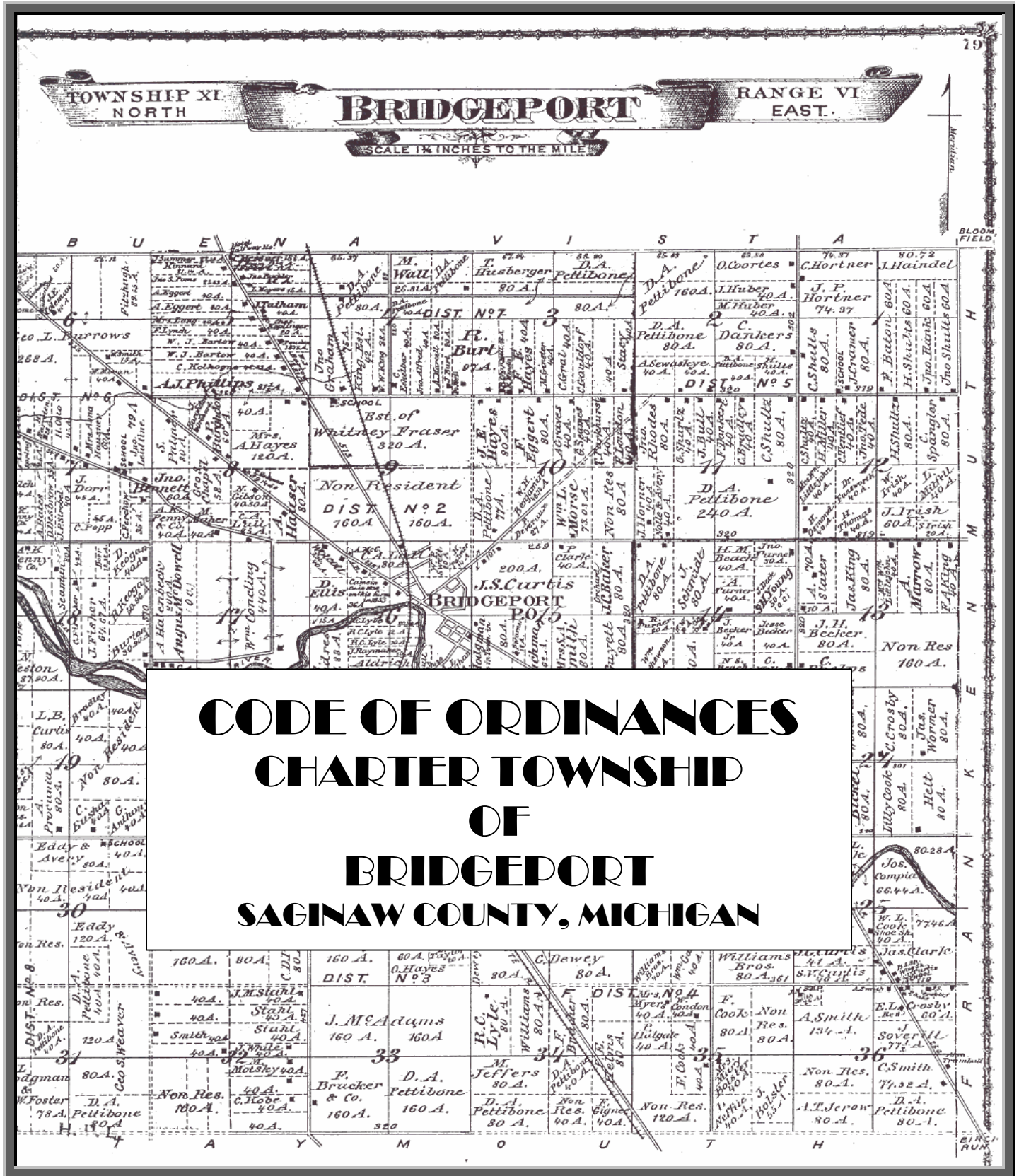




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CODE OF ORDINANCES

CHARTER TOWNSHIP OF

BRIDGEPORT, SAGINAW COUNTY, MICHIGAN

Published by Order of the Township Board



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2009

OFFICIALS
of the
CHARTER TOWNSHIP OF
BRIDGEPORT, SAGINAW COUNTY, MICHIGAN
AT THE TIME OF THIS CODIFICATION

Patrick C. Gilles
Township Supervisor

Lee G. Carpenter
Township Clerk

August L. Tausend
Township Treasurer

Walter LaShore
Frank J. Morrison
Darlene Miller
Ralph Bruce Winchell
Trustees

Rose Licht
Township Manager

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the Charter Township of Bridgeport, Saginaw County, Michigan.

Source materials used in the preparation of the Code were the 2000 Compiled Ordinances, as supplemented, and ordinances subsequently adopted by the township board. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 2000 Compiled Ordinances, as supplemented, and any ordinance included herein.

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

Chapter and Section Numbering System

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

Page Numbering System

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

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

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
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Index

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

Looseleaf Supplements

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

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

Acknowledgments

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

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

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GENERAL PROVISIONS

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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

GENERAL PROVISIONS

GENERAL PROVISIONS

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

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

State Law References: Authority to codify ordinances, MCL 41.186, 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, officers or employees. 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 Bridgeport, Saginaw 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 Saginaw County, Michigan.

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

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

MAC, Mich. Admin. Code. The abbreviation "MAC" or "Mich. Admin. Code" means the Michigan Administrative Code, as amended.

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

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or part of such property. With respect to special assessments, however, the owner shall be considered to be the person whose name appears on the assessment roll for the purpose of giving notice and billing.

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

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

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

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

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

Public acts. References to public acts are references to the Public Acts of Michigan. 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 and 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 the term "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 Bridgeport, Saginaw 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 Bridgeport, Saginaw County, Michigan.

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

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

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

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

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

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

(b) The history or source notes appearing in 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.

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

State Law References: Catchlines in state statutes, MCL 8.4b.

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

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

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

State Law References: Effect of repeal of state statutes, MCL 8.4.

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

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

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

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

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

Sec. 1-6. Supplementation of Code.

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

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partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

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

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

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines, headings, and titles for chapters, articles, divisions, subdivisions, and sections to be included in the Code and make changes in any such catchlines, headings, and titles or in any such catchlines, headings, and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions, and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions, or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section," or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

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

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

- (1) Doing an act that is prohibited or made or declared unlawful, an offense, or a violation by ordinance or by rule or regulation authorized by ordinance.
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, or a violation or by ordinance or by rule or regulation authorized by ordinance.

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

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

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

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a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 93 days, or by both such fine and imprisonment.

(e) 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.

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

(g) 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, MCL 42.21; municipal civil infractions, MCL 600.8701 et seq.

Sec. 1-8. Severability of parts of Code.

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

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

State Law References: Similar provisions as to state statutes, MCL 8.3u.

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

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

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

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

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

- (1) Annexing property into the township or describing the corporate limits.
- (2) Deannexing property or excluding property from the township.
- (3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (4) Authorizing or approving any contract, deed, or agreement.

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- (5) Granting any right or franchise.
- (6) Making or approving any appropriation or budget.
- (7) Providing for the duties of township officers or employees not codified in this Code.
- (8) Providing for salaries or other employee benefits.
- (9) Adopting or amending a master plan.
- (10) Levying or imposing any special assessment.
- (11) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing, or vacating any street, sidewalk, or alley.
- (12) Establishing the grade of any street or sidewalk.
- (13) Dedicating, accepting, or vacating any plat or subdivision.

- (14) Not codified in this Code that levies, imposes, or otherwise relates to taxes, exemptions from taxes and fees in lieu of taxes.
- (15) Pertaining to zoning.
- (16) That is temporary, although general in effect.
- (17) That is special, although permanent in effect.
- (18) The purpose of which has been accomplished.
- (b) The ordinances or portions of ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

ADMINISTRATION

Chapter 2

ADMINISTRATION*

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Article II. Township Board

Secs. 2-19--2-39. Reserved.

Article III. Officers and Employees

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- Secs. 2-77--2-95. Reserved.

Article IV. Boards and Commissions

Division 1. Generally

Secs. 2-96--2-118. Reserved.

Division 2. Planning Commission

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- Sec. 2-121. Appointments and terms; vacancies; qualifications.
- Sec. 2-122. Compensation.
- Sec. 2-123. Removal.

* **State Law References:** Townships generally, MCL 41.1a et seq.; charter townships, MCL 42.1 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

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- Sec. 2-124. Officers and committees.
- Sec. 2-125. Bylaws, meetings and records.
- Sec. 2-126. Annual report.
- Sec. 2-127. Zoning powers.
- Sec. 2-128. Subdivision and land division recommendations.
- Secs. 2-129--2-150. Reserved.

Article V. Finance

Division 1. Generally

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- Sec. 2-170. Findings of fact.
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ARTICLE I.

IN GENERAL

Secs. 2-1--2-18. Reserved.

ARTICLE II. TOWNSHIP BOARD*

Secs. 2-19--2-39. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES**

DIVISION 1. GENERALLY

Secs. 2-40--2-66. Reserved.

DIVISION 2. GROUP BENEFIT PLAN

Sec. 2-67. Creation and establishment of various officer and/or employee group benefit programs, plans and policies.

There is hereby created and established such officer and/or employee group benefit retirement, annuity, pension, life, accident, health, hospitalization, and medical and surgical service and expense programs, plans and policies, as may be adopted by resolution of the township board from time to time. The township board is specifically empowered to adopt said programs, plans and policies, and to amend or terminate same, by resolution adopted at any time.
(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 2, 2-1-2000)

Sec. 2-68. Contracts or prepayment plan agreements.

The township board may enter into certain contracts or prepayment plan agreements for various annuities, insurance, plans, programs or coverage, with any company or business authorized to transact business within the state, to provide for those officer and/or employee programs, plans and policies adopted by the township board in accordance with section 2-67.
(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 3, 2-1-2000)

Sec. 2-69. Coverage.

The contracts or prepayment plan agreements for the annuities, insurance, plans, programs or coverage entered into by the township board in accordance with section 2-68 shall cover and benefit such elected officers or employees of the township, or classes of elected or appointed officers or employees of the township, or such dependents of said officers or employees, or such retired or disabled officers or employees, or such classes of retired or disabled officers or employees, as are specified in said contracts or prepayment plan agreements, or in those officer

* **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.

** **State Law References:** Township officers, MCL 42.9 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

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and/or employee group benefit programs, plans and policies adopted by the township board in accordance with section 2-67. The contracts or prepayment plan agreements entered into by the township board in accordance with section 2-68, and the officer and/or employee group benefit programs, plans and policies adopted by the township board in accordance with section 2-67, may provide for separate or different coverage and benefits among the various persons, or classes of persons participating, or obtaining coverage or benefits under said contracts or prepayment plan agreements, or said officer and/or employee group benefit programs, plans and policies.
(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 4, 2-1-2000)

Sec. 2-70. Eligibility.

The eligibility requirements for coverage and benefits accruing to the elected officers or employees of the township, or classes of elected officers or employees of the township, or dependents of said officers or employees, or retired or disabled officers or employees, or classes of retired or disabled officers or employees, shall be as specified in the particular contracts or prepayment plan agreements entered into by the township board in accordance with section 2-68, or as specified in those officer and/or employee group benefit programs, plans and policies adopted by the township board in accordance with section 2-67.
(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 5, 2-1-2000)

Sec. 2-71. Participation.

The participation by any elected officer or employee of the township, or class of elected officers or employees of the township, or dependent of said officer or employee, or retired or disabled officer or employee, or class of retired or disabled officers or employees, shall be as is specified in the contracts or prepayment plan agreements entered into by the township board in accordance with section 2-68, or as is specified in the officer and/or employee group benefit programs, plans or policies adopted by the township board in accordance with section 2-67, but unless stated otherwise therein, the participation shall be automatic once the eligibility requirements as provide for in section 2-70 have been attained, and all other conditions in the contracts or prepayment plan agreements entered into by the township board in accordance with section 2-68, of the officer and/or employee group benefit program, plan or policy adopted in accordance with section 2-67 have been met. Unless not authorized by the contract or prepayment plan agreement entered into by the township board in accordance with section 2-68, or the officer and/or employee group benefit program, plan or policy adopted in accordance with section 2-67, any participant desiring not to be a participant, and therefore not eligible or coverage or benefits, shall give written notice to the township that said person desires not to participate, and if said notice is received before the person has become a participant, that person shall not be a participant. If the notice is received after the person has become a participant, that person's participation shall cease as soon as is permitted according to the particular contract or prepayment plan agreement, or officer and/or employee group benefit program, plan or policy.
(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 6, 2-1-2000)

Sec. 2-72. Authority.

The township supervisor and the township clerk are hereby authorized to enter into such contracts or prepayment plan agreements in accordance with section 2-68, as may have been approved by the township board, and which are consistent with the officer and/or employee group benefit program, plan or policy adopted by the township board in accordance with section 2-67.
(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 7, 2-1-2000)

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Sec. 2-73. Periodic appropriation of monies.

The township board shall annually contribute that amount of money required to be paid by the township for the contracts or prepayment plan agreements entered into by the township board in accordance with section 2-68, and as may be required for those officer and/or employee group benefit programs, plans and policies adopted by the township board in accordance with section 2-67. The elected officers or employees of the township, or classes of elected officers or employees of the township, or dependents of said officers or employees, or such retired officers or employees, or classes of retired or disabled officers or employees, who are participants in the contracts or prepayment plan agreements entered into by the township board in accordance with section 2-68, or in accordance with those officer and/or employee group benefit program, plans or policies adopted by the township board in accordance with section 2-67, shall pay the remainder or copay portion of the charges or costs not required to be contributed by the township board, and if necessary, the township is hereby authorized to deduct said copay portion of the charges or costs from each participant's pay, salary or compensation, or from any other amounts paid or owed by the township to said participant.

(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 8, 2-1-2000)

Sec. 2-74. Termination or amendment.

Unless otherwise stated in the contracts or prepayment plan agreements entered into by the township board in accordance with section 2-68, or in accordance with those officer and/or employee group benefit programs, plans or policies adopted by the township board in accordance with section 2-67, the township board may, within its sole discretion, at any time and for any reason, and with or without notice, terminate, amend or otherwise change any contract or prepayment plan agreement, or officer and/or employee group benefit program, plan or policy. Further, unless otherwise stated in said contracts or prepayment plan agreements, or officer and/or employee group benefit programs, plans or policies, there shall not in any way be established any form of accrued or vested benefits, rights or entitlements, for any participant. Further, unless otherwise stated, the termination, amendment or change by the township board of any of said contracts or prepayment plan agreements, or officer and/or employee group benefit programs, plans or policies, shall apply to both current participants and potential future participants as may be determined by the township board within its sole discretion.

(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 9, 2-1-2000)

Sec. 2-75. Contrary collective bargaining agreement provisions unaffected.

Notwithstanding any provision in this division to the contrary, this division shall not supersede or affect any provision contained within a collective bargaining agreement approved by the township board even if any such provision is contrary to or inconsistent with any of the provisions of this division. The provisions of this division shall not apply to any officer or employee covered by a collective bargaining agreement with the township.

(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 10, 2-1-2000)

Sec. 2-76. Ratification.

The township board hereby ratifies and confirms the validity and continued existence of any contract or prepayment plan agreement for any annuities, insurance, plans, programs or coverage, and any officer and/or employee group benefit programs, plans or policies, adopted by the township board by resolution or ordinance, or otherwise, and in existence on the effective date of the ordinance from which this division is derived.

(Comp. Ords. 2000, § 123.020; Ord. No. 00-003, § 11, 2-1-2000)

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Secs. 2-77--2-95. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 1. GENERALLY

Secs. 2-96--2-118. Reserved.

DIVISION 2. PLANNING COMMISSION*

Sec. 2-119. Scope, purpose and intent.

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

(b) The purpose of this division is to provide that the township board shall hereby confirm the establishment under the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), of the township planning commission formerly established under the municipal planning act, Public Act No. 285 of 1931 (MCL 125.31 et seq.), to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

(Comp. Ords. 2000, § 120.010; Ord. No. I C-1, § 1, 3-1-1960)

Sec. 2-120. Establishment; membership.

(a) The township board hereby confirms the establishment, under the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), of the planning commission formerly established under the municipal planning act, Public Act No. 285 of 1931 (MCL 125.31 et seq.).

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

(Comp. Ords. 2000, § 120.010; Ord. No. I C-1, § 1, 3-1-1960)

* **State Law References:** Michigan planning enabling act, MCL 125.3801 et seq.; Michigan zoning enabling act, MCL 125.3101 et seq.

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Sec. 2-121. Appointments and terms; vacancies; qualifications.

(a) The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member. The planning commission members, other than an ex officio member, shall serve for terms of three years each. A planning commission member shall hold office until his successor is appointed.

(b) Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Planning commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be the representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

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

(Comp. Ords. 2000, §§ 120.0.0, 120.020; Ord. No. I C-1, §§ 1, 2, 5, 3-1-1960)

Sec. 2-122. Compensation.

All members of the planning commission shall be compensated at a rate to be determined and set by resolution of the township board.

(Comp. Ords. 2000, § 120.030; Ord. No. I C-1, § 3, 3-1-1960; Ord. No. I C-2, 5-5-1970)

Sec. 2-123. Removal.

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

(Comp. Ords. 2000, § 120.040; Ord. No. I C-1, § 4, 3-1-1960)

Sec. 2-124. Officers and committees.

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

Sec. 2-125. Bylaws, meetings and records.

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

(b) The planning commission shall hold at least four regular meetings each year, and shall determine the time and place of the meetings. Other meetings shall be called as necessary.

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

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(d) The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the open meetings act, Public Act 267 of 1976, (MCL 15.261 et seq.).

(e) The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Public Act 442 of 1976, (MCL 15.231 et seq.).

Sec. 2-126. Annual report.

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

Sec. 2-127. Zoning powers.

The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former township zoning act, Public Act No. 184 of 1943 (MCL 125.271 et seq.); the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.); or other applicable zoning statutes to the planning commission formerly established under the municipal planning act, Public Act No. 285 of 1931 (MCL 125.31 et seq.).

(Comp. Ords. 2000, §§ 120.060, 120.070; Ord. No. I C-1, §§ 6, 7, 3-1-1960)

Sec. 2-128. Subdivision and land division recommendations.

(a) The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

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

Secs. 2-129--2-150. Reserved.

ADMINISTRATION

ARTICLE V. FINANCE*

DIVISION 1. GENERALLY

Secs. 2-151--2-169. Reserved.

DIVISION 2. HAZARDOUS MATERIALS INCIDENT COST RECOVERY**

Sec. 2-170. Findings of fact.

The township finds that a significant potential exists for police and fire department responses to incidents involving the release or threatened release of hazardous materials.

Sec. 2-171. Definitions.

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

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Emergency response means the providing, sending and/or utilizing of police, firefighting, emergency medical and rescue services by the township, or by a private industrial entity or corporation operating at the request or direction of the township or the state, for an incident resulting in a hazardous materials release or threatened release.

Expenses of an emergency response means the direct and reasonable costs incurred by the township, or by a private person, corporation, or other assisting government agency, which is operating at the request or direction of the township, when making an emergency response to the hazardous materials incident, including the costs of providing police, firefighting, rescue services, emergency medical services, containment, and abatement of all hazardous conditions at the scene of the incident. The costs further include all of the salaries and wages of township personnel responding to the incident, salaries and wages of township personnel engaged in the investigation, supervision and report preparation regarding said incident, all salaries and wages of personnel of assisting government agencies operating at the request or direction of the township, and all costs connected with the administration of the incident relating to any prosecution of the persons responsible, including those relating to the production and appearance of witnesses at any court proceedings in relation thereto. Costs shall also include such items as disposable materials and supplies used during the response to said incident, the rental or leasing of equipment used for the specific response, replacement of equipment which is contaminated beyond reuse or repair during the response to said incident, special technical services and laboratory cost, and services and supplies purchased for any specific evaluation relating to said incident. Such incidents create a great likelihood of personal injury and/or property damage. The control and abatement of such incidents places a significant financial and operational burden upon the township's police, firefighting and rescue services.

* **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.

** **State Law References:** Remediation, MCL 324.20101 et seq.
(Comp. Ords. 2000, § 50.600; Ord. No. 91-1, 2-5-1991)

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Hazardous material means explosives, pyrotechnics, flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, poisonous solid, irritating material, etiological material, radioactive material, corrosive material, or liquified petroleum gas.

Owner means any person having a vested or contingent interest in the property, premises, container or vehicle involved in the hazardous materials incident, including but not limited to any duly authorized agent or attorney, purchaser, devisee, or fiduciary of said person having said vested or contingent interest.

Premises means any lot or parcel of land, exclusive of buildings, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junkyard, wharf, pier, public roadway, and any other place or enclosure, however owned, used or occupied.

Vehicle means any mode which is used as an instrument of conveyance, including, but not limited to, motor vehicles, railroads, boats, aircraft, etc.
(Comp. Ords. 2000, § 50.601; Ord. No. 91-1, 2-5-1991)

Sec. 2-172. Liability for expense of an emergency response.

(a) *Person responsible.* The owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle shall be required to reimburse the township for all expenses of an emergency response to said hazardous materials incident.

(b) *Charge against person.* The expense of an emergency response shall be a charge against the person liable for the expenses under this division. The charge constitutes a debt of that person and is collectible by the township in the same manner as in the case of an obligation under contract, express or implied.

(c) *Cost recovery schedule.* The township shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available at the office of the township clerk for inspection by the public at all times.

(d) *Billing.* The township may, within ten days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person liable for the expenses as enumerated under this division. The bill shall require full payment within 30 days from the date of mailing or service of said bill upon the responsible person.

(e) *Failure to pay; procedure to recover costs.* Any failure by the person described in this division as liable or responsible for expenses of an emergency response to pay said bill within 30 days of mailing or service of the bill shall constitute a default on said bill. In case of default, the township shall have the right and power to add all emergency response costs to the tax roll as to any such property involved in the hazardous materials incident, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property or premises. The township shall also have the right to bring action in a court of competent jurisdiction to collect said costs if the township deems such action to be necessary.
(Comp. Ords. 2000, § 50.602; Ord. No. 91-1, 2-5-1991)

ADMINISTRATION

Reserved

Chapter 3

RESERVED

ALCOHOLIC LIQUORS

Chapter 4

ALCOHOLIC LIQUORS*

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- Sec. 4-1. Purpose.
- Sec. 4-2. Definitions.
- Sec. 4-3. Enabling authority.
- Sec. 4-4. Compliance with state and local laws.
- Secs. 4-5--4-26. Reserved.

Article II. License

- Sec. 4-27. Required.
- Sec. 4-28. Reservation of authority to issue.
- Sec. 4-29. Term.
- Sec. 4-30. Application--Investigation fees for establishments.
- Sec. 4-31. Same--Authority to sell; required information.
- Sec. 4-32. Restrictions on issuance.
- Sec. 4-33. Investigation of applicant.
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Article III. Nonrenewal or Revocation Process

- Sec. 4-59. Criteria for nonrenewal or revocation.
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- Sec. 4-61. Notice of objection, renewal or request for revocation; hearing.
- Sec. 4-62. Equitable relief.
- Secs. 4-63--4-82. Reserved.

Article IV. Regulation of Operations

- Sec. 4-83. Suspension of sales authorized.
- Sec. 4-84. Conduct of premises.
- Sec. 4-85. Outdoor lighting.
- Sec. 4-86. Dispensing of alcoholic liquors.

* **State Law References:** Michigan liquor control code of 1998, MCL 436.1101 et seq.

ALCOHOLIC LIQUORS

ALCOHOLIC LIQUORS

ARTICLE I. IN GENERAL

Sec. 4-1. Purpose.

The purpose of this chapter is to provide for the regulation of alcoholic liquor traffic in the township by establishing procedures and standards for review of applications, renewals and revocations of licenses to sell beer, wine or spirits; to prohibit certain unlawful, illegal or improper conduct on the premises of alcoholic liquor establishments and to provide adequate lighting for alcoholic liquor establishments, such regulations, prohibitions and provisions being consistent with findings of the public need, purpose and concern; to thereby avoid the increase of hazards caused by or presenting a risk to persons under the influence of alcoholic liquors; to provide for the safety, health and cleanliness of alcoholic liquor establishments; to avoid certain unlawful or illegal conduct upon the premises of alcoholic liquor establishments; to avoid certain improper conduct which contemporary community standards recognize as arising from the exhibition or display of live nude dancing or entertainment on the premises of alcoholic liquor establishments; to avoid the increase or incidence of criminal activity which experience and record show results from the exhibition or display of live nude dancing or entertainment on the premises of alcoholic liquor establishments; and to avoid violations of the laws, rules and regulations relating to alcoholic liquor establishments.

(Comp. Ords. 2000, § 48.500; Ord. No. 95-7, intro., 10-3-1995)

Sec. 4-2. Definitions.

The meaning of "alcoholic liquor," "beer," "wine," "spirits," "club," "license," "person," "vendor" and "hotel," when used in this chapter, shall be as defined in the Michigan liquor control code of 1998, Public Act No. 58 of 1998 (MCL 436.1101 et seq.), or in and by the administrative rules of the state liquor control commission.

(Comp. Ords. 2000, § 48.520; Ord. No. 95-7, § 2, 10-3-1995)

Sec. 4-3. Enabling authority.

This chapter is enacted by reason of the authority granted the township by Public Act No. 246 of 1945 (MCL 41.181 et seq.), and by the authority granted in Public Act No. 58 of 1998 (MCL 436.1101 et seq.).

(Comp. Ords. 2000, § 48.530; Ord. No. 95-7, § 3, 10-3-1995)

Sec. 4-4. Compliance with state and local laws.

No person, as defined in the state liquor law, shall violate any law of the state, any rule or regulation promulgated by the state liquor control commission, or any ordinance or regulation of the township.

(Comp. Ords. 2000, § 48.540; Ord. No. 95-7, § 4, 10-3-1995)

Secs. 4-5--4-26. Reserved.

ARTICLE II. LICENSE

ALCOHOLIC LIQUORS

Sec. 4-27. Required.

No person, unless first properly licensed by the state (when a license is required), by himself or another, shall sell, furnish, give or deliver any alcoholic liquor to any person.
(Comp. Ords. 2000, § 48.560; Ord. No. 95-7, § 6, 10-3-1995)

Sec. 4-28. Reservation of authority to issue.

No applicant for a liquor license has the right to the issuance of such license to him, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens.
(Comp. Ords. 2000, § 48.570; Ord. No. 95-7, § 7, 10-3-1995)

Sec. 4-29. Term.

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 may subject the license to revocation.
(Comp. Ords. 2000, § 48.580; Ord. No. 95-7, § 8, 10-3-1995)

Sec. 4-30. Application--Investigation fees for establishments.

(a) Each applicant seeking a new, or transfer of an existing license, must make an application to the township on forms that will be provided by the township clerk. Such an application pertains to the township approval only, and is in addition to the separate application required by the state liquor control commission.

(b) No application for a new license to sell alcoholic liquor, no application for the transfer of any license to sell alcoholic liquor and no application for the transfer of location of any such licensed business shall be considered by the township board unless accompanied by a fee to cover the township's cost of the necessary investigation to enable the township board to act on such application or request, with such fee to be recommended by the township manager and approved by the township board of trustees.
(Comp. Ords. 2000, § 48.590; Ord. No. 95-7, § 9, 10-3-1995)

Sec. 4-31. Same--Authority to sell; required information.

Applications for a license to sell beer, 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:

ALCOHOLIC LIQUORS

- (1) The name, age and address of the applicant in the case of an individual; or, in the case of a copartnership, 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 in such corporation is owned by one person or his nominee, the name and address of such person.
 - (2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
 - (3) The character of business of the applicant and, in the case of a corporation, the object of which it was formed.
 - (4) The length of time the applicant has been in business of that character or, in the case of a corporation, the date when its charter was issued.
 - (5) The location and description of the premises or place of business which is to be operated under the license.
 - (6) A statement whether the applicant has made application for a similar or other license on premises other than described in this application and the disposition of such application.
 - (7) A statement that the 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 chapter or the laws of the state.
 - (8) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the township in the conduct of its business.
 - (9) The application shall be accompanied by building and plot 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.
 - (10) Present a minimum of three character endorsements.
 - (11) Present satisfactory evidence to show the applicant has the financial ability to complete the project according to his plans and within a reasonable period of time.
 - (12) Any other information that may be requested by the township manager that is pertinent to the proper consideration of the application.
- (Comp. Ords. 2000, § 48.600; Ord. No. 95-7, § 10, 10-3-1995)

Sec. 4-32. Restrictions on issuance.

No license under this article shall be issued or renewed to:

- (1) A person whose license under this article has been revoked for cause.
- (2) A person who, at the time of application or renewal of any license issued under this article, would not be eligible for such license, upon a first application.
- (3) A copartnership, unless all of the members of such copartnership shall qualify to obtain a license.
- (4) Any corporation, where any officer, manager or director thereof, or a stock owner or stockholder owning more than ten percent of the stock of such corporation would not be eligible to receive a license under this article for any reason.

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- (5) A person whose place of business is conducted by a manager or agent when such manager or agent does not possess the same qualifications as required of the licensee.
- (6) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
- (7) A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or copartnership that does not have sufficient financial assets to carry on or maintain the business.
- (8) Any law-enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.
- (9) Any premises where there exists a violation of the applicable building, electrical, fire, mechanical or plumbing codes, applicable zoning regulations or applicable public health regulations, or any other applicable township ordinance.
- (10) Any 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.
- (11) Any premises 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.
- (12) Any person while a nuisance is allowed to be maintained upon the premises.
- (13) Any premises or to any person which has or is in violation of any other sections of this chapter including, but not limited to, violation of any of the provisions under sections 4-84 and 4-86.

(Comp. Ords. 2000, § 48.610; Ord. No. 95-7, § 11, 10-3-1995)

Sec. 4-33. Investigation of applicant.

The township manager shall submit the written application for a license under this article to the appropriate township departments for report on the information set forth therein, and for such additional information as the township board may require, including a report from the police department as to the criminal record, if any, of the applicant.

(Comp. Ords. 2000, § 48.620; Ord. No. 95-7, § 12, 10-3-1995)

Sec. 4-34. Hearing on application.

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 section 4-32.

(Comp. Ords. 2000, § 48.630; Ord. No. 95-7, § 13, 10-3-1995)

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Sec. 4-35. Board action.

Upon receipt of the manager's recommendation, the board shall, within 30 days, take action to either approve or deny each application.

- (1) *Denial.* If a person who has applied for the issuance of a new license or the transfer of an existing license by the state liquor control commission violates, or allows another person to violate, any ordinance or regulation of the township, any rule or regulation promulgated by the state liquor control commission, or any law of the state on or involving the premises for which the new license is sought, or on or involving the premises from which the transfer of an existing license is sought, the township board may recommend to the commission that the application be denied.
- (2) *Approval.* When the applicant's remodeling is completed and determined that the applicant has met all state regulations, current standards of existing township building codes, fire codes, zoning codes, other related ordinances and all provisions as set forth within this chapter that the township board may adopt a resolution recommending to the state liquor control commission that a license be issued. A copy of the resolution granting the township's final approval will be sent to the state liquor control commission for final action.

(Comp. Ords. 2000, § 48.640; Ord. No. 95-7, § 14, 10-3-1995)

Secs. 4-36--4-58. Reserved.

ARTICLE III. NONRENEWAL OR REVOCATION PROCESS

Sec. 4-59. Criteria for nonrenewal or revocation.

The township board shall recommend nonrenewal or revocation of a license under this article upon a determination by it that based upon a preponderance of the evidence presented at the hearing either of the following exist:

- (1) Violation of any of the restrictions on licenses set forth in section 4-32, or violation of any of the other provisions of this chapter.
- (2) That there have been consistent violations of the provisions of sections 4-84 or 4-86.

(Comp. Ords. 2000, § 48.650; Ord. No. 95-7, § 15, 10-3-1995)

Sec. 4-60. Violations; recommendation of nonrenewal or revocation of license.

If a person who is the licensed owner or operator of an alcoholic liquor establishment violates, or allows another person to violate, any ordinance or regulation of the township, any rule or regulation promulgated by the state liquor control commission, or any law of the state on or involving the premises licensed by the commission, the township board may recommend to the commission, after notice and hearing, revocation or nonrenewal of the license.

(Comp. Ords. 2000, § 48.660; Ord. No. 95-7, § 16, 10-3-1995)

Sec. 4-61. Notice of objection, renewal or request for revocation; hearing.

(a) *Notice of hearing requirements.* Before filing an objection to renewal or request for revocation of a license with the state liquor control commission, the township board shall serve the

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license holder, by first class mail, mailed not less than 14 days prior to hearing with notice of hearing, which notice shall contain the following:

- (1) Notice of proposed action.
 - (2) Detailed reasons for the proposed action.
 - (3) Date, time and place of hearing.
 - (4) A statement that the licensee may present evidence and testimony and confront adverse witnesses and give arguments.
 - (5) That the licensee has the right to be represented by an attorney.
 - (b) *Notice of findings.* Following the hearing, the township board shall make a written statement of findings which shall include a resolution of its decision.
 - (c) *Notice to applicant.* The township shall submit to the licenseholder a certified written statement of both its findings and its resolution.
 - (d) *Notice to liquor control commission.* If the findings and the board's resolution is adverse to the licenseholder, then the township shall send the following documents prior to March 31 to the state liquor control commission:
 - (1) A certified copy of the notice sent to the licensee.
 - (2) A certified copy of the resolution adopted by the township objecting to the renewal of the license or requesting that the license be revoked. If a separate statement of findings is made, then a copy of that document must also be included.
 - (3) A copy of this chapter including the date of adoption, and the date of publishing, of the ordinance from which this chapter is derived.
 - (4) Proof of service of the notices sent to the licensee.
- (Comp. Ords. 2000, § 48.670; Ord. No. 95-7, § 17, 10-3-1995)

Sec. 4-62. Equitable relief.

In addition to all other penalties and remedies available to the township under this chapter and other applicable laws, the township may seek equitable relief as a means for the enforcement of the provisions of this article.

(Comp. Ords. 2000, § 48.680; Ord. No. 95-7, § 18, 10-3-1995)

Secs. 4-63--4-82. Reserved.

ARTICLE IV. REGULATION OF OPERATIONS

Sec. 4-83. Suspension of sales authorized.

The township board shall have the right at any time by resolution to suspend the sale, furnishing, gift or delivery of alcoholic liquor for consumption on the premises throughout the entire township or any part thereof, whenever the township board deems such action necessary by reason of any public emergency.

(Comp. Ords. 2000, § 48.690; Ord. No. 95-7, § 19, 10-3-1995)

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Sec. 4-84. Conduct of premises.

No licensee under this chapter shall permit on the premises:

- (1) Spirits to be consumed if licensed to sell only beer or wine, or both.
 - (2) Dancing open to the public with or without an admission charge, unless holding a special dancehall license.
 - (3) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood.
 - (4) Any gambling or the placing or using of any gambling apparatus or paraphernalia therein.
 - (5) Any lewd, obscene or illegal exhibition or entertainment, or other conduct likely to corrupt the public morals, including but not limited to any display or exhibition of live nude male or female dancing or entertainment involving any of the following:
 - a. Patently offensive displays, representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or
 - b. Patently offensive displays, representations or descriptions of masturbation, excretory functions or genitalia.
 - (6) Any display or exhibition of live nude male or female dancing or entertainment in which the male or female genitalia, buttocks or anus are exposed or exhibited, or any display or exhibition of live nude female dancing or entertainment in which the female breasts are exposed or exhibited.
 - (7) Any employee, while working, to drink alcoholic liquor upon the premises.
 - (8) Lighting which does not provide sufficient light so that all patrons can be clearly seen.
- (Comp. Ords. 2000, § 48.700; Ord. No. 95-7, § 20, 10-3-1995)

Sec. 4-85. Outdoor lighting.

Every holder of a license for the sale and consumption of alcoholic liquor on the premises shall provide and maintain outdoor lighting which provides a minimum of 0.3 footcandle per square foot measured at the ground level surface throughout all customer parking areas, including access and egress driveways, utilized by the licensee in the operation of the licensed business; all yard areas existing in connection with the licensed premises and the space between the lot lines and the abutting curblines. Such illumination shall direct the light away from adjacent buildings or portions of buildings used in any part for residential purposes. Every reasonable precaution shall be taken to confine the lighting to the required area.

(Comp. Ords. 2000, § 48.710; Ord. No. 95-7, § 21, 10-3-1995)

Sec. 4-86. Dispensing of alcoholic liquors.

No licensee under this chapter, by himself or another, shall sell, furnish, give or deliver any alcoholic liquor to any person:

- (1) Who is so intoxicated as not to be in control of all his faculties.
- (2) Who has not attained the age prescribed by the state liquor law or by the state liquor control commission.

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- (3) On any day during the hours not permitted by the state liquor law or the state liquor control commission.
- (4) For consumption on the premises on any Sunday, from the closing hour of the preceding Saturday set by the state liquor law or by the state liquor control commission until 12:00 noon of that Sunday.

(Comp. Ords. 2000, § 48.720; Ord. No. 95-7, § 22, 10-3-1995)

Chapter 5

RESERVED

ANIMALS

Chapter 6

ANIMALS*

Article I. In General

Secs. 6-1--6-18. Reserved.

Article II. Dogs

- Sec. 6-19. Definitions.
- Sec. 6-20. License required.
- Sec. 6-21. Running at large on public property prohibited.
- Sec. 6-22. Sanitary disposal of feces required.
- Sec. 6-23. Straying on property of persons other than the owner.
- Sec. 6-24. Annoying dogs prohibited.
- Sec. 6-25. Vicious dogs prohibited.
- Sec. 6-26. Female dogs in heat.
- Sec. 6-27. Payment of claims; damage to livestock and poultry.
- Sec. 6-28. Exceptions.
- Sec. 6-29. Enforcement--Impounding and disposition.
- Sec. 6-30. Same--Sworn complaint; district court hearing.
- Sec. 6-31. Violations.

* **State Law References:** Wildlife conservation, MCL 324.40101 et seq.; endangered species protection, MCL 324.36501 et seq.; crimes relating to animals and birds, MCL 750.49 et seq.; local authority to adopt animal control ordinance, MCL 287.290.

ANIMALS

ARTICLE I. IN GENERAL

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ANIMALS

Secs. 6-1--6-18. Reserved.

ARTICLE II. DOGS*

Sec. 6-19. Definitions.

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

Animal control officer means the county animal control officer and/or his agents or employees.

Animal control shelter means the facilities as provided by the county.

Owner, when applied to the proprietorship of a dog, includes every person having a right of property in such dog, and every person who permits such dog to remain on or about any premises occupied by him.

(Comp. Ords. 2000, § 41.001; Ord. No. 78-7, 10-17-1978)

Sec. 6-20. License required.

(a) It shall be unlawful for any person to own, maintain, keep or harbor any dog within the township limits without first obtaining a license therefor as provided for by the Dog Law of 1919, Public Act No. 339 of 1919 (MCL 287.261 et seq.) and the regulations or orders of the board of commissioners of the county.

(b) All dogs must wear a collar with license and an identification tag identifying the owner at all times that they are off the premises of the owner.

(Comp. Ords. 2000, § 41.003; Ord. No. 78-7, 10-17-1978)

Sec. 6-21. Running at large on public property prohibited.

It shall be unlawful for the owner, or any person having the possession, care, custody, or control thereof, to permit any dog to run at large upon the public streets, walks, parks, or other public places within the township unless such dog shall be attached to a leash of sufficient strength to retain such dog in such manner as to be kept under the control of the person accompanying it.

(Comp. Ords. 2000, § 41.004; Ord. No. 78-7, 10-17-1978)

Sec. 6-22. Sanitary disposal of feces required.

It shall be unlawful for the owner, or any person having the possession, care, custody, or control thereof, to allow such dog or cause such dog to soil, defile, defecate on or commit any nuisance on any sidewalk, street, play area, park, or other public area nor on private property without the permission of the owner of such property without proper disposal. Proper disposal shall require the feces be picked up with a scoop, shovel, broom, tong, plastic bag or similar implement and shall be placed directly in an airtight container, plastic or otherwise, and then deposited in a container used for the disposal of refuse.

* **State Law References:** Dog law of 1919, MCL 287.261 et seq.

ANIMALS

Sec. 6-23. Straying on property of persons other than the owner.

It shall be unlawful for the owner, or any other persons having the possession, care, custody, or control thereof, to permit any dog to stray beyond his premises unless under reasonable control of some person or when engaged in lawful hunting, accompanied by his owner or custodian.
(Comp. Ords. 2000, § 41.005; Ord. No. 78-7, 10-17-1978)

Sec. 6-24. Annoying dogs prohibited.

It shall be unlawful for any person to own, harbor, or keep any dog which shall cause annoyance or disturbance to persons by frequent habitual and unreasonable barking, howling or yelping, or to maintain a dog pen or dog run which shall emit offensive odors.
(Comp. Ords. 2000, § 41.006; Ord. No. 78-7, 10-17-1978)

Sec. 6-25. Vicious dogs prohibited.

It shall be unlawful for any person to suffer or permit a vicious, fierce or dangerous dog to go unconfined and unrestricted on such person's premises, or to run at large.
(Comp. Ords. 2000, § 41.007; Ord. No. 78-7, 10-17-1978)

State Law References: Dangerous animals, MCL 287.321 et seq.

Sec. 6-26. Female dogs in heat.

It shall be unlawful for the owner or custodian of any female dog to permit such dog off the premises of the owner or custodian when in heat unless the dog is under and attached to a leash.
(Comp. Ords. 2000, § 41.008; Ord. No. 78-7, 10-17-1978)

Sec. 6-27. Payment of claims; damage to livestock and poultry.

The determination and payment of damages done by dogs to livestock and poultry shall remain as so provided by the Dog Law of 1919, Public Act No. 339 of 1919 (MCL 287.261 et seq.), and the regulations or orders of the board of commissioners of the county.
(Comp. Ords. 2000, § 41.009; Ord. No. 78-7, 10-17-1978)

State Law References: Payment for amount of loss or damage, MCL 287.283.

Sec. 6-28. Exceptions.

Working dogs such as leader dogs, police K-9 dogs, search and rescue dogs, and hunting dogs, when accompanied by their owner or authorized agent and actively engaged in activities for which such dogs are trained, shall be exempted from sections 6-21 and 6-22.
(Comp. Ords. 2000, § 41.010; Ord. No. 78-7, 10-17-1978)

Sec. 6-29. Enforcement--Impounding and disposition.

It shall be the duty of the animal control officer or any police officer to seize and impound any dog found anywhere in the township contrary to the provisions of this article. Any dog seized by a person other than the animal control officer shall forthwith be delivered to him for disposition. The disposition of the dog by the animal control officer shall be as provided by laws for the state.
(Comp. Ords. 2000, § 41.011; Ord. No. 78-7, 10-17-1978)

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Sec. 6-30. Same--Sworn complaint; district court hearing.

Any person who has knowledge of facts that constitute a violation of this article may, upon sworn complaint to any district court judge, request that a summons be issued to show cause why such dog should not be impounded by the animal control officer. Said judge may, upon such hearing, either order the dog impounded by the animal control officer or confined to the premises of the owner. If the owner disobeys such an order, he shall be liable to be punished as hereinafter provided.

(Comp. Ords. 2000, § 41.012; Ord. No. 78-7, 10-17-1978)

Sec. 6-31. Violations.

Any person who violates any provision of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 41.013; Ord. No. 78-7, 10-17-1978; Ord. No. 03-07, § 2, 7-1-2003)

Chapter 7

RESERVED

BUILDINGS AND BUILDING REGULATIONS

Chapter 8

BUILDINGS AND BUILDING REGULATIONS

Article I. In General

Secs. 8-1--8-18. Reserved.

Article II. State Construction Code

Sec. 8-19. Agency designated.
Sec. 8-20. Construction board of appeals.
Sec. 8-21. Fees.
Sec. 8-22. Violation.
Secs. 8-23--8-47. Reserved.

Article III. Flood Damage Prevention

Sec. 8-48. Definitions.
Sec. 8-49. Basis for establishing the areas of special flood hazard.
Sec. 8-50. Appointment and duties of the administrative official.
Sec. 8-51. Development prohibition.
Sec. 8-52. Variance procedure.
Sec. 8-53. Violation.
Secs. 8-54--8-79. Reserved.

Article IV. Property Maintenance Code

Sec. 8-80. International Property Maintenance Code adopted.
Sec. 8-81. Amendments.
Secs. 8-82--8-105. Reserved.

Article V. Dangerous Buildings

Sec. 8-106. Deemed a public nuisance.
Sec. 8-107. Definitions.
Sec. 8-108. Inspection.
Sec. 8-109. Issuance of "Notice and Order"; repair, demolition and removal procedures.
Sec. 8-110. Reinspection; notice of hearing; hearing officer.
Sec. 8-111. Hearing; testimony; order; nonappearance or noncompliance; township board proceedings.
Sec. 8-112. Judicial review.
Sec. 8-113. Costs.
Sec. 8-114. Emergency cases.
Sec. 8-115. Violation.
Sec. 8-116. Waiver provision.
Sec. 8-117. Release of liability.
Secs. 8-118--8-147. Reserved.

BUILDINGS AND BUILDING REGULATIONS

Article VI. Swimming Pools

- Sec. 8-148. Definitions.
- Sec. 8-149. Permit required.
- Sec. 8-150. Fences; enclosures; safety precautions.
- Sec. 8-151. Life saving devices.
- Sec. 8-152. Water supply.
- Sec. 8-153. Waste disposal.
- Sec. 8-154. Construction standards.
- Sec. 8-155. Electrical wiring and fixtures.
- Sec. 8-156. Enforcement.
- Sec. 8-157. Violation.

BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Secs. 8-1--8-18. Reserved.

ARTICLE II. STATE CONSTRUCTION CODE*

Sec. 8-19. Agency designated.

Pursuant to the provisions of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), the building inspector 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 such Act throughout its corporate limits.

(Comp. Ords. 2000, § 10.010; Ord. No. 03-09, § 1, 7-1-2003)

Sec. 8-20. Construction board of appeals.

The construction board of appeals shall consist of not less than three members nor more than seven members, appointed by the supervisor. The initial length of appointments shall be for two-year terms. 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. 8-21. Fees.

A schedule of fees shall be established by resolution of the township board, 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. 8-22. Violation.

Any person or other entity that violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 10.030; Ord. No. 03-09, § 3, 7-1-2003)

Secs. 8-23--8-47. Reserved.

* **State Law References:** State construction code act, MCL 125.1501 et seq.

BUILDINGS AND BUILDING REGULATIONS

ARTICLE III. FLOOD DAMAGE PREVENTION*

Sec. 8-48. Definitions.

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

Administration official means the township building inspector.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, mobile home development excavation or drilling operations located within the area of the floodway.

Flood insurance rate map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards, and risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, flood boundary-floodway maps, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas designated in the flood insurance study which must be reserved in order to discharge the base flood.

Variance means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.
(Comp. Ords. 2000, § 10.102; Ord. No. 84-2, § II, 3-15-1984)

Sec. 8-49. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific engineering report entitled "The Flood Insurance Study for the Charter Township of Bridgeport," dated March 15, 1984, with an accompanying flood insurance rate map and flood boundary-floodway map is hereby adopted by reference and declared to be a part of this article. The flood insurance study is on file at the office of the administrative official.
(Comp. Ords. 2000, § 10.103; Ord. No. 84-2, § III, 3-15-1984)

* **State Law References:** Soil conservation districts law, MCL 324.9301 et seq.; building and construction in floodplain, MCL 324.3108; subdivision within or abutting floodplain, plat requirement, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.

BUILDINGS AND BUILDING REGULATIONS

Sec. 8-50. Appointment and duties of the administrative official.

The administrative official of the township is hereby appointed to review all development and subdivision proposals to ensure compliance with this article.
(Comp. Ords. 2000, § 10.104; Ord. No. 84-2, § IV, 3-15-1984)

Sec. 8-51. Development prohibition.

All development shall be prohibited within areas of the floodplain as delineated in the flood insurance study referred to in section 8-49.
(Comp. Ords. 2000, § 10.105; Ord. No. 84-2, § V, 3-15-1984)

Sec. 8-52. Variance procedure.

The zoning board of appeals shall hear and decide appeals and requests for variances from the requirements of this article consistent with the standards of section 60.3(D) and 60.6(A) of the Rules and Regulations of the National Flood Insurance Program.
(Comp. Ords. 2000, § 10.106; Ord. No. 84-2, § VI, 3-15-1984)

Sec. 8-53. Violation.

Any person or other entity that violates any of the provisions of this article is responsible for a municipal civil infraction.

Secs. 8-54--8-79. Reserved.

ARTICLE IV. PROPERTY MAINTENANCE CODE

Sec. 8-80. International Property Maintenance Code adopted.

A certain document, a copy of which is on file in the clerks office, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, is hereby adopted as the property maintenance code of the township for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the township are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 8-81.
(Comp. Ords. 2000, § 11.510; Ord. No. 05-01, § 1, 2-1-2005)

BUILDINGS AND BUILDING REGULATIONS

Sec. 8-81. Amendments.

The following sections of the International Property Maintenance Code adopted in section 8-80 are hereby revised:

Section 101.1. Insert: Charter Township of Bridgeport.

Section 103.1. Replace any reference of the term "Department of Property Maintenance" with "Building and Codes Department".

Section 103.5. Insert: Annual Bridgeport Charter Township Resolution for Fees and Charges.

Section 106.3. Replace any reference of the term "misdemeanor" to "municipal civil infraction".

Section 106.4. Amended: VIOLATION PENALTIES.

Any person or other entity who violates any of the provision of this Ordinance is responsible for a municipal civil infraction.

Section 111. Replace any reference to the "board of appeals" with "hearing officer."

Section 302.4. Insert: Ten (10) Inches.

Section 304.14. Insert: May 1 to October 31.

Section 602.3. Insert: October 1 to April 30.

Section 602.4. Insert: October 1 to April 30.
(Comp. Ords. 2000, § 11.520; Ord. No. 05-01, § 2, 2-1-2005)

Secs. 8-82--8-105. Reserved.

ARTICLE V. DANGEROUS BUILDINGS*

Sec. 8-106. Deemed a public nuisance.

A dangerous building and structure, as herein defined, are declared to be a public nuisance which shall be abated by alteration, repair or rehabilitation, or by demolition and removal in accordance with the procedure specified in this article. It shall be unlawful for any owner of real property located in the township, or agent thereof, to keep, maintain or permit a dangerous building or structure to exist on said real property.
(Comp. Ords. 2000, § 11.020; Ord. No. 92-4, § II, 11-4-1992)

* **State Law References:** Dangerous buildings, MCL 125.538 et seq.

BUILDINGS AND BUILDING REGULATIONS

Sec. 8-107. Definitions.

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

Dangerous building.

- (1) The term "dangerous building" means any building or structure (including mobile homes) which has any of the following defects or is in any of the following conditions:
 - a. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the approved fire code of the township.
 - b. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
 - c. Whenever the stress, in any materials, member or portion thereof, due to all dead and live loads, is more than 1 1/2 times the working stress allowed in the building code for new buildings of similar structure, purpose or location.
 - d. Whenever any portion has been damaged by fire, earthquake, wind, flood or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
 - e. Whenever any portion, member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 - f. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting wind pressure of one half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in said building code for such buildings.
 - g. Whenever any portion thereof has wrecked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of similar new construction by the building code.
 - h. Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of any of the following reasons:
 1. Dilapidation, deterioration or decay;
 2. Faulty construction;
 3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

BUILDINGS AND BUILDING REGULATIONS

4. The deterioration, decay or inadequacy of its foundation; or
 5. Any other cause.
- i. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used.
 - j. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third base.
 - k. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
 - l. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:
 1. Become an attractive nuisance to children;
 2. Become a harbor for vagrants, criminals or immoral persons; or
 3. Enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
 - m. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the building code or housing code of the township, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
 - n. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in case of a newly constructed building of like area, height and occupancy in the same location.
 - o. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease.
 - p. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of fire-resistive construction, faulty electrical wiring, gas connections or heating apparatus, or other cause, is determined by the fire chief to be a hazard.
 - q. Whenever any building becomes vacant, dilapidated and open at door or window or any other opening, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

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- r. Whenever any building or structure becomes harborage for rats, mice or other vermin and pests and is likely to be a source of infestation of such vermin and pests to the surrounding properties.
 - s. Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or in equity jurisprudence.
 - t. Whenever any portion of a building or structure remains on site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- (2) In addition, the term "dangerous building" also includes any swimming pool or wading pool, as defined in section 8-148, if such swimming pool or wading pool is permitted to:
- a. Become stagnant;
 - b. Become a breeding ground for mosquitos, or other insects;
 - c. Become algae ridden;
 - d. Become otherwise unsafe for the intended purposes; or
 - e. Have the required enclosure surrounding the swimming pool either not properly constructed or maintained in accordance with the requirements of this Code.

Each of the foregoing defects or conditions is hereinafter referred to as a "dangerous condition."
(Comp. Ords. 2000, § 11.030; Ord. No. 92-4, § III, 11-4-1992)

Sec. 8-108. Inspection.

(a) The building inspector may inspect, or cause to be inspected, semi-annually, all public buildings, halls, churches, schools, theaters, hotels, tenements, commercial buildings, manufacturing or loft buildings, or any other building or structure used for public assembly, for the purpose of determining whether any conditions exist which render such building or structure a dangerous building. Additionally, the building inspector may inspect any building, structure or portion thereof if:

- (1) The building, structure or portion thereof is reported by any member of the township fire or police department, township inspector or the general public to be a dangerous building; or
- (2) The general appearance and reputation of the building, structure or portion thereof cause the building inspector to suspect that it may be a dangerous building.

(b) If the building inspector suspects that the condition or installation of the heating, cooling, plumbing, mechanical or electrical system of the building or structure violates the building code, fire codes, electrical code, plumbing code, mechanical code, housing code, or life safety code of the township, the building inspector may order a subsequent inspection of the specific system in question by an individual qualified to perform a detailed inspection of said heating, cooling, plumbing, mechanical or electrical systems.

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(c) If, upon the subsequent inspection, the heating, cooling, plumbing, mechanical or electrical system is determined to be in violation of the building code, fire codes or life safety code, then the building shall be declared to be a dangerous building.

(Comp. Ords. 2000, § 11.040; Ord. No. 92-4, § IV, 11-4-1992)

Sec. 8-109. Issuance of "Notice and Order"; repair, demolition and removal procedures.

(a) If the building inspector shall determine any building, structure or portion thereof to be a dangerous building, the building inspector shall issue a "Notice and Order" in writing to the owner of the building and property whose name appears on the most recent tax assessment records of the township. The "Notice and Order" shall include:

- (1) The address or legal description of the property;
- (2) A statement of the dangerous condition or conditions that render the building a dangerous building; and
- (3) The period of time during which the owner shall commence and complete the required alteration, repair or rehabilitation, or the demolition and removal of the building, structure or portion thereof.

(b) Service of the "Notice and Order" shall be served upon the owner, or agent thereof, by personal service or, in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to the owner at the address shown on the current tax assessment records for the township. If the owner is not personally served, in addition to mailing the notice, a copy of the notice shall be posted upon a conspicuous part of the building or structure.

(c) All alteration, repair or rehabilitation work or the demolition and removal of the building shall be completed within a reasonable period of time, in light of the threat or danger posed by the dangerous condition, as may be determined by the building inspector and specified in the written "Notice and Order"; provided, however, that in no event shall this period exceed 90 days from the date of the delivery, mailing or posting of the notice. If necessary to protect the health and safety of the occupants of the dangerous building or persons in the vicinity, such notice may also require that the building, structure or portion thereof be vacated and secured in such a way to prevent unauthorized entry. In the event the building inspector orders the dangerous building vacated, it shall not be reoccupied until the required alteration, repair or rehabilitation work is completed and inspected by the building inspector, the owner has paid the reinspection fee, and a certificate of occupancy is issued.

(d) The building inspector may also order the building, structure or portion thereof to be boarded. In such event, the owner or agent thereof shall cause the building, structure or portion thereof to be boarded as directed. Such orders are deemed to be a temporary measure for use during the period of time specified in the "Notice and Order" for the alteration, repair or rehabilitation, or demolition and removal of the dangerous building. In no event shall the

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boarding of a building or structure, whether pursuant to an order of the building inspector or as a result of the unilateral action of the owner or occupant, be deemed to be a permanent abatement of the dangerous condition.

(e) If the building inspector shall determine it necessary to vacate the building, structure, or portion thereof to protect the health and safety of the occupants of the building, the building inspector may cause to be posted at each entrance of the building or structure a notice to read: "Do not enter, unsafe to occupy." Such notice shall remain posted until the required alterations, repairs or rehabilitation, or demolition and removal is completed. Such notice shall not be removed without the written permission of the building inspector and no person shall enter this building or structure except for the purpose of making the required alterations, repairs or rehabilitation, or demolishing and removing the building, or inspecting the alteration, repairs and rehabilitation work being performed.

(Comp. Ords. 2000, § 11.050; Ord. No. 92-4, § V, 11-4-1992)

Sec. 8-110. Reinspection; notice of hearing; hearing officer.

(a) Upon the completion of the required alteration, repair or rehabilitation work, and the payment of the reinspection fee, the building inspector shall reinspect the building, structure or portion thereof formerly determined to be a dangerous building. In the event the building inspector concludes that the dangerous conditions have been corrected and that the building is no longer a dangerous building, the building inspector shall issue a certificate of occupancy. The reinspection fee shall be an amount equal to five percent of the cost of the alteration, repair, or rehabilitation work performed to correct the condition or conditions that rendered the building a dangerous building.

(b) Issuance of "Notice and Order to Show Cause."

(1) In the event that the owner shall fail to commence and complete the required alterations, repairs or rehabilitation, or demolition and removal of the building, structure or portion thereof within the period of time specified in the "Notice and Order," the building inspector shall issue a "Notice and Order to Show Cause" to the owner of the building.

(2) Such "Notice and Order to Show Cause" shall be directed to each owner of the building and property whose name appears on the current tax assessment records of the township.

(3) The "Notice and Order to Show Cause" shall specify the following:

- a. The name of the owner of the property as it appears on the current tax assessment records of the township;
- b. The address or legal description of the building and property, as it appears in the current tax assessment records of the township;
- c. The date, time and place of the hearing;
- d. A summary of the conditions of the building structure or portion thereof which renders the building, structure or portion thereof a dangerous building; and

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- e. Notice that failure to appear may result in an order to have the dangerous building repaired or demolished and removed, and that the costs of the repair, demolition and removal, as well as the township administrative costs, including, but not limited to, the cost of publication, the cost of holding the hearing and actual attorney fees, may become a lien upon the real property of the owner.

(c) The "Notice and Order to Show Cause" shall be in writing and shall be served upon the person to whom they are directed personally, or, in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or agent thereof at the address shown on the current tax record of the township, at least ten days before the date of the hearing described in the "Notice and Order to Show Cause." If any person to whom a "Notice and Order to Show Cause" is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure. When service cannot be made by either of the methods in this subsection, and after diligent efforts to locate the whereabouts of the owner, service shall be made by publishing in a newspaper with general circulation at least once a week for two consecutive weeks prior to the date of the hearing, and by mailing by first class mail, postage prepaid, at least ten days prior to the date of hearing, a copy of the "Notice and Order to Show Cause" to the owner or agent thereof at the address which appears on the current tax assessment records of the township, and posting a copy of the "Notice and Order to Show Cause" on a conspicuous part of the building or structure.

(d) The hearing officer shall be appointed by the township supervisor to serve at his pleasure. The building inspector shall file a copy of the "Notice and Order to Show Cause" with the hearing officer.

- (e) Notice shall be effective upon the earliest occurrence of any of the following:

- (1) Personal service upon the owner or the owner's agent thereof;
- (2) The date the owner or the owner's agent or resident manager signed the return receipt for the certified mail; or

(3) Upon the date of the last newspaper publication.
(Comp. Ords. 2000, § 11.060; Ord. No. 92-4, § VI, 11-4-1992)

Sec. 8-111. Hearing; testimony; order; nonappearance or noncompliance; township board proceedings.

(a) The hearing officer shall take testimony of the building inspector, the owner of the property and any interested party. The hearing officer shall have the power to administer oaths and affirmations and to certify official acts. The hearing need not be conducted in accordance with the technical rules of evidence adopted for the courts of record in the state. A record of the entire hearing shall be made by tape recording or by other means of permanent recording determined appropriate by the hearing officer. A transcript of the proceedings shall be made available to all parties upon request and payment of a fee prescribed therefor. The fee shall be the actual cost incurred by the township in making the transcript.

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Any relevant evidence may be admitted. As used herein, the term "relevant evidence" shall be the type of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Such relevant evidence shall be admitted regardless of whether or not it would be admissible in civil actions in courts of competent jurisdiction of this state. Irrelevant and unduly repetitious evidence shall be excluded. Each party shall have the following rights:

- (1) To call and examine witnesses on any matter relevant to the issues before the hearing officer;
- (2) To introduce documentary and physical evidence;
- (3) To cross examine opposing witnesses on any matter relevant to the issues before the hearing officer;
- (4) To impeach any witness regardless of which party first called the witness to testify;
- (5) To refute the evidence;
- (6) To represent himself or to be represented by anyone of his choice including, but not limited to, an individual licensed to practice law in the state; and
- (7) To make a closing statement at the conclusion of the evidentiary portion of the hearing.

(b) The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished and removed, or otherwise made safe. In rendering his decision, the hearing officer may consider any one or all of the following:

- (1) The evidence presented;
- (2) The condition of the building or structure as a whole;
- (3) The extent of the deterioration of the building or structure;
- (4) The cost of demolishing the building or structure;
- (5) The cost of making the building or structure safe;
- (6) Whether a reasonable person exercising prudent business judgment would determine the cost of making the building or structure safe would exceed 50 percent of the market value of the structure after the repairs were completed;
- (7) Whether the structure has significant historical, cultural or architectural value;
- (8) The effect the completion of the demolition and removal or of making the building or structure safe would have upon the health, safety and welfare of the area immediately surrounding the building or structure in question; and
- (9) Whether actual substantial progress has been made by the owner to make the building safe. In determining whether substantial progress has been made, the hearing officer shall consider such factors as whether a building permit has been obtained relative to the repairs, whether the owner has contracted for necessary materials or services, and the extent to which the repairs or demolition has progressed.

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(c) At the conclusion of the hearing, the hearing officer shall make written findings of fact based upon the evidence and testimony presented at the hearing, and if the hearing officer shall deem it necessary or helpful in his consideration of the matter, an on-site inspection of the building, structure or part thereof alleged to be dangerous.

(d) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time by which the owner of the building shall complete the required alterations, repairs or rehabilitation, or the demolition and removal of the building, structure or a part thereof. In no event shall the period established by the hearing officer for the completion of the alterations, repairs or rehabilitation, or the demolition and removal of the building, structure or part thereof exceed 90 days from the date of the effective date of the hearing officer's decision. A copy of the hearing officer's decision shall be given to the owner in the manner set forth for notice in this article, except only one publication shall be required. The effective date of the hearing officer's decision shall be as set forth herein with regards to the effective date of notice.

(e) If the owner fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the township board and request that the necessary action be taken to demolish or otherwise make safe the building or structure.

(f) The township board shall fix a date for a hearing to review the findings of fact and order of the hearing officer and shall give notice to the owner, in the manner prescribed in section 8-110 of the time and place of the hearing. At the hearing, the owner shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. At the conclusion of the hearing, the township board shall pass a resolution either approving, disapproving or modifying the order of the hearing officer, and fixing a time by which the owner shall complete the required alterations, repairs or rehabilitation, or demolition and removal of the building, structure or part thereof. A copy of the resolution of the township board shall be given to the owner in the manner set forth for notice in this article, except only one publication shall be required. The effective date of the township board's resolution shall be the date on which said resolution was adopted by the township board.
(Comp. Ords. 2000, § 11.070; Ord. No. 92-4, § VII, 11-4-1992)

Sec. 8-112. Judicial review.

An owner aggrieved by any final decision of the township board under section 8-111 may appeal the decision of the township board to the circuit court by filing a petition within 21 days from the date of the resolution of the township board.
(Comp. Ords. 2000, § 11.080; Ord. No. 92-4, § VIII, 11-4-1992)

Sec. 8-113. Costs.

(a) If the owner fails to comply with the resolution of the township board by failing to complete the required alteration, repair or rehabilitation, or demolition and removal of the building, structure or portion thereof within the time specified in the resolution of the township

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board, the township board may instruct the building inspector to cause such dangerous building, structure or part thereof to be demolished and removed, or otherwise made safe upon the expiration of the time ordered by the township board.

(b) The cost of demolition and removal, or making the building safe, plus the costs of mailing, recording, publication, and all the township's administrative costs associated with the demolition and removal, or making the building safe, shall be a lien against the real property and shall be reported to the township assessor who shall assess the costs against the property on which the building, structure or portion thereof is located. The owner shall be notified of the amount of such costs by first class mail at the address shown on the current township tax assessment records. If the owner fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add same amount to the next tax roll of the township and the same shall be collected in the manner as provided by law for the collection of taxes by the township.

(Comp. Ords. 2000, § 11.090; Ord. No. 92-4, § IX, 11-4-1992)

Sec. 8-114. Emergency cases.

In cases where the building inspector may determine that there is an immediate and serious danger to the public safety or health unless a dangerous building is immediately vacated and demolished or otherwise made safe, the building inspector shall report such facts to the township manager. The township manager may then order the building vacated or may obtain an order from a court of competent jurisdiction ordering the building vacated, and may cause the immediate repair or demolition of such dangerous building or structure. The costs of such emergency repair or demolition as well as the costs incurred by the township in obtaining the court orders, including actual attorney fees, shall be collected in the manner as provided for in section 8-113.

(Comp. Ords. 2000, § 11.100; Ord. No. 92-4, § X, 11-4-1992)

Sec. 8-115. Violation.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 11.110; Ord. No. 92-4, § XI, 11-4-1992; Ord. No. 03-07, § 2, 7-1-2003)

Sec. 8-116. Waiver provision.

The owner of any building or structure, or the owner's agent, may, at any time, admit in writing that such building or structure is a dangerous building within the meaning of this article, and waive any rights he may have hereunder, or under state or federal law to notice, a hearing before the hearing officer or the township board, written findings of fact, or judicial review of the resolution of the township board. The owner or the owner's agent may consent that such building or structure be demolished and the cost charged against the property. In such event, the building inspector may have said building or structure demolished and the cost charged against said property shall be collected in the same manner as provided for in section 8-113.

(Comp. Ords. 2000, § 11.130; Ord. No. 92-4, § XIII, 11-4-1992)

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Sec. 8-117. Release of liability.

(a) Any employee or official of the township charged with the enforcement of this article, any hearing officer, or the township manager, acting in good faith and without malice in the discharge of their duties, shall not thereby render themselves personally liable for any damage that may occur to persons or property as a result of any act or omission of such individual in the discharge of their duties. Any suit brought against any official or employee of the township, any hearing officer or the township manager, acting under the provisions of this chapter, because of such act or omission performed by him in the enforcement of this chapter or the enforcement of any codes or other pertinent law or ordinances implemented through the enforcement of this chapter, or acting pursuant to his duties under this chapter, shall be defended by the township until final determination of such proceedings, and any judgment resulting therefrom shall be assumed by the township.

(b) This chapter shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure located within the township for any damages to persons or property caused by any building defects. This chapter shall not be construed to create or impose any liability on the township for injury or damage to persons or property by reason of the inspections authorized by this chapter or any permits or certificates issued under this chapter.

(Comp. Ords. 2000, § 11.140; Ord. No. 92-4, § XIV, 11-4-1992)

Secs. 8-118--8-147. Reserved.

ARTICLE VI. SWIMMING POOLS

Sec. 8-148. Definitions.

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

Private pool means that the swimming pool is not open to the public; that it is not publicly owned; and not otherwise regulated by the state, either by statute or by rules and regulations of one of its administrative bodies.

Swimming pool means any artificially constructed, nonportable, outdoor pool capable of being used for swimming or bathing, having a water depth of two feet or more at any point.

Swimming pool type 1 means any swimming pool constructed wholly or partially below the natural or graded surface of the surrounding area.

Swimming pool type 2 means any swimming pool constructed wholly above the surface of the surrounding terrain.

Wading pool means any small pool designed for the use of small children, with a water depth not to exceed two feet, constructed entirely above ground and designed to be portable.
(Comp. Ords. 2000, § 44.020; Ord. No. 74-3, § II, 8-7-1974)

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Sec. 8-149. Permit required.

A permit shall be applied for, and must be issued by the building inspector before construction shall begin on any swimming pool type 1.

(Comp. Ords. 2000, § 44.030; Ord. No. 74-3, § III, 8-7-1974)

Sec. 8-150. Fences; enclosures; safety precautions.

(a) All private swimming pools type 1 shall be enclosed by a fence which shall be at least four feet in height above the grade and which shall be of a type not readily climbed by children. Such fence shall be so constructed as not to have any openings, holes, or gaps large enough for a child to use such fence as a ladder, except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension of the space between pickets shall not exceed four inches. A dwelling house, or other building may be used as part of such enclosure. Each gate or door in said fence, except a door or gate opening directly into a house used as part of the enclosure, shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

(b) All swimming pools type 2 above ground shall be so constructed that the ladder, steps, or other means of access to the pool shall be removed or raised and firmly fastened in such a manner as to prevent use by children not under authorized supervision.

(c) Swimming pools type 2, where the sides are not four feet above the graded surface of surrounding area, shall be fenced in the same manner as swimming pools type 1, as provided in subsection (a) of this section.

(d) When a house has become vacated, the fence shall be securely locked where a swimming pool type 1 exists. The ladder or other means of entrance to the pool shall be securely locked in a safe position on swimming pools type 2. If pools are abandoned and not made safe as provided in this section, the township will hereby have the authority to enter the property and make such pool safe. All cost of making such pool safe shall be a lien against the property on which said pool is located.

(Comp. Ords. 2000, § 44.040; Ord. No. 74-3, § IV, 8-7-1974)

Sec. 8-151. Life saving devices.

Every private swimming pool shall be equipped with one or more throw-ring buoys, not more than 18 inches in diameter, and fitted with one-quarter inch manila line or equivalent, with sufficient length and equal to the greatest distance across such private pool and at least one light weight, strong pole with blunted ends, which in length shall be not less than two thirds of the greatest distance across such pool for making reach assists or rescues.

(Comp. Ords. 2000, § 44.050; Ord. No. 74-3, § V, 8-7-1974)

Sec. 8-152. Water supply.

There shall be no cross connection of the township water supply for any pool. The line from the township water supply to the pool shall be protected against back flow of polluted waters by means of method approved by the state department of environmental quality.

(Comp. Ords. 2000, § 44.060; Ord. No. 74-3, § VI, 8-7-1974)

BUILDINGS AND BUILDING REGULATIONS

Sec. 8-153. Waste disposal.

Water drained from any pool shall not be discharged into the sewer system during periods of storm, rains, floods, or other stormwater runoff. Pools shall be drained in such a manner as not to cause inconvenience to adjoining property.
(Comp. Ords. 2000, § 44.070; Ord. No. 74-3, § VII, 8-7-1974)

Sec. 8-154. Construction standards.

Swimming pools shall be constructed in compliance with the applicable provisions of this article and the state construction code.
(Comp. Ords. 2000, § 44.080; Ord. No. 74-3, § VIII, 8-7-1974)

Sec. 8-155. Electrical wiring and fixtures.

All electrical wiring and fixtures shall comply with the National Electrical Code at the time a swimming pool is installed.
(Comp. Ords. 2000, § 44.090; Ord. No. 74-3, § IX, 8-7-1974)

Sec. 8-156. Enforcement.

(a) Enforcement of this article shall be made by the building inspector.

(b) The ordinance enforcement officer is authorized to enforce all ordinances all of the township, whether such ordinances specifically designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this article, and the authority of the ordinance enforcement officer shall be in addition and supplementary to the authority granted to such other specific officer. An ordinance enforcement officer shall, in the performance of the officer's duties, be subordinate and responsible to the township manager.
(Comp. Ords. 2000, § 44.100; Ord. No. 74-3, § X, 8-7-1974; Ord. No. 03-08, § 3, 7-1-2003)

Sec. 8-157. Violation.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.
(Comp. Ords. 2000, § 44.102; Ord. No. 74-3, § XIII, 8-7-1974; Ord. No. 03-07, § 2, 7-1-2003)

BUILDINGS AND BUILDING REGULATIONS

Chapter 9

RESERVED

CEMETERIES

Chapter 10

CEMETERIES*

- Sec. 10-1. Definitions.
- Sec. 10-2. Transfer of burial rights.
- Sec. 10-3. Purchase price and transfer fees.
- Sec. 10-4. Grave opening charges.
- Sec. 10-5. Markers, monument or memorials.
- Sec. 10-6. Interment regulations.
- Sec. 10-7. Ground maintenance.
- Sec. 10-8. General rules and regulations.
- Sec. 10-9. Forfeiture of vacant cemetery lots or burial spaces.
- Sec. 10-10. Repurchase of lots or burial spaces.
- Sec. 10-11. Records maintenance; public inspection.
- Sec. 10-12. Cemetery hours.
- Sec. 10-13. Violation.

* **State Law References:** Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; permit for disposition of body, MCL 333.2850; cemetery regulations act, MCL 456.521 et seq.

CEMETERIES

CEMETERIES

Sec. 10-1. Definitions.

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

Burial right certificate means a license for a person to be buried in a burial space in a township cemetery as provided in this chapter.

Burial space consists of a land area within a township cemetery that is four feet wide and eight feet in length.

Cemetery lot consists of sufficient space in a township cemetery to accommodate from one to ten burial spaces.

Cemetery official means the superintendent of the township department of public works.

Cemetery personnel means an authorized employee of the township assigned to cemetery duties or otherwise responsible for the operation or maintenance of cemetery property.

(Comp. Ords. 2000, § 47.020; Ord. No. 00-04, § 2, 3-7-2000)

Sec. 10-2. Transfer of burial rights.

(a) Burial rights for cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of such purchaser or his heirs at law or next of kin. A burial right application form must be completed and signed by the applicant attesting they qualify for burial as provided in this chapter. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales to residents only where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.

(b) Purchase of a burial right certificate grants a right of burial in a township cemetery only and does not convey any other title to the lot or burial space.

(c) All installment purchases shall require a minimum of 25 percent of the purchase price as a down payment, a minimum monthly payment of \$50.00 and a maximum term of 12 months for the full payment of the contract, except that before a permit for burial shall be issued, an amount equal to the price of the actual burial space used must have been paid.

(d) Burial right certificates may be transferred to those persons eligible to be original purchasers as provided in this chapter. The township clerk shall prepare a transfer of burial right form, which shall be endorsed by the original purchaser of the burial right certificate. Upon such assignment, approval and record, said clerk shall issue a new burial right certificate to the assignee and shall cancel and terminate upon such records, the original burial right certificate thus assigned.

(e) The purchase of burial rights in township-owned cemeteries for the purpose of resale or speculation is prohibited. Purchase of burial rights by funeral directors is also prohibited. The township reserves the right to refuse any such offer to purchase.

(Comp. Ords. 2000, § 47.030; Ord. No. 00-04, § 3, 3-7-2000)

CEMETERIES

Sec. 10-3. Purchase price and transfer fees.

(a) Purchase price and transfer fees shall be established and set from time to time by a resolution of the township board, which shall periodically establish fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(b) The purchase price and transfer fees shall be paid to the township treasurer and shall be deposited in the cemetery fund.

(c) The township may provide a designated single burial space for those buried at public expense. The township manager shall determine what charge will be required for indigent burial spaces based upon the state's allowance for indigent burial spaces. Selection of these burial spaces shall be entirely at the discretion of the township.

(Comp. Ords. 2000, § 47.040; Ord. No. 00-04, § 4, 3-7-2000)

Sec. 10-4. Grave opening charges.

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

(b) Such costs shall be paid to the township treasurer in advance, or, if alternate arrangements have been made with the township clerk, upon billing of the costs.

(c) No burial spaces shall be opened and closed except under the direction and control of the cemetery official. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the state and/or county agencies.

(Comp. Ords. 2000, § 47.050; Ord. No. 00-04, § 5, 3-7-2000)

Sec. 10-5. Markers, monument or memorials.

(a) All markers, monuments or memorials must be of granite or a good grade of white marble from recognized monument quarries. Bronze may be used on monuments or upright markers if firmly attached to a granite base. No materials except granite or standard bronze shall be allowed for flush marker. Those spaces and/or lots with existing monuments, markers or memorials made of other materials placed prior to the adoption of the ordinance from which this chapter is derived will be allowed to remain.

(b) Only one upright marker or memorial shall be permitted per burial space, and only in those areas designated for upright monuments. In all other areas only ground level memorial or markers shall be allowed.

(c) The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township. Cost for said footing or foundation shall be paid by the owner of the burial right.

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(d) Markers, monuments or memorials shall be placed at the head of a space as platted, unless otherwise approved by the cemetery official. No markers, monuments or memorials shall be placed nearer than four inches to a cemetery lot line.

(e) No more than one monument shall be erected on any lot and no monument shall be erected on a single grave space. Approval of the monument location on a lot shall be obtained from the cemetery official before installation.

(f) Single upright markers shall consist of one piece and shall not be less than 16 inches nor more than 24 inches in length, not less than 12 inches nor more than 16 inches in height, and not more than 12 inches in width. The exceptions to these measurements are:

(1) Slant faced markers which have a minimum width of ten inches;

(2) Government issue markers; or

(3) Those cases where the marker is installed adjacent to old markers on the same lot which do not conform with this chapter.

(Comp. Ords. 2000, § 47.060; Ord. No. 00-04, § 6, 3-7-2000)

Sec. 10-6. Interment regulations.

(a) Only one person may be buried in a burial space except for interment of ashes, where two persons' ashes may be buried in one burial space.

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

(c) The burial right certificate for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the cemetery official prior to interment. Where such burial right certificate has been lost or destroyed, the burial shall not occur unless the township clerk is satisfied, from his records, or upon written permission from the owner of a lot, that the person to be buried in the burial space is an authorized and appropriate person for interment in the burial space as required by this chapter.

(d) In all adult interments, the minimum casket requirement shall be an unfinished wood box or alternative container of composition materials approved by the state, and the casket shall be enclosed in a permanent outside container and shall be installed by township cemetery personnel or the township's agent. The following are considered as permanent outside containers: concrete boxes, concrete, copper or steel burial vaults.

(e) Interment of ashes shall meet the minimum standard of cremation vaults or urns supplied by the crematories. Ashes may not be spread above ground in township cemeteries.

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

(Comp. Ords. 2000, § 47.070; Ord. No. 00-04, § 7, 3-7-2000)

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Sec. 10-7. Ground maintenance.

(a) General maintenance of the cemeteries, in order to improve their overall appearance and condition, shall be the responsibility of the township. It shall include such items as the upkeep of drives, buildings, sewers, water lines, water pumps, and fences. It shall also include the following items of basic space/lot care: annual spring cleanup, periodic cutting of grass and raking of leaves. General maintenance shall apply to all spaces and lots in all cemeteries.

(b) No grading, leveling, or excavating upon a burial space shall be allowed, except by cemetery personnel.

(c) No rose bushes, shrubs, trees or vegetation shall be planted. Any unauthorized planting shall be removed by the township. The owner of the burial right for such space may be responsible for costs incurred by the township for said removal. However, annual flowers may be planted within a 12-inch border of upright markers and monuments.

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

(e) No elevated mounds shall be built over graves and no lot shall be filled above or lowered below the grade established by the township.

(f) The township shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers placed on a grave or in a cemetery lot or found elsewhere in a township cemetery that through decay, deterioration, damage or otherwise has become unsightly, a source of litter or a maintenance problem.

(g) Fencing, curbing and coping around gravesites is prohibited.

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

(i) All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, balloons, and flower containers must be removed or deposited in containers located within the cemetery.

(j) Winter decorations may be maintained on graves from November 15 to April 1. All grave blankets, wreaths and other winter decorations must be removed on or before April 1.

(k) The use of glass jars or bottles as receptacles for cut flowers is prohibited.
(Comp. Ords. 2000, § 47.080; Ord. No. 00-04, § 8, 3-7-2000)

Sec. 10-8. General rules and regulations.

(a) No person shall drive on other than established drives, except for cemetery personnel.

(b) No person, other than cemetery personnel, shall pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material in the cemetery.

(c) No person shall consume alcoholic liquors in a cemetery or carry the same upon the premises.

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(d) No person shall permit any dog to enter or remain in the cemetery, except dogs for the seeing and/or hearing impaired.

(e) No person shall use any form of advertising on cemetery premises, unless permitted by the township manager.

(f) No person shall discharge a firearm in or adjacent to any cemetery, unless in authorized volleys at burial services.

(Comp. Ords. 2000, § 47.090; Ord. No. 00-04, § 9, 3-7-2000)

Sec. 10-9. Forfeiture of vacant cemetery lots or burial spaces.

Cemetery lots or burial spaces sold after the effective date of the ordinance from which this chapter is derived and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

(1) Notice shall be sent by the township clerk by first class mail to the last known address of the last owner of record or known heir, successor, or legal representative informing him of the expiration of the 40 years 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 of the written notice their desire to retain said burial rights.

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

(Comp. Ords. 2000, § 47.100; Ord. No. 00-04, § 10, 3-7-2000)

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

The township will repurchase burial rights from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.

(Comp. Ords. 2000, § 47.110; Ord. No. 00-04, § 11, 3-7-2000)

Sec. 10-11. Records maintenance; public inspection.

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

(Comp. Ords. 2000, § 47.120; Ord. No. 00-04, § 12, 3-7-2000)

Sec. 10-12. Cemetery hours.

The cemetery shall be open to the general public from the hours of 8:00 a.m. to dusk each day. No person shall be permitted in the township cemeteries any time other than the foregoing hours, except upon written permission of the township manager.

(Comp. Ords. 2000, § 47.130; Ord. No. 00-04, § 13, 3-7-2000)

Sec. 10-13. Violation.

Any person or other entity who violates any of the provisions of this chapter is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 47.140; Ord. No. 00-04, § 14, 3-7-2000; Ord. No. 03-07, § 2, 7-1-2003)

CEMETERIES

Chapter 11

RESERVED

COMMUNITY DEVELOPMENT

Chapter 12

COMMUNITY DEVELOPMENT*

Article I. In General

Secs. 12-1--12-18. Reserved.

Article II. Downtown Development

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- Sec. 12-20. Existing and proposed improvements; costs and mitigation.
- Sec. 12-21. Procedures established; administration; use of funds.
- Sec. 12-22. Board approval of amended plan.
- Secs. 12-23--12-41. Reserved.

Division 2. Downtown Development Authority

- Sec. 12-42. Board membership; appointments, qualifications term; vacancy; compensation and expenses.
- Sec. 12-43. Meetings, special meetings.
- Sec. 12-44. Freedom of information act; expenses and financial records.
- Sec. 12-45. Powers of the board.
- Sec. 12-46. Condemnation; transfer of property.
- Sec. 12-47. General obligation bonds.
- Sec. 12-48. Development plan: conditions.
- Sec. 12-49. Proposed boundary area of the development plan.
- Sec. 12-50. Historical facility, building or structure; preservation.
- Sec. 12-51. Budget; submission for approval; assessment, audit of funds.
- Sec. 12-52. Dissolution of authority upon completion of purposes; title of property.
- Secs. 12-53--12-156. Reserved.

Article III. Economic Development Corporation

- Sec. 12-157. Application to incorporate approved.
- Sec. 12-158. Notice of public hearing.
- Sec. 12-159. Filing and publishing.
- Secs. 12-160--12-186. Reserved.

Article IV. Tax Exemption

- Sec. 12-187. Purpose; annual service charge for public services; housing exemption.

* **State Law References:** Housing and slums clearance projects, MCL 125.651 et seq.; housing corporation law, MCL 125.601 et seq.; urban redevelopment corporations, MCL 125.901 et seq.; rehabilitation of blighted areas, MCL 125.71 et seq.; state housing development authority act of 1966, MCL 125.1401 et seq.; downtown development authority, MCL 125.1651 et seq.; economic development corporations, MCL 125.1601 et seq.

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- Sec. 12-188. Definitions.
- Sec. 12-189. Class of housing development.
- Sec. 12-190. Establishment of annual service charge.
- Sec. 12-191. Contractual effect.
- Sec. 12-192. Service charge; manner of payment.
- Sec. 12-193. Duration.

COMMUNITY DEVELOPMENT

ARTICLE I. IN GENERAL

Secs. 12-1--12-18. Reserved.

ARTICLE II. DOWNTOWN DEVELOPMENT*

DIVISION 1. GENERALLY

Sec. 12-19. Definitions.

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

Act means the downtown development authority act, Public Act No. 197 of 1975 (MCL 125.1650 et seq.).

Authority means a downtown development authority created pursuant to this article.

Board means the governing body of the authority.

Business district means an area along Dixie Highway, zoned and/or used principally for business.

Chief executive officer means the supervisor of the township.

Development area means that area to which a development is applicable.

Development plan means that information and those requirements for development as set forth in division 3 of this article.

Development program means the implementation of the development plan.

Downtown district means an area in a business district which is specifically designated by this article and outlined herein.

Operations means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the authority plan and its activities.

Public facility means a street, plaza, pedestrian mall, and any improvements thereto including street furniture and beautification, parks, parking facilities, recreational facilities, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, building and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by public agency.

(Comp. Ords. 2000, §§ 80.010, 80.260, 80.510; Ord. No. 88-4, § 1, 12-30-1988; Ord. No. 89-7, § 1, 4-18-1989; Ord. No. 89-8, § 1, 4-18-1989)

* **State Law References:** Downtown development authority, MCL 125.1651 et seq.

COMMUNITY DEVELOPMENT

Sec. 12-20. Existing and proposed improvements; costs and mitigation.

(a) *Boundaries of the development area in relation to highways, streets, streams or otherwise.* The boundaries of the development area are the same as the boundaries of the authority, as adopted by authority ordinance. For a map and legal description of boundaries, see section 12-49.

(b) *The location and extent of existing streets and other public facilities and present and future public and private uses within the development area and legal description of the development area.* The development plan does not propose the immediate change of the designation of any land use. For the location, character and extent of the existing categories of public and private land use, see exhibit II attached to the ordinance from which this section is derived on file in the office of the township clerk.

(c) *A description of existing improvements to be demolished, repaired or altered in the development area and an estimate of the time for completion.* There are none.

(d) *Location, extent, character and estimated costs of improvements contemplated for the development area and estimated time for completion.*

(1) The following is proposed:

a. Land use and market study of development area, with particular emphasis on the impact of I-75 interchange on the downtown. This project is now completed. The original estimated cost was \$100,000.00. The actual cost was \$36,000.00.

b. Traffic control and improvement study based on projected uses from subsection (d)(1)a. of this section.

1. Estimated time to complete: five years from adoption of authority ordinance by township board.

2. Estimated cost: \$50,000.00.

c. Implementation of traffic improvements within the district.

1. Estimated time to complete: eight years from date of adoption of authority ordinance by township board.

2. Estimated cost: \$300,000.00, subject to traffic control and improvement study and availability of state and federal funds.

d. Implementation of necessary fire control capital needs created by projected construction of high-rise buildings. This project is now completed. The original estimated cost was \$400,000.00. The actual cost was \$269,032.50.

e. Local share of flood control project costs as related to downtown development.

1. Estimated time to complete: five years.

2. Estimated cost: \$150,000.00.

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f. Implementation of improved expressway ingress and egress, including redesign of exit ramps, deceleration lanes, high intensity lighting, access to commercial buildings from Dixie Highway in the immediate vicinity of expressway. Estimated time to complete: five to ten years.

g. Review, explore and analyze economic development proposals for the repairs, alteration, improvement and renovation of existing public properties within and without the developed area. The cost of and the time to complete such repairs, alterations, improvements and renovations will be estimated when the review and analysis of such proposals is completed, provided that the authority deems it appropriate to proceed with any such proposals. If, as a consequence of any such review, exploration and analysis, the authority deems it appropriate, proceedings will be instituted to expand the development area.

(2) Costs of and time to complete other public improvements will be estimated as they are contemplated.

(e) *Stages of construction planned and estimated time to complete each stage.* At this time, all contemplated improvements are to be public facilities, and no stages of construction can be set until studies are completed.

(f) *Description of any parts of development area to be left as open space and uses contemplated for the space.* At this time, the development plan does not call for any changes in the open space within the development area. The open space in development area is currently mainly farm land.

(g) *Description of any portions of the development area which the authority desires to sell, donate, exchange, or lease to or from the township and the proposed terms.* The authority does not desire to sell, donate, exchange or lease to or from the township any portion of the development area at this time.

(h) *Description of desired zoning changes and changes in streets, street levels, intersections and utilities.* The development plan does not contemplate any zoning changes or any changes in streets, street levels, intersections or utilities at this time.

(i) *Estimate of the cost of the development and a statement of the proposed method of financing the development and the ability of the authority to arrange the financing.* At this time, the authority's best estimate of the cost of the development set forth in subsection (d)(1) of this section is \$2,500,000.00. It is not possible to estimate the cost of other improvements contemplated by subsection (g) of this section or the need for financing until the amount of state and federal participation in several of these projects can be ascertained. The authority believes that as it begins its work, tax values will rise, creating a tax increment income stream which would, if necessary, make possible the financing of these improvements in an orderly manner.

(j) *Procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development on its completion.* The development contemplated by this development plan involves only the construction of public facilities and as indicated in subsection (k) of this section, no portion of the development is to be leased, sold or conveyed in

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any manner to any private person. The authority has, therefore, not established any procedures for bidding for the leasing, purchasing, or conveying in any manner all or any portion of the development upon completion.

(k) *Designation of private persons to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if available to the authority.* The development plan contemplates only the construction of public improvements. Therefore, there is no private persons or person to whom it is contemplated the development will be sold, leased or conveyed in any manner or for whom the project is being undertaken nor is there any procedure for bidding or arranging such sale.

(l) *Estimates of number of persons residing in the development area and number of families and individuals to be displaced.* It is estimated that 75 persons reside in the development area and that no families or individuals will be displaced. Therefore, the authority has not established a plan for relocation.

(m) *Plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area.* The development plan does not contemplate the displacement of any persons by the development. Therefore, a plan establishing priority is not being established at this time.

(n) *Provision for costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses in accordance with the standards and provisions of the federal uniform relocation assistance and Real Property Acquisition Policies Act of 1970.* For the reasons stated in subsection (l) of this section, no provision for costs of relocating persons displaced by the development and/or for financial assistance and reimbursement of expenses has been made.

(o) *A plan for compliance with Public Act No. 227 of 1972 (MCL 213.321 et seq.).* For the reasons stated in subsection (l) of this section, no provision has been made for relocation assistance advisory services for displaced persons.

(p) *Other matters.*

(1) This development plan contemplates that the downtown development authority shall be empowered to use tax increment funds received by it pursuant to this plan specifically to:

a. Administer the authority including the hiring of staff, legal counsel, etc., as deemed necessary and appropriate by the authority in accordance with the tax increment plan for the development area.

b. Hire appropriate consultants, designers, engineers, etc., for the purpose of implementing the development plan.

c. Reimburse other units of local government for services performed in the furtherance of the development plan on an actual cost basis, including the cost of overhead.

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(2) It is also anticipated that in conjunction with the public improvements described in subsection (d) of this section, that private persons will seek to repair, alter, improve and renovate, existing real estate; and to develop presently undeveloped real estate. Such activity is expected to proceed in stages based upon applications received as processed (if done with township financial assistance) or as private owners secure financial assistance from the private sector. Financial assistance from or through the township and/or its agencies will be conditioned upon compliance with design and use criteria established by the township and/or its agencies and upon the availability of funds. The authority may itself acquire, lease, clean, rehabilitate, construct or otherwise control and operate real estate and buildings thereon within the development area, as the authority deems appropriate to entice economic development within the development area.

(Comp. Ords. 2000, § 80.270; Ord. No. 89-7, § 2, 4-18-1989; Ord. No. 92-2, §§ 1--3, 2-18-1992)

Sec. 12-21. Procedures established; administration; use of funds.

This tax increment financing plan is established as follows:

(1) *Development plan.* The development plan for the development area, prepared in accordance with section 17 of the Act (MCL 125.1667), is set forth in division 3 of this article, effective concurrently with this division and incorporated herein by reference.

(2) *Procedure.*

a. Detailed explanation of the tax increment procedure. Tax increment is a procedure which allows newly created value within the development area to be captured by the authority, rather than by other units of government which normally receive property tax revenues. It is not a raise in tax rates. It does not reduce the amount of revenue available to other units of government, but it does restrict the increase in revenue that those units of government might receive if property values in the development area increase. At such time as the purposes of the tax increment financing plan are accomplished, the plan may be abolished by the township board, except that the tax increment plan may not be abolished until the principal of, and interest on, any bonds issued pursuant to section 16 of the Act (MCL 125.1666) have been paid or funds sufficient to make the payments have been segregated. At such time as the tax increment financing plan is abolished, the tax increment revenues which have been captured by the authority pursuant to this tax increment financing plan will revert proportionately to all taxing jurisdictions with property in the development area.

b. The tax increment financing procedure as outlined in the act requires the adoption by the township, by ordinance, of a development plan and a tax increment financing plan. Following the adoption of the ordinance from which this division is derived, the township and county treasurers are required by law to transmit to the authority that portion of the tax levy of all taxing bodies paid each year on the "captured assessed value" of all eligible real and personal property located in the development area. The percentage of taxes levied for school operating purposes that is captured and used by the tax increment financing plan shall not be greater than the plan's capture and use of taxes levied by the township and county for operating purposes. Taxes levied by the county for operating purposes include only millage allocated for county purposes under the property tax limitation act, Public Act No. 62 of 1933 (MCL 211.201 et seq.).

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The amounts so transmitted are hereinafter referred to as "tax increment revenue." The "captured assessed value" is defined as the amount in any year by which the current assessed value as equalized, of all eligible real and personal property in the development area (including the assessed value that appears on the tax roll under Public Act No. 198 of 1974 (MCL 207.551 et seq.), Public Act No. 255 of 1978 (MCL 207.651 et seq.), Public Act No. 385 of 1984 (MCL 207.701 et seq.), or Public Act No. 189 of 1953 (MCL 211.181 et seq.), exceeds the assessed value, as equalized, of all eligible real and personal property in the development area as determined on the assessment roll of the township then in effect on the date of the approval of the ordinance from which this division is derived. The assessed value as of December 31, 1987, of all real property in the development area ("initial assessed value") was \$6,199,485.00. The assessed value as of December 31, 1990, of all real property in the development area, including the expanded area, is \$22,951,275.00. The initial assessed value of all the personal property in the development area as of December 31, 1987, was \$2,829,944.00. The assessed value of all personal property in the development area as of December 31, 1990, including the expanded area, is \$8,697,845.00. This tax increment financing plan includes capture of both the real and personal property taxes.

(3) *The maximum amount of bonded indebtedness to be incurred.* This tax increment financing plan does not contemplate the incurring of any bonded indebtedness. There will be no bonded indebtedness proposed unless and until this tax increment financing plan is modified after further hearing and public notice of hearing in accordance with section 19 (2) of the act (MCL 125.1669(2)).

(4) *Duration of the program.* The duration of the program shall be 20 years from the date of adoption of the ordinance from which this division is derived unless amended after hearing and notice in accordance with section 19(2) of the act (MCL 125.1669(2)) to a shorter or longer period. The term may be extended by amendment or modification of this tax increment financing plan and the development plan to incorporate future development activities within all or part of the development area.

(5) *Statutory compliance.* This tax increment financing plan shall be administered in compliance with section 15 of the Act (MCL 125.1665). That section includes, among others, requirements that:

a. The authority shall expend the tax increments funds received for the development plan only pursuant to this tax increment financing plan, and surplus funds shall revert proportionately to the respective taxing bodies.

b. The tax increments received by the authority shall not be used to circumvent existing property tax limitations.

c. The township board may abolish this tax increment financing plan when it finds that the purposes for which it was established have been accomplished; provided that this tax increment financing plan may not be abolished until the principal of, and interest on, bonds, if any, issued pursuant to section 16 of the act (MCL 125.1666) have been paid on funds sufficient to make payment have been segregated.

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d. Annually, the authority shall submit to the township board a report on the status of the tax increment financing account which report shall include the information required by section 15(3) of the Act (MCL 125.1665(3)) and shall be published in accordance with the requirements of that section.

(6) *Estimated impact on the assessed values of all taxing jurisdictions in which the development area is located.* The assessed value in the development area is currently \$6,199,485.00. This tax increment financing plan will not reduce the assessed valuations of any of the taxing jurisdictions, as it captures only taxes on newly created property values. Inasmuch as the development plan is intended to provide for the orderly development of the development area, which should benefit areas not included within the development area as well, the long-term impact on assessed valuations should be to arrest current deterioration of property within the area and preserve, if not increase the values of property both within and adjoining the development area. Consequently, the long-term impact is to benefit the affected taxing jurisdictions.

(7) *Portion of the captured assessed value to be used.* The estimated cost of the activities enumerated in the various development stages contemplated by the development plan is \$2,500,000.00. The tax increments generated within the development area pursuant to the development plan will be used to pay for all or a portion of these activities which include:

a. Payment of the administrative and operating costs of the authority and township for the development area, including planning and promotion, to the extent provided in the annual budget approved by the township.

b. Payment, to the extent deemed desirable or necessary by the authority as determined by its inclusion in its annual budget, of the costs of the various studies contemplated by the development plan to the extent those costs are not financed by the participation of the federal and state governments.

c. Payment, to the extent deemed desirable or necessary by the authority as determined by its inclusion in its annual budget, of the cost of the public improvements contemplated by the development plan to the extent those improvements are not financed by the participation of the Federal and State governments.

d. Payment, to the extent deemed desirable or necessary by the authority as determined by its inclusion in its annual budget, of any additional development plan improvements deemed desirable by the authority, including acquisition, construction and equipping as defined in section 7(g), (h) and (i) of the act (MCL 125.1657(g), (h) and (i)) and described in section 12-78(d).

e. Funding, to the extent deemed desirable or necessary as determined by its inclusion in its annual budget, of a reserve fund to provide for:

1. Timely response to economic development opportunities as they arise, including activities described in section 12-78(d)(1)g.; and

2. Developer incentives as appropriate to induce private development within the development area as negotiated by the authority in coordination with the township and based on criteria established by the authority.

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f. Reimbursement of other units of government for services performed in the furtherance of the development plan on an actual cost basis, including overhead. The tax increment financing plan contemplates the use of the entire captured assessed value by the authority.

(Comp. Ords. 2000, § 80.520; Ord. No. 89-8, § 2, 4-18-1989; Ord. No. 92-3, §§ 1, 2, 2-18-1992)

Sec. 12-22. Board approval of amended plan.

The amended tax increment financing plan and development plan for the development area within the downtown district established pursuant to Public Act No. 197 of 1975 (MCL 125.1651 et seq.), as prepared by the township downtown development authority and submitted to the township board, are hereby approved by the township board.

(Ord. No. 02-03, § 1, 4-16-2002)

Secs. 12-23--12-41. Reserved.

DIVISION 2. DOWNTOWN DEVELOPMENT AUTHORITY

Sec. 12-42. Board membership; appointments, qualifications term; vacancy; compensation and expenses.

(a) The authority shall be under the supervision and control of a board consisting of the chief executive officer of the township and not less than eight nor more than 12 members.

(b) All members shall be appointed by the chief executive officer of the township, subject to approval by the township board.

(c) A majority of the members appointed shall be persons having an interest in property located in the downtown district.

(d) At least one of the members shall be a resident or business operator of the downtown district.

(e) Members should be appointed on staggered terms with an equal number appointed for one year, two years, three years and four years. Members shall hold office until the members' successors' are appointed. Thereafter, each member shall serve for a term of four years.

(f) A vacancy shall be filled by an appointment made by the chief executive officer of the municipality for the unexpired term only. All members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(g) The chairperson of the board shall be elected by the board.

(h) Before assuming the duties of office a member shall qualify by taking and subscribing to the constitutional oath of office.

(Comp. Ords. 2000, § 80.020; Ord. No. 88-4, § 2, 12-30-1988)

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Sec. 12-43. Meetings, special meetings.

(a) The board shall perform and conduct all business public meetings held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.), which is also known as the open meetings act.

(b) The board shall adopt any rules necessary governing its procedure and the holding of regular meetings subject to the approval of the governing body.

(c) Special meetings may be held when called in the manner provided for in the rules of the board, as long as said meetings comply with the open meetings act.

(Comp. Ords. 2000, § 80.030; Ord. No. 88-4, § 3, 12-30-1988)

Sec. 12-44. Freedom of information act; expenses and financial records.

(a) All writings, items of records prepared, owned or used, in the possession of or retained by the board in the performance of official function, shall be made available to the public in accordance with the freedom of information act in order to comply with Public Act No. 442 of 1976 (MCL 15.231 et seq.).

(b) All expense items of the authority shall be publicized monthly and the financial records should always be open to the public.

(Comp. Ords. 2000, § 80.040; Ord. No. 88-4, § 4, 12-30-1988)

Sec. 12-45. Powers of the board.

The board may:

(1) Prepare an analysis of economic changes taking place in the downtown district.

(2) Study and analyze the impact of metropolitan growth of the downtown district.

(3) Plan and propose construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of public facilities, in existing buildings, or multifamily dwelling units which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in economic growth of the downtown district.

(4) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property value of the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(5) Implement any plan and/or development of the downtown district necessary to achieve the purposes of the act, in accordance with the powers of authority granted by the act.

(6) Make and enter into contract necessary and incidental to the exercise of its powers in performance of its duties.

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(7) Acquire, by purchase or otherwise, on terms and conditions and in a manner the authority deems proper to own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines reasonably necessary to achieve the purposes of the act, and to grant or acquire, license, easements and options with respect thereto.

(8) Improve land and construct, reconstruct, rehabilitate, restore, and preserve, equip, improve, maintain, repair, and operate any building, including multifamily dwellings, any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(9) Fix, charge and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

(10) Lease any building or property under its control, or any part thereof.

(11) Accept grants and/or donations of property, labor or other things of value from a public or private source.

(12) Acquire and construct public facilities.

(13) Retain legal counsel to advise the board in the proper performance of its duties.

(14) Employ any such other person thereof deemed necessary by the board, including a director. Said director must be approved by the township and shall serve at the pleasure of the board. No member of the board is eligible to hold the position of director. Further, the director shall take and subscribe to the constitutional oath and furnish bond. (Comp. Ords. 2000, § 80.050; Ord. No. 88-4, § 5, 12-30-1988)

Sec. 12-46. Condemnation; transfer of property.

The township may take private property under Public Act No. 149 of 1911 (MCL 213.21 and 213.41) of Michigan Compiled Laws, for the purpose of transferring to the authority, and may transfer to the authority for the use an improved development, on terms and conditions it deems appropriate, and the taking, transferring, and use should be considered necessary for public purposes for the benefit of the public. (Comp. Ords. 2000, § 80.060; Ord. No. 88-4, § 6, 12-30-1988)

Sec. 12-47. General obligation bonds.

The township may, by resolution of the township board, authorize issuance of general obligation bonds it deems appropriate and necessary subject to the following limitations:

(1) The authority shall submit an estimate of the anticipated tax increment revenue to be available for payment of principal and interest on bonds to the township board.

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(2) This estimate shall be approved by the township board by resolution adopted by a majority vote of the members of the township, and in the resolution authorize the bonds and when approved by the state municipal commission shall be conclusive.
(Comp. Ords. 2000, § 80.070; Ord. No. 88-4, § 7, 12-30-1988)

Sec. 12-48. Development plan: conditions.

When the board decides to begin a project, the development plan shall contain:

(1) The designation boundaries of the development area in relation to highways, streets, streams or otherwise.

(2) The location of existing streets and other facilities in the development area.

(3) A description of existing improvements in the development area to be demolished, repaired or altered, the description of any repairs or alterations and an estimate of the time required for completion.

(4) The location, extent and cost and estimated costs of improvements including rehabilitation contemplated for the development area and an estimate of the time for completion.

(5) A description of any parcel in the development area to be left as open space and the use contemplated for this space.

(6) A description of desired zoning changes and changes in streets, levels, intersections and utilities.

(7) An estimate of the costs of development, statement of the proposed method of financing of the development and the ability of the authority to arrange the financing.

(8) Designation of the person, natural or corporate to whom all or portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority.

(9) An estimate of the number of persons residing in the development area, and the number of families and individuals to be displaced. The development plan should include a survey of the families and individuals to be displaced, particularly if there are residential persons to be relocated along with a plan for establishing priority for the relocation of persons displaced by the development and any new housing in the development area.
(Comp. Ords. 2000, § 80.080; Ord. No. 88-4, § 8, 12-30-1988)

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Sec. 12-49. Proposed boundary area of the development plan.

The proposed boundary area of the development plan is as follows:

Point of beginning--N.E. corner of W. 1/2 of N.E. 1/4 of Sec. 16, Bridgeport township, Saginaw County, thence N. on said E.ly N. S. 1/8 Line to E. W. 1/4 line of Sec. 9, thence W. on said 1/4 line to the N. S. 1/4 line of Sec. 9, thence N. on said 1/4 line 1,944 ft. + -, thence W. to CSX R.R. R/W, thence N.W.ly along E.ly CSX R.R. R/W to the N. E. corner of Lot 13 of Quillins Add., thence W. to the N. W. corner of Lot 1 also being the E. line of Lot 24, thence N. on said E. line of Lot 24 to a point 150 ft. S. of King Rd., thence W. 66 ft., thence N. 18 ft., thence W. 66 ft., thence S. to E.ly Line of Lot 32, thence N. W.ly along E.ly line of Lots 27-32 of Quillins to the N. line of King Rd., thence W.ly to the E. Sec. line of Sec. 5., thence N. on said line to the centerline of the King Street Drain. Thence E. along centerline of King Street Drain to W. edge of CSX R.R., thence N.W.ly along W. edge of CSX R.R. to a point 423.38' S.E.ly of centerline of Tatham Road, thence W.ly on a line parallel to centerline of Tatham Road to centerline of Gordon St., thence N. on centerline of Gordon St. to centerline of Tatham Rd., thence W. on centerline of Tatham Road to a point 198.7' E. of Dixie Hwy., thence N.W.ly 206', thence W. 25', thence N.W. 166.6', thence S.W. 79', thence N. 176.5' to the S. line of Phoenix Sub., thence W. to S.E. corner lot 7, Phoenix Sub., thence N. on E. line Lot 7 to centerline of Ohio St., thence W. on centerline of Ohio St. to S.E. corner Lot 73, Phoenix Sub., thence N. on E. Line Lot 73 extended to S. line of Longview Sub., thence W. to S.E. corner Lot 5, Longview Sub., thence N. on E. lines of Lot 5 & 69 to Township N. line, thence W. to W. line, of Sec. 5, thence S. on W. line Sec. 5 to N. line Eastlawn Sub., thence E. on N. line Eastlawn Sub. to W.ly line Broadway Ave., thence S.E. on said W.ly line of Broadway Ave. to a point on the N.E. corner of Lot 10 Blk. F Eastlawn Sub., thence W.ly to the W.ly line of Lot 14 Blk. F, thence S. to the S. W.ly corner of Lot 22 Blk G, thence E.ly to the N.W.ly corner of Lot 67, thence S. to the S. line of Calif. St., thence W. to the N.W. corner of Lot 16 Blk. 0, thence S. to the S.W. corner of said Lot 16, thence E. to the centerline of the abandoned Plum St., thence S. on Centerline of abandoned Plum St. to S. line of Lot 1 Blk 6, thence E. to the centerline of Broadway, thence S. and S.E.ly following an irregular line to the centerline of King Rd., at a point 600 ft. + - W.ly from the W. line of Dixie Hwy., thence W. on centerline of King Rd. to W. line of Southfield Village Add. 2, thence S. on W. line Southfield Village Add. 2 to a point 15 ft. N. of S. line of Lot 153, thence E. to centerline of Murrayhill Dr., thence S. on centerline of Murrayhill Dr. to centerline of Galaxy Dr., thence, E. on centerline of Galaxy Dr. to centerline Southfield Dr., thence S. on centerline of Southfield Dr. to S.W. corner Lot 191 Southfield Village Add. 2, thence E. on S. line of Lots 191, 192, 193, 194 of Southfield Village Add. 2 to E. R/W line of Sun Valley Dr., thence N.E.ly on E. line of Sun Valley Drive to Sec. 8 & 9 Sec. Line, thence S. 1607' + - on Sec. 8 & 9 line, thence E. 817' to the W.ly line of Morganport Dr., thence S. to the E. W. 1/4 line of Sec. 9, thence E.ly to a point 36 ft. E. of the N. W. corner of Lot 67 Polzin Sub. #6, thence S.ly parallel with the E. line of Lots 48 & 49 Polzin Sub. #4 to the S. line of Lot 68 Polzin Sub., thence S.Wly to the N.E.ly line of Lot 38, thence S.E.ly to the N. W. corner of Lot 30, thence E.ly to the S.E. corner of Lot 32, thence S.E.ly to S. line of Gretchen Crt., thence E.ly to the E. line of Lot 7 Dixie Heights Sub., thence S. to the S.ly line of said Sub., thence E. to the W.ly line of lot 2 of Dixie Court Plat, thence S. on the W.ly line of Lot 2 to S. line of Dixie Court, thence E.ly to W.ly line of Lot 69, thence S. to the S. line of Dixie Court Plat, thence E.ly to a point 161 ft. W. of the W.ly line of Dixie Highway R/W thence S.E.ly, parallel with said W.ly Dixie Highway R/W to S. Line Woodland Ct., thence W. 137.6', thence S. 207.5', thence W. 73', thence S. 122.54', thence E. to W. edge Dixie Highway R/W, thence S. to Sec. Line 9 & 16, thence W.ly on 9 & 16 Sec. Line 100.41', thence S. 299' thence E. along N. Line of Blk 5 of Buckhardt's Add. to the N.E. corner of Lot 3 Blk 5 of Buckhardt's Add., thence S. to S. Line of Elmpoort St., thence E.ly to a point 10' E. of E. Line of Lot 16, Blk. 1, Buckhardt's Add., thence S. to N. line Lot 15, thence E. on said Line to

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N.E. corner of Lot 15 Blk. 1, Buckhardt's Add., thence S. to S.E. Corner of Lot 11 Blk. 1, Buckhardt's Add., thence E. to W. Line of CSX R.R. R/W, thence S.E.ly along W. line of CSX R.R. R/W to the N.E. corner of Lot 22 Blk. 1 Buckhardt's Add., thence W. to the N. W. corner of Lot 2 Blk. 1, thence S. to the centerline of Williamson Rd., thence S.E.ly on said line to a point 100 ft. + - N.W.ly of the W.ly line of the CSX RR R/W, thence S.W.ly 190 ft. + - thence N.W.ly 75 ft. + - to a point 50 ft. + - S.W.ly from the S.W.ly line of Blk. 17 Village Plat, thence S.W.ly 200 ft. + - to the N. bank of the Cass River, thence N.E.ly, and E.ly to the CSX R.R., thence continuing E.ly and S.E.ly to Outlet of Bridgeport & Baker Drains, thence following along centerline of Baker Drain to N.E.ly Corner of Lot 12 Blk. 3 of D.F. Foster Add. to Village of Bridgeport, thence S.E.ly along the S.W.ly Lot lines of Lots 2--6 of Blk. 3 and lots 1--3 of Blk. 4 of D.F. Foster Add. to the W. Line Sec. 15, thence S. along W.ly Line of Sec. 15 to centerline of Cass River, thence S. & E. along centerline Cass River to W. line Dixie Hwy. R/W, thence S.E. along W. edge Dixie Hwy. R/W to centerline Riverview Dr., thence W. 399.13', thence S.E. 231.68', thence E. 32', thence S.E. 1,143.98' thence E. 366.70' to Dixie Hwy. R/W, thence S. 114.59', thence W. 400', thence S. 640', thence E. to Dixie Hwy. R/W, thence S. on Dixie Hwy. R/W 120', thence W. 80', thence S. W. 270.5', thence S.E. 330' to centerline E. Curtis at a point 446.3' W. of Dixie Hwy. R./W thence E. on centerline E. Curtis to point 340' E. of N. 1/4 post, of Sec. 36, thence S. 617' to a point 510 ft. + - W. of the W. line of Dixie Hwy., thence E. to the W. line of Dixie Hwy. R/W. thence slightly N. W.ly 250 ft. + - to a point 455.44 ft. S.E.ly of E. Curtis Rd., thence N.E. 430.34', thence N. 251.9' to E. Curtis Rd. at a point 555.9' E. of Dixie Hwy. R/W, thence N. on Line parallel with E. Sec. Line 2,620', thence E. to centerline Cass River, thence S.E. along centerline Cass River to E. Line Sec. 25, thence N. on E. Line Sec. 25 to centerline Junction Road, thence W. on centerline of Junction Rd. 584', thence N. 708', thence W. 477', thence S. 258', thence W. 222.75', thence N. on N.S. 1/8 line to centerline Herzog Rd., thence W. on centerline Herzog Rd. to centerline of Portsmouth Rd., thence N. to centerline of Roedel Rd. thence W. on centerline of Roedel Rd. to centerline of Airport Rd., thence N. on centerline of Airport Road to E.W. 1/4 line, of Sec. 15, thence W. on E.W. 1/4 line to the W.ly line of the I-75 Bypass, thence N.ly on said line to a point 770 ft. south of the Baker Rd. centerline, thence W. 1,100 ft. + -, thence N. 413.8' on a line parallel with centerline of Brown St., thence N.W.ly 414.8' to centerline of State St., thence S.W.ly along centerline of State St. to E. line of Sec. 16, thence S. on E. line Sec. 16 to E.W. 1/4 line, thence continue W.ly on S. Line of lots 1--12 Blk. 2, Village of Bridgeport, thence N. along E.ly line of Lot 13, Blk. 2 Village of Bridgeport to centerline of Washington St., thence W. on centerline of Washington St. to centerline Grant St., thence N.ly and N.W.ly on said Grant St. centerline to N.ly R/W Line of State St., thence S.W.ly 200' + -, thence N. to E.W. 1/8 Line Sec. 16, thence W. to N. S. 1/8 Line, of Sec. 16, thence N. to point of beginning.
(Comp. Ords. 2000, § 80.090; Ord. No. 88-4, § 9, 12-30-1988; Ord. No. 92-1, § 1, 1-7-1992)

Sec. 12-50. Historical facility, building or structure; preservation.

(a) The public facility, building or structure which is determined by the township to have significant historical interest shall be preserved in a manner as deemed necessary by the municipality in accordance with laws relative to the preservation of historical sites.

(b) The authority shall refer all proposed changes to the exterior sites listed on the state register of historical sites in the national register of historical places to the applicable historic district commission created under Public Act No. 169 of 1970 (MCL 399.201 et seq.) or the secretary of state for review.

(Comp. Ords. 2000, § 80.100; Ord. No. 88-4, § 10, 12-30-1988)

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Sec. 12-51. Budget; submission for approval; assessment, audit of funds.

(a) The director or chairperson of the authority shall prepare and submit for the approval of the board a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain information required of any municipal department.

(b) Before the budget may be adopted by the board, it shall be approved by the township board. Funds of the municipality shall not be included in the budget of the authority except those funds authorized by the township board.

(c) The township board may assess a reasonable prorate share of funds for the costs of handling and auditing funds against the funds of the authority, other than those committed, which costs shall be paid annually by the board pursuant to an appropriate item in its budget. (Comp. Ords. 2000, § 80.110; Ord. No. 88-4, § 11, 12-30-1988)

Sec. 12-52. Dissolution of authority upon completion of purposes; title of property.

The authority shall be dissolved by ordinance of the township board after it has completed the purposes for which it was organized. The property and assets of authority remain and after the satisfaction of the authority shall belong to the township. (Comp. Ords. 2000, § 80.120; Ord. No. 88-4, § 12, 12-30-1988)

Secs. 12-53--12-156. Reserved.

ARTICLE III. ECONOMIC DEVELOPMENT CORPORATION*

Sec. 12-157. Application to incorporate approved.

The application under the date of December 6, 1977, filed by William F. McNally, Ralph K. Iwen, and Warren D. Johnston, to incorporate the economic development corporation of the township and the proposed Articles of Incorporation for said corporation be and the same are hereby approved and adopted. (Comp. Ords. 2000, § 121.101; Ord. No. 78-3, 7-6-1978)

Sec. 12-158. Notice of public hearing.

Publication of notice of the public hearing on the application for permission to incorporate an economic development corporation for the township is hereby ratified and confirmed. (Comp. Ords. 2000, § 121.102; Ord. No. 78-3, 7-6-1978)

Sec. 12-159. Filing and publishing.

The Articles of Incorporation shall be executed in duplicate and upon execution the township clerk is hereby directed to file and publish said Articles in accordance with section 31 of Public Act No. 338 of 1974 (MCL 125.1631). (Comp. Ords. 2000, § 121.103; Ord. No. 78-3, 7-6-1978)

Secs. 12-160--12-186. Reserved.

* **State Law References:** Economic development corporations, MCL 125.1601 et seq.

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ARTICLE IV. TAX EXEMPTION*

Sec. 12-187. Purpose; annual service charge for public services; housing exemption.

(a) It is acknowledged that it is a proper public purpose of the state and its political subdivisions to provide housing for its elderly citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the state housing development authority act of 1966, Public Act No. 346 of 1966 MCL 125.1401 et. seq.), and the township is authorized by said act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the act at any amount it chooses not to exceed with taxes that would be paid but for the act.

(b) The township acknowledges that Bridgeport Limited Dividend Association (a sponsor) has offered, subject to receipt of a mortgage loan from the authority, to erect, own, and operate a housing development identified as Northfield Center Apartments on certain property located on Parcel No. 4018-001, section 5, (8.53 acres) in the township to serve elderly persons of low income, and that the sponsor has offered to pay the township on account of the elderly portion of said development as annual service charge for public services in lieu of all taxes. (Comp. Ords. 2000, § 121.202; Ord. No. 79-2, § 2, 5-15-1979)

Sec. 12-188. Definitions.

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

Act means the state housing development authority act, Public Act No. 346 of 1966 (MCL 125.1401 et seq.).

Authority means the Michigan State Housing Development Authority.

Contract rents are as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended by the housing and community development act of 1974.

Elderly means a family wherein the head of the household is 62 years of age or older or a single person who is 62 years of age or older.

Housing development means a development which contains a significant element of housing for elderly persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for elderly persons of low income.

Mortgage loan means a loan to be made by the authority to the sponsor for the construction and permanent financing of the housing development.

* **State Law References:** State housing development authority act of 1966, MCL 125.1401 et seq.

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Utilities means fuel, water, sanitary sewer service and/or electrical service which are paid by the development.

(Comp. Ords. 2000, § 121.203; Ord. No. 79-2, § 3, 5-15-1979)

Sec. 12-189. Class of housing development.

It is hereby determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be that portion of the development, which is for elderly persons and, which is financed or assisted pursuant to the act. It is further determined that the elderly portion of Northfield Center Apartments is of this class.

(Comp. Ords. 2000, § 121.204; Ord. No. 79-2, § 4, 5-15-1979)

Sec. 12-190. Establishment of annual service charge.

The housing development identified as the elderly portion of Northfield Center Apartments and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The township, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and operate said housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to four percent of the difference between contract rents actually collected and utilities or \$150.00 per year elderly dwelling, whichever is greater.

(Comp. Ords. 2000, § 121.205; Ord. No. 79-2, § 5, 5-15-1979)

Sec. 12-191. Contractual effect.

Notwithstanding the provisions of section 15a(5) of the act (MCL 125.1415a(5)) to the contrary, a contract between the township and the sponsor with the authority as third party beneficiary thereunder, to provide tax exemption and accept payments in lieu thereof as previously described is effected by enactment of this article.

(Comp. Ords. 2000, § 121.206; Ord. No. 79-2, § 6, 5-15-1979)

Sec. 12-192. Service charge; manner of payment.

The service charge in lieu of taxes as determined hereunder shall be payable in the same manner as general property taxes are payable to the township except that the annual payments shall be paid on or before February 1 of each year.

(Comp. Ords. 2000, § 121.207; Ord. No. 79-2, § 7, 5-15-1979)

Sec. 12-193. Duration.

This article shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the authority has any interest in the property; provided, that construction of the housing development commences within one year from the effective date of the ordinance from which this article is derived.

(Comp. Ords. 2000, § 121.208; Ord. No. 79-2, § 8, 5-15-1979)

Chapter 13

RESERVED

ENVIRONMENT

Chapter 14

ENVIRONMENT*

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

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CD14:2

ENVIRONMENT

ARTICLE I. IN GENERAL

Secs. 14-1--14-18. Reserved.

ARTICLE II. NOXIOUS WEED CONTROL*

Sec. 14-19. Definitions.

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

Eradicate or *destroy* means to control growth or perpetuation by cutting or mowing by mechanical or manual means, plowing, spraying or burning with appropriate permit.

Improved streets, in common usage, includes county public rights-of-way and private roads approved by the township.

Noxious seeds include the following:

- (1) Canada thistle (*Cirsium arvense*);
 - (2) Dodders (any species of *cuscuta*);
 - (3) Mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*);
 - (4) Wild carrot (*Daucus carota*);
 - (5) Bindweed (*Convolvulus arvensis*);
 - (6) Perennial sowthistle (*Sonchus arvensis*);
 - (7) Hoary alyssum (*Berteroa incana*);
 - (8) Ragweed (*Ambrosia elatior* 1.);
 - (9) Poison ivy (*Rhus toxicodendron*); and
 - (10) Poison sumac (*Toxicodendron vernix*).
- (Comp. Ords. 2000, § 25.510; Ord. No. 03-01, § 2, 2-4-2003)

Sec. 14-20. Declaration of nuisance.

The presence of noxious weeds is hereby declared to be a public nuisance.
(Comp. Ords. 2000, § 25.520; Ord. No. 03-01, § 3, 2-4-2003)

* **State Law References:** Control and eradication of noxious weeds, MCL 247.61 et seq.

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Sec. 14-21. Duty of owner.

(a) It shall be the duty of all owners of land upon which noxious weeds, as defined in this article, are growing, either:

(1) Within platted subdivisions in which buildings have been erected upon 60 percent or more of the lots thereof; or

(2) On parcels of land along improved streets in common usage within the township, to a depth of 165 feet or the depth of the ownership, whichever is the lesser;

to destroy said weeds before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.

(b) No person owning or occupying any premises within the township shall permit or maintain on any such premises the growth of noxious weeds.

(Comp. Ords. 2000, § 25.530; Ord. No. 03-01, § 4, 2-4-2003)

Sec. 14-22. Public notice requirements.

The township clerk shall, during the month of March of each year, give notice of the requirements and provisions of this article by publishing a notice one time in a newspaper of general circulation within the township. The notice shall comply with the provisions of section 247.64a, Public Act No. 359 of 1941 (MCL 247.64a). It shall describe the methods of treating and eradicating the noxious weeds, and provide that if the owner or occupant refuses to destroy or control the noxious weeds prior to May 1 of said year, the township may enter upon such land and destroy the noxious weeds, with the expenses incurred in such destruction to be paid by the owner or occupant of the land. The notice shall further indicate that the township shall have a lien against the land for the amount of the expense in destroying the noxious weeds. The township may cut the weeds as many times as is necessary and charge the costs thereof to the owner.

(Comp. Ords. 2000, § 25.540; Ord. No. 03-01, § 5, 2-4-2003)

Sec. 14-23. Failure of owner to comply; work by township, account of expenses.

If any person shall fail to comply with the provisions of this article, the township shall, through its department of public works, cause all such noxious weeds to be cut or destroyed upon lands of the persons who have not complied with the provisions of this article. The superintendent of the department of public works shall keep an account of expenses incurred with respect to each parcel of land which is entered upon in carrying out the provisions of this article. The township board shall establish by resolution an hourly rate (a fraction of an hour shall be charged the full hourly rate) which shall be charged by the department of public works for carrying out the provisions of this article.

(Comp. Ords. 2000, § 25.550; Ord. No. 03-01, § 6, 2-4-2003)

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Sec. 14-24. Collection of costs from owner.

A copy of the account as provided in section 14-23, including an account of the costs incurred on each of the several descriptions or parcels of property, shall be transmitted to the township treasurer. Such amount shall be a lien against the premises, to be enforced in the manner provided by the general laws of the state for the enforcement of tax liens.

(Comp. Ords. 2000, § 25.560; Ord. No. 03-01, § 7, 2-4-2003)

Sec. 14-25. Violation.

A person who has violated any provision of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 25.570; Ord. No. 03-01, § 8, 2-4-2003)

Secs. 14-26--14-53. Reserved.

ARTICLE III. GRAFFITI ABATEMENT

Sec. 14-54. Definitions.

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

Aerosol paint container means any aerosol container which is adapted or made for the purpose of applying spray paint, or other substance capable of defacing property.

Felt tip marker means any indelible marker or similar implement with a tip which, at its broadest width, is greater than one-eighth of an inch, containing ink or other pigmented liquid which is not water soluble.

Graffiti means any unauthorized inscription, word, figure, symbol, drawing, design, painting, or other defacement that is written, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to or on any surface of property within the boundaries of the township by or with, but not limited to, any of the following: felt tip marker, paint stick or graffiti stick, or graffiti implement.

Graffiti implement means an aerosol paint container, felt tip marker, gum label, paint stick or graffiti stick, etching tool, or any other device capable of scarring or leaving a visible mark on glass, metal, wood, stone, brick, concrete or any other surface.

Paint stick or *graffiti stick* means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, of leaving a mark at least one-eighth of an inch in width.

(Comp. Ords. 2000, § 46.020; Ord. No. 97-01, § 2, 3-4-1997)

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Sec. 14-55. Possession of graffiti implements by minors prohibited.

It is unlawful for any person under the age of 18 years to have in his possession any graffiti implement with unlawful intent while on any public property or on any private property, other than the minor's home. The provisions of this section shall not apply to the possession of felt tip markers by minors attending, or traveling to or from school at which the minor is enrolled, if the minor is participating in a class at said school which formally requires the possession of felt tip markers. The provisions of this section shall not apply to persons under the age of 18 years who require any graffiti implements in the course of lawful employment or for other lawful uses with written proof of the same from an employer, parent, or guardian.

(Comp. Ords. 2000, § 46.030; Ord. No. 97-01, § 3, 3-4-1997)

Sec. 14-56. Injuring, removing property of another.

(a) It shall be unlawful for any person to willfully, maliciously, wantonly, negligently, or otherwise injure, deface, destroy, alter, or remove real or personal property of another by any means without the consent of the owner.

(b) It shall be unlawful for any person to paint, inscribe, write or scrape messages, words, numbers, symbols, or any other type of picture upon a house, building, structure or other property of another without the express consent of the owner, or to willfully and maliciously destroy or injure any appurtenance to such house, building, structure or property thereof, including lawns, shrubs, trees, pools, signage, gardens, and mail receptacles.

(c) It shall be unlawful for any person to use any paint, spray paint, pigment or similar means to injure, deface or destroy the house, building, structure or other property of another, including the making of any drawing inscription, design, scribbling, motto, picture, pictograph or other markings, commonly referred to as graffiti.

(d) It shall be the duty of the owner of any house, building, structure, or other property marked or defaced as defined in this section to remove or paint over such markings so as to minimize the addition of further markings and other blight upon the property. The presence of such markings upon any house, building, structure or other property within the limits of the township is hereby declared to be a public nuisance. Any owner removing markings pursuant to this section shall be entitled to restitution in an amount determined by the court for the cost of removing those markings, such restitution to be paid by any person convicted under this section of making those markings.

(Comp. Ords. 2000, § 46.040; Ord. No. 97-01, § 4, 3-4-1997)

Sec. 14-57. Removal of graffiti by perpetrator.

Any person applying graffiti within the boundaries of the township shall have the duty to remove the same forthwith. Any person applying graffiti shall be responsible for such removal or for the payment therefor. Failure of any person to so remove graffiti or pay for its removal shall constitute an additional violation of this section. Where graffiti is applied by an unemancipated minor, the parent or legal guardian shall also be responsible for such removal or for the payment therefor, pursuant to MCL 600.2913 and as otherwise provided herein and by law.

(Comp. Ords. 2000, § 46.050; Ord. No. 97-01, § 5, 3-4-1997)

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Sec. 14-58. Notice to property owner of graffiti nuisance.

It is hereby made the duty of the township to give notice of any violation of this article. Notice shall be given by any one of the following methods: personal service, written notice, and/or posting.

(1) *Personal service.* Personal notice must be made to the property owner or agent in violation of this article as shown on the township tax assessment rolls for said property. The property owner then shall have up to seven days to either appeal the notice or remove or paint over any markings.

(2) *Written notice.* Notice in writing shall be by either certified or registered mail to every person shown on the tax assessment rolls for said property. The property owner shall have up to seven days to either appeal the notice or remove or paint over any markings. The written notice shall read substantially as follows:

Name and address

Tax roll number

Date

NOTICE OF PROVISIONS OF THE GRAFFITI ABATEMENT ORDINANCE

According to the assessment records of this township, you appear to be the owner of the above described property which is subject to the Graffiti Abatement Ordinance of Bridgeport Charter Township.

Notice is hereby given in accordance with the aforementioned ordinance provisions that it is the responsibility of the owner of property within the township to remove or paint over all drawings, inscriptions, designs, scribbles, mottoes, pictures, pictographs, or other markings commonly referred to as graffiti.

In the event of failure to comply with this notice on or before the date mentioned, in accordance with the above code provisions, the township shall cause the graffiti or other markings to be removed or painted over. The expense incurred by the township, together with a ten percent administrative charge, will be levied and collected against such property in the manner provided by law.

You have the right to appeal the township's notice by contacting the Bridgeport township hearing officer at 6206 Dixie Highway, Bridgeport, Michigan 48722, in writing, of your desire to appeal, within seven days of the date of this notice. You will be notified of the time and place of the hearing.

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(3) *Posting.* When service cannot be made by either of the methods in subsections (1) or (2) of this section, and after diligent efforts to locate the whereabouts of the owner and/or agent, the township shall do the following:

a. Mail said written notice as set forth in subsection (2) of this section to said owner by first class US Mail, postage prepaid.

b. Post a copy of said written notice as set forth in subsection (2) of this section on a conspicuous part of the property in violation.

(4) *Appeal.* The property owner then shall have up to seven days to either appeal the notice or remove or paint over any markings.
(Comp. Ords. 2000, § 46.060; Ord. No. 97-01, § 6, 3-4-1997)

Sec. 14-59. Opportunity for hearing and extensions for removal.

(a) Any property owner notified may contact the township hearing officer, within seven days from the date of the notice and request a hearing to show cause why the notice was incorrect. The hearing officer shall be the township hearing officer. The hearing officer will provide the property owner with an opportunity to be heard regarding the dispute concerning the graffiti and will hear such evidence as the property owner may have regarding the dispute. The hearing officer shall review the notice, perform such additional investigation of the matter as may be determined to be warranted, and correct any errors. Such hearings shall be informal and the decision of the hearing officer shall be final.

(b) The code enforcement officer, or his designee, or the township hearing officer may extend the time period allotted for the removal of the graffiti if the code enforcement officer or township hearing officer determines that compliance within the time specified would place an undue burden on the property owner.
(Comp. Ords. 2000, § 46.070; Ord. No. 97-01, § 7, 3-4-1997)

Sec. 14-60. Removal of graffiti by township.

Upon the failure, neglect, or refusal of any owner so notified to properly paint over or remove any graffiti within seven days after receipt of said notice provided for in section 14-58, or within seven days after the date of such notice in the event of the same is returned to the township because of the inability of the post office to make delivery thereof, provided the same was properly addressed to the last known address of such owner, the department of public works and its authorized representatives are hereby empowered to enter upon such property for the purpose of accomplishing abatement of the nuisance by removal or elimination of such graffiti by the township.
(Comp. Ords. 2000, § 46.080; Ord. No. 97-01, § 8, 3-4-1997)

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Sec. 14-61. Reimbursement to township; assessment of costs.

Whenever the department of public works or its authorized representatives enters upon any parcel of land in order to accomplish abatement of such an existing nuisance, pursuant to the provisions of this article, the superintendent of the department of public works is authorized and directed to keep an accurate account of all expenses incurred, and based upon same issue a certificate determining and certifying the reasonable cost involved for such work with respect to each parcel of property. The superintendent is also authorized to add to such costs a ten percent administrative charge or a \$100.00 service charge, whichever is greater, to cover the expense of administering the work performed, overhead, and other contingent expenses. Within ten days after receipt of the certificate, the township treasurer shall forward a statement of the total charges assessed on each parcel of the property to the owner as shown by the last current assessment or tax roll, and said assessment shall be payable to the township treasurer within 30 days from the date the statement was forwarded. If not paid within the prescribed 30-day period, such statement shall be filed with the township assessor and shall thereupon be assessed against the land in question and become a lien on such property as provided by law. The amount so charged may be discharged at any time by the payment of the amount specified in the statement, together with interest at the rate of six percent per year compiled from the time of filing said certificate with the township assessor. Such amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be enforced as delinquent township property taxes or by a suit against such person.

(Comp. Ords. 2000, § 46.090; Ord. No. 97-01, § 9, 3-4-1997)

Sec. 14-62. Violation.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 46.100; Ord. No. 97-01, § 10, 3-4-1997; Ord. No. 03-07, § 2, 7-1-2003)

Secs. 14-63--14-82. Reserved.

ARTICLE IV. BLIGHT ELIMINATION*

Sec. 14-83. Purpose.

Consistent with the letter and spirit of Public Act No. 344 of 1945 (MCL 125.71 et seq.), it is the purpose of this article to prevent, reduce or eliminate blight or blight factors and causes of blight in the township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

(Comp. Ords. 2000, § 48.010; Ord. No. 01-05, § 1, 8-7-2001)

* **State Law References:** Blighted area rehabilitation, MCL 125.71 et seq.

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Sec. 14-84. Causes of blight or blighting factors.

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, while allowed to exist, will tend to result in blighted and undesirable neighborhoods and therefore, on and after the effective date of the ordinance from which this article is derived, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the township owned, leased, rented or occupied by such person.

- (1) In any area, the storage upon any property of junk automobiles, except in a completely enclosed building or upon the premises of a property zoned and legally operating as a licensed/approved junkyard, automobile repair garage and/or automobile wrecker business. For the purpose of this article, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the state, and shall also include, whether so licensed or not, any motor vehicle, as defined in the Michigan vehicle code, which is inoperative for any reason.
- (2) In any area, the storage or accumulation of junk, trash, rubbish, refuse, debris, offal, garbage, paper, glass, cans, bottles, or other foreign substances of any kind which shall cause unhealthy or obnoxious conditions by sight or odor, attract or harbor vermin, or otherwise present a threat to the public health, safety, or general welfare of the people of the township. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal or any other material or other castoff material of any kind whether or not the same could be put to any reasonable use. Nothing herein is to prohibit the storing or placing on such lands implements of husbandry in operating condition and used annually in farming operations.
- (3) In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster or physical degeneration, is no longer habitable and which the condition has existed for 30 days without repair.
- (4) In any area, the existence of any vacant dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons and the structure is not otherwise open to the elements.
- (5) In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the township or unless such construction is completed within 30 days of the start of the project.
- (6) In any area, permit on such land an abandoned, unused or unprotected well, cellar or other unnatural declivity in which stagnant water or debris is retained or which is dangerous to a person, including a child, being or coming upon said land.

(Comp. Ords. 2000, § 48.020--48.080; Ord. No. 01-05, § 2, 8-7-2001)

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Sec. 14-85. Prohibited conditions.

(a) In any area, it shall be unlawful for any person, knowingly, to dump, deposit, place, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter, trash, junk, rubbish, refuse, offal, garbage, paper, glass, cans, bottles, or other foreign substances, debris, grass clippings, or brush within the township.

(b) In any area, it shall be unlawful for the storage upon any property of building materials unless:

- (1) *Structure requiring permit.* There is in force a valid building permit issued by the township for construction upon said property and said materials are intended for use in connection with such construction;
- (2) *In enclosed building.* The storage or accumulation of building materials is kept in a completely enclosed building; or
- (3) *Part of business stock.* Where such building materials are part of the stock in trade or business located on premises of said property zoned and/or legally operating.

Building materials shall include without limitation lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

(c) In any area zoned or used for residential purposes, it shall be unlawful to park or store, except in a completely enclosed building, any motorcycle, motor home, travel trailer, camper, boat trailer or cargo trailer (not used as part of a farming operation) which has not been licensed within the previous six months or that is inoperative or poor condition.

(d) It shall be unlawful for grass, weeds or a combination of weeds and grass to exceed ten inches in height, for lots or parcels in any business or industrial district, or any residential lot of less than two acres in size. Unoccupied residential parcels of two or more acres in size, wooded lot areas, or parcels used as part of an agricultural business shall be exempt from the requirements of this subsection.

(e) Occupied parcels of two or more acres in size which contain buildings and/or structures shall maintain an effective firebreak by removing brush, grass or weeds or a combination of weeds and grass so as not to exceed ten inches in height within 30 feet of any buildings and/or structures.

(f) In any area of the township, it shall be unlawful to cause or permit the existence or presence of or the storage of blighting factors or causes of blight as described in section 14-84.

(Comp. Ords. 2000, § 48.090; Ord. No. 01-05, § 3, 8-7-2001; Ord. No. 02-02, 4-2-2002; Ord. No. 03-10, § 2, 7-1-2003)

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Sec. 14-86. Enforcement and penalty.

(a) This article shall be enforced by an ordinance enforcement officer or any police officer of the township, or such other person who shall be designated for such purpose by the township manager.

(b) Any person or entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 48.100; Ord. No. 01-05, § 4, 8-7-2001; Ord. No. 03-10, § 2, 7-1-2003)

Secs. 14-87--14-115. Reserved.

ARTICLE V. NOISE*

Sec. 14-116. Definitions.

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

dB(A) means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1.4-1971.

Decibel means a unit to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (newtons per meter squared). As an example of the effect of this formula, a three-decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a ten-decibel change corresponds to a tenfold increase or decrease to one-tenth the former intensity.

(Comp. Ords. 2000, § 60.020; Ord. No. 82-6, § II, 10-5-1982)

Sec. 14-117. Antinoise regulations--Excessive, prohibited sounds deemed unlawful.

(a) *General regulation.* No person shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the township.

(b) *Specific violations.* The following noises and disturbances are hereby declared to be a violation of this article; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this article not specifically enumerated:

- (1) *Playing of radio, phonograph, television, etc.* The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.

* **State Law References:** Motor vehicle mufflers, MCL 257.707 et seq.

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- (2) *Yelling, shouting, on public streets.* Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- (3) *Near school, church, hospital or court.* The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- (4) *Animals, birds or fowl.* The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- (5) *Sounding of horns, devices on motor vehicles.* The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan vehicle code.
- (6) *Exhaust of engine, motor vehicle, or motorboat.* The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
- (7) *Erection, alteration or repair of buildings, premises or streets.* The erection, excavation, demolition, alteration or repair of any building or premises in any part of the township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonable annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the township, which permit shall limit the periods that the activity may continue.
- (8) *Loading or unloading vehicles, trailers, etc.* The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
- (9) *Drums, loudspeakers, instruments.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- (10) *Loudspeakers or sound amplifying devices on vehicles on streets.* The operation of any loudspeaker or other sound amplifying device upon any vehicle on the

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streets of the township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.

(11) *Machinery, equipment or mechanical devices.* The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

(12) *Motor vehicles, boats, etc., on proving ground or testing area.* The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township where the noise emanating therefrom would be unreasonably disturbing and upsetting to others.

(c) *Exceptions.* None of the prohibitions enumerated in subsection (b) of this section shall apply to the following:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

(2) Excavation or repair of bridges, streets or highways, utilities or other property by or on behalf of the state, township, or county, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

(3) Warning devices emitting sound for warning purposes as authorized by law.

(4) Motor vehicles and equipment for which noise levels are regulated by Public Act No. 73 of 1978 (MCL 257.707a et seq.), and the Michigan vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.)

(Comp. Ords. 2000, § 60.030; Ord. No. 82-6, § III, 10-5-1982)

Sec. 14-118. Same--Based upon dB(A) criteria.

In order to regulate and prove violations occurring under section 14-117, any noise in excess of the maximum decibel limits according to the regulations stated in this section is deemed to be in violation of this article.

(1) Regulations for decibel measurement of noise originating from private properties. Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this article. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

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<i>Zoning Districts</i>	<i>Limitations 7:00 A.M. to 10:00 P.M.</i>	<i>Limitations 10:00 P.M. to 7:00 A.M.</i>
Residential (and any area within 500 feet of a hospital regardless of zoning district) and agricultural districts located within 500 feet of any dwelling under separate ownership.	55 dB(A)	50 dB(A)
Agricultural (AG and RA districts), where at least 500 feet from any dwelling under separate ownership.	65 dB(A)	55 dB(A)

- (2) Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of five dB(A) less than those listed in subsection (1) of this section.
- (3) Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.
- (4) The following exceptions shall apply to these regulations under subsection (1) of this section:
 - a. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the township and is currently in effect.
 - b. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
 - c. Noises occurring between 7:00 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded; provided, such noise does not exceed the limitations specified in subsection (1) of this section by more than 20 dB(A).
 - d. Noises emanating from the discharge of firearms excluded, providing the discharge of the firearms was authorized under state law and all local ordinances.
 - e. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the township zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 1. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the township zoning ordinance if available.

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2. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

(Comp. Ords. 2000, § 60.040; Ord. No. 82-6, § IV, 10-5-1982)

Sec. 14-119. Violations.

Any person who violates any provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 60.060; Ord. No. 82-6, § VI, 10-5-1982; Ord. No. 03-07, § 2, 7-1-2003)

Chapter 15

RESERVED

FIRE PREVENTION AND DETECTION

Chapter 16

FIRE PREVENTION AND PROTECTION*

Article I. In General

Secs. 16-1--16-18. Reserved.

Article II. Fire Code

Sec. 16-19. Adoption of International Fire Code and NFPA I Uniform Fire Code.
Sec. 16-20. Establishment and duties of fire prevention inspector.
Sec. 16-21. Definitions.
Sec. 16-22. Violation.
Sec. 16-23. Appeals.
Secs. 16-24--16-49. Reserved.

Article III. Open Burning

Sec. 16-50. Permits required.
Sec. 16-51. Material restrictions.
Sec. 16-52. Locational restrictions.
Sec. 16-53. Time and atmospheric conditions.
Sec. 16-54. Fire extinguishing equipment.
Sec. 16-55. Attendance.
Sec. 16-56. Discontinuance.
Sec. 16-57. Penalties.

* **State Law References:** State fire prevention code, MCL 29.1 et seq.; explosives act, MCL 29.41 et seq.; township fire protection, MCL 41.801 et seq.; crimes relating to explosives and bombs, MCL 750.200 et seq.; crimes relating to fires, MCL 750.240 et seq.

FIRE PREVENTION AND DETECTION

FIRE PREVENTION AND DETECTION

ARTICLE I. IN GENERAL

Secs. 16-1--16-18. Reserved.

ARTICLE II. FIRE CODE

Sec. 16-19. Adoption of International Fire Code and NFPA I Uniform Fire Code.

Pursuant to MCL 41.805, which authorizes the adoption of a uniform fire protection code by reference, the 2006 edition of the International Fire Code, published by the International Code Council (including Appendices), and NFPA I Uniform Fire Code 2006 by reference, published by the National Fire Protection Association; copies of which are on file and open to inspection by the public in the office of the township clerk and the township fire department, are hereby adopted and incorporated into this article by reference as fully as if set out at length herein, and from the date on which the ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling within the limits of the township. The same are hereby adopted as the code of the township for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion and providing for issuance of permits and collection of fees.

(Comp. Ords. 2000, § 50.020; Ord. No. 99-6, § 2, 9-7-1999; Ord. No. 07-02, § 2, 4-3-2007)

State Law References: Authority to adopt technical codes by reference, MCL 42.23.

Sec. 16-20. Establishment and duties of fire prevention inspector.

(a) The International Fire Code (including appendices) and the NFPA I Uniform Fire Code shall be enforced by the fire department of the township, which shall be operated under the supervision of the fire chief who shall have the authority both personally or through designated fire prevention inspectors to issue citations for the violations of this article.

(b) The fire prevention inspectors of the fire department shall be appointed by the fire chief of the township on the basis of examination to determine his qualifications.

(c) The chief of the fire department may detail such members of the fire department as inspectors as deemed necessary from time to time be necessary. The chief of the fire department shall recommend to the township manager the employment of technical inspectors.

(Comp. Ords. 2000, § 50.030; Ord. No. 99-6, § 3, 9-7-1999; Ord. No. 07-02, § 3, 4-3-2007)

Sec. 16-21. Definitions.

(a) Wherever the term "jurisdiction" is used in the International Fire Code and NFPA I Uniform Fire Code, it is the Charter Township of Bridgeport, County of Saginaw, State of Michigan.

(b) Whereas the responsibility for the enforcement of the International Fire Code and NFPA I Uniform Fire Code is given the title of "fire marshal," it is the fire chief of the township.

FIRE PREVENTION AND DETECTION

(c) Wherever the term "chief of the bureau of fire prevention" is used, it shall be held to mean the fire chief of the township.

(d) Wherever the term "fire code official" is used, it shall be held to mean the fire chief and/or the designee of the fire chief.
(Comp. Ords. 2000, § 50.040; Ord. No. 99-6, § 4, 9-7-1999; Ord. No. 07-02, § 4, 4-3-2007)

Sec. 16-22. Violation.

Any person who violates any of the provisions of this article is responsible for a municipal civil infraction.
(Comp. Ords. 2000, § 50.110; Ord. No. 99-6, § 5, 9-7-1999; Ord. No. 03-07, § 2, 7-1-2003; Ord. No. 07-02, § 5, 4-3-2007)

Sec. 16-23. Appeals.

Appeals under this article shall be as provided in NFPA 1, 2006 edition, Chapter 1: Section 1.10.9, Means of Appeals.
(Comp. Ords. 2000, § 50.090; Ord. No. 99-6, § 9, 9-7-1999; Ord. No. 07-02, § 6, 4-3-2007)

Secs. 16-24--16-49. Reserved.

ARTICLE III. OPEN BURNING*

Sec. 16-50. Permits required.

Burning permits are required to conduct all open burning, excluding cooking fires contained within a barbecue pit. Permits may be obtained during normal business hours at the fire department office or other public location as designated by the fire chief.
(Comp. Ords. 2000, § 51.520; Ord. No. 95-1, § 2, 2-21-1995)

Sec. 16-51. Material restrictions.

Open burning of household rubbish, tires, building materials and paper products is strictly prohibited.
(Comp. Ords. 2000, § 51.530; Ord. No. 95-1, § 3, 2-21-1995)

Sec. 16-52. Locational restrictions.

(a) Open burning of any unrestricted material shall not be conducted within 50 feet of any structure or other combustible material. Conditions which could cause the fire to spread to within 50 feet of a structure shall be eliminated prior to ignition.

* **State Law References:** Open burning of leaves and grass, MCL 324.11522.

FIRE PREVENTION AND DETECTION

(b) Recreational fires and cooking fires shall not be conducted within 25 feet of a structure of combustible material unless contained within a barbecue pit. Conditions which could cause a fire to spread to within 25 feet of a structure shall be eliminated prior to ignition. (Comp. Ords. 2000, § 51.540; Ord. No. 95-1, § 4, 2-21-1995)

Sec. 16-53. Time, atmospheric conditions, menace to public health.

All open burning shall only be permitted during daytime hours, unless specifically permitted by the fire chief or his designee, and when atmospheric conditions do not cause a fire hazard, or to burn same in any manner that may menace the public health, cause a nuisance or smoke ash or offensive odors, or burn the same in any manner that may constitute a sight hazard.

(Comp. Ords. 2000, § 51.550; Ord. No. 95-1, § 5, 2-21-1995)

Sec. 16-54. Fire extinguishing equipment.

A garden hose connected to a water supply or other approved fire-extinguishing equipment (buckets containing water or sand; shovels; fire extinguishers with a minimum 4-A rating) shall be readily available for use at all open burning sites.

(Comp. Ords. 2000, § 51.560; Ord. No. 95-1, § 6, 2-21-1995)

Sec. 16-55. Attendance.

All open burning shall be constantly attended by a person at least 18 years of age, knowledgeable in the use of the fire extinguishing equipment required by this permit, and familiar with the limitations which restrict open burning. Said attendant shall supervise all open burning until the fire has been extinguished.

(Comp. Ords. 2000, § 51.570; Ord. No. 95-1, § 7, 2-21-1995)

Sec. 16-56. Discontinuance.

The fire chief or his designee is authorized to require that open burning be immediately discontinued if the chief or his designee determines it to constitute a hazardous condition.

(Comp. Ords. 2000, § 51.580; Ord. No. 95-1, § 8, 2-21-1995)

Sec. 16-57. Penalties.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 51.590; Ord. No. 95-1, § 9, 2-21-1995; Ord. No. 03-07, § 2, 7-1-2003)

Chapter 17

RESERVED

LAND DIVISIONS AND SUBDIVISIONS

Chapter 18

LAND DIVISIONS AND SUBDIVISIONS*

Article I. In General

Secs. 18-1--18-18. Reserved.

Article II. Subdivision Regulations

Sec. 18-19.	Purpose; authority.
Sec. 18-20.	Territorial limits of regulations.
Sec. 18-21.	Definitions.
Sec. 18-22.	Procedure for filing plats.
Sec. 18-23.	Preliminary plat.
Sec. 18-24.	Final plat.
Sec. 18-25.	Design standards.
Sec. 18-26.	Improvements.
Sec. 18-27.	Violation.

* **State Law References:** Land division act, MCL 560.101 et seq.

LAND DIVISIONS AND SUBDIVISIONS

ARTICLE I. IN GENERAL

Secs. 18-1--18-18. Reserved.

ARTICLE II. SUBDIVISION REGULATIONS

Sec. 18-19. Purpose; authority.

The purpose of this article is to adopt general rules and regulations governing plats and subdivisions of land by the township board, pursuant to the provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq.).
(Comp. Ords. 2000, § 23.000; Ord. No. VII C-3, intro., 4-6-1971)

Sec. 18-20. Territorial limits of regulations.

The rules and regulations governing plats and subdivisions of land contained herein shall apply within the township limits.
(Comp. Ords. 2000, § 23.010; Ord. No. VII C-3, § I, 4-6-1971)

Sec. 18-21. Definitions.

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

Alley or service drive means a passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

Improvements means street pavements, curb and gutter, water mains, storm and sanitary sewers and may include sidewalks and walkways.

Local street means a street intended to serve and to provide access to neighborhoods or sub-neighborhoods.

Major street, highway, parkway means a street or road which serves or is intended to serve as a major traffic way and is designated in the major street plan.

Major street plan means the master plan of highways, major streets and parkways adopted by the planning commission.

Subdivide or subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of sections 108 and 109 of the land division act (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

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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 means either a natural person, association, partnership, corporation or a combination of any of them.

(Comp. Ords. 2000, § 23.020; Ord. No. VII C-3, § II, 4-6-1971)

Sec. 18-22. Procedure for filing plats.

No subdivider proposing to make or have made a subdivision within the territorial limits of these regulations shall enter into any contract for the sale of or shall offer to sell said subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision, including grading until he or it has obtained from the planning commission the tentative approval of the preliminary plat of the proposed subdivision.

(Comp. Ords. 2000, § 23.030; Ord. No. VII C-3, § III, 4-6-1971)

Sec. 18-23. Preliminary plat.

(a) Prior to submission of a preliminary plat, subdividers shall discuss tentative studies with the planning commission.

(b) In order to receive consideration at the next subsequent meeting of the planning commission, four prints of the preliminary plat along with written application shall be filed with the planning commission not less than seven days prior to such meeting.

(c) Within five days after a decision has been reached by the planning commission, it shall file its conclusions in writing with the township clerk and owner or subdivider, stating that the property involved is either suitable or unsuitable for platting and the reasons therefor. The conclusions of the planning commission shall be subject to review by the township board and its decision on the matter shall be final. Before acting on the preliminary plat, the planning commission shall hold a public hearing thereon, notifying the subdivider and owners of land immediately adjacent to the proposed subdivision by certified mail.

(d) The following shall be shown on the preliminary plat:

- (1) Proposed name of the subdivision and description of land to be platted.
- (2) Scale, optional but not to exceed 200 feet to the inch.
- (3) Date and cardinal point.
- (4) The boundary lines, accurate in scale, of the tract to be subdivided.
- (5) The locations, widths, names of any existing streets within or adjacent to the tract and any other features such as county drains, watercourses, railroads, section lines, existing buildings, etc.
- (6) Names, location and widths of proposed streets, alleys, parks, lots, walkways, and easements including those for utilities.

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- (7) Street pattern of existing plats adjoining property shall be shown. Where adjoining property is unplatted, a preliminary street pattern in same shall be shown indicating how the proposed general plan will conform to the guide plan for major streets and highways.
- (8) The names and addresses of the subdivider and the engineer or surveyor.
- (9) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (10) When only a part of a tract is proposed to be subdivided, the layout of the remaining area shall be shown in sketch form.
- (11) Names and addresses of proprietors of the land to be included in the proposed plat. Names and addresses of owners of abutting unplatted lands shall be furnished.
- (12) Contours, when required by the planning commission.
- (13) Preliminary plan shall show the nearest available sanitary sewer, water main and information relative to the outlet for the disposal of stormwater.

(e) Written approval of the planning commission shall be indicated on the preliminary plat along with any change or requirements that the planning commission may make, constituting acceptance thereof as a basis for the preparation of the final plat. One copy of the preliminary plat with any changes or revisions noted thereon shall be returned to the proprietor, the subdivider or his representative. The second copy with the revisions noted thereon shall be retained by the planning commission. The third copy shall be submitted to the township clerk. The fourth copy to be retained by the chairman of the subdivision committee.

(f) Approval of the preliminary plat shall be valid for a duration of not more than two years.

(Comp. Ords. 2000, § 23.031; Ord. No. VII C-3, § III(A), 4-6-1971)

State Law References: Preliminary plats, MCL 560.111 et seq.

Sec. 18-24. Final plat.

(a) The final plat shall be submitted to the township planning commission for approval not less than seven days prior to a regular meeting.

(b) Procedure.

- (1) The subdivider shall file with the planning commission the original and five copies. A copy shall be retained by the planning commission.
- (2) Approval of the final plat is contingent upon furnishing to the planning commission a plan of each street with the following data: profile and cross section notes of each street with grades; a plan of the water lines with size and appurtenances in accordance with the standard specification of the township.
- (3) The subdivider will petition the township board for the construction of sanitary sewers in the plat, provided the plat location is such that it can be served by the township system with a sewer extension of 1,000 feet or less. Under special

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conditions and upon the recommendation of the planning commission, the township board can require a petition when the distance exceeds 1,000 feet. Under special assessment procedure 100 percent of the cost of sanitary sewers will be assessed over a 15-year period against the property benefited. The township will proceed with the sanitary sewer construction under the special assessment regulations when funds are available from the sale of bonds or other sources.

- (4) The subdivider will pay the entire cost, including engineering, for the installation of water mains in the plat based upon six-inch mains and appurtenances provided that the plat location is such that it can be served by the township system with a main extension of 1,000 feet or less. Under special conditions and upon recommendation of the planning commission, the township board can require a petition when this distance exceeds 1,000 feet.
- (5) The subdivider will include a stipulation in all deeds, executed by them for lots in the plat requiring the grantee to assume special assessments on lots sold in the plat prior to the installation of utilities.
- (6) Curbs, gutters, and pavement shall be constructed in all subdivisions hereafter approved in the township. Curbs shall be of concrete construction and such curbs, gutters, and pavement shall meet or exceed the specifications required by the county road commission. The subdivider shall provide to the planning commission, prior to approval of final plat, proof of installation of curbs, gutters, and pavements on all streets as shown on the final plat, or, in the alternative, proof of bond or other security in form and amount satisfactory to the planning commission, assuring construction of such curbs and gutters within one year of the date of approval of final plat.

(c) Approval of the final plat is contingent on evidence that the improvements as required have been made or will be made by the subdivider, as provided herein.

(d) Before any lots are sold (refer to subsection (b)(4) of this section), the subdivider will deposit money with the township water board for the installation of six-inch water mains and appurtenances in accordance with the estimated cost of said mains as derived by the water board's engineer.

(e) Where land lies adjacent to the lands embraced in the plat, which, in the opinion of the planning commission, is suitable for subdividing, but which has not yet been subdivided, a strip of land within the bounds of the plat two feet in width and abutting the boundary line separating such unplatted land from the plat shall be reserved for the full length of a half street, or other public way, which abuts said boundary lines. All such reservations shall be designated on the plat as "two-foot reservations" and held by the owner as a reservation until adjacent lands along the boundary and outside the plat shall be dedicated or otherwise established as a street or other public property, at which time such two-foot reservation shall automatically become a street in the dedication.

(Comp. Ords. 2000, § 23.032; Ord. No. VII C-3, § III(B), 4-6-1971)

State Law References: Final plats, MCL 560.131 et seq.

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Sec. 18-25. Design standards.

- (a) *General requirements.*
 - (1) Streets shall conform in effect to the master plan as adopted.
 - (2) Cul-de-sac (courts).
 - a. The maximum length shall be 500 feet.
 - b. The terminal shall be a circular area with a minimum diameter of 100 feet.
 - c. The minimum right-of-way shall be 50 feet.
 - (3) If a tentative layout for the area has been made by the planning commission, the street layout shall be in general conformance thereto.
 - (4) In cases where variations from the dimensional standards, improvement requirements, and open space requirements are deemed necessary, said variations shall be recommended by the planning commission to the township board.
- (b) *Streets.*
 - (1) Streets shall intersect one another at right angles or as nearly at right angles as conditions permit.
 - (2) Street layout shall be in conformity with a plan for the most advantageous development of adjoining unplatted or developed areas and shall provide for access to such areas.
 - (3) Dead-end streets shall be accepted only when the street will be extended in the future.
 - (4) Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width shall be platted.
- (c) *Blocks.*
 - (1) No block shall be more than 1,000 feet in length, except where, in the opinion of the planning commission, conditions justify a departure from this maximum. In blocks over 900 feet in length, the planning commission may require at or near the middle of the block a walkway or easement for public utilities.
 - (2) The number of intersecting streets along highways and major streets shall be held to a minimum, wherever practicable blocks along such traffic way shall not be less than 1,320 feet in length.
- (d) *Lots.*
 - (1) Lots shall conform in width and area to the zoning district in which the subdivision is located.
 - (2) Double frontage lots should be avoided.
 - (3) Side lot lines shall be approximately at right angles to the right-of-way line of the street the lot faces.

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- (4) Every lot shall abut a dedicated street.
- (e) *Easements.*
 - (1) All dedicated streets on the plat shall be bounded on both sides by an easement for placement of public utilities, each of which easements shall be contiguous at all points to the street for the full length of said street and be at least ten feet in width.
 - (2) At any point when rear lot lines are contiguous, each such lot shall have an easement for placement of public utilities of at least six feet which easement shall be contiguous at all points to the rear lot for the full length of said lot line making a total easement for public utilities at least 12 feet wide where the rear lines of lots are contiguous.
 - (3) At any point where a lot line is contiguous to unsubdivided property, each such lot shall have an easement for placement of public utilities of at least six feet which easement shall be contiguous at all points to said lot line for the full length of said lot line.

(Comp. Ords. 2000, § 23.040--23.045; Ord. No. VII C-3, § IV, 4-6-1971)

Sec. 18-26. Improvements.

(a) *Agreement between the subdivider and the township.* The subdivider shall enter into an agreement with the township containing a restriction upon the plat whereby the township's building inspector will not be permitted to issue a building permit for any structure upon any lot within said subdivision until the improvements as specified above have been completed, or satisfactory arrangements have been made with the township for the completion of said improvements. These plat restrictions shall be made a part of all deeds or contracts for any lot within the subdivision.

(b) *Border line streets.* When a plat dedicates half of the width of a street on a boundary line separating two or more parcels of property, the subdivider shall enter into an agreement with the township whereby said subdividers shall be responsible for the installation of improvements on his half of said street at the time the adjacent tract is developed.

(Comp. Ords. 2000, § 23.050; Ord. No. VII C-3, § V, 4-6-1971)

Sec. 18-27. Violation.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 23.070; Ord. No. VII C-3, § 23.070(A), 4-6-1971; Ord. No. 03-07, § 2, 7-1-2003)

Chapter 19

RESERVED

LAW ENFORCEMENT

Chapter 20

LAW ENFORCEMENT*

Article I. In General

Secs. 20-1--20-18. Reserved.

Article II. Police Department

- Sec. 20-19. Established; composition.
- Sec. 20-20. Appointments; rules governing operation and maintenance; duties and employment standards.
- Sec. 20-21. Responsibilities.
- Sec. 20-22. Officers to serve and execute criminal and civil process; superintending authority designated.
- Sec. 20-23. Cooperation with other agencies.
- Sec. 20-24. Officers deemed to be on duty at all times.
- Secs. 20-25--20-51. Reserved.

Article III. Ordinance Enforcement Officer

- Sec. 20-52. Office established.
- Sec. 20-53. Appointment.
- Sec. 20-54. Authority.
- Sec. 20-55. Duties.
- Sec. 20-56. Supplementary effect.
- Secs. 20-57--20-85. Reserved.

Article IV. Municipal Civil Infractions

- Sec. 20-86. Municipal Ordinance Violations Bureau.
- Sec. 20-87. Bureau authority.
- Sec. 20-88. Civil infraction notice/citation requirements; admission/denial of responsibility.
- Sec. 20-89. Schedule of fines.
- Sec. 20-90. Records and accounting.
- Sec. 20-91. Availability of other enforcement options.

* **State Law References:** Law enforcement officers training council act, MCL 28.601 et seq.; minimum employment standards, MCL 28.609; uniform crime reports, MCL 28.251 et seq.; mutual assistance agreements, MCL 123.811 et seq.

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ARTICLE I. IN GENERAL

Secs. 20-1--20-18. Reserved.

ARTICLE II. POLICE DEPARTMENT

Sec. 20-19. Established; composition.

There is hereby created and established the township police department which shall be composed of a police chief and such patrolmen, detectives and other officers and members as may be required for the proper and efficient operation and maintenance of said department.
(Comp. Ords. 2000, § 70.620; Ord. No. I F-1, § II, 1-5-1971)

Sec. 20-20. Appointments; rules governing operation and maintenance; duties and employment standards.

The township board shall, from time to time by resolution, make and establish such rules and regulations for the governing of the employees and officers thereof, their compensation, and for the care and management of the motor vehicles, equipment, property and buildings pertaining thereto as shall be necessary for the proper and efficient operation and maintenance of the township police department and shall prescribe the duties of the officers and employees thereof. The police chief and all officers shall be appointed by the township supervisor with the approval of the township board. The police chief and each officer of the township police department shall meet the minimum employment standards as provided by the Michigan commission on law enforcement standards, Public Act No. 203 of 1965 (MCL 28.601 et seq.).
(Comp. Ords. 2000, § 70.630; Ord. No. I F-1, § III, 1-5-1971)

Sec. 20-21. Responsibilities.

The township police department shall have the responsibility to enforce and see to the prosecution of all violations of ordinances of the township and shall aid the building inspector in enforcement of all building and zoning ordinances of the township.
(Comp. Ords. 2000, § 70.640; Ord. No. I F-1, § IV, 1-5-1971)

Sec. 20-22. Officers to serve and execute criminal and civil process; superintending authority designated.

Any officer or member of the township police department may and shall serve and execute all criminal and civil process of the township. The police chief and said department shall be under the immediate control and direction of the supervisor of the township.
(Comp. Ords. 2000, § 70.650; Ord. No. I F-1, § V, 1-5-1971)

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Sec. 20-23. Cooperation with other agencies.

The police chief and all officers of the township police department shall be deputized by the county sheriff, whenever possible, and shall cooperate with the sheriff's department, the state police and any other duly constituted police agency for the purpose of prevention and discovery of crimes and the apprehension of criminals.

(Comp. Ords. 2000, § 70.660; Ord. No. I F-1, § VI, 1-5-1971)

Sec. 20-24. Officers deemed to be on duty at all times.

Every member of the township police department shall be subject to orders at any time. The police chief and officers shall be deemed to be on duty at all times for the purpose of apprehending criminals and preserving law and order.

(Comp. Ords. 2000, § 70.670; Ord. No. I F-1, § VII, 1-5-1971)

Secs. 20-25--20-51. Reserved.

ARTICLE III. ORDINANCE ENFORCEMENT OFFICER

Sec. 20-52. Office established.

The office of township ordinance enforcement officer is hereby established.

(Ord. No. 03-08, § 1, 7-1-2003)

Sec. 20-53. Appointment.

The township board is authorized to appoint by motion/resolution any person to the office of ordinance enforcement officer for such term as may be designated in said motion/resolution and for such compensation as the board may determine. The board may further, by motion/resolution, remove any person from said office, at the discretion of the board.

(Ord. No. 03-08, § 2, 7-1-2003)

Sec. 20-54. Authority.

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

(Ord. No. 03-08, § 3, 7-1-2003)

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Sec. 20-55. Duties.

The ordinance enforcement officer's duties shall include the following:

- (1) Investigation of ordinance violations;
 - (2) Issuing and serving ordinance violation notices;
 - (3) Issuing and serving appearance tickets as authorized under Public Act No. 147 of 1968 (MCL 764.9c);
 - (4) Issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under Public Act No. 12 of 1994 (MCL 600.8701 et seq.);
 - (5) Appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and
 - (6) Such other ordinance enforcing duties as may be designated by the township board, township manager or township attorney.
- (Ord. No. 03-08, § 4, 7-1-2003)

Sec. 20-56. Supplementary effect.

All ordinances of the township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this article.
(Ord. No. 03-08, § 6, 7-1-2003)

Secs. 20-57--20-85. Reserved.

ARTICLE IV. MUNICIPAL CIVIL INFRACTIONS*

Sec. 20-86. Municipal Ordinance Violations Bureau.

(a) *Establishment.* The township municipal ordinance violations bureau (hereafter "bureau") is established pursuant to Public Act No. 12 of 1994 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

(b) *Location.* The bureau shall be located at the Township Governmental Center, 6206 Dixie Highway, Bridgeport, Michigan, or such other location in the township as may be designated by resolution of the township board.

(c) *Personnel.* All personnel of the bureau shall be township employees. The township board may, by resolution, designate a bureau clerk with the duties prescribed in this article and as otherwise may be delegated by the township board.
(Ord. No. 07-03, § 2, 4-17-2007)

* **State Law References:** Municipal civil infractions, MCL 600.8701 et seq.

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Sec. 20-87. Bureau authority.

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

(Ord. No. 07-03, § 3, 4-17-2007)

Sec. 20-88. Civil infraction notice/citation requirements; admission/denial of responsibility.

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

- (1) The violation;
- (2) The time within which the person must contact the bureau for purposes of admitting or denying responsibility for the violation;
- (3) The amount of the scheduled fines/costs for the violation;
- (4) The methods by which the violation may be admitted or denied;
- (5) The consequences of failing to pay the required fines/costs or contact the bureau within the required time;
- (6) The address and telephone number of the bureau;
- (7) The days and hours that the bureau is open.

(b) *When citation shall issue and file upon denial of responsibility; contents of citation.* Where a person fails to admit responsibility, without explanation, for a violation within the jurisdiction of the bureau and/or fails to pay the required civil fines/costs within the designated time period, the bureau clerk or other designated township employee shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall be processed in the manner required by law.

(Ord. No. 07-03, § 4, 4-17-2007)

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Sec. 20-89. Schedule of fines.

Any person who violates any provision of any ordinance or the township Code that is responsible for a municipal civil infraction as defined by state law and subject to a municipal civil infraction fine determined in accordance with the following schedule, including footnotes 2A, 2B, and 2C to the table:

<i>Violation No.</i>	<i>Civil Infraction Citations</i>	<i>Bridgeport Violations Bureau</i>
1st violation within a three-year period	\$145.00 See 2A, 2B, C*	\$95.00
2nd violation within a three-year period	\$250.00 See 2A, 2B, 2C*	\$145.00
3rd or Subsequent Violation within a three-year period	\$500.00 See 2A, 2B, 2C*	\$250.00
4th or subsequent violation within a three-year period	See 2A, 2B, 2C*	\$500.00

- 2A. For each day a violation identified on a civil infraction citation continues to exist after the date listed on the citation for the defendant to appear at, or pay the fine listed on the citation at the township's civil infraction bureau, the defendant shall be assessed an additional fine by the court at a judgment of \$5.00 per day until the violation has been corrected as verified by township inspection or judgment on the citation is entered, whichever first occurs.
- 2B. Additionally, at judgment, the court shall order the defendant to pay to the township restitution in an amount sufficient to reimburse the township for all direct and indirect expenses which it has incurred in connection with the civil infraction violation enforcement action for each such citation.
- 2C. A person violating the township ordinance as identified on a civil infraction citation shall also be subject to such additional sanctions, remedies, and judicial orders, including but not limited to injunctions and orders to correct violations, as are authorized under Michigan Law.

* The court shall exercise its discretion in setting the appropriate fine and shall take into consideration, among other relevant factors, the ongoing, flagrant and/or abusive nature of the violation and the potential for harm to the township's efforts to eliminate blight in light of the repeated nature of the offense.

(Ord. No. 03-07, § 2, 7-1-2003; Ord. No. 07-03, § 5, 4-17-2007)

Sec. 20-90. Records and accounting.

The bureau clerk or other designated township official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the township board each month or at such other intervals as the township board may require concerning the number of admissions

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and denials of responsibility for ordinance violations within the jurisdiction of the bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the township treasurer at such intervals as the treasurer shall require, and shall be deposited into the general fund of the township.

(Ord. No. 07-03, § 6, 4-17-2007)

Sec. 20-91. Availability of other enforcement options.

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

(Ord. No. 07-03, § 7, 4-17-2007)

Chapter 21

RESERVED

PARKS AND RECREATION

Chapter 22

PARKS AND RECREATION*

Article I. In General

Secs. 22-1--22-18. Reserved.

Article II. Park Regulations

- Sec. 22-19. Definitions.
- Sec. 22-20. Public use and hours.
- Sec. 22-21. Protection of property.
- Sec. 22-22. Protection of wildlife.
- Sec. 22-23. Regulations governing sports, games, activities and other uses.
- Sec. 22-24. Traffic regulations.
- Sec. 22-25. Trespass.
- Sec. 22-26. Violation.

* **State Law References:** Township parks, MCL 41.421 et seq.; recreation and playgrounds, MCL 123.51 et seq.; playground equipment safety act, MCL 408.681 et seq.

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ARTICLE I. IN GENERAL

Secs. 22-1--22-18. Reserved.

ARTICLE II. PARK REGULATIONS

Sec. 22-19. Definitions.

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

Camping means the overnight lodging or sleeping of persons on the ground or in any other manner, or in any sleeping bag, tent, trailer tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked, or placed on the premises or waters within any park or recreation area administered by township board.

Rules means the rules and amendments thereto, adopted by the township park and recreation commission and approved by the township board, applicable to all property administered by or under the jurisdiction of the township board, including but not limited to public park property owned by the township.

Township property means all lands, waters, and property administered by or under the jurisdiction of the township board, including but not limited to public park property owned by the township.

(Comp. Ords. 2000, § 39.030; Ord. No. 79-3, ch. I, 7-17-1979)

Sec. 22-20. Public use and hours.

(a) *General public.*

- (1) Any publicly recognized organization or group of ten or more persons may use certain designated camping areas within township property to the exclusion of others for the purpose of camping only by making application and being granted a permit.
- (2) Camping permits shall be issued by the parks and recreation director upon showing that the application and proposed camping comply with the ordinances of the township, and the applicable rules and regulations of the commission.

(b) *Permits.*

- (1) Application for a permit for reserved park space shall be made upon forms to be furnished by the township.
- (2) Application shall be made in advance of the time of the reservation requested.
- (3) Applications for a camping permit may be obtained between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the office of the township, 6206 Dixie Highway, Bridgeport, Michigan. A deposit will be required for the key to the park gate of the township park in an amount to be established by the commission.

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- (4) In the event more applications for reserved space are received than space is available, such applications shall be considered in the chronological order received.
- (5) Nothing contained herein shall operate to exempt the users of reserved space from full compliance with all rules of the township relating to use of and conduct on township property.

(c) *Hours.* No person, except persons engaged in township business, shall enter or remain upon township property between the hours of 10:00 p.m. and 8:00 a.m. unless said person has a valid temporary camping permit or is a member of a group covered by a valid temporary camping permit. It shall be unlawful for any person to enter upon any portion of park lands or waters which have been designated as closed to public use.

(d) *Security protection.* The township shall not provide security personnel on park lands and assumes no liability for the unlawful actions of others. Unlawful acts must be reported to the state police or local municipal police force for protective actions.

(e) *Posted rules and regulations.* The township park and recreation commission may at any time and from time to time make rules and regulations for the administration of township property which, after approval by resolution of the township board, shall be conspicuously posted at appropriate places in and on the township property and shall have the same force and effect as if herein written. Any and all persons coming into or on township property shall obey and comply with all such rules and regulations when posted.
(Comp. Ords. 2000, §§ 39.040--39.045; Ord. No. 79-3, ch. II, 7-17-1979)

Sec. 22-21. Protection of property.

(a) *Destruction of buildings, markers, monuments, and other properties.* No person shall, upon the township property:

- (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, athletic fields, recreation courts, bridge, drain, wall, fountain, lamppost, fence, gate, hedge or other structure or fixture.
- (3) Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited.
- (4) Appropriate, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the township.

(b) *Destruction of plant life and natural surroundings.* No person shall, upon the township property:

- (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 any branch, foliage, flower, or any tree, shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.

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- (2) Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the township.
 - (c) *Building or creating fires.* No person shall, within or upon the township property:
 - (1) Willfully set or cause to be set on fire any tree, woodland, brushland, grassland, or meadow.
 - (2) Build any fire except within the fireplaces, receptacles, or open spaces approved and designated by the township for such purpose.
 - (3) Drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper, or other inflammable material.
- (Comp. Ords. 2000, §§ 39.050--39.053; Ord. No. 79-3, ch. III, 7-17-1979)

Sec. 22-22. Protection of wildlife.

(a) *Animals and birds.* No person shall hunt, trap, catch, wound or kill, or 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 of any animal in or upon any land or waters of the township property; provided, however, fishing will be permitted within or upon township property in accordance with the laws of the state and the rules of the department of conservation of the state in such areas designated for such purposes.

(b) *Contraband.* All game, animals, fowl, birds, fish, and other aquatic life, hunted, killed, taken or destroyed, bought, sold, bartered, or had in possession, contrary to any of the provisions hereof, shall be and the same are declared to be contraband and the same shall be subject to seizure and confiscation and shall be turned over to the state department of natural resources for disposal; provided further, that any weapon or object carried or used by any person in violation of these rules, shall be subject to seizure by the township or its agent and disposed of according to law.

(Comp. Ords. 2000, §§ 39.060--39.062; Ord. No. 79-3, ch. IV, 7-17-1979)

Sec. 22-23. Regulations governing sports, games, activities and other uses.

(a) *Boats and other watercraft.* No persons shall bring into use, via township property, any boat, yacht, canoe, raft, or other watercraft upon any watercourse, lagoon, lake, ponds, or slough except at such time and place as may be provided and designated for such purpose.

(b) *Camping.* It shall be unlawful to camp except in such areas as may be provided and designated for such purposes by the township. No person shall camp without a written permit issued by an authorized representative of the township.

(Comp. Ords. 2000, §§ 39.070--39.072; Ord. No. 79-3, ch. V, 7-17-1979)

Sec. 22-24. Traffic regulations.

(a) *Parking in prohibited areas.*

- (1) It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading or delivery or pick up and loading of materials.

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- (2) It shall be unlawful for the operator of a vehicle to stop, stand, or park such vehicle upon any roadway or in any parking area in such matter as to form an obstruction to traffic thereon.
 - (b) *Horses.*
 - (1) It shall be unlawful for any person to ride, lead, cause, or suffer a horse to be upon any township property, except on specifically designated and posted areas or bridle paths or by permit on field trial areas.
 - (2) It shall be unlawful for any person to ride a horse in a careless, negligent or reckless manner so as to create a nuisance or to endanger life, property, or persons of others on any township property.
 - (3) The driver of any vehicle shall yield the right-of-way to any person riding a horse on marked bridle paths where such bridle paths cross streets or roadways.
 - (c) *Motor-driven vehicles.* It shall be unlawful for any person upon township property to:
 - (1) Operate a motor-driven vehicle of any kind or nature, except on roads or designated parking areas, or except as is provided hereinafter under subsection (c)(3) of this section.
 - (2) Operate a motor-driven vehicle on any park road at a speed exceeding 15 miles per hour or at any speed greater than posted.
 - (3) Operate any recreational vehicle, including, among others, motor-driven sleds, toboggans, or snowmobiles, on any township property, except where permitted by posted notice. Such vehicles shall be subject to the following:
 - a. Recreational vehicles shall not cross park boundaries except at authorized points of ingress and egress and in a manner as hereinafter described.
 - b. No person shall drive a recreational vehicle in a careless, negligent, or reckless manner so as to create a nuisance or to endanger the life, property, or persons of others on any township property.
 - c. The minimum requirements of article III, chapter 4, subchapter 6 of Public Act No. 451 of 1994 (MCL 324.81101 et seq.).
 - (d) *Operation of bicycles.*
 - (1) Bicycles shall be operated as closely to the righthand curb or righthand side of the path, trail, or roadway as conditions will permit and not more than two bicycles shall be operated abreast.
 - (2) It shall be unlawful for the operator of any bicycle to carry a person on a bicycle not so designed for more than one person.
 - (3) It shall be unlawful for the operator of any bicycle to operate the bicycle on such paths, trails, or roadways where it is posted as prohibited.
- (Comp. Ords. 2000, §§ 39.080--39.084; Ord. No. 79-3, ch. VI, 7-17-1979)

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Sec. 22-25. Trespass.

(a) *Peddling and soliciting.* It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter; or to post unauthorized signs on any lands, waters, structures, or township property, or to use such lands, waters, structures or property unless first authorized in writing by the township or its authorized agent.

(b) *Unlawful obstruction.* No 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 township property.

(c) *Hindering employees.* No person shall interfere with, or in any manner hinder, any employee or agent of the township while performing their official duties.

(d) *Resisting authorized law enforcement officer.* No person shall interfere with any authorized law enforcement officer in the discharge of his duties; or fail or refuse to obey any lawful command of any law enforcement officer.

(e) *Personal conduct.*

(1) It shall be unlawful for any person to be intoxicated and/or who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct tending to create a breach of the peace, or to disturb or annoy others, while in or on any township property.

(2) Intoxicants.

a. It shall be unlawful for any person to be in possession of intoxicants while in or on any township property.

b. The township board may approve the issuance of a special activity permit to allow the use of intoxicants on township property. Special activity permits shall include the standards and any special conditions required by the township. Special activity permits will identify and limit the sale or use of intoxicants to specific locations. Special activity permits are limited to major township-wide functions. Special activity permits may only be issued to charitable or civic organizations located within the geographical boundaries of the township. The township board retains the right to approve or deny any special activity permit and specify any standards or conditions that it deems necessary to protect the health, safety and welfare of the residents of the township.

(f) *Use of loudspeaker or amplifier.* It shall be unlawful to use a loudspeaker, public address system, or amplifier within or upon township property without a written permit issued by the township.

(g) *Fireworks and guns.* No person shall, at any time, bring into or upon the township property, nor have in the person's possession, nor discharge or set off anywhere upon said properties fireworks, firecrackers, explosive devices, revolvers, pistols, shotguns, rifles, air

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rifles, air guns, water guns or any guns, rifles, firearms, or bow or other weapon that discharges projectiles by force of air, explosive substance or any other force; provided, however, that this section shall not apply to any deputy, sheriff, police officer, peace officer, or other duly appointed law enforcement officer while carrying out the duties and responsibilities of their position nor to any person while on or in those areas which may from time to time be designated as hunting areas by the township or while upon designated target ranges or areas.

(h) *Littering and pollution of waters.* It shall be unlawful:

- (1) To discard or deposit refuse of any kind or nature in or upon township property except by placing said refuse in containers provided for such purpose.
- (2) To throw, cast, lay, drop, or discharge into or leave in water administered by or under the jurisdiction of the township any substance, matter, or thing, liquid or solid, which may or shall result in the pollution of said water.
- (3) To suffer a dog or pet to enter any public building or to be upon any designated beach, except a trained and working leader dog.
- (4) To cause or permit any horse or other animal to stand on any township property unless securely hitched or in charge of some competent person.

(i) *Special permits.*

- (1) No erection, construction, or maintenance shall be made above or below ground, across or beneath township property by any person without first having obtained written permission from the township authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.
- (2) Notwithstanding any of the provisions hereof, the township or its agent may, upon written application, grant specific use permits for special uses when in the opinion of the township or its agents special consideration is warranted.

(j) *Fees and charges.* It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by resolution of the township board without payment of such fee or charge.

(k) *Emergency powers.*

- (1) Nothing in these rules shall:
 - a. Prohibit or hinder duly authorized agents of the township or any peace officer from performing their official duties.
 - b. Prohibit the commission or the township from establishing emergency rules required to protect the health, welfare, and safety of park visitors and to protect park property.

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- (2) The township police chief or parks and recreation director may, at any time that he shall deem it necessary for the protection of health, safety, and general welfare of persons or property, order any township property closed for a period of not more than 24 hours and evacuate all persons from said township property.

(Comp. Ords. 2000, §§ 39.090, 39.092--39.102; Ord. No. 79-3, ch. VII, 7-17-1979; Ord. No. 03-06, § 2, 7-1-2003; Ord. No. 03-11, § 2, 8-5-2003; Ord. No. 04-02, § 2, 6-15-2004)

Sec. 22-26. Violation.

(a) This article shall be enforced by an ordinance enforcement officer or any police officer of the township, or such other person who shall be designated for such purpose by the township manager.

(b) Any person or entity who violates any of the provisions of this article is responsible, for each such violation, for a municipal civil infraction.

(Comp. Ords. 2000, § 39.112; Ord. No. 79-3, ch. VIII, 7-17-1979; Ord. No. 03-06, § 2, 7-1-2003)

Chapter 23

RESERVED

SOLID WASTE

Chapter 24

SOLID WASTE*

Article I. In General

Secs. 24-1--24-19. Reserved.

Article II. Collection and Disposal

Sec. 24-20.	Definitions.
Sec. 24-21.	Contract for waste collection.
Sec. 24-22.	Rates and charges.
Sec. 24-23.	Special assessments.
Sec. 24-24.	Responsibility of township manager.
Sec. 24-25.	General requirements of contractor.
Sec. 24-26.	General waste requirements.
Sec. 24-27.	General collection requirements.
Sec. 24-28.	Notice provisions.
Sec. 24-29.	Penalties.

* **State Law References:** Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.; solid waste management act, MCL 324.11501 et seq.; waste reduction assistance act, MCL 324.14501 et seq.; clean Michigan fund act, MCL 324.19101 et seq.; low-level radioactive waste authority act, MCL 333.26201 et seq.

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ARTICLE I. IN GENERAL

Secs. 24-1--24-19. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 24-20. Definitions.

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

Collection means the taking up and collecting of all garbage, refuse, recyclables, yard waste and/or other contractually regulated waste accumulated in receptacles and/or containers at dwelling units within its jurisdiction, and the transportation of same to a sanitary landfill or other place of legal disposal.

Construction refuse means all unwanted, rejected, discarded or abandoned materials resulting from the alteration, repair or construction of buildings.

Dwelling unit means a building or portion thereof designed for occupancy by one family for residential purposes and having cooking facilities.

Garbage includes animal and vegetable wastes resulting from the handling, preparation, cooking, service and consumption of food.

Hazardous refuse means anything dangerous to the public health, safety or welfare and shall include drugs, volatile or radioactive materials, gas and oils, poisons, explosives, and diseased or contaminated materials.

Receptacle means, unless specifically provided otherwise, whether referred to as "garbage can," "plastic bag," "suitable container," "cans" or "containers," a receptacle which shall be of such size and form as to permit collection by one person.

Recyclables include, but are not limited, to glass, steel, tin, aluminum, brass, copper, plastics, polystyrene, newspapers and corrugated cardboard boxes.

Refuse includes all wastes which normally result from the operation of a household; except body waste, garbage, and yard waste; including but not limited to rubbish, metal cans, papers, cardboard, glass jars, bottles, wood, ashes, dirt, rocks, cement, bricks, household appliances, furniture, water heaters, water softeners, plastics, and any other dwelling unit refuse. The term "refuse" shall not include leaves or grass clippings, nor shall it include building materials or other waste or debris resulting from construction or reconstruction of buildings and other improvements.

Waste includes garbage, refuse, yard waste and recyclable materials that are regulated by this article.

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Yard waste means compostible, organic material consisting of grass clippings, hedge and tree prunings, weeds, brush, leaves and other yard wastes excluding trees.
(Comp. Ords. 2000, § 117.020; Ord. No. 96-2, § 2, 6-4-1996)

Sec. 24-21. Contract for waste collection.

- (a) In order to provide said service as stated herein, the board shall contract:
 - (1) With the Mid-Michigan Waste Authority; and/or
 - (2) By sealed bids. If service is to be provided by sealed bids, then such bids shall be taken on a per unit basis and submitted to the township board. In determining the acceptance of a bid, the township board may consider reputation, ability to perform, availability of equipment, credit standing, and place of business of the bidder as well as price of the bid. Upon acceptance of the bid, the township board shall enter into a contract for service with such bidder calling for service at the per unit bid price.
- (b) All such contracts shall only be with an authority or a legal entity/person organized under or authorized by the laws of this state and licensed in accordance with the laws of the state to perform said service.
- (c) Such contracts shall, after approval by the township board, be signed on behalf of the township board by the township supervisor and township clerk.
(Comp. Ords. 2000, § 117.030; Ord. No. 96-2, § 3, 6-4-1996)

Sec. 24-22. Rates and charges.

The rates for refuse, garbage, recyclable and/or yard waste collection for dwelling units shall be established by resolution of the township board based on contract costs and other township expenses and relevant considerations.
(Comp. Ords. 2000, § 117.040; Ord. No. 96-2, § 4, 6-4-1996)

Sec. 24-23. Special assessments.

The owners of all dwelling units in the township, as stipulated by such contract, shall be served by such waste pickup and shall pay the township a reasonable charge for availability of such service. Such charge shall be set for each calendar year by resolution of the township board of the simultaneously with the adoption of the budget for the township and may cover all or part of the cost to the township for operation of the system and a portion thereof as may be deemed sufficient to be set aside as a sinking fund for further development of the system, and shall control for the ensuing calendar year. The adoption of such resolution shall constitute complete and final authority of the township supervisor to spread the charge for the entire ensuing year as therein provided upon the tax roll for the current year as a bill for availability of such services for the ensuing calendar year and such bill shall be collected or returned in the same manner as township taxes are certified, assessed, collected and returned. Such charge shall be a lien upon the property in the same way as township taxes. All such charges, when collected, shall be paid into a fund to be known as "refuse collection fund" and used to defray costs of operation of the system for such pickup as hereinbefore set forth.
(Comp. Ords. 2000, § 117.050; Ord. No. 96-2, § 5, 6-4-1996)

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Sec. 24-24. Responsibility of township manager.

The collection and removal of waste shall be under the supervision of the township manager or his authorized representative, and it shall be the duty of the township manager or his authorized representative to enforce the provisions of this article.

(Comp. Ords. 2000, § 117.060; Ord. No. 96-2, § 6, 6-4-1996)

Sec. 24-25. General requirements of contractor.

(a) *Collection vehicles.* Vehicles used for collection and transportation of waste within or through the township shall be watertight, covered, and conform to all laws regulating axle load limitations.

(b) *Disposal of waste.* All waste collected for disposal from within the corporate limits of the township shall be disposed of at an approved facility, licensed landfill or refuse disposal authority.

(Comp. Ords. 2000, § 117.080; Ord. No. 96-2, § 8, 6-4-1996)

Sec. 24-26. General waste requirements.

(a) *Receptacles.* The owner, occupant, or lessee, or their agents, of every dwelling unit and/or structure where wastes accumulate shall cause to be provided for said dwelling unit and/or structure, proper receptacles for the accumulation of wastes. Waste receptacles shall be watertight and verminproof and maintained in said condition. All receptacles shall also be maintained in a sanitary condition.

(b) *Nonresidential properties.* It shall be the responsibility of all properties not regulated by this article to contract privately for waste collection. In every case where the owner, occupant or user of any such premises shall accumulate more than one cubic yard of waste in any one week period, it shall be mandatory to provide a container of the type designed to be handled mechanically by refuse collection vehicles in place of the normal receptacles provided in this section, commonly referred to as dumpsters. Such container shall be of substantial metal construction having a capacity large enough to contain normal waste, tightfitting covers and handles so that such container may be unloaded into the refuse collection vehicle by mechanical means provided by the vehicle. Such container shall be kept clean and in good condition at all times. Such container shall be kept only on concrete or adequate asphalt pad on the premises of the owner, occupant or user of said premises.

(c) *Windblown waste.* It shall be unlawful to cause or permit to accumulate any waste material that can be blown away by wind anywhere in the township. This subsection shall also require refuse or garbage contents stored in rigid, sealed containers to also be bagged and not loosely stored therein.

(d) *Deposits on streets.* It shall be unlawful to deposit or permit to deposit or permit to fall from any vehicle any waste material on any public street or alley in the township; provided that this section shall not be construed to prohibit placing waste in a container or receptacle complying with the conditions of this article prior to having such material collected and disposed of in the manner provided herein.

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(e) *Consent of owner.* It shall be unlawful to dump or place any waste material on any premises in the township without the consent of the owner of such premises.

(f) *Rummaging.* No person, without the property owner's permission, shall disturb, remove, or attempt to remove waste receptacles, their covers, or the contents of any receptacle, or disturb, remove or attempt to remove any waste and/or recyclable not in containers, whether the same is on public or private property (excluding agents or employees of licensees of the township).

(g) *Refuse scattering, dumping, etc.* No person shall deposit or cause to be deposited, sort, scatter, or leave any rubbish, construction refuse, garbage, ashes, cinders, grass, leaves, twigs or shrubs, manure or filth or other offensive materials in any public street, alley, private or public property in the township or build or maintain any structure or thing whatsoever containing the same. It shall be the responsibility of every property owner to provide for the removal of all refuse, trash, discarded materials, recyclables, etc., found on his property.

(h) *Composting of yard waste.* Yard waste may be composted. Compost containers or areas must be maintained and meet the setback required of accessory structures as listed in the township's zoning ordinance. Compost piles shall not emit offensive odors or impair the health, comfort or welfare of neighboring property owners.

(i) *Burying and burning.* No person shall throw any refuse or garbage upon the grounds or bury the same on any premises, public or private, or burn the same in any manner that may menace the public health, cause a nuisance or smoke ash or offensive odors, or burn the same in any manner that may constitute a sight hazard.

(j) *Accumulation of waste.* No garbage, rubbish, or refuse shall be stored or allowed to accumulate on property in the township for more than 14 days.
(Comp. Ords. 2000, § 117.090; Ord. No. 96-2, § 9, 6-4-1996)

Sec. 24-27. General collection requirements.

(a) *Curbside placement.* No waste and/or recyclable shall be placed at the curb or street for collection more than 14 hours prior to the morning of the time scheduled for collection, or between 3:00 p.m. on Fridays and 5:00 p.m. on Sundays, unless arrangements have been made for collection within 14 hours after being placed for collection or pickup scheduled on Saturday due to a holiday.

- (1) Placement of waste shall be within three feet at the road edge and shall not be stacked or piled in such a manner as to create a vision obstruction for vehicular traffic.
- (2) If regulated, brush and/or yard waste material that is properly prepared for pickup and placed at the curb for collection can be stored at the curb no more than 14 days.
- (3) After collection of the receptacle contents have been made, the empty receptacle shall be removed from the curb or street and replaced in the owner's storage area no later than 12 hours after collection of said waste. Said storage

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area must be protected so that the receptacle cannot be easily disturbed by animals and is reasonably and inconspicuously placed away from occupied structures.

(b) *Construction refuse.* It shall be the duty of the owner, contractor, occupant, or other person responsible for construction work to remove from the premises all surplus construction material, all refuse building material and all construction refuse. Such materials shall be removed to an appropriate site.

(c) *Hazardous waste.* Hazardous waste, as previously defined, shall be the responsibility of the producer or owner thereof and shall not be disposed of within the township, or allowed to be stored over seven days within the township without the written approval of the township manager or his authorized agent, and then only under the supervision of someone appointed by him who has the knowledge of the safety measures necessary to protect the public health and safety during such storing, transporting or disposing of hazardous waste.

(d) *Miscellaneous provisions.* No person shall disturb the contents of any portable waste or recycling container or bundle, nor leave the container or contents in a condition other than this article provides.

(Comp. Ords. 2000, § 117.100; Ord. No. 96-2, § 10, 6-4-1996)

Sec. 24-28. Notice provisions.

(a) *Written notice requirements.* When upon inspection and/or observation, the township manager or his designee finds that any property within the township is being used in violation of any of the provisions of this article, except violations of section 24-26(f), the owner and/or occupant or other interested person shall be given a written notice which shall state:

- (1) The name and address of the owner and/or occupant or other interested person.
- (2) The address and/or section and tax roll number of the property in violation.
- (3) The date and time said violation was noted.
- (4) A citation of the ordinance section and section number of the ordinance in which the person is in violation.
- (5) List a time period in which the violation must be corrected by.

(b) *Notification.*

(1) *Method of service.* Said notice shall be served as follows:

- a. *By certified mail.* By certified mail to the owner and/or occupant, agent, or other person as they appear on either the tax rolls of township or other public records.
- b. *By service.* By personal service upon the owner and/or occupant, agent, or other person, by any township representative.

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- (2) *Posting and publishing notice.* When service cannot be made by either of the methods in subsections (b)(1)a. or b. of this section, and after diligent efforts to locate the whereabouts of the owner and/or occupant, agent or other person, the township shall do the following:
- a. Mail said written notice to said person by first class U.S. mail, postage prepaid.
 - b. Post a copy of said written notice on a conspicuous part of the property in violation.
- (3) *Time period of notice.* Said written notice shall give the owner and/or occupant, agent, or other person at least 24 hours notice, upon receipt of the notice or publication thereof, to comply with provisions of this article.

(c) *Subsequent violation.* No written notice is required for a subsequent violation which occurs on the same property where notice has been previously given, as prescribed in subsection (a) of this section, within the past 180 days.

(Comp. Ords. 2000, § 117.110; Ord. No. 96-2, § 11, 6-4-1996)

Sec. 24-29. Penalties.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 117.120; Ord. No. 96-2, § 12, 6-4-1996; Ord. No. 03-07, § 2, 7-1-2003)

Chapter 25

RESERVED

SPECIAL ASSESSMENTS

Chapter 26

SPECIAL ASSESSMENTS*

- Sec. 26-1. Bond required.
- Sec. 26-2. Board shall not take action until requirements are complied with.
- Sec. 26-3. Board may call for furnishing of further security.
- Sec. 26-4. Check may be returned by treasurer.
- Sec. 26-5. Purpose.

* **State Law References:** Special assessments for public improvements, MCL 41.721 et seq.; public improvement or public building, MCL 141.261 et seq.; notices and hearings, MCL 211.741 et seq.; deferment of special assessment for homesteads, MCL 211.761 et seq.

SPECIAL ASSESSMENTS

SPECIAL ASSESSMENTS

Sec. 26-1. Bond required.

Any person petitioning the township board for establishment of a special assessment district to be paid in more than one part and to be funded by a bond issue shall, immediately after plans showing the improvement and the location thereof and an estimate of cost thereof have been prepared by a registered engineer and tentative resolution has been made by the township board declaring its intention to make such improvement and tentatively designating the special assessment district against which the cost of said improvement is to be assessed, provide to the township board, in form and amount satisfactory to the township board, a bond or a certified check payable to the township treasurer in an amount satisfactory to the township board assuring payment of the first three parts of said assessment on their due date.

(Comp. Ords. 2000, § 121.020; Ord. No. I A-1, § II, 2-6-1968)

Sec. 26-2. Board shall not take action until requirements are complied with.

The township board shall not fix a time and place and where it will meet and hear any objections to the petition, to the improvement and to the special assessment district therefor or take any further action until all requirements of section 26-1 have been complied with.

(Comp. Ords. 2000, § 121.030; Ord. No. I A-1, § III, 2-6-1968)

Sec. 26-3. Board may call for furnishing of further security.

In the event that, after public hearing on the special assessment district, an amount of land is added to the special assessment district or supplemental petition filed so as to make any bond or certified check provided insufficient to ensure full payment of the first three parts of said assessment, in the opinion of the township board, then the township board may, by resolution, call for the furnishing of further security to be furnished as provided in section 26-1.

(Comp. Ords. 2000, § 121.040; Ord. No. I A-1, § IV, 2-6-1968)

Sec. 26-4. Check may be returned by treasurer.

In the event said special assessment district is not completed, any amount provided to the township treasurer by certified check under provisions of this chapter shall be returned by the township treasurer to the person who provided it.

(Comp. Ords. 2000, § 121.050; Ord. No. I A-1, § V, 2-6-1968)

Sec. 26-5. Purpose.

It is the purpose of the township board that the provisions and requirements of this chapter shall be carried out in such a manner as to encourage rather than discourage the placement and extension of public utilities within the township, and the township board and officers, agents and employees of the township shall cooperate with petitioners in carrying out the provisions of this chapter so as best to attain such purpose.

(Comp. Ords. 2000, § 121.060; Ord. No. I A-1, § VI, 2-6-1968)

Chapter 27

RESERVED

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapter 28

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Article I. In General

Secs. 28-1--28-18. Reserved.

Article II. Sidewalks

Sec. 28-19. Regulations.
Sec. 28-20. Construction specifications and standards.
Sec. 28-21. Owner caused defects.
Sec. 28-22. Enforcement.
Sec. 28-23. Preservation of enforcement authority.
Secs. 28-24--28-49. Reserved.

Article III. Street Lighting

Sec. 28-50. District established.
Sec. 28-51. Property considered part of streetlight assessment area.
Sec. 28-52. All properties under one owner considered one parcel; vacant lots additional deemed parcels.
Sec. 28-53. Township responsible for cost.
Sec. 28-54. Light location determined by board.
Sec. 28-55. Spacing regulations.
Sec. 28-56. Contracts between township and utility company.
Sec. 28-57. Petition for additional lighting.
Sec. 28-58. Conformance to proceedings.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Secs. 28-1--28-18. Reserved.

ARTICLE II. SIDEWALKS

Sec. 28-19. Regulations.

(a) The owners of all lots and premises within the township are required to maintain, repair, keep safe and open to public travel sidewalks adjacent to or upon their lots and premises in or along the public street and alley rights-of-way in the township.

(b) It shall be the duty of all owners of premises within the limits of the township to keep all cement, asphalt, concrete walks, and sidewalks which have been heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any of the street or alley rights-of-way, in good repair and free of dangerous ice, snow, or other dangerous obstructions and/or conditions.

(Comp. Ords. 2000, § 36.530; Ord. No. 00-06, § 3, 6-20-2000)

Sec. 28-20. Construction specifications and standards.

(a) All sidewalks, or portions thereof, constructed after the effective date of the ordinance from which this article is derived or repaired shall comply with the following specifications:

- (1) All sidewalks shall be constructed to grade established by existing adjoining walks or, in the absence of the foregoing, by the township engineer, and shall be paved with a single course of concrete using limestone aggregate, which shall have a compressive strength of not less than 3,500 pounds per square inch within 28 days of paving.
 - (2) All sidewalks shall be at least four feet in width. Wider sidewalks to a maximum of eight feet may be required by the building department, in commercial or industrial areas or multiple-family areas, due to anticipated traffic and the development of the area.
 - (3) Paving shall be constructed on at least a two-inch thick sand cushion and shall be at least four inches in depth except across driveways, where it shall be at least six inches in depth. Paving joints shall be perpendicular to sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One-inch expansion joints shall be placed through the walk at least every 50 feet, and between walks and other rigid structures.
 - (4) The surface shall be roughened with a mechanic's brush or other equipment to prevent smooth and slippery surfaces.
- (b) Under Public Act No. 80 of 1989 (MCL 41.288a), the township board may construct, repair or maintain, or may order the construction, repair and maintenance of, sidewalks for the health, safety and general welfare of the residents of the township after notifying the involved property owners of the time and place of a hearing on such order. Following the hearing, it may either

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

construct, repair or maintain the sidewalk and assess the cost over a five-year period against the abutting property owners, which assessment shall be collected and treated in the same manner as taxes assessed under the general laws of the state, or permit the owners within a specified time to have the sidewalk constructed, repaired or maintained according to township specifications at their expense. No work shall be commenced until approved by the township.

(c) The cost of replacement or repair of a sidewalk to be charged against a property owner shall be based upon actual cost, less such subsidy or credit as the township board may allow.

(d) The township board, in its discretion, may also, after replacing or repairing a sidewalk, authorize collection of the costs of such replacement or repair by civil process, counterclaim, or such other means as may be proper for the collection of debts by legal process. (Comp. Ords. 2000, § 36.540; Ord. No. 00-06, § 4, 6-20-2000)

Sec. 28-21. Owner-caused defects.

Where sidewalk defects creating pedestrian hazards or unsafe conditions are caused by sidewalk deterioration or defects in materials, or by conditions existing upon an abutting property such as, but not limited to:

- (1) Trees or other growth;
- (2) Surface drainage;
- (3) On-site construction, or vehicular traffic; or
- (4) Other on-site activities.

The abutting owner, without further notice or hearing, shall be responsible for removing the condition causing the sidewalk defect and for the sidewalk's repair, maintenance and return to a safe condition. The abutting property owner shall be liable for all damages, losses, expenses, or costs suffered by any person injured as a result of such sidewalk defect or hazard, and shall defend, indemnify, hold harmless and reimburse the township from and against any claims, suits, injuries, losses, damages, costs or expenses including attorney fees, resulting from a defect or hazard in or upon an abutting sidewalk.

(Comp. Ords. 2000, § 36.550; Ord. No. 00-06, § 5, 6-20-2000)

Sec. 28-22. Enforcement.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 36.560; Ord. No. 00-06, § 6, 6-20-2000; Ord. No. 03-07, § 2, 7-1-2003)

Sec. 28-23. Preservation of enforcement authority.

All proceedings pending and all rights and liabilities existing, acquired or incurred under any ordinances hereby repealed at the time the ordinance from which this article is derived takes effect are hereby retained, and such proceedings may be consummated under and according to

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

the ordinance in force at the time such proceedings are or were commenced. It is the intent that this article shall not be construed to alter, affect, or abate any pending prosecution or prevent prosecution hereinafter instituted under such ordinances or any section thereof for offenses committed prior to the effective date of the ordinance from which this article is derived, and all prosecutions instituted after the effective date of said ordinance for offenses committed prior to the effective date of the ordinance from which this article is derived may be continued or instituted under and in accordance with the provisions of the ordinance or sections thereof in force at the time of the commission of such offense.

(Comp. Ords. 2000, § 36.580; Ord. No. 00-06, § 8, 6-20-2000)

Secs. 28-24--28-49. Reserved.

ARTICLE III. STREET LIGHTING

Sec. 28-50. District established.

All of the real property of the township shall be in the street lighting district created by this article, and such street lighting district is hereby established.

(Comp. Ords. 2000, § 38.010; Ord. No. V F-1, § 1, 11-1-1960)

Sec. 28-51. Property considered part of streetlight assessment area.

All parcels of land, or lots of record, within 300 feet of a streetlight shall be considered to be a part of the streetlight assessment area.

(Comp. Ords. 2000, § 38.020; Ord. No. V F-1, § 2, 11-1-1960)

Sec. 28-52. All properties under one owner considered one parcel; vacant lots deemed additional parcels.

All real properties under the ownership of the same individual, partnership, corporation, or other legal entity, that contain one or more lots of record which are used for a common purpose, shall be considered as one parcel in said area. Empty or vacant lots shall be an additional parcel, unless the use of such empty or vacant lot (such as an adjacent parking lot) is an auxiliary or incidental use to adjacent occupied property. Any combination of lots, or parcels of land, for single assessment shall be approved by the township board.

(Comp. Ords. 2000, § 38.030; Ord. No. V F-1, § 3, 11-1-1960)

Sec. 28-53. Township responsible for cost.

All cost to the township for street lighting shall be assessed against the township at large and the particular special street lighting assessment area, with the charges to be divided between said township and said special area in a proportion that shall be set annually by the township board.

(Comp. Ords. 2000, § 38.040; Ord. No. V F-1, § 4, 11-1-1960)

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 28-54. Light location determined by board.

The location of all streetlights shall be determined by the township board.

(Comp. Ords. 2000, § 38.050; Ord. No. V F-1, § 5, 11-1-1960)

Sec. 28-55. Spacing regulations.

With respect to the establishment of additional street lighting areas, outside of duly established special assessment areas, said proposed additional areas shall contain proposed lights not more than 600 feet from an existing light, and not more than 600 feet apart.

(Comp. Ords. 2000, § 38.060; Ord. No. V F-1, § 6, 11-1-1960)

Sec. 28-56. Contracts between township and utility company.

All extensions shall be made according to the existing contract between the township and the servicing utility company.

(Comp. Ords. 2000, § 38.070; Ord. No. V F-1, § 7, 11-1-1960)

Sec. 28-57. Petition for additional lighting.

Any proposed additional area desiring street lighting shall petition the township board, with said petitions to contain signatures of not less than two-thirds of the property owners liable for special assessment.

(Comp. Ords. 2000, § 38.080; Ord. No. V F-1, § 8, 11-1-1960)

Sec. 28-58. Conformance to proceedings.

All proceedings relative to the making, levying and collection of special assessments herein authorized shall conform, as near as may be, to the proceedings for levying special assessments and to issuing special assessment bonds by villages, for light improvements, as set forth in section 31 of Public Act No. 359 of 1947 (MCL 42.31).

(Comp. Ords. 2000, § 38.090; Ord. No. V F-1, § 9, 11-1-1960)

Chapter 29

RESERVED

TRAFFIC AND VEHICLES

Chapter 30

TRAFFIC AND VEHICLES*

Article I. In General

- Sec. 30-1. Adoption of Michigan Vehicle Code by reference.
Sec. 30-2. Adopted of Uniform Traffic Code by reference.
Secs. 30-3--30-22. Reserved.

Article II. Parking, Stopping and Standing

Secs. 30-23--30-47. Reserved.

Article III. Truck Control

- Sec. 30-48. Definitions.
Sec. 30-49. Applicability.
Sec. 30-50. Running time.
Sec. 30-51. Enforcement.
Sec. 30-52. Violation.

* **State Law References:** Michigan vehicle code, MCL 257.1 et seq.; authority for township to regulate streets and highways within its jurisdiction, MCL 257.605, 257.606, 257.610.

TRAFFIC AND VEHICLES

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 30-1. Adoption of Michigan vehicle code by reference.

(a) The Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), is hereby adopted by reference as in this section modified.

(b) References in the Michigan Vehicle Code for Michigan cities, townships, and villages to "governmental unit" means the Charter Township of Bridgeport.

(c) A violation of the Michigan Vehicle Code is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both pursuant to MCL 42.21(5). (Comp. Ords. 2000, §§ 30.020--30.040; Ord. No. 01-06, §§ 2--4, 11-20-2001)

State Law References: Authority to adopt the Michigan Vehicle Code by reference, MCL 42.23.

Sec. 30-2. Adopted of Uniform Traffic Code by reference.

(a) The Uniform Traffic Code for Michigan cities, townships and villages promulgated by the director of state police and published in the Michigan Administrative Code and amendments as Michigan Administrative Code, 2002 MR 20, in accordance with Public Act No. 62 of 1956 (MCL 257.951 et seq.), is hereby adopted by reference as in this section modified.

(b) The purpose of such code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semipublic places within the township, and to provide penalties for the violation of the code.

(c) References in the Uniform Traffic Code for Michigan cities, townships and villages to "governmental unit" means the township.

Secs. 30-3--30-22. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING*

Secs. 30-23--30-47. Reserved.

ARTICLE III. TRUCK CONTROL**

Sec. 30-48. Definitions.

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

Dwelling means any structure used or designed or constructed for use and occupancy as a human residence, whether so occupied or vacant, including structures that are part of commercial or agricultural buildings, and including structures whether constructed to be portable or permanently affixed to land or which were vehicles.

* **State Law References:** Authority to regulate standing or parking of vehicles, MCL 257.606(1)(a); stopping, standing or parking of vehicles, MCL 257.672 et seq.

** **State Law References:** Authority to prohibit or limit operation of trucks including imposition of weight restrictions, MCL 257.726; size, weight and load, MCL 257.716 et seq.

TRAFFIC AND VEHICLES

Operator means every person who is in actual physical control of a vehicle upon a roadway, private driveway, driveway, or private property regardless of whether or not the person is licensed under the Michigan vehicle code as an operator or chauffeur.

Owner means:

- (1) Any person renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.
- (2) A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

Private driveway means any piece of privately owned and maintained property, including a parking area, which is used for vehicular traffic, but is not open or normally used by the public in the township.

Private road means a privately owned and maintained road, including a parking area, allowing access to more than one residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel.

Roadway means that portion of a highway, road, street, lane, parking area, or area improved, designed, or ordinarily used for vehicular traffic in the township. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

Semitrailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means every motor vehicle designed, used, or maintained primarily for the transportation of property and rated at a capacity of one ton or more.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in section 2 of Public Act No. 96 of 1987 (MCL 125.2302).

(Comp. Ords. 2000, § 35.020; Ord. No. 88-2, § 2, 10-4-1988)

TRAFFIC AND VEHICLES

Sec. 30-49. Applicability.

The restrictions of this article shall apply to all private property, driveways and roadways abutting upon property in the township zoned by the township zoning ordinance as R-1, R-2, or R-3, and in all other zones if within 200 feet of a dwelling.
(Comp. Ords. 2000, § 35.030; Ord. No. 88-2, § 3, 10-4-1988)

Sec. 30-50. Running time.

In residentially zoned districts, and in all other zones if within 200 feet of a dwelling, no truck, tractor, trailer or semitrailer shall be left standing with any motor thereon running except electric motors for a continuous period of time in excess of 20 minutes within an eight-hour period of time, except for purposes of delivery of items from said truck, truck tractor, trailer or semitrailer, and in the event of said delivery of items, for a continuous period of time not to exceed 2 1/2 hours.

(Comp. Ords. 2000, § 35.040; Ord. No. 88-2, § 4, 10-4-1988)

Sec. 30-51. Enforcement.

Peace officers of the township police department shall administer and enforce the provisions of this article and shall serve and execute process in the enforcement of this article against the operator and/or owner of any vehicle found to be in violation of this article, and said operator and/or owner shall be liable and subject to criminal prosecution for any violation of the terms, provisions and restrictions of this article.

(Comp. Ords. 2000, § 35.050; Ord. No. 88-2, § 5, 10-4-1988)

Sec. 30-52. Violation.

Any person or other entity who violates any of the provision of this article is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 35.060; Ord. No. 88-2, § 6, 10-4-1988; Ord. No. 03-07, § 2, 7-1-2003)

Chapter 31

RESERVED

UTILITIES

Chapter 31

UTILITIES*

Article I. In General

Secs. 32-1--32-18. Reserved.

Article II. Water

Division 1. Generally

Secs. 32-19--32-39. Reserved.

Division 2. Water Supply System

- Sec. 32-40. Definitions.
- Sec. 32-41. Authority.
- Sec. 32-42. Rules and regulations.
- Sec. 32-43. Rates and charges for use and service.
- Sec. 32-44. Billing.
- Sec. 32-45. Deposit required.
- Sec. 32-46. Rate adjustments.
- Sec. 32-47. Budget preparation.
- Sec. 32-48. Application for new services.
- Sec. 32-49. Water meters.
- Sec. 32-50. Hydrant use, obstructions and disfigurement.
- Sec. 32-51. Authorization required for system connection.
- Sec. 32-52. Bonding.
- Sec. 32-53. Enforcement.
- Secs. 32-54--32-79. Reserved.

Division 3. Cross Connections

- Sec. 32-80. Water supply cross connection rules adopted.
- Sec. 32-81. Inspection.
- Sec. 32-82. Right to enter; access to information.
- Sec. 32-83. Discontinuance of service.
- Sec. 32-84. Protection of potable water; labeling unsafe water.
- Sec. 32-85. Violation.
- Secs. 32-86--32-113. Reserved.

Article III. Sewer Use Regulations

Division 1. Generally

- Sec. 32-114. Purpose and policy; objectives.

* **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.

UTILITIES

- Sec. 32-115. Abbreviations.
- Sec. 32-116. Definitions.
- Secs. 32-117--32-143. Reserved.

Division 2. Power and Authority of Township Employees

- Sec. 32-144. Right of entry; inspection and sampling.
- Secs. 32-145--32-171. Reserved.

Division 3. Protection from Damage

- Sec. 32-172. Violation.
- Secs. 32-173--32-197. Reserved.

Division 4. Use of Public Sewers and Provisions for Fixing of Rates

- Sec. 32-198. Human waste.
- Sec. 32-199. Unlawful to discharge wastes to natural outlets, watercourses, or sewers.
- Sec. 32-200. Connection; exception.
- Sec. 32-201. Rates established.
- Sec. 32-202. New connections.
- Secs. 32-203--32-227. Reserved.

Division 5. Installation of Sewers and Connections

- Sec. 32-228. Sewer user permit.
- Sec. 32-229. Sewer connection charge.
- Sec. 32-230. Sewer extension installed at applicant's expense.
- Sec. 32-231. Permit required.
- Sec. 32-232. Separate sewer extension for every building.
- Sec. 32-233. Old sewer extensions used to connect to new buildings.
- Sec. 32-234. Sewer extensions shall conform to ASTM specification.
- Sec. 32-235. Size and slope subject to approval.
- Sec. 32-236. Sewer connection restrictions.
- Sec. 32-237. Drains may be lifted.
- Secs. 32-238--32-267. Reserved.

Division 6. Connections to Sanitary Sewers Not Constructed by Special Assessment

- Sec. 32-268. Properties subject to capital connection charge.
- Secs. 32-269--32-299. Reserved.

Division 7. Use of the Public Sewers

- Sec. 32-300. Discharge of certain waters restricted; perimeter tile/sump pump disconnections; funding.
- Sec. 32-301. Stormwater and unpolluted drainage.
- Sec. 32-302. Discharge prohibitions.
- Sec. 32-303. Septic tank wastes.
- Sec. 32-304. Grease, oil and sand interceptors--Required.
- Sec. 32-305. Same--Maintenance.
- Secs. 32-306--32-328. Reserved.

UTILITIES

Division 8. Administration

- Sec. 32-329. Confidential information.
- Sec. 32-330. Wastewater discharges.
- Sec. 32-331. Wastewater contribution permit.
- Sec. 32-332. Permit requirements and information.
- Sec. 32-333. Permits reissuance.
- Sec. 32-334. Permit modifications.
- Sec. 32-335. Permit transfer.
- Sec. 32-336. Pretreatment requirements.
- Sec. 32-337. Dilution prohibition.
- Sec. 32-338. Control manhole required.
- Sec. 32-339. Measurements and tests determined to be in accordance with the federal register.
- Sec. 32-340. Monitoring.
- Sec. 32-341. Accidental discharges.
- Sec. 32-342. Bypass.
- Sec. 32-343. Operating upsets.
- Sec. 32-344. Notification of discharge violation.
- Sec. 32-345. Records retention.
- Sec. 32-346. No special agreement.
- Sec. 32-347. Pretreatment program fees.
- Secs. 32-348--32-365. Reserved.

Division 9. Reporting

- Sec. 32-366. Wastewater discharge data reports.
- Sec. 32-367. Baseline report.
- Sec. 32-368. Self-monitoring requirements.
- Sec. 32-369. Reporting requirements for nonsignificant industrial users.
- Sec. 32-370. Hazardous waste notification.
- Secs. 32-371--32-398. Reserved.

Division 10. Enforcement and Penalties

- Sec. 32-399. Emergency suspension of service and discharge permits.
- Sec. 32-400. Revocation of treatment services.
- Sec. 32-401. Notification of violation; administrative adjustment.
- Sec. 32-402. Show cause hearing.
- Sec. 32-403. Civil proceedings.
- Sec. 32-404. Enforcement actions; annual publication.
- Sec. 32-405. Right of appeal.
- Sec. 32-406. Cease and desist orders.
- Sec. 32-407. Administrative fines.
- Sec. 32-408. Emergency suspensions.
- Sec. 32-409. Termination of permit.
- Sec. 32-410. Violation.
- Sec. 32-411. Penalties.

UTILITIES

UTILITIES

ARTICLE I. IN GENERAL

Secs. 32-1--32-18. Reserved.

ARTICLE II. WATER

DIVISION 1. GENERALLY

Secs. 32-19--32-39. Reserved.

DIVISION 2. WATER SUPPLY SYSTEM

Sec. 32-40. Definitions.

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

Water connection means the pipe and appurtenances in that section of the distribution system starting at the water main and extending to the curb stop/valve or the property line.

Water meter means those mechanical and electronic devices used to measure the quantity of water which is consumed by the customer.

Water service means that part of the water distribution system extending from the water connection into the premises served, up to and including the water meter. All internal plumbing extending from the water meter is and remains the responsibility of the homeowner.

Water system means all facilities for collecting, stopping, testing, transmitting, distributing and metering of the water furnished to the users by means of such facilities which are owned and/or operated by the township water supply.

(Comp. Ords. 2000, § 113.020; Ord. No. 00-01, § 2, 1-4-2000)

Sec. 32-41. Authority.

The construction, alteration and repair of the system shall be under the supervision of the township board. The township water board is hereby terminated.

(Comp. Ords. 2000, § 113.030; Ord. No. 00-01, § 3, 1-4-2000)

Sec. 32-42. Rules and regulations.

(a) The township board shall, from time to time, promulgate and publish rules and regulations pertaining to the implementation and enforcement of the provisions of this division, and shall update or amend them as needed.

(b) Such rules and regulations shall have the same force and effect as the terms and provisions of this division, and shall be enforceable to the fullest extent as if made a part of this division.

(Comp. Ords. 2000, § 113.040; Ord. No. 00-01, § 4, 1-4-2000)

UTILITIES

Sec. 32-43. Rates and charges for use and service.

(a) The rates to be charged for water service furnished by the water system shall be established by resolution of the township board.

(b) All premises connected to the water system shall pay a water use charge based on the amount of water used during each quarter as shown by the water meter, excepting those customers using over 100,000 gallons per quarter and those customers who have on file a renter affidavit: "nonliability of landlord for water/sewer system bills" pursuant to MCL 123.165.

(c) In addition to the water use charge, each unit connected to the water system shall pay a readiness-to-serve charge based on the size of the meter. These rates will be established by resolution of the township board.

(d) The minimum charge shall be the readiness-to-serve charge as set forth in the rules and regulations of the township water supply system.
(Comp. Ords. 2000, § 113.050; Ord. No. 00-01, § 5, 1-4-2000)

Sec. 32-44. Billing.

(a) Water bills shall be rendered quarterly during each operating year excepting those customers using over 100,000 gallons per quarter and those customers who have on file a renters affidavit: "nonliability of landlord for water/sewer system bills" pursuant to MCL 123.165, who shall be billed monthly. Said bills shall become due and payable no later than 20 days from the date of the bill and for all bills not paid when due, a penalty of ten percent of the amount of said bill shall be added hereto.

(b) For miscellaneous services, a special rate shall be established by resolution of the township board.
(Comp. Ords. 2000, § 113.060; Ord. No. 00-01, § 6, 1-4-2000)

Sec. 32-45. Deposit required.

(a) Deposits shall be required and shall be charged to water accounts for all rental units, as provided in the township water supply system rules and regulations.

(b) Deposit schedules shall be established by resolution of the township board.
(Comp. Ords. 2000, § 113.070; Ord. No. 00-01, § 7, 1-4-2000)

Sec. 32-46. Rate adjustments.

(a) The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration, operation and for maintenance of the water system as are necessary to preserve the same in good repair and working order, and to provide for the payment of any such other expenditures for said water system as this division may require. Such rates shall be fixed and revised from time to time, as may be necessary to produce these amounts.

(b) Rates will be established by resolution of the township board.
(Comp. Ords. 2000, § 113.080; Ord. No. 00-01, § 8, 1-4-2000)

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Sec. 32-47. Budget preparation.

The operational budget for the next fiscal year shall be prepared during December of the current fiscal year. Total expenses in an operating year shall not exceed the total amount specified in said budget, except by approval of the township board.

(Comp. Ords. 2000, § 113.090; Ord. No. 00-01, § 9, 1-4-2000)

Sec. 32-48. Application for new services.

No new water service shall be provided to any premises except upon approval from the township water system after proper application. Water connections to the township water mains shall be installed only by an authorized representative of the water system.

(Comp. Ords. 2000, § 113.100; Ord. No. 00-01, § 10, 1-4-2000)

Sec. 32-49. Water meters.

All premises using water from the system shall be metered. The water customer shall pay the costs of such water meters and their installation.

(Comp. Ords. 2000, § 113.110; Ord. No. 00-01, § 11, 1-4-2000)

Sec. 32-50. Hydrant use, obstructions and disfigurement.

(a) No person, except employees of the township fire department or the water supply system, shall use any fire hydrant, except in the case of emergency, without first securing permission from the township water system for such use and paying or agreeing to pay for the water to be used. In no case shall any wrench or tool be used on any fire hydrant other than a regulation fire department hydrant wrench.

(b) No person shall place or permit to be placed any obstruction of any nature within 15 feet of a fire hydrant that will interfere with access to or hinder operation of the fire hydrant. Any ornamental plantings, shrubbery, flowers, etc., planted near a fire hydrant shall be kept trimmed below the level of the hydrant ports.

(c) No person, except employees of the township fire department or the water supply system, shall paint or otherwise tamper with any fire hydrant.

(Comp. Ords. 2000, § 113.120; Ord. No. 00-01, § 12, 1-4-2000)

Sec. 32-51. Authorization required for system connection.

No person except employees of the water supply system shall connect, disconnect or reconnect any premises to the water supply system or make any use of water from the water supply system except as authorized by and/or in accordance with the rules and regulations of the water supply system.

(Comp. Ords. 2000, § 113.130; Ord. No. 00-01, § 13, 1-4-2000)

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Sec. 32-52. Bonding.

(a) The right is reserved, in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.), to issue bonds payable from the revenues of the system, but only for the following purposes:

- (1) To complete the public improvements in accordance with the plans and specifications therefor and such bonds shall not be authorized unless the consulting engineers or the successor engineers in charge of construction, shall execute a certificate evidencing the fact that additional funds are needed to complete the public improvements in accordance with the plans and specifications therefor. If such certificate shall be so executed and filed with the township clerk, it shall be the duty of the township board to provide for and issue additional revenue bonds in the amount stated in said certificate to be necessary to complete the public improvements in accordance with plans and specifications.
- (2) For subsequent extensions and improvements to the system, no additional bonds shall be issued unless the average annual net revenues for the last two preceding completed operation years for the system or the net revenues of the last completed operating year, whichever is lower, when supplemented by the net revenues estimated to accrue from an increase in rates to be put into effect at the time such additional bonds are authorized, shall be equal to at least 1 1/2 times the largest annual principal and interest requirements thereafter maturing on the bonds herein authorized and on such additional bonds then being issued.

(b) Prior to the issuance of any additional bonds pursuant to this section, there shall be filed with the township clerk a statement showing the average annual net revenues for the two preceding completed operation years, the net revenues estimated to accrue from said increase in rates, if any, and the annual principal and interest requirements on all outstanding bonds payable from revenues of the system and the bonds proposed to be issued. Said statement shall be executed by a registered engineer appointed by the township. Permission of the municipal finance commission (or such other state body having jurisdiction over the issuance of municipal bonds) to issue such additional bonds shall constitute a conclusive presumption of the existence of conditions permitting the issuance thereof.

(Comp. Ords. 2000, § 113.140; Ord. No. 00-01, § 14, 1-4-2000)

Sec. 32-53. Enforcement.

- (a) *Lien upon premises.*
 - (1) All charges for water services shall constitute a lien upon the premises thereby served. Whenever any charge for water services shall remain delinquent for six months, the township treasurer shall certify annually, during the month of September each year, to the tax assessing officer of the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as are general township taxes.

UTILITIES

- (2) In addition to other remedies provided, the water system shall have the right to shut off or discontinue the supply of water to any premises for the nonpayment of water bills when due, or for any other reason or purpose necessary to the management, operation or maintenance of the water system as stated in this division or applicable rules or regulations. If any water bills remain unpaid, in whole or in part, within 30 days after the due date thereof, then water services to such premises shall be discontinued unless satisfactory alternative payment arrangements have been made with township.
 - (3) Water services discontinued for nonpayment of water bills within 30 days after due date shall not be restored until all sums then due and owing have been paid. In addition, a turn-on charge and a turn-off charge shall be assessed. Turn-on charges and turn-off charges shall be established by resolution of the township board.
 - (4) The water system may decline to render water services to any premises where the owner or occupant has a delinquent charge for water services, has caused damage to the water system, water connection or water service, or where connection of water service could endanger the public health or welfare.
- (b) *Turning service on and off.*
- (1) No one except duly authorized employees of the township shall turn on or off any water service or connection to any premises, nor shall any nonauthorized person otherwise tamper with the curb stop/valve in any manner, except a licensed plumber may temporarily turn on a water service for the testing of his work after which it must be immediately turned back off.
 - (2) Water service to any premises may be discontinued by the township for violations of this division, or for any refusal of an owner or occupant of said premises to allow water service personnel entrance to the premises, and access to all parts of the water service or any internal plumbing, at reasonable times for inspection purposes or for removal/replacement of a water meter.
- (c) *Injunctive relief.* Legal proceedings to enjoin the violation of any of the provisions of this division may be brought in any court of competent jurisdiction in the name of the township. Such action shall be taken only as authorized by the township manager or the township supervisor in the absence of a township manager.
- (d) *Penalty.* Any person or other entity who violates any of the provisions of this division is responsible for a municipal civil infraction.
(Comp. Ords. 2000, § 113.150; Ord. No. 00-01, § 15, 1-4-2000; Ord. No. 03-07, § 2, 7-1-2003)

Secs. 32-54--32-79. Reserved.

UTILITIES

DIVISION 3. CROSS CONNECTIONS

Sec. 32-80. Water supply cross connection rules adopted.

The township board adopts, by reference, the water supply cross connection rules of the state department of environmental quality subject to Part 14 of the Michigan Administrative Code (Mich. Admin. Code R 325.11401 to 325.11407) and under the Michigan safe drinking water Act, Public Act No. 399 of 1976 (MCL 325.1001 et seq.).
(Comp. Ords. 2000, § 113.510; Ord. No. V E-1, § 1, 6-5-1973)

Sec. 32-81. Inspection.

It shall be the duty of the water supply system to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the water supply system and as approved by the state department of environmental quality.
(Comp. Ords. 2000, § 113.520; Ord. No. V E-1, § 2, 6-5-1973)

Sec. 32-82. Right to enter; access to information.

The representative of the township water supply system shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the township for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
(Comp. Ords. 2000, § 113.530; Ord. No. V E-1, § 3, 6-5-1973)

Sec. 32-83. Discontinuance of service.

The water supply system is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.
(Comp. Ords. 2000, § 113.540; Ord. No. V E-1, § 4, 6-5-1973)

Sec. 32-84. Protection of potable water; labeling unsafe water.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this division and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

(Comp. Ords. 2000, § 113.550; Ord. No. V E-1, § 5, 6-5-1973)

UTILITIES

Sec. 32-85. Violation.

Any person or other entity who violates any of the provisions of this division is responsible for a municipal civil infraction.

(Comp. Ords. 2000, § 113.570; Ord. No. V E-1, § 7, 6-5-1973; Ord. No. 03-07, § 2, 7-1-2003)

Secs. 32-86--32-113. Reserved.

ARTICLE III. SEWER USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 32-114. Purpose and policy; objectives.

(a) This article sets forth uniform requirements for all users who discharge into the township wastewater collection and treatment systems and enables the township to protect public health in conformity with all applicable local, state and federal laws relating thereto. It is unlawful to discharge sewage, industrial wastes, and other wastes to the sanitary sewer system without having complied with the terms of this article.

(b) The objectives of this article are:

(1) To prevent the introduction of pollutants into the township wastewater systems which will:

a. Interfere with the normal operation of the systems;

b. Prevent the introduction of pollutants into the township wastewater systems which do not receive adequate treatment in the publicly owned treatment works (POTW), and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

c. Cause the Bridgeport Wastewater Treatment Plant (BWWTP) to violate its National Pollutant Discharge Elimination System (NPDES) permit;

d. Contaminate the resulting municipal biosolids;

e. Pose a health threat to the system and plant personnel.

(2) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(3) To regulate the use of public and private sewers and drains.

(4) To regulate the installation and the connection of sewer connections.

(5) To provide penalties for the violation thereof.

(Ord. No. 07-04, § 111.000, 7-17-2007)

UTILITIES

Sec. 32-115. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BWWTP	Bridgeport Wastewater Treatment Plant
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
U.S. EPA	United States Environmental Protection Agency
mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
MDEQ	Michigan Department of Environmental Quality

(Ord. No. 07-04, § 111.04, 7-17-2007)

Sec. 32-116. Definitions.

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

Act means the federal water pollution control act, as amended, Public Law 92-500 (33 USC 1251 et seq).

Ammonia nitrogen means the total ammonia nitrogen, commonly expressed as $\text{NH}_3\text{-N}$.

Authorized representative means:

- (1) In the case of a corporation, a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function;
- (2) In the case of a partnership or proprietorship, a general partner or proprietor; and
- (3) An authorized representative of the individual designated in subsections (1) and (2) of this definition:
 - a. Such representative is responsible for the overall operation of the facilities from which the discharge into the BWWTP originates;
 - b. The authorization is in writing; and
 - c. The written authorization is submitted to the BWWTP.

Baseline monitoring report means the initial report provided by the user when making out an application for a wastewater contribution permit and signed by an authorized representative.

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Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in parts per million (ppm).

Building sewer means that part of the lowest horizontal piping of a drainage system which receives the discharge from drainage pipes inside the walls of the building and conveys it to the sanitary sewer, through a pipe not owned or maintained by township, and excluding all channeled water originating outside the building.

Bypass means the intentional diversions of wastewater from any portion of an Industrial User's treatment facility.

Capital connection charge means the cost of reimbursing the township for the construction cost of the sanitary sewer with appurtenances in front of the property owners parcel when the cost of the sanitary sewer hasn't been paid for or special assessed to that parcel. The township covered the cost when the construction occurred and is now being reimbursed for that cost from the benefiting property owner. The cost shall be set at the time a request for a sewer connection permit is made.

Categorical pretreatment standard refers to the National Categorical Pretreatment Standards (NCPS) or a pretreatment standard as promulgated under 40 CFR 403 under authority of the act.

Compatible pollutants means those pollutants that the BWWTP has been designed for specific removal of and means BOD, TSS, fecal coliform bacteria, total phosphorous and any other constituent that may be determined effectively treatable and added, as such, to the NPDES permit in the future.

Debt service charge means charges levied to customers of the sanitary sewer system which are used to pay principal, interests and administrative costs of retiring the debt incurred for construction of the wastewater treatment system.

Dilution means the use of potable or process water for the purpose of making sewage wastes less concentrated.

Domestic sewer user means a person whose residence generates a domestic waste, and lies within the township area which provides sewage treatment services.

Domestic waste means normal wastes from residential living units resulting from day-to-day activities such as but not limited to dishwater, laundry water, bath water, sink water, shower water, toilet water and ground garbage, and shall not include incompatible pollutants, groundwater or stormwater.

Excessive discharge means a discharge of wastes in such magnitude that, in the judgment of the superintendent, will cause damage to any facility, will be harmful to the sewer treatment process, cannot be removed in the sewage treatment plant to the degree required to meet the act, can otherwise endanger life, limb or public property, and/or which can constitute a public nuisance.

Garbage means solid wastes from the preparation, cooking or serving of food, from the handling, storage and sale of produce or from canning or packaging of food. It is composed largely of putrescible organic matter and its natural or added moisture content.

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Incompatible pollutants means any pollutant which is not defined as a compatible pollutant in this section.

Industrial pretreatment program (IPP) means the required pretreatment program as set forth by the federal pretreatment regulations (40 CFR 403.5, 405--471, and 483.5(c)), to prevent the BWWTP and the environment from adverse impacts that may occur when pollutants are discharged into the sanitary sewer system by a nondomestic user.

Industrial user or *user* means any person who introduces pollutants into the BWWTP from any nondomestic source regulated under the act, state law or local ordinance.

Industrial waste means the liquid, solid or gaseous wastes from industrial manufacturing processes, food processing, laboratories, trades or businesses, as distinct from sanitary sewage.

Interference means any discharge which alone or in conjunction with a discharge or discharges from other sources both:

- (1) Inhibits or disrupts the BWWTP and any of its processes or operations, or its biosolid use or disposal; and
- (2) Is a cause of violation of any requirement of the BWWTP's NPDES permit.

Milligram per liter (mg/l) means measured concentrations of substances present and is considered equal to parts per million parts.

Natural outlet means any outlet into a watercourse, river, pond, ditch, lake or other body of surface or subsurface water.

New source means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under section 307(c) (33 USC 1317(c)) which will be applicable to such source if such standards thereafter promulgated in accordance with that section, provided that:

- (1) The construction is a site at which no other source is located;
- (2) The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
- (3) The installation of wastewater generating processes, is substantially independent of an existing source at the same site.

Nondomestic sewer user means any nonresidential sewer user.

NPDES permit means the National Pollutant Discharge Elimination System Permit, which is issued periodically by the EPA, through the MDEQ, issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 USC 1342).

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Operating upset means an exceptional incident in which there is unintentional and a temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include a noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

Operation maintenance and replacement (OM&R) means all work, materials, equipment, utilities and other efforts required to operate and maintain the wastewater transportation and treatment system in compliance with the NPDES permit and other applicable state and federal regulations and includes the cost of replacement.

Pass-through means a discharge which exits the BWWTP into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the BWWTP's NPDES permit (including an increase in the magnitude or duration of a violation).

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

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

Public sanitary sewer or *sanitary sewer* means a sewer which carries sewage, and to which stormwaters, surfacewaters, and groundwaters are not intentionally admitted, and in which all owners of abutting properties have equal rights, and is controlled, owned and maintained by the BWWTP. This shall include any appurtenance of said sewer.

Ready-to-serve charge means the cost for having access to the sanitary sewer system which includes the gravity sewer system, pump stations, force mains and the sewage treatment plant. This is a lump sum fee times a RE factor, or the difference between the "old" RE factor and the "new" RE factor, if different, for the same sewer connection, set annually by the township board, and charged to each sewer connection permit issued. This is to cover the fixed expenses for operating and maintaining the sanitary sewer system.

Replacement means the replacement, in whole or in part, of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES permit and other applicable state and federal regulations.

Residential equivalence factor (RE factor) means a multiplier used in the calculation of the ready-to-serve charge to adjust the share of burden for the OM&R of the sanitary sewer system, to equal that of one residential connection. (See appendix B on file in the office of the township clerk.)

Sanitary sewage means domestic wastes from residences and domestic-type wastes from business buildings, institutions and industrial establishments.

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Sanitary sewage system means all properties, structures, manholes, pipes, equipment and conduits for collecting, treating, testing, and dispensing of domestic wastewater and/or industrial or other wastewater, as existing now or hereafter added to, expanded or improved.

Sewage treatment plant (BWWTP) means the township wastewater treatment plant and any arrangement of devices and structures under the control and/or ownership of the township, and used for controlling and/or treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer connection means the extension from the sanitary sewer main to the lot line of the abutting property or extending to that distance from the sanitary sewer considered necessary by the superintendent.

Sewer connection charge means a lump sum fee for the installation of a sewer connection.

Sewer extension means that part of the sewer system extending from the sewer connection onto the premises served.

Sewer service charge means the sum of applicable monthly or quarterly charges to be made for the use of the sanitary sewer system, and which charge shall be sufficient to provide for the payment of expenses of administration and operation and such expenses for the maintenance of the township sewer system, as necessary to preserve the same in good repair and working order; to provide for payment of the interest upon and the principle of any bonds which must be paid from such charges; and to provide for such other expenses and funds for the township sewer system as the township board may deem necessary or desirable.

Sewer user permit means a permit required to all users for a service connection to the sanitary sewer system, which would provide treatment for their wastewater.

Significant industrial user means:

- (1) All industrial users subject to NCPS under 40 CFR 403.6 and 40 CFR chapter I, subchapter N (40 CFR 403--471); and
- (2) Any other industrial user that:
 - a. Discharges an average of 25,000 gallons per day or more;
 - b. Contributes a process waste stream which makes up to five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; and
 - c. Is designated as such by the POTW on the basis that the industrial user has on site any regulated toxic material; has on site any materials in the MDEQ's land application unit test list for land application of biosolids; or has any materials on site that is found by the BWWTP, MDEQ or EPA to have significant impact, either singularly or in combination with wastes from other contributing users, on the wastewater treatment plant system, the quality of the biosolids, the treatment plant effluent quality, the receiving water quality, or air emissions generated by the sanitary sewer system.

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Significant noncompliance (SNC) means an industrial user whose discharge meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violation, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TR (TRC= 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that BWWTP determines has caused, alone or in combination with other discharges, interferences 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 BWWTP's exercise of its emergency authority under section 32-408 to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the BWWTP determines will adversely affect the operation or implementation of the local pretreatment program.

Slug load means any substance released at a rate and/or concentration which causes interference with the sewage works. This also includes any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

Storm sewer or *storm drain* means any drain or sewer, either natural or artificial, which is intended expressly for the conveyance of stormwater and/or uncontaminated water.

Superintendent means the superintendent of the BWWTP.

Total phosphorus means all phosphorus including phosphates, commonly expressed as P.

Total suspended solids (TSS) means solids that float on the surface of, or are in suspension in, water, sewage, or other liquids; and are removable by laboratory filtering.

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Toxic pollutant means any pollutant or combination of pollutants identified as toxic pursuant to section 307(a)(1) of the Federal Water Pollution Control Act (33 USC 1317(a)(1)) or other federal statutes or in regulations promulgated by the state under state law.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated.

Wastewater contribution permit means a permit issued to any user, whose discharge is subject to the pretreatment standards under section 307(c) (33 USC 1317(c)), or any part of this article.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 07-04, §§ 111.005--111.066, 7-17-2007)

Secs. 32-117--32-143. Reserved.

DIVISION 2. POWER AND AUTHORITY OF TOWNSHIP EMPLOYEES

Sec. 32-144. Right of entry; inspection and sampling.

(a) The superintendent and other duly authorized employees of the township, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, setting up sampling equipment, sampling, and testing in accordance with the provisions of this article. They shall also have the authority to examine and copy industrial discharge records.

(b) Representatives of the BWWTP, the state and EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this article. Industrial users shall allow authorized representatives of the BWWTP, state and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the BWWTP, state and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements, at its own expense, to enable authorized representatives of the BWWTP, state, and EPA to enter and inspect the premises as guaranteed by this section.

(Ord. No. 07-04, §§ 111.067, 111.068, 7-17-2007)

Secs. 32-145--32-171. Reserved.

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DIVISION 3. PROTECTION FROM DAMAGE

Sec. 32-172. Violation.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the township's sanitary sewer system. Any person violating this provision shall be subject to fines and penalties as provided under this article.

(Ord. No. 07-04, § 111.069, 7-17-2007)

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

Secs. 32-173--32-197. Reserved.

DIVISION 4. USE OF PUBLIC SEWERS AND PROVISIONS FOR FIXING OF RATES

Sec. 32-198. Human waste.

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the township, or in any area under the jurisdiction of said township, any human waste.

(Ord. No. 07-04, § 111.070, 7-17-2007)

Sec. 32-199. Unlawful to discharge wastes to natural outlets, watercourses, or sewers.

It shall be unlawful to discharge to any natural outlet, watercourse, sanitary or storm sewers, within the township, or in any other area under the jurisdiction of said township, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with this article.

(Ord. No. 07-04, § 111.071, 7-17-2007)

Sec. 32-200. Connection; exception.

(a) Except as provided in subsection (b) of this section, any building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes, lying within the limits of the township, shall be connected to any public sanitary sewer system located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from said building, promptly, but in no case later than 18 months after the date of the occurrence of the last of the following events:

- (1) Publication of a notice by the superintendent of the BWWTP of the availability of the public sanitary sewer system in a newspaper of general circulation in the township; providing that no such notice shall be required or made for those sewer systems in the township existing at the effective date of Ordinance No. 87-2 (January 7, 1988).
- (2) Modification of a structure so as to become a structure in which sanitary sewage originates.

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- (3) Construction of a structure to become a structure in which sanitary sewage originates.
 - (4) The effective date of the ordinance from which this article is derived as revised from time to time.
 - (5) When the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer system within the 18-month period as provided for in this article, the superintendent shall require the connection to be made forthwith after notice, which may be by first class mail or posting on the property, to the owner of the property on which the structure is located as shown on the tax rolls of the township. The notice shall give the approximate location of the sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and of the enforcement provisions of this article and sections 12752 to 12758 of Public Act No. 368 of 1978 (MCL 333.12752--333.12758). When any structure in which sanitary sewage originates is not connected to an available sanitary sewer system within 90 days after the date of mailing or posting the written notice, the township may bring an action in the circuit court for the county to compel the owner to connect to the available sanitary sewer system forthwith.
 - (6) The township may require completion of the connection within a shorter period of time for reasons of public health.
 - (b) Subsection (a) of this section shall not apply to existing buildings connected to a septic system which does not emit any pollution. This subsection shall not apply to any property after the township has granted a change in use or a new building permit has been issued.
- (Ord. No. 07-04, § 111.072, 7-17-2007)

Sec. 32-201. Rates established.

The township board shall, from time to time as deemed necessary, by resolution, establish the following rates for the township:

- (1) Capital connection charge, as set forth in section 32-116.
- (2) Ready-to-serve charge, as set forth in section 32-116.
- (3) Sewer connection charge, as set forth in section 32-116.
- (4) Sewer service charge, as set forth in section 32-116. All charges for sewer disposal services shall constitute a lien upon the premises served. Whenever any charge for sewer disposal services shall remain delinquent for six months, the supervisor of the township shall certify annually, on September 1 of each year, to the tax assessing officer of the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the manner as are general township taxes; provided, that in all cases when a tenant is responsible for the payment of such sewer service charges and the township is so notified, in writing, such notice to include a true copy of the lease of the affected premises, if there be one, then no such charge shall become a lien

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against the premises from and after the date of such notice. In the event of the filing of such notice, the township shall render no further service to such premises, until a cash deposit in the sum as fixed by resolution by the township board, which shall be made as security for the payment of such charges. In addition to any other lawful enforcement methods, the payment of charges for sewage disposal service to any premises shall be enforced by discontinuing either the water service or sewage disposal services to such premises, or both.

(Ord. No. 07-04, § 111.073, 7-17-2007)

Sec. 32-202. New connections.

The township board shall limit new connections to the system if there is no available capacity in the system. Evidence of lack of capacity will be a continued violation of the NPDES permit currently in force for BWWTP, and such violations having been determined to be flow dependent by MDEQ.

(Ord. No. 07-04, § 111.074, 7-17-2007)

Secs. 32-203--32-227. Reserved.

DIVISION 5. INSTALLATION OF SEWERS AND CONNECTIONS

Sec. 32-228. Sewer user permit.

(a) A sewer user permit shall be required for any domestic or nondomestic user, before any service will be provided by the BWWTP and shall be obtained at the BWWTP, 4640 Marlea Dr., Bridgeport, MI 48722. Any and all charges associated with that property shall be paid in full, before any service connection to the sanitary sewer system will be allowed. These charges may include any one or all of the following:

- (1) Capital connection charge;
- (2) Ready-to-serve charge;
- (3) Wastewater contribution permit; and/or
- (4) Sewer connection charge.

(b) Upon payment of appropriate charges, the superintendent shall then proceed with the installation of the sewer connection, if required. All excavations required for the installation of a sewer connection shall be open cut unless otherwise approved by the superintendent. Pipe shall be laid and backfilled in accordance with the best construction practice providing uniform bearing throughout the entire length of the pipe. Stone or sand shall be placed by hand shovels and thoroughly tamped under and on both sides of the pipe to the level of the top of the pipe. No backfill shall be placed until the pipe has been inspected and approved by the superintendent and/or designee. The connection of the sewer connection to the sanitary sewer shall be made at a wye or tee opening provided for that purpose if such opening is available at a suitable location. Connections to the sanitary sewer at places other than at a wye or tee opening, shall be made under the direct supervision of the Superintendent or designee in a manner to provide a watertight joint with no obstructions in the sanitary sewer.

(Ord. No. 07-04, § 111.075, 7-17-2007)

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Sec. 32-229. Sewer connection charge.

The charge for a sewer connection shall be the same for both sides of the street regardless of the location of the sanitary sewer. The sewer connection charge shall be based on the actual construction cost for the installation and equated to a per-foot cost. This costs shall than be used to figure the actual sewer connection cost as if the sewer main is located in the center of the road right-of-way.

(Ord. No. 07-04, § 111.076, 7-17-2007)

Sec. 32-230. Sewer extension installed at applicant's expense.

That portion of the sewer extension from the property line to the building sewer shall be installed by the applicant at his own expense, and shall not be backfilled until approved by the superintendent or designee.

(Ord. No. 07-04, § 111.077, 7-17-2007)

Sec. 32-231. Permit required.

No unauthorized person shall uncover, make any connections to or opening into, use, alter, or disturb any sewer or appurtenance thereof without first obtaining a written permit from the BWWTP. Any addition or alteration of any sewer appurtenance thereof must be inspected by BWWTP personnel.

(Ord. No. 07-04, § 111.078, 7-17-2007)

Sec. 32-232. Separate sewer extension for every building.

A separate and independent sewer extension shall be provided for every building, except where one building stands at the rear of another or on an interior lot where no sanitary sewer is available or can be constructed from the rear building through an adjoining alley, court, yard, or driveway, the sewer extension from the front building may then be extended to the rear building.

(Ord. No. 07-04, § 111.079, 7-17-2007)

Sec. 32-233. Old sewer extensions used to connect to new buildings.

Old sewer extensions may be utilized, to connect an existing or any new buildings, only when the property owner can demonstrate to the superintendent or designee, that the sewer extension meets all requirements of this article.

(Ord. No. 07-04, § 111.080, 7-17-2007)

Sec. 32-234. Sewer extensions shall conform to ASTM specification.

The sewer extension from the sanitary sewer in the street or easement to within five feet of the inside wall of any house or building shall be pipe conforming to the latest revision of ASTM specification for clay sewer pipe designation C-700. Concrete pipe conforming to the latest revision of ASTM specification for concrete sewer pipe designation C-14, or polyvinyl chloride pipe (PVC) conforming to the latest revision of ASTM designation D3034-SDR 35 or D2241-SDR 26. Joints on clay sewer pipe shall conform to the latest revision of ASTM specifications designation C-425, Type or Type III. Joints on asbestos cement pipe shall conform to the latest revision of ASTM designation D-1869. Joints on concrete pipe shall conform to the latest

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revision of ASTM specification designation C-443. The joints shall be Tylox C-R, recessed type or Wedgelock "O" ring or similar approved equal. The sealing surfaces of concrete pipe shall be smooth, concentric and free from any imperfection which could impair the sealing efficiency of the joint gasket. Joints on polyvinyl chloride pipe shall conform to the latest revision ASTM designation D-3212 or D-3139. All joints shall be tight and waterproof.
(Ord. No. 07-04, § 111.081, 7-17-2007)

Sec. 32-235. Size and slope subject to approval.

The size and slope of the sewer extension shall be subject to the approval of the superintendent or designee, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-eighth inch per foot, unless otherwise permitted.
(Ord. No. 07-04, § 111.082, 7-17-2007)

Sec. 32-236. Sewer connection restrictions.

No sewer connection shall be laid parallel within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost where possible. The sewer extension shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, but at no time shall a 90-degree, single fitting be used, unless it's designated as a "sweeping" 90.
(Ord. No. 07-04, § 111.083, 7-17-2007)

Sec. 32-237. Drains may be lifted.

In a building where the sewer is too low to permit gravity flow to the sanitary sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to either the sewer extension, or to the sewer connection.
(Ord. No. 07-04, § 111.084, 7-17-2007)

Secs. 32-238--32-267. Reserved.

DIVISION 6. CONNECTIONS TO SANITARY SEWERS NOT CONSTRUCTED BY SPECIAL ASSESSMENT

Sec. 32-268. Properties subject to capital connection charge.

Certain sanitary sewers have been, or may be constructed from funds not derived from a special assessment against benefited properties. Properties benefited by such sewers shall be subject to a capital connection charge. If there are two properties benefiting from the same portion of the sanitary sewer, then each property shall only be charged for one half the capital connection charge for said property.
(Ord. No. 07-04, § 111.085, 7-17-2007)

Secs. 32-269--32-299. Reserved.

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DIVISION 7. USE OF THE PUBLIC SEWERS

Sec. 32-300. Discharge of certain waters restricted; perimeter tile/sump pump disconnections; funding.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, or roof water to any sanitary sewer. If a structure's perimeter tiles and/or sump pump are connected to the sanitary sewer, they shall be disconnected if there is any remodeling or alteration to the structure, where the value of the alterations or remodeling is more than 50 percent of the value of the structure, or upon the sale of that said property.

- (1) When a home is sold in the township, either by warranty, deed, or land contract, and it is connected to the sanitary sewer, the home shall be tested by the WWTP to determine if said home's perimeter tile or sump pump is connected to the sanitary sewer. If the WWTP cannot easily make that determination, the burden of proof will fall onto the property owner to show proof that the perimeter tile or sump pump is not connected to the sanitary sewer system. If either are found to be connected to the sanitary sewer, it shall be disconnected and directed into the correct drain prior to the closing on said home with inspections done by the WWTP.
- (2) If for any reason a sanitary sewer extension is required to be uncovered, and it has been ascertained that the perimeter tile for that home is connected to the sanitary sewer, the perimeter shall be disconnected from the sanitary sewer and directed to the correct drain prior to the inspection by the WWTP and the covering up of the exposed sewer line.
- (3) Property owners will be responsible for all costs for corrections set forth in this section. If the contracted job is not yet completed at the time of closing, funds sufficient for complete payment shall be put into escrow until such time as the job is complete.
- (4) All township residents and businesses within the designated limits of any road reconstruction project approved by the township board, and located within the sanitary sewer district, shall at the time of the construction of said project be required to have all perimeter tiles and sump pump lines disconnected from the sanitary sewer system. The township will, as part of the road reconstruction, confirm and test, if necessary, that each property within the limits of the proposed project is no longer using the sanitary sewer system for stormwater or groundwater discharge. Those properties found to have stormwater or groundwater discharging into the sanitary sewer system will be notified by the township and be required to first disconnect from the sanitary sewer system and thence reconnect to an approved storm sewer or natural outlet. Notification by the township will include a schedule describing the project and the individual time line for disconnection. This work shall be complete in accordance with the road reconstruction schedule proposed. All work done by individual property owners must be approved and inspected by the WWTP. The property owner will be responsible for all corrective costs. Any disconnection work not completed prior to the road reconstruction project, will be done by the township and invoiced to the associated property owner.

(Ord. No. 07-04, § 111.086, 7-17-2007)

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Sec. 32-301. Stormwater and unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet. Industrial cooling water or unpolluted process waters may and/or shall be discharged to a storm sewer or natural outlet, as directed by the MDEQ.

(Ord. No. 07-04, § 111.087, 7-17-2007)

Sec. 32-302. Discharge prohibitions.

Except as hereinafter provided, no user shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary sewer:

- (1) Having a temperature which will inhibit biological activity in the sewage works resulting in interference; but in no case, sewage with a temperature at the introduction to the sewage treatment plant which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
- (2) Any wastes containing grease, oils, fats or other substances that will solidify or become viscous, which will or may cause obstructions to the flow in a sewer or interfere with the operation of the sanitary sewage works.
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius.
- (4) Any garbage that has not been properly shredded to particles less than one-half inch in any dimension, or any material which can be disposed of as trash.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing an obstruction to the flows or interfere with the proper operation of the sewage works.
- (6) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive or injurious properties capable of causing damage or hazards to structures, equipment, and personnel of the sewage works.
- (7) Any waters or wastes containing toxic pollutants (see appendix A on file in the office of the township clerk) in sufficient quantities, either singularly or by interaction, to injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, to exceed the limitations set forth by EPA, NCPS, state, or local requirements, or which will cause the treatment works to exceed its NPDES effluent limits, or whichever is more stringent.

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(8) MDEQ.

- a. No nondomestic user may exceed the following supplementary limitations. These limitations were calculated according to MDEQ's sewer use ordinance preparation and submittal guidance of May 1982, and as amended:

<i>CONSTITUENT</i>	<i>LIMIT</i>
BOD ₅	270 mg/l
TSS	300 mg/l
pH	6 to 9 S.I.
NH ₃ -N	20 mg/l
Tot. Phos.	10 mg/l
Fat, Oil, and Grease	< 100 mg/l
***** *Arsenic	0.005 mg/l
**	
NOTE: New proposed *Cadmium	0.021 mg/l
limits maybe changed *Chromium (total)	0.328 mg/l
***** *Copper	0.134 mg/l
**	
*Lead	0.125 mg/l
*Nickel	0.387 mg/l
*Silver	0.002 mg/l
*Zinc	0.569 mg/l
*Mercury	No detectable discharge mg/l
*Total BTEX	< 20 ug/l
(Benzene)	5 ug/l
Total Volatile Organics	< 1.0 mg/l
*Total Toxic Organics (TTO) including xylene compounds (Reference 40 CFR 433 for listing)	< 2.13 mg/l

- b. Upon promulgation of the National Categorical Pretreatment Standards (NCPS) for a particular subcategory, the pretreatment standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article and shall be considered part of this article. The superintendent shall notify all affected users of the applicable reporting requirements and shall revise these limits per state and federal guidelines.
- (9) Any waters or wastes containing suspended solids of such character and/or quantity that unusual attention/expense is required to handle such materials at the POTW.
- (10) Any noxious or malodorous gas or substances capable of creating a public nuisance, cause hazards to life or prevent entry into the sanitary sewers for maintenance and/or repair.
- (11) Any sewer cleaning or servicing chemical not approved by the plant superintendent.

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- (12) Any pollutant which results in the presence of toxic gases, vapors, or fumes within the collection system of the POTW in a quantity that may cause acute worker health and safety problems.
 - (13) Any contribution directly or indirectly to POTW of any pollutant or wastewater which will pass through or cause interference with the operation or performance of the POTW.
 - (14) Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
 - (15) Any trucked or hauled pollutants, without prior approval by the superintendent, will not be accepted at BWWTP.
- (Ord. No. 07-04, § 111.088, 7-17-2007)

Sec. 32-303. Septic tank wastes.

(a) Septic tank waste may be delivered to the BWWTP for treatment and deposition only by a preapproved, state-licensed septic hauler and that said septic waste must have its origin in the township.

(b) A fee for the treatment of said septic tank waste shall be charged to the septic hauler in such an amount as the township board determines and establishes by resolution.

(c) The superintendent of the BWWTP may regulate the amount of septic tank waste that may, from time to time, be delivered to the BWWTP for treatment, as deemed necessary.

(Ord. No. 07-04, § 111.089, 7-17-2007)

Sec. 32-304. Grease, oil and sand interceptors--Required.

Grease, oil, and/or sand interceptors shall be provided on all restaurants, service stations, and car wash service leads, as required by the uniform plumbing code. All interceptors shall be of a type and capacity approved by the township plumbing inspector and shall be located as to be readily and easily accessible for cleaning and inspection. grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.

(Ord. No. 07-04, § 111.090, 7-17-2007)

Sec. 32-305. Same--Maintenance.

Where installed, all grease, oil, and sand interceptors shall have their contents physically removed on a periodic basis and shall be maintained by the owner at the owner's expense, so as to allow continuous efficient operation at all times. The use of chemicals to remove wastes from interceptors shall not be allowed.

(Ord. No. 07-04, § 111.091, 7-17-2007)

Secs. 32-306--32-328. Reserved.

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DIVISION 8. ADMINISTRATION

Sec. 32-329. Confidential information.

Information and data, other than effluent data, about a user obtained from reports furnished to the township with respect to the nature and frequency of a discharge shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate, to the satisfaction of the manager, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user. When requested by a user furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for uses related to this article, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, 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 user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the township as confidential shall not be transmitted to any governmental agency or the general public by the township, unless a ten-day notification is given to the user.

(Ord. No. 07-04, § 111.092, 7-17-2007)

Sec. 32-330. Wastewater discharges.

It shall be unlawful to discharge, without a wastewater contribution permit, to the BWWTP any wastewater except what was authorized by the superintendent in accordance with the provisions of this article.

(Ord. No. 07-04, § 111.093, 7-17-2007)

Sec. 32-331. Wastewater contribution permit.

(a) *Required.* All significant users proposing to connect to or contribute to the BWWTP shall obtain a wastewater discharge permit before connecting to or contributing to the BWWTP. All existing significant users connected to or contributing to the BWWTP shall obtain a wastewater contribution permit within 180 days after the effective date of the ordinance from which this article is derived.

(b) *Application.* Users required to obtain a wastewater contribution permit shall complete and file with the township an application in the form prescribed by the township, and accompanied by the fees as deemed appropriate by this article. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of the ordinance from which this article is derived and proposed new users shall apply at least 90 days prior to connecting to or contributing to the BWWTP. In supporting the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location, (if different from the address) and names of the owners and operators;
- (2) NAICS number according to the 2007 Federal Register (70 FR 12390--12399) North American Industry Classification Manual, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in section 32-302 as determined by a reliable analytical laboratory;

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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;

- (4) Time and duration of contribution;
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer extensions, and appurtenances by the size, location and elevation and a current water use schematic;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (8) The nature and concentration of any pollutants in the discharge which are limited by any township, state, or federal pretreatment standards, and a statement signed by an authorized representative of the user and certified by a qualified professional 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;
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide additional pretreatment will be used. 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, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, complete construction, etc.);
 - b. No increment referred to in subsection (b)(9)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 superintendent including, as a minimum, whether or not it complied with the increment of progress for such dates and, if not, the date on which it expects to comply with the increment of progress, and the reasons for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent;

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- (10) Each product and/or byproduct produced by type, amount, process or processes and rate of production;
 - (11) Type and amount of raw materials processed (average and maximum per day);
 - (12) Number and type of employees, hours of operation and proposed or actual hours of operation of pretreatment system;
 - (13) List of any environmental control permits held by or for the facility;
 - (14) Any other information as maybe deemed by the township to be necessary to evaluate the permit application. The BWWTP will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the BWWTP may issue a wastewater contribution permit subject to terms and conditions provided herein.
- (Ord. No. 07-04, § 111.094, 7-17-2007)

Sec. 32-332. Permit requirements and information.

Permits shall contain, as appropriate, the following:

- (1) Statement of duration (not greater than five years) including issuance and expiration dates;
- (2) Effluent limitations will be based on the more stringent of the following; categorical pretreatment standards, local limits as established by this article, state and/or local laws;
- (3) General and specific discharge prohibitions as established by section 32-302;
- (4) Requirements to pay fees for the wastewater to be discharged to the BWWTP;
- (5) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (6) Requirements for installation and maintenance of inspection and sampling facilities;
- (7) Requirements and specifications for monitoring programs including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (8) Compliance schedules;
- (9) Requirements for submission of technical reports, discharge reports and certification statements. These include any reporting requirements contained in the National Categorical Pretreatment Standard (NCPS);
- (10) Requirements for collecting, retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection;

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- (11) Requirements for notification of any new introduction of wastewater constituents, of any substantial change in volume or character to the wastewater treatment system;
 - (12) Requirements for notification of spills or potential problems to the BWWTP including slug loadings, upsets or violations;
 - (13) Requirements for installation, operation and maintenance of pollution control equipment;
 - (14) Requirements to develop and implement spill and slug control plans;
 - (15) Other conditions as deemed appropriate by the BWWTP to ensure compliance with this article, and any state and federal pretreatment standards and/or requirements;
 - (16) Statement of applicable civil and criminal penalties for violation of pretreatment standards and/or requirements;
 - (17) Statement of nontransferability;
 - (18) Conditions for modification or revocation of permit.
- (Ord. No. 07-04, § 111.095, 7-17-2007)

Sec. 32-333. Permits reissuance.

The user shall apply for permit reissuance at least 180 days prior to the expiration of the user's existing permit.

(Ord. No. 07-04, § 111.096, 7-17-2007)

Sec. 32-334. Permit modifications.

The BWWTP reserves the right to amend this article and the terms and conditions hereof in order to assure compliance by the BWWTP with applicable laws and regulations. Within nine months of the promulgation of the NCPS, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to an NCPS, has not previously submitted an application for a wastewater contribution permit as required by this article, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable NCPS. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent within 180 days after promulgation of an applicable federal categorical pretreatment standard, the information required by section 32-331(b)(8) and (9).

(Ord. No. 07-04, § 111.097, 7-17-2007)

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Sec. 32-335. Permit transfer.

Wastewater contribution permits are issued to a specific process or operation. A wastewater contribution permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without prior notification and approval by the BWWTP superintendent. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (BWWTP may set additional conditions, such as an application requirement.)

(Ord. No. 07-04, § 111.098, 7-17-2007)

Sec. 32-336. Pretreatment requirements.

(a) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent ordinance and federal pretreatment standards, as established by 40 CFR 403--471, state standards and permit conditions, and shall achieve compliance with all NCPS within the time limitations as specified by the federal pretreatment regulations, and with any other pretreatment standards by applicable deadlines.

(b) Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the BWWTP for review, and shall be approved by the BWWTP before construction of the facility. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this article and permit conditions. Any subsequent changes in pretreatment facilities or method of operation shall be reported to and approved by the BWWTP prior to the industrial user's initiation of the changes.

(Ord. No. 07-04, § 111.099, 7-17-2007)

Sec. 32-337. Dilution prohibition.

No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate pretreatment to achieve compliance with any pretreatment standard or requirement.

(Ord. No. 07-04, § 111.100, 7-17-2007)

Sec. 32-338. Control manhole required.

When required by the superintendent, the owner of any property served by a sewer connection carrying industrial wastes shall install a suitable control manhole in the sewer extension to facilitate observation, sampling, and measurement of the wastes. Such manholes, when required, shall be accessible and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by them so as to be watertight, safe and accessible at all times.

(Ord. No. 07-04, § 111.101, 7-17-2007)

Sec. 32-339. Measurements and tests determined to be in accordance with the federal register.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the standard testing procedures found in the federal register (40 CFR 136), and amendments thereto, or if 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, then any

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other analytical method can be used if they are in accordance with procedures approved by the EPA. Samples shall be taken from the control manhole provided for in section 32-338. In the event that no special manhole has been required, the control manhole shall be considered the nearest downstream manhole in the sanitary sewer from the user's sewer connection.

(Ord. No. 07-04, § 111.102, 7-17-2007)

Sec. 32-340. Monitoring.

(a) Users shall provide and maintain in safe and proper condition, at their own expense, facilities to allow the authorized representatives of BWWTP, EPA or the state to inspect, sample, or measure wastewater flows subject to this article.

(b) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.

(c) If locating such facilities on a user's property would be impractical, the user may apply to the township for a right-of-way to construct on public property.

(Ord. No. 07-04, § 111.103, 7-17-2007)

Sec. 32-341. Accidental discharges.

Each industrial user shall provide protection from accidental spill and/or slug discharges, prohibited or regulated materials, and substances established by this article.

- (1) Where necessary, the facilities to prevent these accidental discharges of prohibited materials shall be provided and maintained at the user's expense. Detailed prevention plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review and shall be approved by the superintendent before construction of the facility. Each existing industrial user shall complete its plan and submit it to the superintendent within 120 days after the effective date of the ordinance from which this article is derived.
- (2) Industrial users that store hazardous substances shall not contribute to the BWWTP after the effective date of the ordinance from which this article is derived unless a prevention plan has been approved by the BWWTP. Approval of such plans shall not relieve the Industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- (3) The BWWTP shall evaluate each significant industrial user at least once every two years and other users as necessary, to determine whether the user is in compliance or if they are required to develop a prevention plan. If the BWWTP decides that a prevention plan is needed, the plan shall contain, at a minimum, the following elements:
 - a. Description of discharge practices, including nonroutine batch discharges;
 - b. Description of stored chemicals;

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- c. Procedures for immediately notifying the BWWTP of slug discharges, including any discharge that would violate a prohibition under section 32-302, with procedures for followup written notification within five days;
- d. If necessary, procedures to prevent adverse impact from an accidental spill, including inspection/maintenance of storage areas, handling and transfer of materials, loading/unloading operations, control of a plant site runoff, worker training, building containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. No. 07-04, § 111.104, 7-17-2007)

Sec. 32-342. Bypass.

(a) *Bypass not violating applicable pretreatment standards or requirements.* An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to subsections (b) and (c) of this section.

(b) *Notice of bypass.*

- (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the BWWTP, if possible at least ten days before the date of bypass.
- (2) An industrial user shall orally notify the BWWTP of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to discontinue; and steps taken or planned, to reduce, eliminate and prevent recurrence of the bypass.

(c) *Prohibition of bypass.*

- (1) Bypass is prohibited and the BWWTP may take enforcement action against an Individual user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - b. There are no feasible alternatives, such as the use of auxiliary treatment facilities, for the retention of wastes, during normal periods of equipment downtime for maintenance. This condition is not acceptable if adequate backup equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; or

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- c. The industrial user submitted a "notice of bypass" as required by subsection (b) of this section.

- (2) The superintendent may approve an anticipated bypass, after considering its adverse effects, and the three conditions listed in subsection (c)(1) of this section.

(Ord. No. 07-04, § 111.105, 7-17-2007)

Sec. 32-343. Operating upsets.

Any user which experiences an upset in operations which places the user in a temporary state of noncompliance with this article shall inform the BWWTP thereof within 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written followup report thereof shall be filed by the user with the BWWTP within five days. The report shall specify:

- (1) Description of the upset, the cause and the upset's impact on the user's compliance status.
- (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance. A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the BWWTP against any user for noncompliance with the article which arises out of violations alleged to have occurred during the period of the upset.
- (4) Conditions necessary for a demonstration of an upset. An industrial user who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. The industrial user has met the upset requirements listed in this section;
 - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
- (5) Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (6) User responsibility in case of an upset. The industrial user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ord. No. 07-04, § 111.106, 7-17-2007)

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Sec. 32-344. Notification of discharge violation.

(a) In the case of any discharge in violation of this article or permit conditions, and in the case of any discharge that could cause problems to the BWWTP including any slug loadings, as defined by section 32-116, the industrial user shall immediately notify the BWWTP of the discharge by telephone. The notification shall include:

- (1) The date, time, location and duration of the discharge;
- (2) The type of waste, including concentration and volume; and
- (3) Any corrective actions taken by the user.

(b) Within five days following such a discharge, the user shall submit a written report describing the cause of the discharge and measures that will be taken to prevent similar future discharges.

(c) Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liabilities which may be imposed under this article or other applicable state or federal law.

(d) Notification of changed discharge. All industrial users shall promptly notify the BWWTP in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial user has submitted initial notification under 40 CFR 403.12(p).

(Ord. No. 07-04, § 111.107, 7-17-2007)

Sec. 32-345. Records retention.

Industrial users must retain and make available upon request from an authorized representative of the BWWTP, the state, or the EPA all discharge records, and pretreatment records if pretreating, or any other records required to be collected by the user pursuant to this article or any permit or order issued pursuant to this article. These records shall remain available for at least three years, or as long as they pertain to any ongoing enforcement proceedings, as required by 40 CFR 403.12.

(Ord. No. 07-04, § 111.108, 7-17-2007)

Sec. 32-346. No special agreement.

No statement contained in this article shall be construed as providing any special agreement or arrangement between the BWWTP and/or the township and any industrial user, whereby an industrial waste of unusual strength or character may be accepted by the BWWTP for treatment, subject to payment by the industrial user. The BWWTP may not enter into agreements with industrial users which contravene any federal or state pretreatment regulations, except as provided for under the general pretreatment regulations.

(Ord. No. 07-04, § 111.109, 7-17-2007)

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Sec. 32-347. Pretreatment program fees.

The BWWTP adopted charges and fees shall include:

- (1) Fees for reimbursement of costs of setting up and operating the BWWTP pretreatment program;
- (2) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by the industrial user;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications including the cost of processing such applications;
- (5) Fees for filing appeals;
- (6) Other fees as BWWTP may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the BWWTP.

(Ord. No. 07-04, § 111.110, 7-17-2007)

Secs. 32-348--32-365. Reserved.

DIVISION 9. REPORTING

Sec. 32-366. Wastewater discharge data reports.

(a) The BWWTP may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by section 32-332 shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards.

(b) For industrial users subject to equivalent mass or concentration limits established by the BWWTP in accordance with the procedures in 40 CFR 403.6(c), the report required by section 32-332 shall contain a reasonable measure of the user's longterm production rate. For all other industrial users subject to categorical pretreatment standards, the report required by section 32-332 shall include the user's actual average production rate for the reporting period and expressed only in terms of allowable pollutant discharge per unit of production or other measure of operations.

(c) Significant noncategorical industrial users shall submit to the BWWTP, at least once every six months on dates specified by the BWWTP, a description of the nature, concentration, and flow, of the pollutants required to be reported by the BWWTP.

(Ord. No. 07-04, § 111.111, 7-17-2007)

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Sec. 32-367. Baseline report.

(a) Industrial users subject to NCPS shall submit baseline reports to the BWWTP in a form prescribed and furnished by the BWWTP.

(b) Within 180 days after the effective date of an NCPS, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 402.6(a)(4), whichever is later, industrial users which are existing sources subject to such NCPS, currently discharging to the BWWTP shall submit a properly completed baseline report.

(c) New sources, when subject to a NCPS, shall submit a baseline report at least 90 days prior to commencement of discharge to the BWWTP.

(d) In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:

- (1) The name and address of the facility including the name of the operator and owners.
- (2) List of any environmental control permits held by or for the facility.
- (3) Brief description of the nature, average rate of production, and standard industrial classification of the operation carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the BWWTP from the regulated processes.
- (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the BWWTP from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).
- (5) Industrial user shall identify the NCPS applicable to each regulated process and shall:
 - a. Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
 - b. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques where feasible. The BWWTP may waive flow-proportional composite sampling for any industrial user that demonstrates that flow proportional sampling is

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unfeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

- c. The user shall take a minimum of four representative samples to compile that data necessary to comply with the requirements of this subsection.
 - d. Samples should be taken immediately downstream from pretreatment facilities if such exists or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the BWWTP.
- (6) The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether the NCPS are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) measures or additional pretreatment is required for the Industrial user to meet the NCPS.
- (7) If additional pretreatment or O&M will be required to meet the NCPS, the industrial user shall provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable NCPS.
- a. Where the industrial user's NCPS has been modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), or net/gross calculations (40 CFR 403.15) at the time the industrial user submits a baseline report, the information required in subsections (d)(5) and (6) of this section shall pertain to the modified limits.
 - b. If the NCPS for the industrial user is modified after the baseline report is submitted, the industrial user shall make any necessary amendments to the information provided as a response to subsections (d)(5) and (6) of this section and submit them to the BWWTP within 60 days after the modified limit is approved.
- (8) The following conditions shall apply to any schedule submitted in response to subsection (d)(7) of this section:
- 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

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user to meet the applicable NCPS (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

- b. No increment referred to in subsection (d)(8)(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 BWWTP including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapses between such progress reports to the BWWTP.

(9) Such other information as may be reasonably requested by the BWWTP.
(Ord. No. 07-04, § 111.112, 7-17-2007)

Sec. 32-368. Self-monitoring requirements.

(a) The reports required by sections 32-332, 32-366 and 32-367 shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the EPA.

(b) If sampling performed by an industrial user indicates a violation, the user shall notify the BWWTP within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis, submit the results of the repeated analysis to BWWTP within 30 days after becoming aware of the violation. The industrial user is not required to resample if:

- (1) BWWTP performs sampling of the industrial user at a frequency of at least once per month; or
- (2) BWWTP performs sampling of the user between the time when the user performed its initial sampling and the time when the user received the results of this sampling.

(c) The reports required in of section 32-367(a) and (b), shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, and is representative of conditions occurring during the reporting period. The BWWTP shall require the monitoring frequency as necessary to assess and assure compliance by the Industrial user with applicable pretreatment standards, and requirements.

(d) If an industrial user subject to the reporting requirement in section 32-332 and 32-366 monitors any pollutant more frequently than required by BWWTP, using the procedures prescribed in this section, the results of that monitoring shall be included in the report(s).

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(e) Signatory requirements for industrial user reports. The reports required by sections 32-332, 32-366 and 32-367 shall include the certification statement as set forth in 40 CFR 403.6(A)(2), and shall be signed by an authorized representative.
(Ord. No. 07-04, § 111.113, 7-17-2007)

Sec. 32-369. Reporting requirements for nonsignificant industrial users.

The BWWTP shall require appropriate reports from those industrial users with discharges that are not subject to NCPS but are deemed by the BWWTP to be significant.
(Ord. No. 07-04, § 111.114, 7-17-2007)

Sec. 32-370. Hazardous waste notification.

(a) Any industrial user, except as specified in subsection (e) of this section, which discharges to BWWTP any substance which, if otherwise disposed of, would be listed or characterized as hazardous waste under 40 CFR 261, shall notify BWWTP in writing of such discharge.

(b) All hazardous waste notifications shall include:

(1) The name of the hazardous waste as set forth in 40 CFR 261;

(2) The EPA hazardous waste number;

(3) The type of discharge (continuous, batch or other); and

(4) A certification statement that the user has a program in place to reduce the volume and toxicity of the hazardous wastes generated to the degree it has determined to be economically practical.

(c) In addition to the information submitted in section 32-368, the industrial user's discharging a hazardous waste to the BWWTP shall, in its notification, contain to the extent such information is known and readily available to the industrial user:

(1) An identification of the hazardous constituents contained in the waste;

(2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and

(3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

(d) Hazardous waste notifications shall be submitted no later than 60 days from the effective date of the ordinance from which this article is derived, except the industrial user commencing to discharge a listed or characterized, hazardous waste after February 19, 1991. That industrial user shall provide the notification no later than 180 days from the discharge of the waste. Any notification under this provision needs to be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under section 32-344.

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(e) Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one time notification.
(Ord. No. 07-04, § 111.115, 7-17-2007)

Secs. 32-371--32-398. Reserved.

DIVISION 10. ENFORCEMENT AND PENALTIES

Sec. 32-399. Emergency suspension of service and discharge permits.

The superintendent may, for good cause shown, suspend the wastewater treatment service to a user when it appears that an actual or threatened discharge presents an imminent or substantial danger to the health or welfare of personnel, substantial danger to the environment, interferes with the operation of the sewage works or violates any pretreatment limits imposed by this article. Any user notified of the suspension of the township's wastewater treatment services shall, immediately stop or eliminate its contribution within a reasonable period of time as determined by the superintendent. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the superintendent shall commence judicial proceedings immediately thereafter to compel the user's compliance with such order. The superintendent shall reinstate the wastewater treatment services and terminate judicial proceedings pending proof by the user of the elimination of the noncomplying discharge or conditions creating a threat of imminent or substantial danger as set forth in this section.
(Ord. No. 07-04, § 111.116, 7-17-2007)

Sec. 32-400. Revocation of treatment services.

The superintendent may seek to terminate the wastewater treatment services to any user which fails to:

- (1) Factually report the wastewater constituents and characteristics of its discharge;
- (2) Report significant changes in wastewater constituents or characteristics;
- (3) Refuses reasonable access to the user's premises to representatives of the BWWTP for the purpose of inspection or monitoring; or
- (4) Violates conditions of this article or any final judicial order entered with respect thereto.

(Ord. No. 07-04, § 111.117, 7-17-2007)

Sec. 32-401. Notification of violation; administrative adjustment.

Whenever the superintendent finds that any user has engaged in conduct which justifies termination of wastewater treatment services, pursuant to section 32-400, the township shall serve or cause to be served upon such user a written notice of violation, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within ten days of the date of receipt of the notice, the user shall respond personally or in writing to the superintendent, advising of its position with respect to the allegations, including

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an explanation of the violation, and a plan for satisfactory correction and prevention, including specific required actions. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. Submission of this plan in no way relieves the user of liabilities for any violations occurring before or after receipt of the notice of violation.
(Ord. No. 07-04, § 111.118, 7-17-2007)

Sec. 32-402. Show cause hearing.

Where the violation of section 32-400 is not corrected by timely compliance by means of administration adjustment, the superintendent may order any user which causes or allows conduct prohibited by section 32-400 to show cause before the manager and the superintendent, and/or its authorized representatives, why the proposed service termination action should not be taken. A written notice shall be served on the user by personal service, certified or registered letter, return receipt requested, specifying the time and place of a hearing to be held by the manager and superintendent or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a user. The proceedings at the hearing shall be considered by the manager or superintendent, which shall then enter appropriate orders with respect to the alleged improper activities of the user in accordance with applicable local or state law.
(Ord. No. 07-04, § 111.119, 7-17-2007)

Sec. 32-403. Civil proceedings.

Following the entry of any order by the township with respect to the conduct of a user contrary to the provisions of section 32-400 or any other provision of this article, the attorney for the township may, following the authorization of such action by the township manager, commence an action for appropriate legal and/or equitable relief.
(Ord. No. 07-04, § 111.120, 7-17-2007)

Sec. 32-404. Enforcement actions; annual publication.

A list of all significant dischargers, which were the subject of enforcement proceedings pursuant to this division during the 12 previous months, shall be annually published by the township in the daily newspaper in which the township is located, summarizing the enforcement actions taken against the users during the same 12 months whose violations remained uncorrected 45 days or more after notification of noncompliance; or which have exhibited a pattern of noncompliance over the 12-month period, or which involve failure to accurately report noncompliance.
(Ord. No. 07-04, § 111.121, 7-17-2007)

Sec. 32-405. Right of appeal.

Any user or any interested party shall have the right to request, in writing, an interpretation or ruling by the township on any matter covered by this article and shall be entitled to a prompt written reply. In the event that such inquiry is made by a user and deals with matters of performance or compliance with this article for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request shall state all enforcement proceedings

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pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this article may be taken in accordance with local and state law.
(Ord. No. 07-04, § 111.122, 7-17-2007)

Sec. 32-406. Cease and desist orders.

When the superintendent finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all illegal or authorized discharges immediately.

- (1) In an emergency, the order to cease and desist may be given by telephone.
- (2) In nonemergency situations, the cease and desist order may be used to suspend or permanently revoke the user's wastewater contribution permit.
- (3) The cease and desist order may order the industrial user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and eliminating the discharge.

(Ord. No. 07-04, § 111.123, 7-17-2007)

Sec. 32-407. Administrative fines.

Notwithstanding any other section of this article, any user who is found to have violated any provision of this article, or permits and orders issued hereunder, shall be fined in an amount not to exceed the maximum allowable under state law, per violation. Each day on which noncompliance shall occur or continues shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the user's property. Users desiring to dispute such fines must file a request for the township to reconsider the fine within ten days of being notified of the fine. Where the township believes a request has merit, the superintendent shall convene a hearing on the matter within 15 days of receiving the request from the user.

(Ord. No. 07-04, § 111.124, 7-17-2007)

Sec. 32-408. Emergency suspensions.

(a) The superintendent may suspend the wastewater treatment service and/or wastewater contribution permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of personnel, the BWWTP, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or wastewater contribution permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the BWWTP, its receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in section 32-401 are initiated against the user.

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(c) An industrial user which is responsible in part for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the superintendent prior to the date of the hearing described in subsection (b) of this section.

(Ord. No. 07-04, § 111.125, 7-17-2007)

Sec. 32-409. Termination of permit.

(a) Any user who violates the following conditions of this article or a wastewater contribution permit or order, or any applicable state and federal laws are subject to permit termination:

- (1) Violation of permit conditions.
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (3) Failure to report significant changes in operations or wastewater constituents and characteristics.
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(b) Noncompliant industrial users will be notified of the proposed termination of their wastewater contribution permit and be offered an opportunity to show cause under section 32-402 why the proposed action should not be taken.

(Ord. No. 07-04, § 111.126, 7-17-2007)

Sec. 32-410. Violation.

Any person who violates pretreatment standards shall be liable to the township for any costs the township incurred as a consequence of a violation of pretreatment standards.

(Ord. No. 07-04, § 111.127, 7-17-2007)

Sec. 32-411. Penalties.

Any person or other entity who violates any of the provisions of this article is responsible for a municipal civil infraction.

CODE COMPARATIVE VALUE

CODE COMPARATIVE TABLE

2000 COMPILED ORDINANCES

This table gives the location within this Code of those sections of the 2000 Compiled Ordinances, as supplemented, which are included herein. Sections of the 2000 Compiled Ordinances, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances included herein, see the table immediately following this table.

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44.102	8-157	48.700	4-84
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46.030	14-55	48.720	4-86
46.040	14-56	50.020	16-19
46.050	14-57	50.030	16-20
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46.080	14-60	50.110	16-22
46.090	14-61	50.600--50.602	2-170--2-172
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