on-site private sewage disposal system which has failed causing sewage to emanate into the surface water or groundwater of the township, the term "available public sanitary sewer system" means any public sanitary sewer system located in a right-of-way, easement, street or public way which crosses, adjoins, or abuts the lot or parcel of realty upon which a structure in which sanitary sewage originates is located;
3. In the case of a premises which may only be served by any innovative or alternative private sewage disposal system other than a standard gravity fed septic tank/drain field system, an available public sanitary sewer system means a public sanitary sewer system located in a right-of-way, easement, street, or public way which crosses, adjoins or abuts the parcel of realty involved and passes no more than 400 feet at the nearest point from any structure in which sanitary sewage originates;
4. In the case of multiple residential dwellings or mobile home parks consisting of ten units or more, an available public sanitary sewer system shall mean a public sanitary sewer system which passes not more than 400 feet at the nearest point from a structure in which sanitary sewage originates;
5. In the case of all other real estate or land, is located in a street, road, highway, right-of-way, easement, or public or private way crossing, adjoining, abutting or contiguous to any realty land within a special assessment district hereafter created, on which is located a structure in which sanitary sewage originates;
6. Notwithstanding the above, the township board of trustees shall have the authority, in the case of construction of new sewer mains and at the abutting owner's request, to defer installation of the sewer leads to serve such premises, in which case the public sanitary sewer system shall not be deemed "available" to such property unless or until the existing on-site sewage disposal system shall fail or there is a transfer of ownership reportable under MCL 211.27(a)8, in which case the owner shall immediately connect to the public sanitary sewer system at the owner's sole expense and pay all charges and the assessment fees required by [Section 26.86.8](#). Prior to the granting of an inspection report from a certified sanitarian confirming that the private on-site system is in good working order.

**Best Management Practices or BMPs.** A schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutions, BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Biochemical oxygen demand or BOD.** The biochemical oxygen demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Centigrade, expressed as milligrams per liter.

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## 26 Utilities

**Building drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil or waste pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside of the inner face of the building wall. No stormwater shall be conveyed into the sanitary sewer.

**Building sewer.** The extension from the building drain that connects the building in which sanitary sewage originates to the public sewer or treatment works and conveys the sewage of but one building. No sanitary sewage shall be conveyed into the stormwater collection system.

**Capacity charge.** In addition to any other assessments, costs or levies hereunder, a charge for capacity utilization and/or reservation shall be levied for all residential multiple dwellings for each residential equivalent in excess of one residential equivalent. The amount of said charge shall be as hereinafter set forth. Premises other than single-family residences shall pay a connection charge in the amount of the "capacity charge" multiplied by the factor developed in the formula established by the table of unit factors pursuant to [Section 26.85](#).

**Categorical standards.** The "National Categorical Pretreatment Standards" or pretreatment standard (see definition below).

**Commercial users.** Any establishment being involved in a commercial enterprise, business or service which, based upon a determination by the township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

**Compatible pollutant.** A substance amenable to treatment in a publicly-owned wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES Permit of the publicly-owned treatment works designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Such "additional pollutants" may include but not be limited to: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable origin.

**Composite sample.** A sample collected via automatic sampler over the period of discharge contained within a 24-hour period and consisting of a series of 96 aliquots taken at a rate proportional to the waste stream flow, unless an alternative sample collection technique is approved per [Section 26.85.7.M.ii](#).

**Cooling water.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**Debt service charge.** The charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the local portion of the system.

**Direct connection.** The connection of a premises wherein sanitary sewage originates directly to sewer lines constructed by the township.

**Direct discharges.** The discharge of treated or untreated wastewater directly to the waters of the state.

*Director.* The person designated by the authority to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by this article, or such duties that are delegated to his duly authorized representative.

*Environmental Protection Agency or EPA.* The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

*Existing source.* Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Federal grant.* The grant made or to be made for the construction of wastewater collection, transportation and/or treatment works provided under PL 92-500, as amended.

*Garbage.* Solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

*Grab sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*Holding tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

*Incompatible pollutant.* Any pollutant which is not a compatible pollutant.

*Indirect connection.* The connection of any premises to any sewer lines not originally comprising the sewer system and constructed without costs to the township but connecting thereto, e.g., premises served by subdivision and mobile home park sanitary sewers which in turn connect to public sewers.

*Indirect discharge.* The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 USC 1317), into the sanitary sewer system (including holding tank waste discharged into the system).

*Industrial user.* A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 USC 1342).

*Industrial wastes.* The wastewater discharges from industrial, trade or business process as distinct from their employees' domestic waste or waste from sanitary conveniences.

*Interference.* A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any one stringent state or local regulations; Section 405 of the Act; the Solid Waste Disposal Act, including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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*mg/l.* Milligrams per liter.

*Multiple residential dwelling.* A residence in which more than one family resides.

*National categorical pretreatment standard or pretreatment standard.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of users and which appear in 40 CFR Chapter I, subchapter N, parts 405–471.

*National prohibitive discharge standard or prohibitive discharge standard.* Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

*Natural outlet.* Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source.* Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that Section provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located;
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production of wastewater generating process 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. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new installation meeting the criteria of this subsection but otherwise alters, replaces or adds to existing process or production equipment. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
  - A. Begun, or caused to begin, as part of a continuous on-site construction program:
    - i. Any placement, assembly or installation of facilities or equipment; or
    - ii. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the new source facilities or equipment.
  - B. 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 subsection.

*Normal domestic strength wastewater.* A sewage or other wastewater effluent which shall be a compatible pollutant as defined herein and with BOD of 300 milligrams per liter or less, suspended solids of 350 milligrams per liter or less and total phosphorus of 12 milligrams per liter or less.

*NPDES permit.* A permit issued pursuant to the national pollution discharge elimination system (Section 402 of the Act; 33 USC 1342).

*O and M charge.* The charge assessed to users of the system for the cost of operation and maintenance (including the cost of replacement) of the system pursuant to Section 204b of PL 92-500.

*Operation and maintenance (O&M).* All work, materials, equipment, utilities and other effort required to operate and maintain the system, including the cost of replacement, wastewater collection, transportation and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other county, state, and federal regulations, if any.

*Pass through.* A 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 authority's NPDES permit, including an increase in the magnitude or duration of a violation.

*pH.* The negative logarithm (base 10) of the concentration of hydrogen ions expressed in equivalents per liter of solution.

*Plumbing inspector.* The appointed inspector of the township, or the inspector utilized by the Southern Clinton County Municipal Utilities Authority (SCCMUA).

*Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, agricultural, and industrial waste discharged into water.

*Pollution.* The manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*POTW treatment plant.* That portion of the POTW designed to provide treatment to wastewater.

*Pretreatment or treatment.* The reduction of the amount of pollutants, the elimination 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 sanitary sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes; by process changes, or by other means, except as prohibited by 40 CFR 403.6(d) relating to dilution.

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

*Private sewage disposal systems.* Any septic tank, lagoon, cesspool or other facilities intended or used for the disposal or sanitary sewage other than via the public sanitary sewer.

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*Properly shredded garbage.* The waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particles greater than one-half inch in any dimension.

*Property owner.* The person having legal title to the premises according to the township's tax records and shall include, in the case of a land contract sale, the land contract vendee or vendees, provided that the township has been furnished with a copy of said land contract or assignment thereof.

*Publicly owned treatment works (POTW).* A sanitary sewer constructed, used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal and owned or operated or controlled by the township or any other political subdivision of the state, or the authority, or connected to such system, or in which all owners of abutting properties have equal rights, and as the term "public sanitary sewer system" is defined pursuant to Michigan Public Act 368 of 1978 (formerly Act 288 of 1972); and Section 212 of the Act (33 USC 1292).

*Replacement.* The obtaining and installing of any equipment, accessories and appurtenances which are necessary during the service life of the system to maintain the capacity and performance to which such system was designed and constructed and to preserve its financial integrity.

*Residential equivalent or equivalent unit.* The factor representing a ratio of the estimated sewage generated by each user class to that generated by the normal single-family residential user.

*Residential user.* The user of the system whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached, semi-detached, row houses, mobile homes, apartments or permanent multifamily dwellings. For purposes of this article transient lodgings shall be considered to be a "commercial" use.

*Sanitary sewage.* The liquid or water-carried waste discharge from sanitary conveniences of dwellings (including apartment houses, motels and hotels), office buildings, factories, institutions, commercial or other structures.

*Sanitary sewer.* The sewer which carries sanitary sewage and industrial waste, or either of them, into which stormwater, surface water and groundwater are not intentionally admitted.

*Sewage.* Any combination of sanitary sewage, stormwater, industrial waste and uncontaminated industrial waste, or any of them.

*Sewage treatment plant or POTW treatment plant.* Any arrangement of devices or structures used for the treating of sewage.

*Sewer.* A pipe of conduit and appurtenances for transmitting or carrying sanitary sewage including any devices necessary for pumping, lifting or collecting such sewage.

*Significant industrial user.*

1. Except as provided in [subsection 2 of this definition](#), the term "significant industrial user" means:

- A. All industrial users, subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and



- B. Any other industrial user that discharges an average of 25,000 gallons per day or more of processed wastewater to the POTW excluding sanitary noncontact cooling and boiler blowdown waste-water; contributes a processed waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
2. Upon a finding that an industrial user meeting the criteria of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on his own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*Significant noncompliance.* Any industrial user of the system whose violations meet one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of the pretreatment effluent limit (daily maximum or longer-term average) that the authority determines has caused, alone or in continuation with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this division to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in the local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation or group of violations which the authority determines will adversely affect the operation or implementation of the local pretreatment program.

*Single-family dwelling.* A residence in which only one family resides.

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*Slug load or load discharge.* Any discharge of a nonroutine, episodic nature, including, but not limited to an accidental spill or a noncustomary batch discharge, or any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in [Section 26.85.2](#).

*Special Alternative Limit (SAL).* An alternate discharge limit, subject to specific conditions and requirements, that the authority may grant in lieu of certain compatible pollutant limitations in accordance with [Section 26.85.5.A.i.b](#).

*Standard industrial classification (SIC).* A classification pursuant to the standard Industrial Classification Manual Issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Stormwater.* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Structure in which sanitary sewage originates.* A building in which a toilet, kitchen, laundry, bathing or other facilities which generate water carried sanitary sewage are used or are available for use for household, commercial, industrial or other purposes.

*Suspended solids.* The total suspended matter that floats on the surface of or is suspended in water, wastewater, sewage or other liquids and which are removable by laboratory filter.

*System.* The complete township wastewater collection system, which system includes and may be referred to in part as the "Clinton County Sewage Disposal System No. 8" (Watertown Charter Township) including all sewers, pumps, lift stations, treatment facilities or other facilities (POTW) and appurtenances used or useful in the collection, transportation, treatment and disposal of domestic, commercial or industrial wastes, and all easements, rights and land for same and including all extensions and improvements thereto which may hereafter be acquired or constructed.

*Table of unit factors.* That table which shall be adopted by the township and utilized to identify the various classifications of sewer users and stating as "residential equivalents" the ratio of such use of the system to that of a single-family residence.

*Toxic pollutant.* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

*µg/l.* Microgram per liter.

*Use charge.* The charge levied on users of the system for the cost of operation and maintenance of POTW pursuant to Section 204b of PL 92-500, which charge shall also include cost of replacement.

*User or industrial user.* A source of indirect discharge.

*User class.* The kind of user connected to the sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

**Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such infiltration as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**Wastewater contribution permit.** As set forth in [Section 26.85.7](#).

**Wastewater treatment plant.** Any arrangement of devices and structures used for treating wastewater.

**Wastewater works.** All facilities for collecting, pumping, treating and disposing of wastewater.

**Waters of the state.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

#### Sec. 26.81 Operation and maintenance under control of township.

The operation and maintenance of the system shall be under the supervision and control of the township, subject to the terms of contracts and agreements with the authority. Pursuant to the terms of such contracts, the township has retained the exclusive right to establish, maintain and collect rates and charges for sewage collection, treatment, transmission and debt service, and in such capacity the township board of trustees for the township may employ such person or persons in such capacity or capacities as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to ensure the efficient establishment, safe and effective operation and maintenance of the system, to discharge its financial obligations and to collect rates and charges as herein provided.

#### Sec. 26.82 Use of public sewers required.

1. **Mandatory connection requirement.** Each and every owner of property on which is located a structure in which sanitary sewage originates, shall, at his own expense, install suitable toilet facilities in said structure, and shall cause such facilities to be connected to the available public sanitary sewer system unless such property shall have been deferred for connection according to [Section 26.80](#) by the township board of trustees.
2. **Connection procedures.**
  - A. Such connection shall be completed promptly but in no case later than 60 days from the date of the occurrence of the last of the following events:
    - i. Publication of a notice by the township clerk of the availability of the public sanitary sewer system in a newspaper of general circulation within the township, and the mailing of written notice indicating the availability of the public sanitary sewer to the owner or any one of the owners in case of co-ownership of the property in question;
    - ii. Modification of a structure so as to become a structure where sanitary sewage originates.

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- B. If the owner of property on which is located a structure in which sanitary sewage originates does not complete connection to an available sanitary sewer within the 60-day period described in [subsection 2.A of this Section](#), the township clerk shall notify said person by written notice that connection to the system is required forthwith. The giving of said notice shall be made by certified mail to the owner of the property on which the structure is located or by posting such notice on the property. Notice shall provide the owner with the approximate location of the public sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and the enforcement provisions of this Article and Public Act No. 368 of 1978 (MCL 333.1101 et seq.).
- C. Adverse weather exception for late connection. In the event the property owner is unable to connect to the system within the time prescribed by this Article due to or on account of inclement or adverse weather conditions, said property owner may appeal to the township supervisor to allow said person additional time, not to exceed 90 days, in which to connect without penalty and without civil and criminal proceedings being initiated against him.
3. Enforcement of mandatory connection requirements.
- A. Penalties for late connection. In addition to other charges required herein, failure or refusal to connect to the system within the time prescribed herein shall result in the property being charged a premium as currently established or as hereafter adopted by resolution of the township board from time to time for each single-family residential unit multiplied by the number of units and/or multiplying factors as established by the table of residential equivalents.
- B. Civil penalties to compel connection. Where any structure wherein sanitary sewage originates is not connected to the system 60 days after the date of mailing or otherwise serving notice to connect hereinbefore set forth, the township may bring an action for mandatory injunction or injunctive order in any court of competent jurisdiction in the county to compel the owner of the property on which said structure is located to connect to the system. The township may charge in such action or actions any number of owners of such properties to compel said person or persons to connect to the system.
- C. By civil proceedings. A person who violates any provision of this Article is responsible for a municipal civil infraction, subject to payment of a civil fine of up to \$1,000.00 per day for each violation plus costs that may include all direct and indirect expenses, to which the township has been put in connection with the municipal civil infraction as provided in [Section 1.8](#). However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered. Each act of violation and every day upon which such violation should occur shall constitute a separate offense. Abatements shall not be considered as payment or part of a violation's penalty.



### Sec. 26.83 Private sewage disposal.

1. Without prior consent of the township board of trustees, it shall be unlawful for any person to place, deposit or permit to be deposited upon or under any private or public property within the township (or any area under its jurisdiction) any human excrement or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet or waters of the state any sanitary sewage, industrial waste or other polluted water except where suitable treatment has been provided in accordance with the provisions of this Article.
3. Except as hereinafter provided, it shall be unlawful to construct, place or replace any privy, privy vault, septic tank, cesspool, drain field, sand filter, or other facility intended or used for the on-site disposal of sewage or industrial waste without first obtaining a development permit from the township zoning administrator as required by the township zoning ordinance. A copy of the plans for the proposed system shall be submitted to the zoning administrator prior to issuance of the development permit.
4. Where a public sanitary sewer is not available under the provisions of [Sections 26.80 and 26.82](#), the building sewer shall be connected to a private sanitary sewage disposal system which shall conform to the standards and requirements of this Article and be approved by the Mid-Michigan Health Department or such other health department having jurisdiction, subject to the following conditions:
  - A. With the exception of conventional, gravity fed septic and drain systems in suitable on-site soils (not imported), all alternative systems not specifically prohibited in this Article must be designed and sealed by a registered engineer or registered sanitarian, or the permit, plans and specifications shall be reviewed and approved by the township engineer at the owner's expense.
  - B. Lagoon type systems intended for residential use, or any system whose design is unproven and therefore deemed experimental by the mid-state district health department, are hereby prohibited after the effective date of this Article, except for those already in existence. No existing prohibited system shall be allowed to expand beyond its original design capacity. An appeal may be considered for replacement of an existing system under the criteria established in [Section 26.88.6.C.i](#).
  - C. Any innovative or alternative on-site private sewage disposal system other than a standard septic tank/drain field system shall be inspected at least once a year by the local health officer or by a registered sanitarian at the owner's expense to determine if it is being properly operated and maintained, and a copy of the maintenance inspection report shall be forwarded to the township supervisor.
  - D. After construction of any on-site private sewage disposal system has been completed and before any portion of the system has been placed in operation, the system shall be inspected by the local health officer or by a registered engineer or registered sanitarian at the owner's expense to verify that it has been installed in accordance with the approved plans and permit and a copy of the inspection report shall be filed with the township zoning administrator. The township zoning administrator shall not issue an occupancy permit for any premises served by an on-site sewage disposal system until the final inspection report has been filed with the township.

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5. At such time as the public sanitary sewer system becomes available to premises served by a private sanitary sewage disposal system, connection to the public system shall be made in compliance with this Article, and any septic tanks, cesspools and similar private disposal facilities located thereon shall be abandoned and discontinued for sanitary sewage disposal use. The state legislature has determined at MCL 333.12752 and the township board of trustees finds that private on-site sewage disposal systems are subject to failure due to soil conditions and other reasons, and a failure or potential failure of on-site sewage disposal systems poses a threat to the public health, safety and welfare and to the quality of surface and sub-surface waters of this township. In the case of a private on-site sewage disposal system failure, the owner of the premises must connect to an available public sanitary sewer system as defined by [Section 26.80](#) notwithstanding that the premises lies more than 200 feet from the nearest public sanitary sewer system. The connection to the public sanitary sewer system shall be made in compliance with this Article at the earliest, reasonable date for the protection of the public health, safety and welfare, and within no more than 60 days, except that the date for connection may be extended for up to an additional 90 days by the township supervisor because of weather-related construction delays.
6. All private sanitary sewage disposal systems shall, at the sole expense of the owner, be maintained according to the requirements of the state, the mid-state district health department, this Article, and in such a manner as not to pose a threat to public health nor to risk contamination of the surface or sub-surface waters of this state. The failure or replacement of any system is to be noticed to the township supervisor before any approval may be issued for installation of a replacement system. The supervisor or designee shall make a determination within ten business days of notification as to whether there is an available public sewer system as defined by [Section 26.80](#) to which the owner shall be required to connect.
7. All abandoned private sanitary sewage disposal systems shall be completely filled with earth, sand, gravel, concrete or other approved material. Upon the abandonment or discontinuation of use of a septic tank or privy, the sewage and sludge contents thereof shall be completely removed and disposed of by a septic tank cleaner who is duly licensed under provisions of Part 117 of Public Act No. 451 of 1994 (MCL 324.11701 et seq.). The tank, or the pit in the instance of a privy, shall be treated with at least ten pounds of chlorinated lime or other chemical disinfectant acceptable to the Mid-Michigan Health Department of the county. The tank or pit shall thereafter be completely backfilled with sand and made safe from the hazard of collapse or entrapment.

### Sec. 26.84 Building sewers and connection.

1. Building sewer regulations permit and construction requirements.
  - A. All building sewers and connections to be made to the system shall be constructed and inspected according to the sanitary sewer standards for the constituent municipalities of the Southern Clinton County Municipal Utilities Authority in current effect
  - B. A separate and independent building sewer (lead) shall be provided for every building in which sanitary sewage originates, unless the authority agent issues a written waiver.

- C. As to sewage to be transmitted and treated by the system, all building sewers shall meet or exceed all requirements of this Article.
  - D. No unauthorized person shall uncover, make any connections with or opening into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the authority agent.
  - E. The permit for a building sewer connection shall be on such forms and on payment of such fees and in accordance with such conditions as shall be established from time to time by the township. Said permits shall be dated and shall expire 30 days from the date of issuance but may be renewable at the discretion of authority, authority agent or the township.
  - F. Said permits shall show the location of the work, the extent of the work, information regarding the contract with the owner, and any other pertinent information as shall be deemed necessary.
  - G. All costs and expenses incident to the installation and connection of the building sewer to the public sewer shall be the responsibility of the owner. The repair, replacement and maintenance of the building sewer, including the portion on the street right-of-way, shall be the responsibility of the owner. The owner or the person installing the building sewer for said owner shall indemnify the authority, authority agent or township from any and all losses or damage that may be directly or indirectly occasioned by the installation of the sanitary sewer or building sewer.
  - H. The foregoing notwithstanding, no such permit shall be issued for connection to the system unless and until the applicant demonstrates a receipt from the township for the payment in full of the direct or indirect connection charge required herein.
2. Construction requirements. All construction of sanitary sewers, including, but not limited to, building leads, shall be constructed and inspected according to the sanitary sewer standards for the constituent municipalities of Southern Clinton County in current effect.
  3. Public sanitary sewer disconnection and abandonment.
    - A. Abandonment of public sewer. In the event a public sanitary sewer must be abandoned, for example, due to condemnation, catastrophe or otherwise, and in the event said abandonment is otherwise permitted by law, the owners of the premises previously served thereby shall cause the construction of a four-foot inside diameter manhole at a location to be selected by the authority agent. The construction specifications relating to said manhole shall be equal to those required of such structures on the existing system and shall be inspected and approved by the authority. All costs of said construction shall be borne by the owner of the premises previously served by said sewer.
    - B. Abandonment of building sewer. In the event abandonment of a building sewer is permitted by law, and in the event the owner of premises previously connected to the public sanitary sewer shall abandon said building sewer, said owner shall, at owner's expense, cause said building sewer to be excavated at the property line (i.e., at the public sewer or road right-of-way line) and plugged with a permanent air-tight stopper or plugging device which shall be suitably secured and braced. Approval of all such plugging devices shall be obtained in advance of installation.

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- C. Abandonment and disconnection permit fees. Permits for abandonment of public sanitary sewer shall be obtained not less than two weeks before commencement of manhole construction and permits for disconnection of building sewers shall be obtained at least 12 hours before excavation. No excavation or construction required herein shall be filled or covered unless and until satisfactory inspection thereof by the township or authority personnel. All work shall be done by contractors qualified under the terms of this Article and a permit fee, as established in the table of fees on file in the office of the township clerk, shall be due and payable at the time said permit is obtained.

### 4. Contractors requirements.

- A. All bond certified contractors and plumbers making connections to the system shall file a permit bond with the township in the amount as currently established or as hereafter adopted by resolution of the township board from time to time, a copy of their liability insurance policy (providing a minimum as currently established or as hereafter adopted by resolution of the township board from time to time), prior to performing any connections to the system. Said bond shall indemnify the township and authority against all losses or damages caused the township or authority by reason of the contractor's or plumber's breach of this Article, or any other rules or regulations relating thereto. The township supervisor may, upon notice of a violation by a licensee, revoke said license. Said revocation shall become final unless the license revocation is reversed by the sanitary sewer board of appeals. All such appeals shall be filed within ten days on license revocation.
- B. No person shall connect roof downspouts, foundation drains, areaway drains, swimming pool drains or any sources of surface water or groundwater to a building sewer which in turn is connected to the system.
- C. Any construction of a sanitary sewer within the public right-of-way which is required after completion and acceptance of the public system described herein shall be charged to the property owner requesting connection. Said charge shall be the actual cost of such construction plus ten percent thereof for administrative expense. Payment shall be made as follows:
- Not less than 50 percent of the estimated cost shall be deposited with the township prior to commencement of construction; and
  - The balance, if any, of said costs and administrative fee shall be paid upon completion of construction.



## Sec. 26.85 Use of the public sewer.

1. Stormwater, groundwater and unpolluted water.
  - A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater or roof water, subsurface drainage or any noncontact coolant or unpolluted industrial process water into any sanitary sewer. Stormwater from any street, sidewalk, yard, or otherwise; roof water from any building or other structure; surface water; groundwater; subsurface drainage; noncontact coolant or unpolluted industrial process water shall not be discharged, poured or delivered, or in any manner permitted to be introduced into any storm sewer so that it is permitted to overflow into a sanitary sewer, nor may the same be diverted or emptied into any cistern, well, or other place, device or structure, which permits an overflow into a sanitary sewer.
  - B. Stormwater, groundwater and all other unpolluted drainage (including noncontact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for said purpose upon the prior approval of the county drain commissioner. Provided, however, when there is not a storm sewer adjacent to such property, then stormwater may be discharged into or onto the ground.
2. Prohibited discharges. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will violate any rule, statute or regulation or which will interfere with the operation or performance of the POTW or cause a pass-through to the receiving stream. These general prohibitions apply to all such users of the POTW, whether or not the user is subject to national categorical pretreatment standards, or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to the township POTW:
  - A. 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 the POTW which exceeds 40 degrees Centigrade (104 degrees Fahrenheit), or lower than -1 degree Centigrade (30 degrees Fahrenheit), unless the POTW treatment plant is designed to accommodate such temperature.
  - B. Any wastewater or waste which may contain more than 100 milligrams per liter of fat, oil or grease, except as allowed by [Section 26.85.5.A.ii](#).
  - C. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion hazard in the POTW, including but not limited to, waste streams with a closed cup flashpoint of less than 60 degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21, or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the township, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

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- D. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- E. Any wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard. The toxic pollutant shall include but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.
- F. Any wastewater containing pollutants which either singularly or by interaction with other wastes result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- G. Any substance that may cause the POTW to violate the NPDES and/or state disposal permit, pretreatment standards or the receiving water quality standards.
- H. Any wastewater having a pH lower than 6.5 s.u. or higher than 11.0 s.u., or having any corrosive properties capable of causing damage or hazard to structures, equipment and/or personnel of the POTW, unless the POTW is specifically designed to accommodate such wastewater.
- I. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load lasting longer than 15 minutes have a flow rate, concentration, or qualities of pollutants that exceed more than five times the average 24-hour concentration, quantities, or flow during normal production.
- J. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the authority in compliance with applicable state or federal regulations.
- K. Any wastewater which causes a hazard to human life or creates a public nuisance.
- L. Any substance which may cause the POTW effluent or other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse; or interferes with the reclamation process.

- M. Dilution prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of potable or process water, or mix separate waste streams or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The director of the authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standard or requirements, or in other cases where the imposition of mass limitations is appropriate.
  - N. Any wastewater where batch discharge containing industrial processing waste in excess of standards established by state or federal regulation or containing such substances as may impair the sewage treatment process or cause a deviation from the NPDES permit requirements, pretreatment standards, and all state and federal regulations.
  - O. Any wastewater containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the POTW.
  - P. Any trucked or hauled pollutants, except that domestic septic tank waste discharged at points designated by the director.
3. Corrective steps when prohibited discharge determined. When the authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation or performance of the POTW, or cause a pass-through to the receiving stream, the authority and/or the township shall:
- A. Advise the user of the impact of the contribution on the POTW;
  - B. Develop effluent limitations for such user to correct the interference with the POTW; and
  - C. Take appropriate enforcement action as provided by [subsection 7 of this Section](#) and [Section 26.89](#).
4. Grease, oil and sand interceptors (traps).
- A. Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil, and sand in excessive amounts. All interceptors shall be of a type and capacity approved by the township and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil, and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted into place, shall be gastight and watertight.
  - B. Where installed, all grease, oil, and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

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5. Prohibited discharges — Preliminary treatment. No person shall discharge or cause to be discharged the following described substances, materials, waters, or waste if it appears likely in the opinion of the authority that such wastes can or will harm either the sewers, sewage treatment process or equipment, or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, health, or constitute a nuisance. Waters or wastes:

A. Excess compatible pollutants.

- i. Surchargeable. Containing a five-day BOD greater than 300 mg/l, containing more than 350 mg/l of total suspended solids, containing total phosphorous of more than 12 mg/l, or containing ammonia nitrogen of more than 20 mg/l, unless authorized by the user's discharge permit subject to the following conditions:
- a. Wastewater containing substances in excess of these concentrations may be discharged if authorized by a discharge permit, provided the user pays applicable extra-strength surcharges based on current rates established by the director and adopted by the authority to cover the additional burden to the system. Unless approved otherwise by the authority subject to paragraph b. of this subsection, no persons shall discharge wastewater containing in excess of: the following maximum concentrations:

26.85.5.A.i.a Limits for compatible pollutants (Expressed in mg/l)	
Pollutant	Maximum concentration for any one daily composite sample
5-day BOD	2,000
Total suspended solids	3,000
Total phosphorus	85
Ammonia nitrogen*	160
* or Total Kjeldahl Nitrogen (TKN) at the director's discretion	

- b. For a user's discharge that would otherwise be prohibited under paragraph a. of this subsection, the director may at his/her discretion grant a mass-based Special Alternative Limit( SAL) in accordance with policies adopted by the authority and the following requirements:
- (1) SALs shall only be applied by permit or administrative order, and may be modified and/or terminated for any reason.
  - (2) SALs shall be limited to the following surchargeable compatible pollutants: 5-day BOD, total suspended solids, total phosphorus, and ammonia nitrogen.
  - (3) SALs shall be developed in accordance with a specific procedure established by the director and approved by the MDEQ, including:
    - (A) The total pollutant mass allocated to domestic users and nondomestic users -- including permitted industrial users, septage and other trucked wastes, and all SALs -- shall not exceed the corresponding "Maximum Allowable Headworks Loading" in the aggregate as listed in this subsection's table;

- (B) The total pollutant mass allocated to nondomestic users – including permitted industrial users, septage and other trucked wastes, and all SALs – shall not exceed the corresponding “Maximum Allowable Industrial Loading” in the aggregate as listed in this subsection's table; and
- (C) The SAL-equivalent concentration shall not exceed any “Collection System Limitation” applicable to that pollutant.
- (D) SALs may be more restrictive than federal categorical standards, but not less restrictive.

26.85.5.A.i.b.(3)(D) Maximum allowable loadings for compatible pollutants (expressed in pounds/day)		
Pollutant	Maximum Allowable Headworks Loading	Maximum Allowable Industrial Loading
5-day BOD	7,340	2,282
Total Suspended Solids	8,340	3,339
Total Phosphorus	183	95
Ammonia Nitrogen	1,050	523

- (4) Permits containing a SAL shall include the following requirements:
  - (A) Use flow-proportional sampling to monitor all pollutants regulated by a SAL;
  - (B) Report measured flow volume, measured concentration, and calculated discharge mass for each SAL-regulated pollutant sample;
  - (C) Pay, on a monthly frequency, applicable extra-strength surcharges based on the SAL mass (less mass for the corresponding threshold concentration); and
  - (D) The authority may modify and/or terminate the SAL at its sole discretion for any reason.
- (5) The development or implementation of a SAL in a discharge permit or administrative order shall not convey any property rights or privilege of any kind whatsoever, nor shall it be construed to authorize any injury to private or public property or any invasion of personal rights, nor any violation of local, state or federal laws or regulations.
- ii. Fat, Oil & Grease. If wastewater or waste containing fat, oil or grease is authorized by a user's discharge permit, the following conditions apply:
  - a. Shall not exceed 100 milligrams per liter of fat, oil or grease that solidify at 60°F
  - b. Shall not exceed 270 milligrams per liter of fat, oil, or grease that remain soluble at 60°F.



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- c. The maximum concentrations of this subsection for fat, oil or grease apply for the average of all grab samples collected at uniform time increments over any one calendar day, or for a single grab sample if no additional grab samples are uniformly collected during that same calendar day.
- B. Other prohibited discharges. Containing any quantity of substances having the characteristics described in [subsection 2 of this Section](#);
- C. High chlorine demand. Containing a chlorine demand of more than 15 mg/l;
- D. Higher average daily flow. Having any average daily flow greater than two percent of the average daily flow tributary to the Southern Clinton County Municipal Utilities Authority clean water facility;
- E. Saps; wax; oils. Containing saps, wax, grease or oils, whether emulsified or not, containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit;
- F. Improperly shredded garbage. Containing any garbage that has not been properly shredded. The installation and operation of any garbage shredder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the authority;
- G. Strong acids; metals; plating solutions. Containing strong acid, iron, pickling waste or concentrated plating solutions whether neutralized or not;
- H. Specific pollutant limitations. No persons shall discharge wastewater containing in excess of:

26-85.5.H Limits for metals (Expressed in mg/l)	
Pollutant	Maximum concentration for any one daily composite sample
Arsenic	0.10
Cadmium	0.11
Chromium, Total	2.8
Copper	0.62
Cyanide	0.12 <sup>1</sup>
Lead	0.93
Mercury	Nondetectable <sup>2</sup>
Molybdenum	0.10
Nickel	0.88
Selenium	0.088
Silver	0.11
Zinc	2.9
See Notes to Table on the following page.	

## 26-85.5.H Limits for metals (Expressed in mg/l) (continued)

## Notes to Table:

1. Cyanide limit shall apply for the average of all grab samples collected at uniform time increments over any one calendar day, or for a single grab sample if no additional grab samples are uniformly collected during that same calendar day.
2. Mercury shall not be discharged above the level of detection, except as allowed herein. Sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA Method 245.1 or equivalent, unless method 1631 is required by the authority. Detection levels shall be 0.0002 mg/l for method 245.1 and 0.0000005 mg/l for method 1631, unless higher levels are appropriate due to sample matrix interference. For method 245.1, the limit shall apply for any one daily composite sample. For method 1631, the limit shall apply for the average of all grab samples collected at uniform time increments over any one calendar day, or for a single grab sample if no additional grab samples are uniformly collected during that same calendar day. Detectable mercury may be discharged only where specifically approved and permitted by the authority, which shall be subject to the following conditions:
  - A. Each discharger of detectable mercury shall have an authority- accessible point for monitoring the net nondomestic effluent. All costs for installation of this monitoring point shall be the discharger's responsibility.
  - B. Each discharger of detectable mercury shall routinely self-monitor its effluent for mercury using a representative sample collected over the period of normal discharge, tests conducted in accordance with the authority-required method, and at a frequency to be established by the authority. While the discharger may contract with the authority or an outside consultant/ laboratory to conduct this sampling and analytical testing, all associated costs shall be the discharger's responsibility.
  - C. At its discretion, the authority may collect samples from each discharger of detectable mercury. If the discharger uses an outside consultant/laboratory to perform the self-monitoring, the authority will perform surveillance sampling at least annually. If the authority is contracted to perform self-monitoring, this annual surveillance requirement may be waived.
  - D. Each discharger of detectable mercury shall develop and implement a mercury minimization program to establish actions and schedule commitments for reducing mercury entering the collection system. A program plan, which shall be submitted to the authority for review and concurrence, shall address the following: treatment system for removal of mercury from the discharged wastewater; written procedures for handling and disposal of mercury-containing materials; new employee training, as well as refresher training for current employees; review, and elimination, where feasible, of purchased materials containing mercury; and other activities as deemed appropriate by the authority or the discharger.
  - E. Failure to comply with these conditions may result in escalated enforcement response including, fines, legal action, and termination of sewer services.

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If the authority determines that all reasonable and cost-effective actions based on economic, technical, and treatability considerations have been implemented, a discharge containing detectable mercury may be approved contingent on continuation of the self-monitoring program and the mercury minimization program. This approval shall be considered temporary, and the authority reserves the right to rescind this approval and prohibit detectable mercury from any discharger at any time and for any reason it deems appropriate

- I. Most restrictive provision to apply. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Article. Local requirements and limitations shall apply in any case where they are more stringent than state or federal requirements.
- J. Taste/odor-producing substances. Containing taste- or odor-producing substances in such concentrations exceeding limits which may be established by the authority as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.
- K. Discoloring materials, etc. Containing any materials which exert or cause:
  - i. Excess discoloration (such as but not limited to dye wastes and vegetable tanning solutions);
  - ii. Unusual BOD chemical oxygen demand, phosphorus concentration or chlorine requirements in such quantities as to constitute a significant load upon the wastewater treatment plant.
- L. Nontreatable materials.
  - i. Containing substances which are not amenable to treatment or reduction by the sewage treatment only to such degree that the sewage treatment and effluent cannot meet the standards of other agencies having jurisdiction over discharge to the receiving waters. If any such water, as heretofore described are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics enumerated in this Section, and which, in the judgment of the authority or the township, may have a deleterious effect upon the sewage works' equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the authority may:
    - a. Reject the waste;
    - b. Require control over the quantities and rates of discharge;
    - c. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes and sewer charges;
    - d. Require pretreatment to an acceptable condition for discharge to the public sewer.



26-85.5.L.i.d Limits for organic compounds (Expressed in mg/l)		
Pollutant	Maximum concentration for average of all grab samples increments over any one calendar day, or for a single grab sample if no additional grab samples are uniformly collected during that same calendar day	
1, 1, 2, 2-Tetrachlorethane	1.2	
1, 1-Dichloroethane	4.7	
1, 2-Dichloroethane	0.48	
1, 4-Dichlorobenzene	0.095	
Acetone	13.0	
Benzene	0.71	
Chlorobenzene	0.37	
Chloroform	0.36	
Lindane	0.00013	
Ethylbenzene	0.14	
Formaldehyde	0.96	
Methylene Chloride	6.2	
Metne Ethyl Ketone	17.0	
Polychlorinated Biphenyl's (PCBs), Total	Non-Detectable <sup>1</sup>	
Total Phenols	0.94	
Styrene	0.90	
Toluene	0.70	
Total Xylenes	0.27	
Trichloroethylene	0.22	
1,1,1-Trichloroethane	0.40	

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### 26-85.5.L.i.d Limits for organic compounds (Expressed in mg/l) (Continued)

Notes to Table: (continued)

1. Total PCBs shall not be discharged above the level of detection. Sampling procedures, preservation and handling, and analytical protocol for compliance monitoring of Total PCBs shall be in accordance with EPA method 608. The detection level shall be 0.0001 mg/l, unless higher levels are appropriate due to sample matrix interference. Total PCBs shall be defined as the sum of the aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260. In addition, any detected aroclor-specific measurements shall be reported.
2. Assuming the discharge of any or all of the following phenolic compounds: 2-chlorophenol, 4-chlorophenol, 2,4-dimethylphenol, 2,4-dinitrophenol, 2-methylphenol, 3-methylphenol, 4-methylphenol, 2-nitrophenol, 4-nitrophenol, and phenol. Discharge of other

ii. In all other cases preliminary treatment shall be provided, at no expense to the township, as may be necessary to reduce the objectionable characteristics of said effluent to within the maximum limits provided for in [subsection 5 of this Section](#), or to control the quantity and rates of discharges of such waters or wastes. On direction of the township or the authority, a person may be required to remove, exclude or require pretreatment of any industrial waste in whole or in part for any reasons deemed to be in the township's or authority's interest. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to the township. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the township and no construction of such facility shall be commenced until said approvals are obtained in writing. The township may elect to treat industrial wastes, discharged in excess of normal domestic concentrations, on a basis prescribed by written agreement and for an established charge to cover the added cost. All such preliminary treatment or pretreatment shall be in accordance with federal and state laws and regulations. All expenses of the township services as to such preliminary treatment facilities plans and specifications shall be borne by the owner.

- M. Accidental discharges. Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's cost. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the authority for review and shall be approved by the authority before construction of the facility. All required users shall complete such a plan within 90 days after the effective date of the ordinance from which this Article is derived. If required by the authority, a user who commences contribution to the POTW after the effective date of the ordinance from which this Article is derived shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.



- i. Written notice. Within five days following an accidental discharge, the user shall submit to the director of the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Article or other applicable law.
  - ii. Verbal notice. That any industrial user hereunder, in the event of an accidental or other unauthorized discharge or prohibited materials to the system, shall immediately notify the township and the Southern Clinton County Municipal Utilities Authority (SCCMUA) of the fact of such discharge and shall:
    - a. Describe with particularity the approximate time of the discharge;
    - b. Describe the nature, chemical and biological makeup and characteristics of the discharge, if known; and
    - c. Indicate the approximate quantity of the discharge
  - iii. Termination of discharge; failure to comply. In addition, said industrial user shall, at its own expense, take all steps directed by the authority and/or the township to terminate such discharge and prevent its recurrence. Failure to cooperate fully with the authority and/or the township in the prevention of additional prohibited discharge, including such pretreatment as required, may result in termination of service and revocation of the permits required herein.
- N. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who could cause or suffer from such a dangerous discharge are advised of the emergency notification procedure.
6. Federal categorical pretreatment standards.
- A. Federal standards to supersede limitations of this Article. Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory; the federal standard, if more stringent than limitations imposed under this Article for sources in that category, shall immediately supersede the limitations imposed under this Article. The director of the authority shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
  - B. Compliance deadline; existing source; new source. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, subchapter N. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in [Section 26.80](#). New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.



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- C. Modification of federal categorical pretreatment standards. Where the authority's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the authority may, at the request of a categorical user, apply to the approval authority for modification of specific limits in the federal pretreatment standards. The term "consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant or wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken and measured according to the procedures set forth in 40 CFR 403.7(b)(2)(iii). The authority may then modify pollutant discharge limits and the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained. Any user requesting application for modification shall reimburse the authority for all costs of testing and data compilation required by CFR 403.7.

### 7. Industrial use of system.

- A. Permit — Required. It shall be unlawful to discharge without permit to any natural outlet within the township or in any area under the jurisdiction of said authority and/or to the POTW any wastewater except as authorized by the director in accordance with the provisions of this Article. Each industrial user shall notify the director in advance of any substantial change in the volume or character of pollutants in its discharge, including any facility changes affecting the need for a permit or potential for a slug discharge.
- B. Same—Categorical or significant users, existing and proposed. All categorical or significant users proposing to connect or contribute to the POTW shall obtain a wastewater discharge permit. All existing significant users connected or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this Article.
- C. Same — Application. Users required to obtain a wastewater contribution permit shall complete and file with the authority an application in the form prescribed by the authority and accompanied by a fee as determined by resolution of the board of trustees or the governing board of the municipal utility authority. Existing users shall apply for a waste-water contribution permit within 90 days after the effective date of this Article, and proposed new users shall apply at least 90 optional days prior to connecting or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- i. Name, address and location (if different from the address);
  - ii. SIC number according to the standard industrial classification manual, bureau of the budget, 1972, as amended;
  - iii. Wastewater constituents and characteristics including but not limited to those mentioned in this Article as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended;
  - iv. Time and duration of discharges;

- v. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- vi. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers, and appurtenances by the size, location and elevation;
- vii. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- viii. The nature and concentration of any pollutants in the discharge which are limited by any township, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- ix. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. 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 additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer or other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Article).
  - b. No increment referred to in [subsection 7.C.ix.a of this Section](#) shall exceed nine months.
  - c. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director of the authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date. If compliance did not occur, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established must be noted in the report. In no event shall more than nine months elapse between such progress reports to the director of the authority.
- x. Each product produced by type, amount, process or processes and rate of production;
- xi. Type and amount of raw materials processed (average and maximum per day);
- xii. Number and type of employees, hours of plant operation and proposed or actual hours operating the pretreatment system;



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xiii. Any other information as may be deemed by the sewer authority to be necessary to evaluate the permit application;

xiv. All permit applications shall be signed by a principal executive officer of the user.

xv. The township and authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the authority may issue a wastewater contribution permit subject to terms and conditions provided herein.

D. Same — Modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by the standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by [subsection 7.C of this Section](#), the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the director of the authority within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by [subsections 7.C.viii. and x. of this Section](#).

E. Same — Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Article and all other applicable regulations, compliance schedules, user charges and fees established by the authority.

i. Wastewater discharge permits must contain:

a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

b. A statement that the wastewater discharge permit is nontransferable without prior approval of the authority in accordance with [subsection 7.I of this Section](#), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits based on applicable pretreatment standards;

d. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law; and

e. Requirements for notification of slug discharges, accidental discharges and bypass as per [subsections 2.I, 5.M, 8.B.ii, and 9 of this Section](#).

ii. Permits may contain the following where appropriate:

a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

- b. Limits on the average and maximum wastewater constituents and characteristics;
  - c. Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
  - d. Requirement for installation and maintenance of inspection and sampling facilities;
  - e. Compliance schedules and periodic compliance reports;
  - f. Requirements of submission of technical reports or discharge reports;
  - g. Requirement for maintaining and retaining plant records relating to wastewater discharges as specified by the authority and affording the authority access thereto;
  - h. Requirements for notification of the authority and township of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
  - i. Requirements for a plan to control slug discharges as defined under 40 CFR 405.5(b). If such plan is needed, the plan shall contain at least the following elements:
    - (1) Description of discharge practices, including nonroutine batch discharges;
    - (2) Description of stored chemicals;
    - (3) Procedures for promptly notifying the POTW of slug discharges including any discharge that would violate a specific prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
    - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
    - (5) If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment. The director will evaluate each new significant industrial user, within one year of designation as such, of the need for a slug discharge control plan. Each existing significant industrial user not required to have a slug discharge control plan will be reevaluated by the director at least once every two years.
  - j. Best management practices to ensure compliance with general discharge prohibitions, specific discharge prohibitions, or discharge pollutant limitations. Such BMPs shall be enforceable as pretreatment standards and requirements.
  - k. Other conditions as deemed appropriate by the authority to ensure compliance with this Article.
- F. Net/gross calculation of limits. The director of the authority may adjust the categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water in accordance with this subsection.





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- i. Application. Any industrial user wishing to obtain credit for intake pollutants must make application to the director of the authority. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of [subsections 7.B](#) and [C of this Section](#) are met.
  - ii. Criteria. The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
  - iii. Credit. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- G. Alternate calculation of limits. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director of the authority 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.
- i. When calculating equivalent mass-per-day limitations under this subsection, the director of the authority shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.
  - ii. When calculating equivalent concentration limitations under this subsection, the director of the authority shall calculate such limitations by dividing the mass limitations derived under this subsection by the average daily flow rate of the individual user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate such as the average daily flow rate during the representative year.
  - iii. Equivalent limitations calculated in accordance with this Section shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act and this Code. 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.
  - iv. If categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average limitations, where applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.



- v. Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the director of the authority within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the director of the authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.
- H. Permits — Duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the authority during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- I. Same — Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- J. Reporting requirement. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director of the authority a report showing the measured average daily and maximum daily flow, in gallons per day from regulated process streams and such other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(3) and identifying the pretreatment standards applicable to each regulated process. In addition the report shall include the results of sampling and analysis identifying the nature and concentration (or mass where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass) shall be reported. The sample shall be representative of daily operations and shall be taken in the frequency and manner provided by 40 CFR 403.12(b)(5). The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional activity and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements.
  - i. Reporting requirements, noncategorical discharges. Significant industrial users with discharges which are not subject to categorical pretreatment standards shall submit at least once every six months (on dates specified by the director) such reports the director deems as necessary to verify compliance with all of the general discharge limitations and prohibitions of this Article as required by 40 CFR 430.12(h).



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- ii. Baseline monitoring report. At least 90 days prior to the commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the director of the authority a report which contains estimates of the measured average daily and maximum daily flow of process stream and wastestreams and flow and amount of regulated pollutants in the form and containing the information required by 40 CFR 403.12(b)(1-5), and shall include in this report information on the method of pretreatment intended to be used to meet the applicable pretreatment standards.
- iii. Signatory requirements. All reports required by this Section shall contain the certification statement as set forth in 40 CFR 403.6(a)(2)(ii) and shall be signed as follows:
  - a. By a responsible corporate officer, if the industrial user submitting the reports required by [subsections 7.J.i - iii of this Section](#) is a corporation. For the purpose of this subsection a responsible corporate officer means:
    - (1) President, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. By a general partner or proprietor if the industrial user submitting the reports required by [subsections 7.J.i - iii of this Section](#) is a partnership or sole proprietorship respectively.
  - c. By a duly authorized representative of the individual designated in [subsections 7.J.iii.a or b of this Section](#) if:
    - (1) The authorization is made in writing by the individual described in [subsections 7.J.iii.a or b of this Section](#);
    - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which 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 for environmental matters for the company; and
    - (3) The written authorization is submitted to the authority.
  - d. If an authorization under [subsection 7.J.iii.c of this Section](#) 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 [subsections 7.J.iii.a or c of this Section](#) must be submitted to the authority prior to or together with any reports to be signed by an authorized representative.



## K. Periodic compliance reports.

- i. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director of the authority during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in their effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in [subsection 7.J of this Section](#). At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted. In cases where BMPs or other pollution control actions are required, the periodic compliance report shall include sufficient documentation for the director to determine compliance.
- ii. The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards, or in other cases where the imposition of mass limitations are appropriate. In such cases, the above-referenced report shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. For industrial users subject to equivalent mass or concentration limits, the report required by [subsection 7.K.i. of this Section](#), shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual average production rate for the reporting period. The report shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The frequency of monitoring shall be prescribed by the director to assess and ensure compliance by industrial users with applicable pretreatment standards and requirements. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Sampling and analysis shall be conducted in accordance with 40 CFR 136, or, in the absence of such standard techniques, as set forth in the EPA publication entitled, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.



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- iii. If sampling performed by an industrial user indicates a violation, the user shall notify the director of the authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation.

L. Monitoring facilities.

- i. The authority shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the authority may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- ii. There shall be ample room in or near such sampling manhole or facility to allow for flow monitoring, accurate sampling and preparation of samples for analysis. The facility, sampling and flow measuring equipment shall be maintained at all times in safe and proper operating condition at the expense of the user.
- iii. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the authority.

M. Inspection and sampling.

- i. The authority shall inspect the facilities of any user to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the authority agent or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying for the performance of any of their other duties. The approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- ii. Grab samples shall be used for pH, cyanide, total phenols, oil and grease, and volatile organic compounds. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional sampling techniques, unless the director authorizes an alternative sampling technique such as 24-hour composite samples obtained through time-based sampling techniques or compositing of multiple grab samples collected during a 24-hour period. Where an alternative sampling technique is authorized by the director, the samples must be representative of the discharge. Justification for an alternative sampling technique shall be provided by the user, approved by the director, and documented in the authority's file for that user. Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: in the field or in the laboratory for cyanide and total phenols; in the laboratory for oil and grease and volatile organics; and as authorized by the director for other parameters.

N. Pretreatment.

- i. Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to levels acceptable to the authority shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the authority for review, and shall be acceptable to the authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable under the provisions of this Article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the authority prior to the user's initiation of the changes.
- ii. The authority shall annually publish in the largest local newspaper a list of the categorical users, and any noncategorical users at the authority's discretion, which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user during the same 12 months.
- iii. All records relating to compliance with pretreatment standards shall be retained by the user for a minimum of three years and made available for inspection and copying to officials of the EPA, the MDEQ or the authority upon request. This period of retention shall be extended during the course of any unresolved litigation regarding the user or when requested by the authority, the state or the EPA.

O. Confidential information.

- i. Information and data on a user obtained from reports, questionnaires, permit applications, monitoring programs and from on-site inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user or other exemption from disclosure as set forth in the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.).



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- ii. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Article, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
    - iii. Information accepted by the authority as confidential shall not be transmitted to any governmental agency or to the general public by the authority until and unless a ten-day notification is given to the user.
  - P. Permit fees and charges. Each user required to obtain a wastewater discharge permit or file any required report shall reimburse the authority upon demand the reasonable and necessary costs of monitoring, testing, inspection, surveillance, and review of accidental discharges. Such expenses shall be charged to the user at rates established by resolution of the authority and shall include necessary equipment expense and actual cost of outside testing and consulting services.
8. Enforcement.
  - A. Harmful contributions.
    - i. The authority and the township may suspend the wastewater contribution permit when such suspension is necessary, in the opinion of the authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the authority to violate any condition of its NPDES permit.
    - ii. Any person notified of the suspension of the wastewater treatment service and/or wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the authority shall take such steps as deemed necessary including the immediate obtaining of an injunction and/or severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The authority shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and upon payment of actual costs incurred by the authority/ township in connection therewith. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the authority within 15 days of the date of occurrence.
  - B. Revocation of permit. Any user who violates the following conditions of this Article or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this Article:



- i. Failure of the user to factually report the wastewater constituents and characteristics of his discharge;
    - ii. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
    - iii. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
    - iv. Violation of conditions of the permit; or
    - v. Fabrication of any data required to be provided herein.
  - C. Notification of violation. Whenever the authority finds that any user has violated or is violating this Article, wastewater contribution permit or any prohibition, limitation or requirements contained herein, the authority may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the authority by the user.
9. Bypass of pretreatment facilities.
- A. Definitions.
 

*Bypass.* The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

*Severe property damage.* Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - B. Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of [subsections 9.C and D of this Section](#).
  - C. Notice.
    - i. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the authority, if possible at least ten days before the date of the bypass.
    - ii. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and, steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director of the authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.



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### D. Prohibition of bypass.

- i. Bypass is prohibited, and the authority may take enforcement action against an industrial user for a bypass, unless:
  - a. 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 wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up 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 submitted notices as required under this Section.
- ii. The director of the authority may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in [subsection 9.D.i of this Section](#).

10. Affirmative defense; operations upset. An operations upset shall constitute an affirmative defense to any action brought by the township or the authority for noncompliance with the categorical and noncategorical pretreatment standards of this Article, if the following demonstration and requirements are met:

- A. The industrial user shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and the industrial user can identify the specific causes of the upset.
  - ii. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
  - iii. The industrial user has submitted to the director the oral and written notifications required by [subsection 5.M of this Section](#).
- B. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- C. In case of upset the industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement shall apply in the situation where, among others, the primary source of power of the facility is reduced, lost or fails.



## 11. Hazardous waste report.

- A. Any industrial user shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information if known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place within 180 days of the effective date of this Article. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).
- B. Dischargers are exempt from the requirements of this subsection during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261(30)(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA regional waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.



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## Sec. 26.86 System charges and rates.

1. Charges established; table of unit factors; permit; fees. Upon adoption of this Article by the board of trustees of the township, charges for sewage transmission, treatment and disposal and debt service to each user connected to the system shall be as currently established by ordinance and/or resolution of the township board of trustees, which rate, resolution or ordinance is hereby expressly confirmed as applicable to sewage transmission and treatment, disposal and debt service currently charged to each user connected to the system. All bills for service hereunder shall be rendered to the property owners or land contract vendee of the property using said sanitary sewer service.
  - A. Schools. Charges for schools shall be as set forth in the table of unit factors.
  - B. Table of unit factors. For all other users of the system, and except as otherwise provided herein, the township does hereby adopt a table of units, the same being entitled "table of unit factors," for the township wastewater collection and treatment system, which table is attached to the ordinance from which this Section is derived as appendix B. Said table shall set forth and identify the user class and all applicable factors to be multiplied by the monthly charge established for single-family residential premises.
  - C. Rules for interpreting table of unit factors.
    - i. The minimum equivalent factor for commercial and industrial users shall be 1.0.
    - ii. Equivalent units for users not originally contained in said table may be added thereto from time to time by resolution of the township board.
    - iii. Where multiple businesses exist at one location, the various businesses shall be combined for determining the equivalent units at such location. Where units in excess of one are based upon the number of persons working on the premises, a census of said employees shall be taken at least annually and more frequently at the discretion of the township or authority.
  - D. Revision or modification of equivalent units.
    - i. Review. The equivalent units of users having an equivalent unit factor of more than one shall be reviewed by the township at least once each year. Unless the equivalent unit factor of such user is changed by resolution of the township board on or before March 15 in each year, the equivalent unit factor of such user shall remain the same as it was for the preceding fiscal year unless the use of the system by said user shall change from that previously determined. In the event of a change in use, the new factor may be applied retroactively to the date such use changed and shall apply to all charges to which said factor is applicable including but not limited to connection/capacity (capital) charges and usage



fee. Failure to specifically review as provided herein shall not cause said factor to be omitted and shall not be considered grounds for discontinuance of said factor.

- ii. Meter required. The township may require business and industrial users to install a meter to register flow or water usage as a more accurate means of calculating equivalent unit factors. The business and industrial user will be charged directly for the meter, costs of installation, and the costs for reading the meter.
  - iii. Review of business and industrial users with meters. Where the business and industrial user has been required to install a meter to register flow or water usage, the equivalent unit factor for purposes of determining the service charge of such user shall be reviewed and adjusted yearly to ensure the equivalent unit factor assigned to said user is compatible with use. The formula for determining the equivalent unit factor for such users for purposes of determining the service charge for the next fiscal year shall be as follows: average monthly flow during previous year divided by ten CCF equals equivalent unit factor. For purposes of this subsection, the term "CCF" shall be construed to mean 100 cubic feet.
- E. Appeal. A property owner having an equivalent unit factor of more than one may, upon written request, appeal to the sanitary sewer board of appeals established pursuant to this Article.
- F. Effective dates for application of equivalent units. Where equivalent units are used to determine the connection, service and other charges of a property owner, the equivalent unit which shall be used in the calculation of such charges shall be the equivalent unit factor assigned to said factor as of the following dates:
- i. For calculating a connection or capacity charge, the date the property owner applies for the permit or the last day of the period during which he is required by this Article to connect to the system, whichever comes first.
  - ii. For calculating the operation, maintenance and debt service charge, the unit factor shall be assigned on a date prior to the date the property owner's available sanitary sewer becomes operational. Thereafter, said factor shall be reviewed as set forth in [subsection 1.D.i of this Section](#).
- G. Township use. For the reasonable cost value of sewage disposal services rendered to the township and its various departments by the system, the township shall pay according to the amounts set forth in the table of units factors.

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## 26 Utilities

- H. Nonindustrial cost recovery surcharge. The rates and charges set forth herein notwithstanding, if the character of the sewage of any user shall impose an unreasonable additional burden upon the sewage disposal and transmission system of the township, then and in that event an additional charge shall be made over and above the rates herein established. Effluent in excess of the maximum limitation imposed by this Article shall be deemed prima facie subject to surcharge. If necessary to protect the system or any part thereof, the township shall deny the right of any user to empty such sewage into the system. Surcharges required by this subsection shall be computed as the prorated share of the annual cost of operation and maintenance, including replacement, attributable to treating the substance multiplied by the ratio of weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. This amount shall be collected on the basis of estimated surchargeable amounts with each periodic billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs. Surcharge rates shall be established by resolution of the township board of trustees, and the amount and necessity of surcharge may be appealed by the user to the sanitary sewer system board of appeals hereinafter established.
- I. Industrial pretreatment fees. Where applicable, and in addition to any other fees required herein, the township shall establish and implement by resolution a schedule of fees and charges in connection with its pretreatment program pursuant to [Section 26.85.7](#). Said fee shall include recovery of costs for implementation of the pretreatment program, monitoring, inspection, surveillance, testing, application, appeals and processing fees and such other fees as may be necessary for the orderly administration of said program.
- J. Permit/inspection fees. The cost of connecting private premises to the township sewer shall not be paid from the proceeds of the bond issue nor from the revenues of the system, but shall be paid by the property owners. In addition, each premises connecting to the facilities of the system shall pay a charge for the permit/inspection of such connection. Such charge shall be payable in cash upon application for permit to connect said system and shall be in the amount established in the table of fees for each sewer connection. Each mobile home space in a mobile home park shall be treated as a separate user and a separate inspection charge shall be made for each such user; provided, however, that such charge shall be made only once for each sewer service to each mobile home space in a mobile home park upon application for sewer service to such park.
- i. Direct connection charges. From and after the date hereof, there shall be paid on behalf of each single-family residential premises, or residential equivalent, connecting directly to the sewer lines constructed by the township, or on the township's behalf, a capital charge for the privilege of utilizing the facilities and receiving the services of the system in the amount established in the table of fees, plus inspection/permit fees. Said amount shall be payable in cash at the time of application, and no building permit for new construction shall be issued until said connection fee has been paid in full.

- ii. Indirect connection charges. In the case of a residential subdivision or commercial development which shall hereafter be constructed and where, as a part of said construction, the owner or developer has installed a sewage collection system, before any individual structure within said development is connected to the municipal system, there shall be paid to the township the sum established in the table of fees for such development. Said fees shall be paid in full and in cash prior to any such connection.
  - iii. Multiple dwellings, businesses. Multiple dwelling and businesses will be charged one direct connection and indirect connections equal to the remainder of the total residential equivalents assigned.
2. Voluntary connection of premises not included within the mandatory sanitary sewer service area. After the effective date of this Article, in the event an owner of premises not required to be connected to said sanitary sewer, nor who has benefited from granting of a deferred connection as defined under [Section 26.85.7](#), desires to so connect, the township may permit utilization of the municipal system upon the following conditions:
  - A. The owner shall pay the actual cost of all pipes, risers, stubs, wyes or other apparatus and the cost of all labor necessary to accomplish said connection.
  - B. That the connection to and use of the system by said premises shall be by gravity flow except by prior approval of the township.
  - C. That the surface of said right-of-way shall be returned to the condition at least equal to that existing before any excavation was undertaken.
  - D. That the owner shall obtain prior approval of all plans, specifications and materials to be utilized to accomplish said connection.
  - E. All wyes, stubs, pipes, risers or other apparatus installed by said person and located within the public right-of-way shall, after installation and inspection, become for purposes of operation and maintenance the responsibility of said person. The responsibility of the township for operation and maintenance shall be limited to sewer mains, manholes, lift stations and the wastewater treatment plant originally comprising said municipal system.
  - F. That upon voluntary connection as heretofore set forth, said owner and premises shall be subject to all ordinances, resolutions, rules and charges, as defined in [Section 26.86.8](#), relating to the use of the system then in effect and thereafter amended.
  - G. In the event said premises is located in a municipality other than the township, consent by resolution of said other municipality shall be obtained.
3. Denial of voluntary connection. The township may deny the application of any person for sanitary sewer use hereunder. Criteria for denial shall include, but not be limited to:
  - A. Compliance with relevant township sewer and land use ordinances, regulations and plans;
  - B. The effect of such proposed use upon the township sewer system as a whole;



## 26 Utilities

- C. Then current sewer transmission and treatment capacity;
  - D. Prior commitments for sewer availability;
  - E. Litigation or other contingency requirements which may result in additional sewer use;
  - F. Immediate or emergency health consideration.
4. Contractual rates. The foregoing provisions relating to rates shall not be construed as prohibiting any special agreement or arrangement between the township and the users or class of users whereby the sanitary wastes of unusual strength, amount or character of such user or class of users may be accepted into the system, subject to payment therefore by said user or class of users
  5. Revision of rates and charges. The rates established by this Article shall be reviewed at least annually and are estimated to be sufficient to provide revenue for the payment of the operation and maintenance costs, debt service charges and such other charges and expenditures for the system as required by the financing and operation/maintenance agreements. Such rates shall be revised from time to time as required to maintain the fiscal integrity of the system and the same may be revised and fixed by resolution of the township board as may be necessary to produce the amounts required to pay such charges and expenditures and provide the funds necessary for the maintenance of the financial integrity of the system.
  6. Deferring charges. Where residential properties are served by existing on-site sanitary sewage treatment facilities and are required to connect to the available public sanitary sewer system pursuant to [Section 26.82](#), the owners of such property may request the right to pay the direct connection charge established by [subsection 1.J.i of this Section](#) in 20 annual installments, together with interest computed on the unpaid balance at a rate of up to seven percent per annum. The initial installment payment shall be due upon receipt of the permit for connection and subsequent installments shall be due and payable annually commencing on December 1 following connection. Provided, however, that the remaining unpaid balance of any deferred tap-in or connection fee, plus accrued interest, shall all become immediately due and payable upon sale or transfer of the property. An owner may prepay any deferred installments, plus accrued interest, at any time. Delinquent payments of any principal or interest on deferred connection fees shall be enforced in the same manner as enforcement of charges for nonpayment of service charges as provided by [subsection 7 of this Section](#).
  7. Enforcement of charges.
    - A. Nonpayment of the special assessment and/or connection and capacity charges. Nonpayment of such charges shall subject the property owner to liability for such charges and penalties as hereinbefore provided for a late or delayed connection.
    - B. Nonpayment of service charge.
      - i. Discontinuation of service. In the event a charge established pursuant to this Section remains delinquent for a period in excess of three months, the township shall have the right to shut off and discontinue sewer service to such user. Such service shall not be reestablished until all delinquent charges, penalties and a charge for the discontinuance of such service shall be paid. Said turn-off charge shall be established by resolution of the township board of trustees.



- ii. Collection by litigation. In addition to discontinuing service to said user, the township shall have the option of collecting all such delinquencies, penalties, and recover legal fees due hereunder by legal proceedings in a court of competent jurisdiction.
  - iii. Collection by enforcement of lien. Service charges, including penalties due thereon which remain delinquent for a period in excess of three months, shall constitute a lien on the premises served thereby. Such a lien shall be perfected by the township official or official in charge of the collection thereon by certifying annually, not later than September 1 of each year, to the tax assessing officer the fact and the amount of such delinquency. Thereupon, such charge shall be entered by the tax assessing officer of the township upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general property taxes against such premises are collected and the lien thereof enforced.
- 8. Connection of premises not previously within special assessment district. In the event a premises shall directly connect to a sanitary sewer, the construction of which was originally funded in whole or in part by special assessment, and in the event said premises was, for whatever reason, excluded from said special assessment district, the township shall require payment in full of an amount equal to the special assessment which would have been levied as to said premises if it had been originally included in said special assessment district, including interest and administration fees incurred, plus an adjustment for inflation to reflect current value. Payment of said special assessment amount shall be in addition to any other fees or charges applicable to said use at the time of connection.

#### Sec. 26.87 Fiscal year; records and funds.

- 1. Fiscal year established. Fiscal year of the sanitary sewage collection system shall end on December 31 of each year.
- 2. Records and accounts. The township shall keep and maintain proper books, records and accounts separate from all other records and accounts of the township in which shall be made full and correct entries of all transactions relating to the sanitary sewage collection and treatment system. The township shall cause an annual audit of such books, records and accounts of the preceding operating year to be made by a recognized independent certified public accountant and will supply such audit to authorized public officials upon proper request.
- 3. Establishment of funds.
  - A. Receiving funds. The revenues of the system shall be set aside as collected and deposited in a separate depository account at a bank qualified to do business in the state and designated by resolution of the township board. Said account shall be designated as the "receiving fund" and the revenues so deposited shall be transferred from the receiving fund periodically in the manner and at the times hereinafter specified.

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## 26 Utilities

- B. Operation and maintenance replacement fund (O and MR fund). Out of the revenues of the receiving fund, there shall be first set aside periodically into a depository account designated as the "operation, maintenance replacement fund" a sum sufficient to provide for the next succeeding period of all current expenses in the administration and operation of the system and such current expenses for such period for maintenance thereof including an amount annually of not less than \$2,925.00 for the necessary cost of replacement, estimated as necessary to preserve the system in good repair and working order. The above \$2,925.00 has been determined to be the amount necessary to provide \$120,000.00 over 20 years based upon the sinking fund method.
- C. Bond and interest redemption fund (principle and debt service fund). There shall next be established and maintained a depository account to be designated as the "bond and interest redemption fund" which shall be used for the payment of the township's obligation to the county board of public works. There shall be deposited in said fund periodically, after the requirements of operation and maintenance fund have been met, such funds as may be necessary to pay the contractual obligations of the township when due. Should the revenues of the system prove insufficient for this purpose, such revenues shall be supplemented by other funds of the township legally available for such purposes.
- D. Improvement fund. There shall be next established and maintained a depository account designated as the "improvement fund" which shall be used solely for the purpose of making improvements, extensions and enlargement to the system. There shall be deposited into said fund, after providing for the requirements of the funds heretofore enumerated, such revenues as the township board shall determine.
- E. Surplus fund. Monies remaining in the receiving fund at the end of any operating year after full satisfaction of the foregoing funds shall be thereafter used in connection with any other project of the township directly related to the purposes of the system.
4. Bank accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account in which event the money shall be allocated on the books and records of the township within the single bank account in the manner set forth above.
5. Deficiencies in funds. In the event the monies in the receiving fund are insufficient to provide the current requirements of the operation and maintenance fund, or contract payment fund, any monies and/or securities or other funds of the system, except funds in the contract payment fund derived from tax levies, may be transferred to such fund, to the extent of any deficiency therein. In the event of such deficiency, rates and charges shall be adjusted to eliminate such deficiency and in addition, shall be utilized to repay any funds borrowed for payment of such deficit.
6. Investment of funds. Monies in any fund or account established by the provisions of this Article may be invested or deposited in any lawful investments or deposits subject to any limitations set forth in the laws of the state. Income received from such investments shall be credited to the fund from which said investments were made, or pro rata in the case of a single bank account.





7. Industrial cost recovery fund. Monies collected pursuant to the industrial cost recovery system shall be deposited, disbursed and invested as hereinbefore provided in [subsection 5 of this Section](#).
8. Insurance. The township shall maintain and carry insurance on all physical properties of the system, of a kind and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sanitary sewage disposal systems. All monies received from losses under any such insurance policy shall be applied solely to the replacement and restoration of the property damaged or destroyed.

#### Sec. 26.88 Miscellaneous provisions.

1. Protection from damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, modify, alter, deface or tamper with the system or any component thereof.
2. Industrial use of system. Any industry or structure discharging or desiring to discharge industrial waste into the system shall, in addition to other requirements of [Section 26.85.7](#), complete a nondomestic user survey form supplied by the authority and provide the township with the following information or material and do the following:
  - A. A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
  - B. A plan map of the building, works or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse or groundwaters noted, described and the waste stream identified.
  - C. Obtain test samples of discharges whereby the methods, locations and schedule shall be as prescribed by the authority; and file reports with the township and appropriate state agencies on appropriate characteristics of the discharges.
  - D. Place waste treatment facilities, process facilities, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
  - E. A report on raw materials entering the process or support systems, intermediate materials, final products and waste byproducts as these factors may pertain to waste control.
  - F. Maintain records and file reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents or other waste.
  - G. If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the township and authority, subject to approval.
3. Connection of privately-constructed sanitary sewer systems to the system. Before any sanitary sewer system (not including individual building leads) constructed by private, as distinguished from public, funding, hereinafter referred to as the "private sanitary sewer," shall be permitted to connect to the system; the owner of said system hereinafter referred to as the "developer," shall do and provide the township with the following:



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- A. Provide the township and authority with the developer's plans and specifications for construction, an estimate of the cost of construction and a performance bond and deposit with the township the sum of one percent of the cost of construction to cover the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the township in an escrow account in the name of said developer;
  - B. Obtain approval of the township and the authority of the plans and specifications;
  - C. Secure all necessary permits for construction;
  - D. Prior to commencement of construction of the private sanitary sewer, deposit with the township in the escrow account referred to in [subsection 3.A of this Section](#), a sum of four percent of the cost of construction to cover the anticipated cost of inspection of construction and payment of connection charges;
  - E. Upon completion of construction of the private sanitary sewer to the system, the performance bond, upon recommendation of the township's engineer and approval of the township board and authority, shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the township in ensuring the township that the private sanitary sewer is properly operating shall be deducted therefrom or charged directly to the developer, at the option of the township.
4. Administration. The authority, authority agent or the township is charged with the responsibility of administering the system and enforcing this Article.
  5. Power and authority of inspectors.
    - A. Duly authorized employees of the township or authority bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance, and to determine compliance with, the provisions of this Article.
    - B. Duly authorized employees of the township or authority may enter at all reasonable times in or upon private or public property for the purpose of inspecting and investigating conditions or practices which may be in violation of this Article or detrimental to the system.
    - C. Duly authorized employees of the township or authority shall inspect the on-site work occurring by reason of any system permit. Such person shall have the right to issue a cease and desist order on the site upon finding a violation of said permit or of this Article. The order shall contain a statement of the specific violation and the appropriate means of correcting the same and the time within which correction shall be made.

- D. While performing the work on private properties referred to in this Article, the duly authorized employee of the authority or township shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to such employees, and the authority shall indemnify the owner against loss or damage to its property by such employees as against liability claims and demands for personal injury or property damages asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the owner to maintain safe conditions on his premises.
- E. If any owner, occupant or other person in charge of any premises fails or refuses to permit free access and entry to the premises under his control, or any part thereof, with respect to which an inspection authorized by these rules is sought to be made, the authority agent or township may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance, petition to obtain such order from a court of competent jurisdiction. Failure to comply with such an order shall in addition to such penalties as the court may impose, constitute a violation of this Article. Provided, however, that in addition to the remedy hereinbefore specified, upon failure or refusal of such person to permit said inspection, the sanitary sewer service to such premises may, at the option of the township or authority, be terminated forthwith.
6. Sanitary sewer board of appeals.
- A. Creation of board. A sanitary sewer board of appeals, appointed by the township supervisor with the concurrence of the board of trustees, consisting of five members, is hereby created to hear and consider all properly submitted appeals.
- B. Meetings and membership of board. The sanitary sewer board of appeals shall meet as frequently as is necessary to hear all appeals properly submitted to it. All other matters relating to the meetings, qualifications for membership, appointment to office, term of office and all other organizational matters of said board shall be determined by resolution of the township board.
- C. Authority of board. The sanitary sewer board of appeals shall hear, consider and make recommendations to the township on the following matters:
- i. Appeals seeking a waiver of [Section 26.83.4.B](#) for experimental systems (not including lagoons) shall have the following criteria considered:
    - a. An experimental system (not including a lagoon) may only be considered for replacement of an existing failed system. Failure of the existing system must be documented in writing by the MMDHD along with their determination that the site is unsuitable for a conventional gravity feed tank and drain system in on-site soils.
    - b. The applicant must not have access to an available public sewer as defined in [Sections 26.80](#) and [26.83.5](#). An experimental system approved upon appeal shall be subject to the same conditions and requirements in [Section 26.83](#) for innovative or alternative on-site private sewage disposal.



- ii. Appeals pursuant to [Section 26.86.1.](#) to review the equivalent unit factor assigned a property owner;
  - iii. Applications for deferring partial or total payment of connection charges in the cases of undue hardship pursuant to [Section 26.86.6](#);
  - iv. Applicability and charges levied pursuant to the industrial cost recovery system;
  - v. Appeals pursuant to [Section 26.83.5](#) where a property owner is required to connect to an available public sewer system notwithstanding that the premises lies more than 200 feet from the nearest public sanitary sewer system. In such cases property owners may be permitted to utilize a private on-premises sewage disposal system where connection to the available public sewer system is not reasonably possible due to practical difficulties or undue financial hardship and the utilization of a private on-site sewage disposal system would not otherwise present an unreasonable risk to the public health or safety or to the environment.
- D. Final action. After hearing and considering an appeal, the sanitary sewer board of appeals shall submit its recommendations as to the granting, denying or modification of the decision appealed or relief being sought to the township board, and the decision of the township board on the matter shall be final.

#### Sec. 26.89 Enforcement; general provisions.

##### Penalties.

1. Violations defined. Whenever, by the provisions of this Article, or any wastewater discharge permit or order issued hereunder, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Article. In addition, the failure, neglect or refusal to comply with a cease and desist order of the enforcing agency shall constitute a violation of this Article.
2. Civil proceedings. A person who violates any of the provisions of this Article is responsible for a municipal civil infraction, subject to payment of a civil fine of up to \$1,000.00 per day for each violation, plus costs that may include all direct and indirect expenses, to which the township has been put, in connection with the municipal civil infraction as provided in [Section 1.8](#). However, in no case shall costs of less than \$9.00 nor more than \$500.00 be ordered. Each act of violation and every day upon which such violation should occur shall constitute a separate offense. Abatements shall not be considered as payment or part of a violation's penalty.
3. Civil procedures to compel compliance. The township and/or the authority may bring a civil proceeding for a mandatory injunction or injunctive order or for such other remedial relief as will correct or remedy the violation, including a civil penalty of not to exceed \$500.00 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. The township and/or the authority may join in such action or actions with any number of property owners.

- A. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- B. In addition to the remedies provided herein, the township and the authority may recover their actual costs incurred for any cleaning, repair or replacement work caused by a violation, sampling and monitoring expenses, expert witness fees, and reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations, and permits issued hereunder.
- C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
1. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall, upon conviction, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both, and may be subject to the provisions of 18 USC 1001 relating to fraud and false statements and the provisions of Section 309 (c)(4) of the Act, as amended, governing false statements, representation or certification. For the purpose of this Section, the term "person" means in addition to the definition contained in Section 502(5) of the Act, any responsible corporate officer.
  2. Public nuisance defined. If any person discharges sewage, industrial wastes or other wastes into the township's wastewater system contrary to the provisions of this Article, federal or state pretreatment requirements, or any order of the township or the authority, such discharge is hereby declared to be a public nuisance and a nuisance per se. The township attorney and/or the attorney for the authority may commence an action for appropriate legal, injunctive, and/or other equitable relief in the circuit court of this county, or an action for civil or criminal penalties in the county district and circuit courts.
  3. Violation. Violation of this Article and/or any terms of a permit issued hereunder, may result in revocation of any and all such permits issued or required pursuant to the terms hereof.

Secs. 26-90--26-122. Reserved.



# 26 Utilities

## DIVISION 3. SOUTHERN CLINTON COUNTY UTILITIES AUTHORITY TABLE OF UNIT FACTORS

Sec. 26.123 Table of Unit Factors		
Use	Unit Factor	
Residential dwelling units	Residential dwelling units	
Apartment, condo, duplex or townhouse	1.0 for each unit	
Single-family with business	1.0 + unit factor fraction of business (see below)	
Single-family residential	1.0	
Community room, associated with residential community	1.0	
Convalescent, nursing homes or extended care facilities	1.0 + .25 per bed	
Convents, monasteries	1.0 + .25 per bed	
Fraternity, group, rooming, or boarding homes	1.0 + .25 per occupant	
Mobile home, modular/manufactured housing	1.0 for each unit, + 1.0	
	Each office	1.0
	Each community bldg./rooms	1.0
	(with kitchens)	1.5
	(if rented)	2.0
	Each other bldg. or use	1.0 each
Multifamily residences		1.0 per unit
General business	General business	
Auto dealers, banks, body shops, camera shop, government and private office buildings, hardware, insurance office, lawn mower repair shop, lumber yards, real estate office, retail or wholesale sales and services, stores (all others), used auto sales	1.0 per 10 employees	
Printing shops/plants	1.0 per 5 employees	
Special use businesses	Special use businesses	
Barbershops or beauty shops	1.0 + .25 per chair	

## Sec. 26.123 Table of Unit Facts (Continued)

Use		Unit Factor
Bars		
	No food served	1.0 + .06 per fire code capacity
	Short order food served	1.0 + .08 per fire code capacity
Bowling alleys		
	No bar or food	1.0 + .05/alley
	With food	1.0 + .05/alley + .08 per fire code capacity
	With food and bar	1.0 + .05/alley + .10 per fire code capacity
Cafeteria		(see restaurant)
Car wash		
	Manual, do-it-yourself	Evaluation by SCCMUA/municipalities
	Automatic	Evaluation by SCCMUA/municipalities
	Automatic w/recycling of water	Evaluation by SCCMUA/municipalities
	Semi-auto (mech. w/o conveyor)	Evaluation by SCCMUA/municipalities
Child care centers		1.0 + .05 per licensed limit
Churches		Up to 200 capacity for worship area
		-add 1.0 for each additional 200 capacity
		-for kitchen-add 0.5
		-for rental hall-add 1.0
		-for day care-add 1.0
Clinics/healthcare facility/doctor's office		1.0 + .5/professional
Country club		
	With showers	Evaluation by SCCMUA/municipalities
	With restaurant & bar	Evaluation by SCCMUA/municipalities



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## Utilities

Sec. 26.123 Table of Unit Facts (Continued)

Use	Unit Factor
Dairy stores, convenience/party stores, liquor stores, drug/pharmacy stores	1.0 per 5 employees
Department stores	
With food	1.0 per 10 employees
Without food	1.0 per 10 employees
Dry cleaners (pick-up only)	1.0
Factories, manufacturers which are not otherwise listed	Evaluation by SCCMUA/municipalities
Fire stations	1.0 per 10 employees
Fraternity halls/banquet halls	
Without food	1.0+ .015 per fire code capacity
With food	1.0+ .040 per fire code capacity
Funeral homes	2.0
Garden center (nursery)	1.0 per 10 employees
Grocery store or supermarkets	
Packaged only	1.0 per 10 employees
Meat and produce departments	1.0 per 10 employees
Health clubs	
w/showers and/or pool	Evaluation by SCCMUA/municipalities
w/o showers and/or pool	Evaluation by SCCMUA/municipalities
Hospitals	1.0 + .5 per bed
Hot tub house	1.0+ 1.0 per rental unit
Hotels, motels, inns, etc.	1.0 + .25 per unit
With restaurant & bar	1.0 + .25 per unit + .08 per fire code capacity
With swimming pools, restaurant & bar	1.0 + .25 per unit + .13 per fire code capacity





Sec. 26.123 Table of Unit Facts (Continued)

Use	Unit Factor
Landfill operations	Evaluation by SCCMUA/municipalities
Laundry (coin, self-serve)	Evaluation by SCCMUA/municipalities
Meat packers	Evaluation by SCCMUA/municipalities
Motor freight terminal	Evaluation by SCCMUA/municipalities
Pets, plants and/or fish	1.0 per 5 employee
Research and testing labs	Evaluation by SCCMUA/municipalities
Restaurants	
With a bar	1.0 + .06 per fire code capacity
Without a bar	1.0 + .04 per fire code capacity
Fast food	1.0 + .06 per fire code capacity
Drive-through	add 2.0
Sanitary trailer and boat dump station	Evaluation by SCCMUA/municipalities
Schools	1.5 per classroom
Service stations	
(Gas only)	1.0
With repair	1.25
With car wash	Evaluation by SCCMUA/municipalities
Sports center	Evaluation by SCCMUA/municipalities
Snack bars and drive-ins	1.0 + .06 per fire code capacity or car stall
Stores with liquor, beer or wine sales of less than 45% of total sales	1.0 per 10 employees
Swimming pools	Evaluation by SCCMUA/municipalities
Tennis clubs	Evaluation by SCCMUA/municipalities
Theater	
Drive-in	1.0 + .04 per parking space
Walk-in	1.0 + .02 per seat
Veterinarian facilities	2.0 per veterinarian
Warehouses	Evaluation by SCCMUA/municipalities



# 26 Utilities

## Sec. 26.123 Table of Unit Facts (Continued)

### Notes to Table:

- (1) There is a minimum of 1.0 REU for any sewer connection.
- (2) Fractional REU's will be rounded up to the nearest 0.5 REU.
- (3) Multiple use business will be determined by adding individual uses.

Note--All freestanding structures connected to the public water system shall be considered to be a minimum of 1.0 residential equivalent unit (REU). The REU chart helps to determine the additional REU equivalents for businesses that may have a higher use than 1.0 Residential Equivalent. An REU value will be assigned to an applicant based on the REU chart and the interpretations of the intended use. The SCCMUA reserves the right to adjust REU assignments to customers based on actual water consumption and impact of operations on the sewer system. All industrial uses will be evaluated by SCCMUA based on an analysis of flow reports submitted by the user.

Note--The SCCMUA reserves the right to assign additional REU equivalents to customers for stormwater connections to the sanitary sewer system. Illegal storm sewer connections have a direct cost to the sewer system and limits the SCCMUA to serve future customers. The REU assignment for stormwater discharge will be removed when the property owner demonstrates evidence that the illegal connection has been removed from the system.

## *Code of Ordinances—Chapter 27*

# *Vendors*

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## ARTICLE I. GENERALLY

### Sec. 27.1 Short title.

This Chapter shall be known as the "Watertown Township Vending Ordinance."

### Sec. 27.2. Purpose.

It is the purpose of this Chapter to regulate vendors, peddlers, solicitors, etc., as defined herein; to require and provide licensing for same; and to provide a penalty for violations in order to protect the public health, safety and welfare.

### Sec. 27.3. Definitions.

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

*Sales activity.* The act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going door to door, house to house, person to person, car to car, or the exchange of goods or services in any other manner related to the vending activity.

*Special event.* An organized activity, held on public property, specific to an identifiable place, occurring for a limited period of time, and for which appropriate permission has been obtained from the township, and shall be in accordance with Section 28-4.62.

*Vending license or license.* A license which allows a person to conduct an approved vending activity within the township, as permitted under this Chapter.

*Vending.* The act of offering merchandise for sale from a fixed place not within a building, from a vehicle or from a fixed place in a tent, canopy or similar shelter, not including merchants offering merchandise for sale upon commercial premises permanently occupied by them; and the act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going from door to door, house to house, person to person, car to car, or by any other closely related manner; not including the act of offering merchandise for wholesale to retailers or for resale to manufacturers for use in their processes; also not including regular route delivery persons delivering products.

*Vendor.* Any person engaged in the act of vending as defined herein. For the purposes of this Chapter, the terms "canvasser," "drummer," "hawker," "huckster," "itinerant merchant," "itinerant vendor," "peddler," "solicitor," "transient merchant," and other closely related terms shall be included as persons herein defined as "vendors."

#### Sec. 27.4 Rules of conduct.

1. Identification shall be presented by the vendor upon request of any citizen, law enforcement officer, or representative of the township or the county.
2. The vendor's township vending license and state sales tax license shall be displayed at all times by the vendor so as to be conspicuous during the time of the vending operation.
3. Vending, soliciting or peddling, as defined herein, is prohibited at a private residence prior to 9:00 a.m. and after 7:00 p.m., and shall not be conducted on property zoned B-1, B-2 or LI under township ordinance after 7:00 p.m. and prior to 9:00 a.m.
4. Vending is not permitted on property where the owner or occupant thereof has displayed a "no soliciting" or similar sign on such premises.
5. The proposed vending activity shall not create a fire hazard and may be subject to approval by the township fire marshal.
6. The proposed vending activity shall not create a structural safety hazard and may be subject to approval by the township building official.
7. The proposed vending activity shall not create traffic circulation and/or parking problems, and may be subject to approval by the township zoning administrator.
8. Upon termination of the vending activity, which shall mean cessation of sales activity or expiration of vendor permit, whichever shall come first, all items generated or used by the vending activity shall be removed from the site, including any and all litter, debris, refuse, signs, display tables, etc., which were related to the vending activity on the site.
9. The vendor shall comply with any special conditions which may be imposed upon the license by the township board.
10. The display of goods, merchandise, vehicles, services or other items permitted by this Chapter are prohibited upon any public property located within the township, except during a special event in and around the location of the special event, or within the limits of the public road right-of-way of any street or highway located within the township. Tents, canopies, and other similar shelters relating to the vending activity are also prohibited upon any public property located within the township, except during a special event in and around the location of the special event, or within the limits of the public road right-of-way of any street or highway located within the township.
11. The use of any sign, banner, flag, or similar device intended to attract attention to the vending activity shall be prohibited within the road right-of-way, and shall be in compliance with Chapter VI of Chapter 28.
12. The display of goods, merchandise, vehicles, services or any other items permitted by this Chapter shall be conducted at a minimum of 20 feet setback from the edge of any road right-of-way or from the edge of the property line if said property does not border a roadway. This Section shall also apply to tents, canopies or similar shelters, or any manner whatsoever of display relating to vending activity.

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13. If the proposed vending activity intends to use a tent, canopy or similar shelter, vendors shall be in compliance with all applicable laws, township ordinances and regulations, including but not limited to the township fire code. The vendor may be required to obtain a permit for said tent, canopy or similar shelter and allow for an inspection by the township fire department official. Any permit fee associated with this Section shall be in addition to the vending permit fee of this Article.

14. The use of any temporary structure, building, stand, booth, trailer or similar structure shall be in accordance with Section 28-566.

15. The use of any portable or vehicle mounted generator, or any similar portable energy producing device shall comply with all applicable township ordinances.

16. Vendor shall hold property owners harmless for any harm, damage or injury to vendor or vendor's property when accessing real property.

#### Sec. 27.5 Vending in township parks.

Vending in township parks shall be in accordance with [Section 22.43](#) and this Chapter.

#### Sec. 27.6. Administration.

It shall be the responsibility of the township clerk to administer the terms of this Chapter.

#### Sec. 27.7 Enforcement.

It shall be the responsibility of the county sheriff's department, the township supervisor, or a township official appointed by the township supervisor, to enforce the terms of this Chapter. The sheriff's department, township manager, or township official appointed by the township manager, shall have the authority to issue cease and desist orders immediately upon evidence that a vending activity is being conducted within the township prior to the issuance of a vending license by the township clerk or that licensed vending activities are occurring in violation of any of the terms of this Chapter.

#### Sec. 27.8 Violations and penalties.

1. Violation of the provisions of this Chapter shall be punishable as a municipal civil infraction as prescribed within the township code of ordinances.
2. The charter township shall hold the legal property owner responsible for the clean-up and/or repair of any property within the township due to debris or damage caused by the vending activity. The property owner shall be notified by first class mail of the township's concerns regarding the cleanup and/or repair of any property due to a vending activity, and shall be given 14 days to clean up and/or repair the property to its original condition.

Sec. 27.9 to 27.30 Reserved.

## ARTICLE II. LICENSE

## Sec. 27.31 Required.

No person, either as principal, agent or representative, shall engage in vending as defined in this Chapter within the township without first having obtained a vending license in compliance with the provisions of this Chapter except those persons identified under [Section 27.32 - Exceptions](#).

## Sec. 27.32 Exceptions from license requirement.

Persons identified under this Section shall not be required to obtain a vending license under the terms of this Chapter. In addition, all fees associated with the granting of such license shall also be waived. It is expected that persons operating in the capacities listed below shall respect the terms of this Chapter in good faith, and shall otherwise comply with the regulations outlined herein.

1. No vending license shall be required for those persons operating yard sales, garage sales, bakes sales, home grown garden stands or other similar types of activities from their own residentially zoned property, or from property on which they currently legally reside. These activities must be temporary in nature so as to comply with all applicable township ordinances, including Section 28-4.62.
2. No vending license shall be required for retail sales of produce grown on the premises, including commercial U-pick operations, when conducted as an accessory use to a farm. An activity permitted by this subsection must comply with all other applicable township ordinances.
3. No vending license shall be required for regular route delivery persons not including ice cream peddlers and similar vendors.
4. No vending license shall be required for licensed food catering trucks that visit multiple private commercial and/or industrial properties on a daily basis and which remain at each property for no more than 30 minutes on any day. For purposes of this Section "multiple" shall mean at least three.
5. No vending license shall be required for students under the age of 18 fundraising for school, non - profit organizations and similarly related clubs.
6. Any persons operating a vending activity, as defined herein, by attempting to solicit sales of goods, wares or merchandise thereafter to be transported to the customer in interstate commerce.
7. Any person obtaining a vending license as the duly authorized representative or agent of any political group seeking funds or membership.
8. Veterans who have been issued a vending license under State of Michigan Act 359 of 1921, as amended.

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**Sec. 27.33 Application.**

Applicants for a license under this Chapter shall submit a verified written application on a form to be provided by the township clerk containing the following information:

1. The applicant's name, date of birth, social security number, driver's license number, home address, vehicle description, license plate number, home and work phone number.
2. If the applicant intends to have persons other than himself participate in the proposed vending activity, a list of such persons, including the information listed in subsection 1 of this Section, shall also be submitted to the township clerk prior to the approval of the vending license.
3. The name of the business represented, if different than the applicant, together with the address of the business, phone number, and name of the owner or representative for the service of legal process.
4. A description of the nature of the business represented, indicating the goods to be sold, method of delivery, date the permit is desired, hours of operation, location, and the name and phone number of the property owner.
5. If a lot, tent, canopy or similar shelter is to be used, or if a vehicle is to be placed upon property that is not owned by the applicant, the name, phone number and signature of the legal owner of the property shall be provided on the application.
6. The names, addresses and phone numbers of three local references. If the applicant has never lived or done business within the township, then references from where the applicant lives or has done business may be used.
7. A statement as to whether or not the applicant has ever had any occupational license revoked by any other municipal authority. If so, the name of the municipality and the circumstances of the revocation shall be submitted.
8. The signature of the applicant acknowledging his understanding of the regulations contained within this Chapter, and acknowledging that failure by the applicant to comply with any of these regulations may result in revocation of the vending license.
9. The signature of the property owner granting permission for the proposed vending activity and acknowledging his understanding that the township shall hold the property owner responsible for the clean up and/or repair of the site to its original condition prior to commencement of the vending activity.
10. The applicant shall also submit a copy of his valid current state sales tax license or, if exempt, a copy of a current exemption certificate, for all goods or services sold other than nonprepared food for human consumption.
11. If prepared food for human consumption is to be sold, the applicant shall submit a copy of the certificate of approval issued by the Mid-Michigan District Health Department.



**Sec. 27.34 Investigation of applicant.**

1. Upon receipt of an application, the township clerk shall cause an investigation of the applicant to be made, which is intended to ensure the protection of the public health, safety and welfare.
2. The investigation of the applicant may include the following:
  - A. Verification of the applicant's identification, driving record and criminal history by the sheriff's department.
  - B. Contact with the references listed on the application for background information regarding the applicant.
  - C. Review of the proposed vending activity by the township fire marshal, building official and zoning administrator.
  - D. Verification of the property owner's consent for the applicant to operate the proposed vending activity.
3. The township clerk may contact any other source deemed necessary by the clerk to help determine the applicant's business responsibility and/or criminal history.
4. The township clerk or designee shall photograph the location of the proposed vending activity. The photograph is for the purpose of documenting the condition and appearance of the subject property prior to the establishment of the vending activity.

**Sec. 27.35 Nonrefundable application fee; renewal fee.**

Before considering any application submitted in accordance with the requirements of this Chapter, a nonrefundable fee shall be collected by the township clerk, except from those persons exempt from the license fee as identified by [Section 27.32](#), in order to defray the cost of the investigation of the applicant as mandated. The application fee shall be set from time to time by the township board by resolution. There shall be two fees established, one being an application fee and the other being a renewal fee. The renewal fee shall be charged to renew any vending license for the same applicant to conduct the same activity at the same site within six months of the issuance of the original license. In all other instances, the full application fee shall be charged for the investigation of the applicant as mandated by [Section 27.34](#).

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Sec. 27.36 Issuance; display; denial; appeal process.

1. If, as a result of the clerk's investigation, the business responsibility and/or criminal history of the applicant are satisfactory, the clerk shall approve the license and issue a certificate bearing the words "licensed vendor" having the signature of the township clerk or deputy township clerk. The license and certificate shall be issued within ten business days from the day the application was originally filed. The certificate shall also stipulate the period for which the license is valid and the license number. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.
2. If, as a result of the clerk's investigation, the business responsibility and/or criminal history of the applicant are unsatisfactory, the clerk shall deny the application within ten business days from the day the application was originally filed. The clerk shall notify the applicant in writing of the specific reason(s) why the application was denied. The notice shall be sent by certified mail, return receipt requested, postage prepaid, to the address as stated on the application.
3. The denial of the license by the clerk may be appealed to the township board if so desired by the applicant provided that a written request to appeal is filed with the clerk within 20 days of the receipt of license denial. A failure to file a request for appeal within 20 days shall be deemed to constitute a waiver of appeal. Upon proper filing of a timely request for appeal by the applicant, the clerk shall take the appropriate steps necessary to place the applicant's appeal on the next township board agenda. The township board shall deny, approve, or approve with conditions the application as determined by the board to be in the best interests of the public health, safety and welfare.
4. If after an appeal to the township board the application is approved, the clerk shall issue a certificate bearing the words "licensed vendor" and the signature of the township clerk or deputy township clerk. The license and certificate shall be issued on the next business day following the township board meeting. The certificate shall stipulate the period for which the license is valid, the number of the license, and shall note any special conditions the board may have attached to the issuance of the license. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.
5. If the township board denies the application, the township clerk shall notify the applicant thereof in writing by certified mail, return receipt requested, postage prepaid, sent to the address as stated on the application with a statement of the specific reason(s) for denial. Any decision made by the township board shall be final.

Sec. 27.37 Transferability.

No vending license issued to any person under the provisions of this Chapter shall be used by any person other than the person to whom it was issued.

Sec. 27.38 General conditions.

1. Term. Vending licenses shall be valid for a maximum of 15 consecutive days from the day the license was originally issued, except as provided by [Section 27.39](#).
2. Number per person and property. No more than two 15-day vending licenses shall be issued to the same person, firm, corporation or other entity including any agent or representative thereof, and vending shall not be allowed to be conducted upon property zoned B-1, B-2 or LI under township ordinance for longer than the terms of two 15-day vending licenses, within a one-year time period. The prescribed fee shall be required to be paid for each license, as determined by [Section 27.35](#). Number per site. No more than one license may be issued for the same site for the same time period by the township clerk. The issuance of more than one license for a site shall be as determined by the township board. The following criteria shall be used by the township board to reach its decision:
  - A. Size and location of site.
  - B. Availability of parking.
  - C. Type of vending activity.
  - D. Hours of operation of the vending activity.
4. Copies to be filed. A copy of the vending license application and a copy of the state sales tax license issued by the county treasurer shall be mailed to the registration section of the state department of treasury by the township clerk within ten days of the issuance of the vending license.

Sec. 27.39 Suspension and revocation.

1. The township clerk may suspend any license issued under the provisions of this Chapter upon evidence being presented to the clerk alleging any of the following:
  - A. A violation of any of the regulations or provisions outlined within this Chapter.
  - B. Fraud, misrepresentation or false statement contained in the application for the license.
  - C. Fraud, misrepresentation or false statement made in the course of carrying on the vending activity.
  - D. Conviction of a felony.
  - E. Operation of the vending activity in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the public health, safety and welfare.
2. The township clerk shall notify the sheriff's department of the suspension and request that a certified letter drafted by the clerk notifying the licensee of his license suspension with a statement of the specific reason(s) for same be delivered to the licensee.
3. Upon notice of license suspension by the township clerk, all vending activity on the site must cease immediately. If the person aggrieved by such action fails to contact the township clerk within five days from the day of the license suspension, the vending license shall be revoked.



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27	Vendors
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4. The person aggrieved by the suspension of the license shall have the right to a hearing before the township board, provided that a written request thereof is filed with the township clerk within five days of the receipt of the notice of license suspension. The hearing shall be conducted at the next township board meeting.
5. The township board shall, after the holding of a hearing, reinstate, reinstate with conditions, or revoke the vending license. Any decision made by the township board shall be final.
6. Upon revocation of the license, the application fee shall not be refunded.
7. If the license is reinstated by the township board, the aggrieved licensee shall be credited with the number of days during which the license was suspended, such that the licensee will not lose any business days permitted by the issuance of the original license.
8. No person whose vending license has been revoked shall be eligible to receive another vending license to do business within the township for five years from the date of license revocation.

