

TOWNSHIP OF OAKFIELD

Ordinance Code

Including all ordinances, except the Township Zoning Ordinance,
and ordinances granting public utility franchises.

(Including all amendments adopted through October 11, 2011)

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CHAPTER 1

ADOPTION - CONTENTS AND INTERPRETATION

1.1 Short Title. This Ordinance shall be known as the Oakfield Township Code or the Code.

1.2 Contents. This Code contains all ordinances of the Township of Oakfield, except the Township Zoning Ordinance and ordinances granting franchises to public utilities in the Township.

1.3 Definitions. The following words and phrases shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

- (1) "Person" shall include any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit, or the agent of any of such persons or entities.
- (2) "Public place" shall mean any place upon which the public travels or resorts, whether such place is owned or controlled by the Township or any agency of the State of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, expressed or implied.
- (3) "Street, highway and alley" shall mean the entire width, subject to an easement for public right-of-way or owned in fee by the Township, County, State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right, for purposes of public travel.

1.4 Title of Officer to Include Deputy or Subordinate. Whenever, by the provisions of this Code, any officer of the Township is assigned any duty or empowered to perform any act or duty, the title of said officer shall mean and include such officer, his deputy, any authorized Township employee or the designee of the Supervisor.

1.5 Notice. Whenever notice is required by any act, condition or any other matter pursuant to this Code then such notice shall be served as follows:

- (1) By delivery of the notice to the owner or person to be notified personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or
- (2) By mailing said notice by certified or registered mail to said owner at his last known address, or
- (3) If the owner is unknown, by posting said notice in some conspicuous place on the premises for five days.

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

1.6 Penalties.

- (1) Every person convicted of a violation of Sections 3.1, 3.2 or 4.6 of this Code, or who shall be convicted of ignoring a stop work order properly issued by a Township building official pursuant to the building codes adopted by reference in Chapter 2 of this Code, shall be guilty of a misdemeanor, and subject to a fine of not more than \$500.00 and costs of prosecution or by imprisonment for not more than 90 days, or both such fine and imprisonment in the discretion of the court. Each act or violation and every day upon which such violation occurs shall constitute a separate offense.
- (2) A violation of, or failure to comply with, any provision of this Code not designated to be a misdemeanor is a municipal civil infraction, for which the fine shall be not less than the \$250.00 for the first offense and not less than \$500.00 for subsequent offenses, in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this subsection, "subsequent offense" means a violation of a provision of this Code committed by the same person within six months of a previous violation of the same provision of this Code for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
- (3) The penalties provided in this section, unless another penalty is expressly provided, shall apply to any amendment of or addition to this Code whether or not such penalty is made a part of such amendment or addition.

1.7 Severability. It is the legislative intent of the Township Board in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Township and should any provision or section of this Code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this Code shall stand notwithstanding the invalidity of any provision or section thereof. The provisions of this section shall apply to the amendment of any section of this Code whether or not the working of this section is set forth on the amendatory section.

1.8 Aiding and Abetting. Any person who procures, counsels, aids, assists, promotes, encourages or abets any other person in the violation of any provision or section of this Code may be prosecuted and tried as if he had directly violated such provisions or sections.

1.9 Attempt. Any person who shall attempt to commit the violation of any provision or section of this Code, and in such attempt shall do any act toward the commission of such violation, but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same, may be prosecuted and tried for such attempt.

1.10 Civil Infraction Citations.

(1) Authorization to Issue Citations.

- (a) The Township Supervisor is authorized to issue citations for any violation of any Township Ordinance, including the Zoning Ordinance, which is designated to be a municipal civil infraction if the Supervisor has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.
- (b) The Township Building Officials are authorized to issue citations for civil infractions for violations of those building codes which that Official is responsible for administering and enforcing if the Official has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.
- (c) The Township Zoning Administrator is hereby authorized to issue citations for civil infractions for violations of the Zoning Ordinance which the Zoning Administrator has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

(2) Form of Citation. Civil infraction citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.

(3) Service. Civil infraction citations shall be served upon the alleged violator as provided by law.

(4) Appearance. Civil infraction citations shall require appearance at the District Court within a reasonable time after the citation has been issued.

(5) Procedures. The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

1.11 Authorization to Issue Appearance Tickets. For violations of this Code which are punishable as misdemeanors, the issuance of appearance tickets, pursuant to Act 175 of the Public Acts of Michigan of 1927, as amended, being MCL 764.9a-764.9g, is hereby authorized as follows:

- (1) The Township Supervisor may issue an appearance ticket if the Supervisor has reasonable cause to believe that a person has violated any Township ordinance.
- (2) The Township building inspector may issue an appearance ticket if the inspector has reasonable cause to believe that a person has violated a Township building code for which such official is responsible for enforcement.

CHAPTER 2

DANGEROUS BUILDINGS, BUILDING CODES AND HOUSING LAW

2.1 Adoption and Enforcement of Building Codes. Pursuant to Section 9 of Act 230 of the Public Acts of Michigan of 1972, as amended, the Township hereby assumes responsibility for administration and enforcement of the State Building, Mechanical, Electrical and Plumbing Codes, as promulgated and amended from time to time pursuant to Act 230. Enforcing officers shall be appointed by resolution of the Township Board.

2.2 Adoption of Housing Law. Pursuant to the provisions of Act 167 of the Public Acts of Michigan of 1917, as amended, being MCL 125.401, et seq., as amended, and in particular Section 1 thereof, the Township of Oakfield hereby adopts by reference the Housing Law of Michigan, including the enforcement provisions of said Act.

2.3 Addition to Other Ordinances. The provisions of the Housing Law of Michigan are in addition to the ordinances and laws now and hereafter enacted in the Township.

CHAPTER 3

POLICE REGULATIONS

3.1 General Unlawful Acts. No person shall:

- (1) Commit an assault, or an assault and battery on any person.
- (2) Engage in any disturbance, fight or quarrel in a public place.
- (3) Be drunk in any public place or under the influence of any narcotic drug in any public place.
- (4) Engage in any indecent, insulting, immoral or obscene conduct in any public place.
- (5) Insult, accost, molest or otherwise annoy, either by word of mouth, sign or motion, any person in any public place.
- (6) Collect or stand in crowds or arrange, encourage, or abet the collection of persons in crowds for unlawful mischievous purposes in any public place to the annoyance or inconvenience of others.
- (7) Jostle or roughly crowd persons in any street, alley, park or public building.
- (8) Loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and interrupted passage of the public.
- (9) Willfully destroy, remove, damage, alter or in any manner deface any property not his own.
- (10) Beg in any public place.
- (11) Engage in peeping in the windows of any inhabited place.
- (12) Swim or bathe in any public place without wearing proper apparel.
- (13) Make any immoral exhibition or indecent exposure of his or her person.
- (14) Engage in any act of prostitution or gross indecency.
- (15) Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
- (16) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor or narcotics, or where any other illegal or immoral business or occupation is permitted or conducted.
- (17) Disturb the public peace by loud, boisterous or vulgar conduct.

- (18) Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous or disorderly persons.
- (19) Obstruct, resist, hinder or oppose any member of the police force, or any police officer in the discharge of duties as such.
- (20) Knowingly furnish to any police officer or other officer a false name, false address or false information in connection with any arrest or investigation.
- (21) Knowingly make to any police officer a false report of the purported commission of any crime.
- (22) Trespass or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupant or his agent.
- (23) Prowl about on the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.
- (24) Wrongfully throw or propel any snowball, missile or object from any moving vehicle.
- (25) While under the age of 21 years purchase, or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport, or have under control in any motor vehicle any alcoholic liquor unless said person is employed by a licensee as defined in Act 227 of the Michigan Public Acts of 1952, as amended, and is possessing, transporting or having such alcoholic liquor in a motor vehicle under control during regular working hours and in the course of employment.

3.2 Cowan Lake Regulations. On the waters of Cowan Lake, Section 6, T8N, R9W, Grattan Township and Section 31, T9N, R9W, Oakfield Township, Kent County, Michigan, it shall be unlawful for the operator of a vessel to:

- (1) Operate the vessel at high speed.
- (2) Have in tow, or otherwise assist in the propulsion of, a person on water skis, a water sled, kite, surfboard or other similar contrivance. (1979 Michigan Administrative Code, § 281.741.6)

3.3 Reserved.

CHAPTER 4

ANIMAL CONTROL

4.1 Definitions. For purposes of the following sections relating to animals, the following definitions shall apply:

- (1) “Animal” shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.
- (2) “Animal Control Officers” shall mean the agents of the Kent County Department of Animal Control or any other officers designated for such duties by the Township.
- (3) “Animal Shelter” shall mean either the Kent County Animal Shelter or the Humane Society of Kent County.
- (4) “County” shall mean the County of Kent.
- (5) “Director” shall refer to the Director of the Kent County Department of Animal Control.
- (6) “Department” shall mean the Kent County Department of Animal Control.
- (7) “Impounded” shall mean any animal which has been received into the custody of any animal shelter.
- (8) “Kennel” shall mean any lot on which more than three dogs, four months or older, are kept, boarded or raised.
- (9) “Owner” when applied to the proprietorship of an animal shall mean every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, or every person who permits the animal to remain on or about a premises occupied by such person.

4.2 Dog Licenses. All dogs over the age of six months shall at all times be currently licensed in accordance with the requirements of State Law and of the County Animal Control Ordinance. A license tag issued by the County shall be securely affixed to a collar, harness, or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner’s premises.

4.3 Barking Dogs. No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud, frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.

4.4 Dogs Running At Large. No person owning or having charge, care, custody or control of any dog shall cause, permit or allow the same to run at large upon any highway, street, lane, alley, court or any other public place or upon any private property or premises other than those

of the person owning or having charge, care, custody, or control of such dog, unless such dog is restrained by a substantial chain or leash not exceeding six feet in length and is in the charge or control of a person with the ability to restrain it, except controlled hunting dogs engaged in lawful hunting or training.

4.5 Female Dogs in Heat. No person owning or having charge, care, custody or control of any unsprayed female dog shall permit such dog to be or to run at large during the copulative season (i.e., when said dog is in heat as that term is commonly understood) unless such dog shall be restrained as provided above at all times other than when the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

4.6 Vicious Animals. A vicious animal shall at all times when not securely confined be securely muzzled and led by a leash. Any animal shall be deemed vicious which has bitten a person or domestic animal without molestation, or, which by its actions, given indications that it is liable to bite any person or domestic animal without molestation.

4.7 Destruction of Vicious Animals. On sworn complaint that any one of the following facts exist:

- (1) That any animal has attacked or bitten a person.
- (2) That any animal shows vicious habits or molests passersby when lawfully on the public highways; the County or Township may secure a summons against the owner of said animal commanding him to appear and show cause why said animal should not be ordered to be confined or destroyed. Upon such hearing, the District Court shall proceed to determine whether it shows vicious habits or molests passersby when it shall forthwith either order said animal confined to the premises of the owner or shall order the Director of Animal Control to cause said animal to be destroyed or shall enter such other order relative to the case of such animal as the Court shall determine to be appropriate.

4.8 Civil Liability. Nothing in this chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by it.

4.9 Kennels. Any person having a kennel shall have a valid kennel license from the Kent County Treasurer, which shall be issued in accordance with the following:

- (1) Each kennel shall be inspected and approved by the Kent County Director of Animal Control or his designate on an annual basis.
- (2) If the kennel runs are of concrete, they must provide adequate draining for sanitation. If sand or pea gravel is used, droppings must be picked up and disposed of promptly and runs treated regularly with an effective disinfectant. Runs made of other materials shall require special approval from the Director of Animal Control.
- (3) If at any time the Township Board determines because of health, public welfare or nuisance reasons that it is a hazard to permit a kennel license, such license may be revoked.

- (4) If at any time the Township Board determines it is in the best interest of the community to change the conditions of licensure, such conditions may be changed after reasonable notice.

CHAPTER 5

ENVIRONMENTAL PROTECTION

5.1 Inoperable, Disabled and Unused Motor Vehicles.

- (1) The accumulation or storage of inoperable, disabled or unused motor vehicles, or parts thereof, except in compliance with the terms of this chapter, or other Township ordinances, is hereby declared to be a public nuisance. The presence of such motor vehicles or parts thereof constitutes an attractive nuisance, invites plundering, constitutes an unsightly condition tending to reduce the value of real property and otherwise contributes to blight and deterioration, all contrary to the public interest and welfare.
- (2) No inoperable or disabled motor vehicle or any part thereof shall be located on any lot or parcel of land for a period in excess of seven consecutive days, unless such motor vehicle or part thereof is kept within a wholly-enclosed building or other wholly-enclosed structure or unless the keeping of such motor vehicle or part thereof is in compliance with the junk yard regulations of the Township of Oakfield Ordinance Code and all other applicable Township ordinances.
- (3) As used in this section, an inoperable motor vehicle means:
 - (a) A motor vehicle subject to registration under the State of Michigan Motor Vehicle Code, but which has not been registered or which does not display current license plates issued for the vehicle.
 - (b) A motor vehicle, whether or not registered under the State of Michigan Motor Vehicle Code, which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power or which is unsafe for operation on the streets and highways of the state because of its noncompliance with the State Motor Vehicle Code.
- (4) As used in this section, disabled motor vehicle means any motor vehicle which is wrecked, inoperable, partially or totally dismantled, junked or abandoned and any part or parts thereof which:
 - (a) Constitute an unsightly condition.
 - (b) Create a fire hazard.
 - (c) Constitute an attractive nuisance.
 - (d) Tend to be a refuge for disease-spreading insects or vermin.
 - (e) Promote or contribute to blight or deterioration.

- (5) Not more than one motor vehicle may be parked or stored out of doors on any lot or parcel of land for more than seven consecutive days without such vehicles displaying current valid license plates, unless the same is otherwise permitted by the terms of this chapter or by the terms of other applicable Township ordinances.

5.2 Trash and Junk. It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, refuse, litter or junk on any lands in the Township, except in a lawful junk yard or sanitary landfill or unless such materials are placed in watertight storage receptacles designed for the temporary accumulation of trash.

5.3 Swimming Pool Regulations. The following sections shall apply to all private swimming pools. For purposes of this Code, the following definitions shall apply:

- (1) "Private" shall mean a pool not open to the use of the general public or a pool that is not publicly owned.
- (2) "Swimming pool" shall mean an artificially constructed pool or apparatus for the holding of water which is not completely enclosed as part of a dwelling, capable of holding in excess of 50 gallons of water and at a depth of two feet or more of water at any point.

5.4 Erection and Maintenance of Private Swimming Pools. The following requirements shall apply to the erection and maintenance of private swimming pools:

- (1) A pool shall be located no closer than six feet from any side or rear lot line of the property upon which the pool is situated or to be situated.
- (2) No pool shall be located within the area required as a front yard by the zoning regulations of this Code.
- (3) No pool shall be located closer than six feet from any house, garage, or accessory building, except an accessory building to be used in conjunction with the pool itself.
- (4) Installation of electrical wiring for equipment in or adjacent to swimming pools, or to metallic appurtenances within five feet of the pool and to auxiliary equipment such as pumps, filters or similar equipment shall conform for the BOCA Code.
- (5) No wires of any kind shall cross or shall be directly over the water surface of the pool.
- (6) Lighting fixtures near the pool shall be permanent and of solid construction.

5.5 Drainage. Drainage of a swimming pool will comply with the following regulations.

- (1) Any discharge pipe leading from a private swimming pool shall not exceed four inches in diameter.

- (2) No swimming pool shall be emptied in a manner which will cause or permit water to flow upon property owned or held by any other person without the written consent of the owner of said adjacent property.

5.6 Enclosure. A person owning or occupying land on which there is situated a swimming pool shall erect and maintain thereon an enclosure or fence either surrounding the property or surrounding the pool area. Such enclosure, including gates, shall be not less than four feet high and of a construction not readily climbed or penetrated by small children. All gates shall be of the self-closing and latching type with a latch on the inside of the gate and with the said latch in a position inaccessible from the outside of said gate to small children.

5.7 Definitions. The following terms used in this Ordinance are defined as follows:

- (1) “Decibel” is a unit used 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 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10-decibel change corresponds to a ten-fold increase or decrease to 1/10th the former intensity.
- (2) “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 Standard Institute, Publications ANSI s1.4-1971.

5.8 Anti Noise Regulations.

- (1) **General Regulation.** No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any unreasonable or unnecessary loud noise or disturbance which endangers the comfort, health, peace, quiet or safety of persons in the Township or their property.
- (2) **Specific Violations.** The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:
 - (a) **Radio, television, musical instruments.** The playing of a 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.
 - (b) **Shouting or whistling.** Yelling, shouting, hooting, whistling, singing or the making of other loud noises on the public streets between the hours of 10 p.m. and 7 a.m. or the making of such noises at any time or place so as to

unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

- (c) **Church and hospital zones.** The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- (d) **Animals, birds.** The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably upset or 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.
- (e) **Loud motor vehicles.** The operation of an automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise (including the noise resulting from exhaust), which is clearly audible from nearby properties and which unreasonably upsets or disturbs the quiet, comfort or repose of other persons.
- (f) **Horn and signal devices.** The sounding of any horn or other device on any vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- (g) **Engine exhaust.** The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises.
- (h) **Construction noises.** 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 unreasonably annoying or disturbing 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 cases of necessity, 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.
- (i) **Loading areas.** The creation of aloud or excessive noise unreasonably annoying or 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.
- (j) **Devices to attract attention.** 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 annoying or disturbing to other persons in the vicinity. Also, the operation of a loudspeaker or other sound amplifying device upon any vehicle on the streets of the township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.

- (k) **Race courses and tracks.** The operation of any race track, 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 annoying or disturbing to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 10 p.m. on any evening.
- (3) **Exceptions.** None of the prohibitions hereinbefore enumerated shall apply to the following:
- (a) **Emergency vehicles.** Any police vehicles, ambulances, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (b) **Highway and utility maintenance and construction.** Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, the Township, the County of Kent, or any public utility, or any agency of the foregoing when the public welfare, safety and convenience necessitates the performance of the work at such time.
 - (c) **Warning devices.** Warning devices emitting sound for warning purposes as authorized by law.
 - (d) **Agricultural operations.** Noise created by agricultural operations which is permitted by the Right to Farm Act, being Public Act No. 93 of 1981, as amended.
 - (e) **Township approved activities.** Township sponsored or approved parades, festivals, fairs or events.

5.9 Anti Noise Regulations Based upon dB(A) Criteria. In order to regulate violations occurring under Section 5.8 of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance.

- (1) **Decibel measured violations - general.** Noise emanating from private property 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 Ordinance. Violations shall exist when the source or sources of noise are identifiable and the noise levels emanating from the source or sources exceed the following limitations.

Zoning Districts.

R R, MDR, L R and PUD Residential Districts and any area within 500 feet of a hospital, church or school, regardless of zoning district, but excepting agricultural areas at least 500 feet from any dwelling under separate ownership:

Limitations: 7 a.m. - 10 p.m. - 55 dB(A);
10 p.m. - 7 a.m. - 50 dB(A)

Agricultural areas at least 500 feet from any dwelling under separate ownership and commercial districts:

Limitations: 7 a.m. - 10 p.m. - 65 dB(A);
10 p.m. - 7 a.m. - 55 dB(A)

Harmonic or pure tones and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound level of 5 dB(A) less than those listed above.

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.

- (2) **Decibel measured violations - roadways.** All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet from a noise source located within the public right-of-way. If measurement at 50 feet is not feasible, measurement may be made at 25 feet and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided below shall be 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 Ordinance.

Trucks & buses over 10,000 lbs. gross weight

dB(A) maximum limitation - 82 dB(A)

Trucks & buses under 10,000 lbs. gross weight

dB(A) maximum limitation - 74 dB(A)

Passenger cars

dB(A) maximum limitation - 74 dB(A)

Motorcycles, snowmobiles & minibikes

dB(A) maximum limitation - 82 dB(A)

All other self propelled motor vehicles

dB(A) maximum limitation - 74 dB(A)

- (3) **Decibel Measured Violations - method of measurement.** All measurements of dB (A) according to subparagraphs (a) and (b) of this section shall be made by using a sound level meter of standard design and operated on the “A” weight scale, with “slow” meter response.
- (4) **Exceptions.** The following exceptions shall apply to the regulations under Section 5.9:
- (a) **Construction projects.** 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) **Railroad operations.** All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts regardless of the district where they are located.
 - (c) **Repair and maintenance work.** Noise occurring between 7 a.m. and sundown caused by home or building repairs or from maintenance of grounds is excluded, provided such noise does not exceed the limitations specified in Section 5.9(1) by more than 20 dB(A).
 - (d) **Firearms.** Noise emanating from the discharge of firearms is excluded, providing the discharge of the firearms is authorized under Michigan law and all local ordinances.
 - (e) **Nonconforming uses.** Any 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:
 - (i) 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 this information is available).
 - (ii) The limitations contained herein based upon such a use being located in the highest zoning district (either residential or agricultural) where such a use is specifically allowed as a permissible use.

5.10 Violations; Municipal Civil Infractions.

- (1) Any person, firm, corporation, or other entity who violates any provision of Sections 5.7 through 5.9 or who uses or permits the use of any property in violation of Sections 5.7 through 5.9 is responsible for a municipal civil infraction, and is subject to payment of a civil fine or not less than \$50, plus costs and other sanctions,

for each violation, as authorized by Township Ordinance Sections 1.10 and 1.11 (as may be amended from time to time) and other applicable laws.

- (2) **Repeat offenses shall be subject to increased civil fines.** For purposes of this section, “repeat offenses” means a second (or subsequent) violation of Sections 5.7 through 5.9 committed by a person within six months of another violation for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:
 - (a) The civil fine for violation that is a first repeat offense shall be not less than \$250, plus costs.
 - (b) The civil fine for a violation that is a second repeat offense or a subsequent repeat offense shall be not less than \$500, plus costs.
- (3) Each day on which a violation of Sections 5.7 through 5.9 continues constitutes a separate offense and shall be subject to civil fines and actions as a separate violation.

5.11 Validity. The several provisions of Sections 5.7 through 5.10 are declared to be separate and if a court of competent jurisdiction shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of an other sections or provisions of Sections 5.7 through 5.10.

5.12 Prohibited Water Discharges. In the absence of a recorded easement or other lawful approval, no person shall discharge water from a sump pump, heat pump, boiler or other building system or artificial device in a manner which will cause or permit water to flow onto adjacent or nearby lands owned or held by any other person.

5.13 Exempted Water Discharges. The following discharges are exempted from the prohibition in Section 5.12:

- (1) Discharges or flows from emergency firefighting activities.
- (2) Discharges for which a specific federal or state permit has been issued.
- (3) Water discharged into an approved public sewer or an approved septic system.

CHAPTER 6

SEWER CONNECTION AND RATES

6.1 Definitions. Whenever used in this chapter, except when otherwise indicated by the context:

- (1) The term “Township” shall be construed to mean the Township of Oakfield and the term “County” shall be construed to mean the County of Kent, both of the State of Michigan.
- (2) The term “Board” shall be construed to mean the Township Board of said Township of Oakfield, the legislative and governing body thereof.
- (3) The terms “sewage disposal system” and “system” shall be construed to mean the Oakfield Township Sewage Disposal System established and constructed by the Kent County Department of Public Works under a contract and proceedings between the County and the Township pursuant to Public Act 185 of the Public Acts of Michigan of 1957 as amended, and shall consist of the sewers and facilities to be acquired and constructed by the County pursuant to and in accordance with such contract and proceedings, herein called “new construction” or “facilities construction” to serve the Oakfield Township Sewage Disposal District, the service area defined in said contract and proceedings.
- (4) The term “sewage disposal services” shall be deemed to refer to the collection, transportation, treatment and disposal of sanitary sewage originating from premises now or hereafter within the service area as defined, reference to which is made in Section 6.1(3) above.
- (5) The terms “unit” or “units” shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, and shall be defined or determined from time to time by the Township after consultation with the County through its Board of Public Works. Said determination of units shall be based upon the experience of the Kent County Department of Public Works and of comparable county sewer systems and shall be kept up to date and revised as needed as new studies are made and through experience gained by the County of Kent in actual operation.
- (6) The term “rates for sewage disposal services” shall be deemed to mean the amount charged to each premises in the Township for sewage disposal services which may include a debt service factor and is in addition to the trunkage fee, availability fee, service stub charge and connection fee all of foregoing being sometimes called “charges.”
- (7) The term “trunkage fee” shall be deemed to mean the amount charged at the time, and in the amount hereinafter provided, to each premises in the Township for connecting or being connected to the facilities of the system and represents the

individual user's share of the cost of the trunk facilities through which sewage disposal services are provided to the premises.

- (8) The term "availability fee" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided to each premises in the area served by the laterals for the immediate availability of the sewage disposal system and services to such premises.
- (9) The term "service stub charge" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided to each premises in the Township for the construction of one or more service stubs from the sewer line to the property line of the premises or to the edge of the permanent easement in the event the easement crosses such premises at the time such service stub is constructed.
- (10) The term "connection fee" is the contribution of each unit connected to the system to provide funding for increasing the capacity of the title field as needed during the life of the system as designed.
- (11) The term "inspection and approval fee" shall be deemed to mean the amount charged to each applicant by the Township to connect premises to the system, to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.
- (12) "Available public sanitary sewer" and "within the area in the Township served by the system" refers to a public sanitary sewer and STEP system to which connection may be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the premises and passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originate within the area in the Township served by the system.
- (13) "Structure in which sanitary sewage originates" or "structure" means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage, are used or available for use for household, commercial, industrial or other purposes.
- (14) The term "premises" shall be deemed to mean the lands of record which are owned on or before the effective date of this chapter or at any pertinent time thereafter by the same person or persons, partnership or corporation having no legal rights in adjacent property and which appear as a single item on the tax rolls of the Township.
- (15) "Building sewer" shall mean the buried piping between the structure to be served and the STEP System.
- (16) "Step system" shall mean a septic tank and effluent pumping system into which a building sewer directly discharges and shall be considered a part of the public sewer.
- (17) "Inspector" shall mean the County's representative responsible for inspecting and approving the installation and connection of the building sewer into the County sewer system.

6.2 Use of Sewers Required. Structures within the area in the Township served by the system from which sanitary sewage originates and for which there is an available public sanitary sewer shall not be used or occupied, after the effective date hereof, unless such structures are connected to the sewage disposal system within ten years after published notice by the Township that service is available: Provided that premises within the areas in the Township served by the sewer for which there is an available public sanitary sewer from which sanitary sewage is originating on the effective date hereof and which are under pollution control court order shall be connected to said system within six months after service is available.

The preceding paragraph notwithstanding if the Township by ordinance or a County or District Board of Health by rule requires completion of a connection within a shorter period of time for reasons of public health, such premises shall be so connected.

6.3 Enforcement. Where any structure is which sanitary sewage originates is not connected to an available public sanitary sewer system within the time referred to in Section 6.2, the provisions of this chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise in any court having jurisdiction.

6.4 Fees for Connection at Time of Original Construction. All of the owners of premises from which sanitary sewage originated prior to January 1, 1985, located within the area in the Township served by the system, shall be listed on a schedule of charges and shall be obligated to pay and there is hereby imposed against said premises fees and charges according to the following rates:

- (1) **Trunkage Fee.** A trunkage fee of \$1,400 per unit shall be charged.
- (2) **Availability Fee.** An availability fee of \$500 per unit shall be charged.
- (3) **Service Stub Charge.** For a service stub installed under and at the time of performance of the original construction contract, \$100 will be charged for each stub installed. If an owner of a premises from which sanitary sewage does not originate requests, prior to construction of the sewer facilities available to serve the premises, that a service stub be constructed in connection with the construction of the sewage disposal system, the property owner shall be charged a fee of \$100, and listed on the schedule of charges, and no service stub charge shall be owed at the time of connection.
- (4) **Connection Fee.** A connection fee of \$300 per unit shall be charged (see 6.4(5)).
- (5) **STEP Fee.** Owners of premises served by the system who have requested in writing by February 1, 1984, that their STEP system be installed as part of the original construction of the sewer system shall pay a STEP fee of \$2,000. The connection fee provided in this section shall be considered to be included in the \$2,000 STEP fee. The STEP fee is payable in cash or an installment basis in the same manner and with the same interest charges as remaining installments to be collected on the Scram Lake Sewer Special Assessment Roll.

6.5 Fees for Subsequent Connection of Unimproved Premises. Owners of premises within the service area which are unimproved and from which no sanitary sewage originated prior to January 1, 1985 shall thereafter pay charges for the construction, use and benefit of the sewage disposal system as follows:

- (1) **Trunkage Fee.** A trunkage fee per unit shall be paid in cash at the time a building permit is issued and before connection to the sewage disposal system is authorized, in an amount established by resolution of the Township Board.
- (2) **Availability Fee.** An availability fee per unit shall be paid in cash at the time a building permit is issued and before connection to the sewage disposal system is authorized, in an amount established by resolution of the Township Board.
- (3) **Service Stub Charge.** The owner of any unimproved premises for which no service stub was installed in connection with the construction of the sewage disposal system shall pay the actual cost of installation of the service stub when the premises is required to connect to the sewage disposal system. The charge shall be paid at the time a building permit is issued and before connection to the sewage disposal system is authorized.
- (4) **Connection Fee.** For building permits issued subsequent to January 1, 1985, a connection fee per unit shall be charged in an amount established by resolution of the Township Board. This fee shall be paid at the time the connection permit is issued. (Section 6.5(5)).
- (5) **STEP Fee.** For any STEP system installed on a premise, not as part of the original construction of sewer system, a STEP fee for a property served by a STEP system shall be in an amount determined by resolution of the Township Board. The connection fee provided in this section shall be considered to be included in the STEP fee.

6.6 Payment in Installments. Property owners initially listed on the schedule of charges for collection as described in Section 6.4 may pay the whole or part thereof in cash to the Township Treasurer without interest on or before January 1, 1983. Amounts unpaid shall be billed in 20 equal annual installments with interest beginning July 1, 1983. Subsequent installments, together with interest, shall fall due on the first day of July of each successive year until the entire balance of the charges is paid. Interest shall be computed at such rate as shall be determined by the Township Board to defray the interest charge payable on any bonds which shall be sold to finance the construction of the sewage disposal system.

6.7 Unbuildable Premises. Notwithstanding anything herein to the contrary, no charges shall be imposed under this chapter against any premises which the Township and the County shall determine to be unbuildable. Premises shall be determined to be unbuildable if, in the judgment of the Township Board, zoning restrictions, physical layout, or adverse soil or other conditions preclude the construction of an improvement thereon from which sanitary sewage originates. In the event any such premises determined to be unbuildable are subsequently improved or through changed circumstances are determined to be buildable, then the charges imposed by Section 6.5 shall be paid, together with increases hereafter accruing, in the manner provided in said section.

6.8 Permit Fee. The owner of the premises already served by a service stub shall pay a permit fee per service stub in an amount determined by resolution of the Township Board at the time a permit to connect is issued as the inspection and approval fee. If, however, a service stub must to be installed at the time of connection, or if other unusual circumstances demand, the Township may charge actual inspection costs on an hourly basis, in the minimum amount determined by resolution of the Township Board, as the inspection and approval fee.

6.9 Sewer Equivalent Units. The number of units to be assigned to any premises used for other than single residence purposes shall be determined by resolution of the Township Board. If the circumstances justify, the Township Board may assign more than one unit to a single family dwelling. No less than one unit shall be assigned to each premises, but for purposes of computing the trunkage fee and availability fee, fractions of units in excess of one may be computed and assigned to the nearest tenth. Once any premises has been connected to the system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal or abandonment of any or all improvements thereof) shall not abate the obligation to continue the payment of fees charged against said premises in the amount and for the period hereinabove provided, for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage originating from the premises, the Township may increase the number of units assigned to said premises and thereupon a trunkage fee, availability fee, and connection fee shall be charged as provided in Section 6.5, in amounts established by resolution of the Township Board, and shall be payable in cash at the time a construction or other permit is issued by the Township for such changes in use or at the time such change in use occurs, if no permit is issued or required.

6.10 Rates for Use. Rates for sewage disposal services to each premises within the Township connected with the sewage disposal system shall be in a quarterly amount per unit, determined by resolution of the Township Board.

No free service shall be furnished by the system to the Township or to any person, firm or corporations, public or private, or to any public agency or instrumentality.

Rates for services furnished by the system are payable in advance and shall be billed and collected quarterly. The first payment shall be prorated from date of connection.

6.11 Delinquent Rates. If any rates for sewage disposal services are not paid by the due date, then a penalty of 10 percent shall be added thereto. In the event that the rates for any such services furnished to any premises shall not be paid within 120 days after the due date thereof, then all services furnished by the sewage disposal system may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus all expenses incurred by the Township for shutting off and turning on the service.

6.12 Delinquent Installments. If any installment of a trunkage fee, availability fee or service stub charge or connection fee is not paid on or before the due date, the same shall draw penalty at the rate of one percent per month until paid. In the event that any such installment remains unpaid for 120 days or more after the due date, service may be discontinued as provided in Section 6.11 and shall not be restored until all amounts due plus the shut-off and turn-on charges as determined are paid.

6.13 Lien for Payment. Rates for sewage disposal services furnished by the system to any premises and the trunkage fee, availability fee, service stub charge and connection fee installments pertaining to any premises, shall be a lien thereon as of the due date thereof, and on September 1st of each year the Township Treasurer shall certify any such rates and installments which have been delinquent 90 days or more, plus interest and penalty accrued and an additional amount of 6 percent of the aggregate amount, to the Township Board who shall cause the same to be entered upon the next Township and County tax roll against the premises to which such services shall have been rendered and against which such trunkage fee, availability fee, service stub charge and connection fee has been placed, and said unpaid rates and unpaid fees and charges, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

6.14 Fiscal Year. The system shall be operated upon a fiscal year which coincides with the Township fiscal year.

6.15 Supervision of System. The operation, maintenance and management of the system shall be under the immediate supervision and control of the Township and the general control of the Department of Public Works of the County.

6.16 Remedies. In addition to the remedies elsewhere provided for herein, the provisions of this chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this chapter is deemed to be a nuisance per se. Any fine or charge levied against the Township or County as a result of a violation of this Ordinance by any person, firm, corporation or entity shall become a liability of the violator. Penalties, expenses and related costs will be levied and collected in the same manner as sewer use charges levied against the premises.

6.17 Amendment. The Township specifically reserves the right to amend this chapter in whole or in part at one or more times hereafter, or to repeal the same. The Township further specifically reserves the right to amend the amounts of those fees to be established by resolution of the Township Board, by further resolution of the Township Board adopted from time to time. By such amendments to ordinance or resolution, the Township may abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

CHAPTER 7

SEWER ADMINISTRATION ORDINANCE

7.1 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (1) “B.O.D.” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days of 20N C., expressed in parts per million by weight.
- (2) “Board of Public Works” as used herein refers to the Kent County Board of Public Works.
- (3) “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the sewage discharge inside the walls of a building and conveys it to the building sewer. It shall end five feet outside the inner face of the building wall.
- (4) “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
- (5) “Cesspool” is an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.
- (6) “Combined sewer” shall mean a sewer receiving both surface runoff and sewage.
- (7) “STEP System” shall mean a septic tank and effluent pumping system into which a building sewer directly discharges and shall be considered a part of the public sewer.
- (8) “Department of Public Works” as used herein refers to the Kent County Department of Public Works.
- (9) “Engineer” shall mean the engineer of the Kent County Department of Public Works or his duly authorized representative.
- (10) “Garbage” shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (11) “Grease trap” is a tank of suitable size and material located in a sewer line and so designed to remove grease and oily wastes from the sewage.
- (12) “Industrial wastes” shall mean the liquid wastes from industrial processes as distinct from sanitary or household sewage.
- (13) “Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

- (14) “Nuisance” shall mean any disposal of sewage within Oakfield Township contrary to this chapter including but not limited to any condition where sewage or the effluent from any sewage disposal facility or toilet device is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property.
- (15) “Owner” shall mean the property owner being serviced by the system.
- (16) “Person” shall mean any individual, firm, company, association, society, corporation or group.
- (17) “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (18) “Properly shredded garbage” shall mean the wastes from the preparation cooking and dispensing of food that have shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (19) “Public sewer” shall mean the sewer which is owned and controlled by the public authority.
- (20) “Sanitary sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not admitted.
- (21) “Seepage pit” (or dry well) is a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints so as to allow the septic tank overflow or effluent to be absorbed directly into the surrounding soil.
- (22) “Septic tank” is a water-tight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.
- (23) “Sewage” shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (24) “Sewage disposal facilities” shall mean a privy cesspool, seepage pit, septic tank, subsurface, disposal system, or other devices used in the disposal or sewage of human excreta.
- (25) “Sewage works” shall mean all facilities for the collection, pumping, treating and disposal of sewage and industrial wastes.
- (26) “Sewer” shall mean a pipe or conduit for carrying sewage.

- (27) “Shall” is mandatory; “May” is permissive.
- (28) “Storm sewer” or “storm drain” shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- (29) “Sub-surface disposal field” shall mean a facility for the distribution of septic tank overflow or effluent below the ground surface through a line, or a series of branch lines, of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil throughout the entire field.
- (30) “Suspended solids” shall mean solids that either float on the surface or, or are in suspension in, water, sewage, or other liquids.
- (31) “Toilet device” is a privy, outhouse, septic tank or septic toilet, chemical closet, or other device used for the disposal of human excreta.
- (32) “Treatment plant” shall mean any arrangement of devices and structures used for treating sewage.
- (33) “Watercourse” shall mean a channel, natural or artificial, in which a flow of water occurs, either continuously or intermittently.
- (34) “Industrial User” shall mean any nongovernmental user of publicly owned sanitary sewage treatment works discharges more than 25,000 gallons per day of sanitary waste, or a volume of processed waste, or a combined processed and sanitary waste equivalent to 25,000 gallons per day of sanitary waste.
- (35) “mg/l” shall mean milligrams per liter.

USE OF PUBLIC SEWERS REQUIRED

7.2 Use of Sewers Required. Property owners abutting the newly constructed sanitary sewer and who are part of the Assessment District have been given a ten year period subsequent to the availability of sanitary sewer service before it becomes mandatory for the owners of record to connect to the sewer.

7.3 Unlawful Disposal. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township of Oakfield or in any area under the jurisdiction of said Township; any human or animal excrement, garbage or other objectionable waste; provided the foregoing shall not prevent any person from maintaining or spreading farm manure in such a manner as to not constitute a nuisance.

7.4 Unlawful Discharge. It shall be unlawful to discharge to any natural outlet or watercourse within the Township of Oakfield, or in any 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 subsequent provisions of this chapter.

7.5 Unlawful Sanitary Facilities. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or industrial wastes.

7.6 Required Connection. Notwithstanding the conditions for connection to the sanitary sewer as understood by those participating in the Special Assessment District, the Township Board, for reasons of public health, welfare and/or the public interest, may direct the owners of houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Township and abutting upon any street, alley or right-of-way in which there is or may hereafter be located a public sanitary sewer where sewer is within 200 feet of the property line of such property, within 90 days after receiving written notice from the Township, to install suitable toilet facilities therein and to connect such facilities directly to such public sewer in accordance with the provisions of this chapter.

PRIVATE SEWAGE DISPOSAL

7.7 Private Systems. Where a public sanitary sewer is not available so that the provisions of Section 6.2 of this Code do not apply, the building sewer shall be connected to a private sewage disposal system which shall comply with all regulations of the Township and the regulations of all other governmental agencies having jurisdiction.

7.8 Connection and Abandonment. At such time as a public sewer becomes available to a property previously served by a private sewage disposal system, a direct connection shall be made to such public sewer in compliance with Section 7.6, and any septic tanks (except when it complies with Section 7.15, cesspools and similar private sewage facilities shall be filled with sand and gravel and abandoned.

7.9 Maintenance of Private Systems. The owner shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times with no expense to the Township.

7.10 Other Laws and Regulations. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Township Health Officer, or by any other governmental unit or body having jurisdiction or to which the Oakfield Township Board has delegated such jurisdiction.

BUILDING SEWERS AND CONNECTIONS

7.11 Permit Required. No person shall uncover and make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written service permit from the Township.

7.12 Types of Permits. There shall be two classes of building sewer permits: (a) residential and commercial service, and (b) service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Township. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the Kent County Department of Public Works. Permit and inspection fees be paid to the Township at the time application is filed, and shall be in such amounts as the Township shall from time to time ordain.

7.13 Installation of System. All costs and expenses incident to the installation and connection of the building sewer and the septic tank and effluent pumping system (STEP) as part of the public sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or STEP System.

7.14 Separate Sewers; Exception. A separate and independent sewer shall be provided for each building, except that, where one building stands at the rear of another on an interior lot and no private sewer is available nor can one be constructed to the rear building through an adjoining alley, courtyard or driveway, the sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

7.15 Existing Sewers. Old building sewers and septic tanks may be used when connecting to the habitable structures only when, on examination and test by the engineer, they are found to meet all requirements of this chapter.

7.16 Materials. The building sewer shall be cast iron soil pipe ASTM A74, vitrified clay sewer pipe ASTM C-7000, cement asbestos pipe ASTM 428, class 2400, or plastic pipe, Schedule 40 only (.237" wall thickness for 4" I.D. and .280" wall thickness for 6" I.D.) of the following manufacture:

- (1) Acrylonitrile Butadinene Styrene (ABS) Type 1, Grade 2, (not approved for acid wastes).
 - (a) ASTM D-2661
- (2) Polyvinyl Chloride (PVC) Type 1, Grade 1 (PVC 1120) or Type 1, Grade 2 (PVC 1220)
 - (a) ASTM D-2665 and
 - (b) ASTM D-1785

except that in filled or unstable ground the pipe shall be ductile iron pipe, class 50.

7.17 Size. The size of the building sewer shall not be less than six inches unless cast iron or plastic is used in which case four inch may be used. The slope shall not be less than one-eighth inch per lineal foot.

7.18 Elevation and Grade. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or longradius fittings. Each bend of over 45N shall have a clean-out.

7.19 Pumping. In all buildings in which a building drain is too low to permit gravity flow to the building sewer, sanitary sewage carried by such drain shall be lifted by approved means and discharged to the building sewer.

7.20 Excavations. All excavations which are made for the installation of building sewers shall be done in complete conformance with the requirements and standards of the Township Building Inspector and the Kent County Department of Public Works. Pipe laying and backfill shall be performed in accordance with the applicable provisions of ASTM specification C-12 or ASTM 2321 for plastic pipe, except that no backfill shall be placed until the work has been inspected and approved by the engineer or his representative. Cinders shall not be used for backfill.

7.21 Joints. All joints shall be tight. Joints for Hub and Spigot pipe shall be “Dual-tite” or other slip-type joints employing a rubber sealing ring or gasket approved by the Department of Public Works. Joints for hubless pipe shall consist of a neoprene sealing sleeve with a stainless steel corrugated shield and two stainless steel bands, as approved by the Department of Public Works. Paint, varnish and putty shall not be permitted on the jointing material until after testing. Joints for clay and cement asbestos shall be resilient compression joints.

7.22 Guarding of Excavation. All excavating for building sewer and STEP system installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in as manner satisfactory to the Township and the County Road Commission.

7.23 Capacity of Prerequisite. No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for B.O.D. and suspended solids in the treatment plant.

7.24 Testing. All building sewers may be tested by exfiltration or air testing if so determined by the engineer. The test shall be made with a minimum head of six feet of water or 3.5 PSI of air. The exfiltration rate shall not exceed 150 gallons per inch of pipe diameter per mile of pipe per day. The test will be made by the installer in the presence of the engineer. Certification of the test shall be a requirement for approval of the installation.

7.25 Inspection; Connection. The applicant for the building sewer permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the engineer or his representative.

CONDITIONS OF SERVICE

7.26 Installation by County. At the time of original construction, the County shall install the collecting sewers and designate a point of access as part of the public sewer system for each STEP System for each premises served by the public sewer.

7.27 Installation by Owner. At the time of connection to and as part of the public sewer, the owner shall install, at his expense in strict accordance with County regulations and specifications, the building sewer to the STEP system, and the service lead forcemain connecting to the designated access point at the collecting sewer, together with all appurtenances. At the time of connection to the collection system, the STEP system and service lead forcemain shall become part of the public sewer and shall be operated, maintained, and replaced, if necessary, by the County. The owner shall maintain at his expense, the building sewer. The owner shall also provide power for the pump and pay power costs for operating the pump. The County shall have a right of access to the STEP system and service lead forcemain for purposes of operation and maintenance.

7.28 Hold Harmless. The Township or County shall not be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

7.29 Inspection. The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the County of Township.

USE OF THE PUBLIC SEWER

7.30 Unpolluted Waters; Prohibition. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to any sanitary sewer. No footing drains shall be connected to sanitary sewers. All footing drain water shall be discharged to storm sewers or dry wells.

7.31 Discharge of Unpolluted Waters. Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the Kent County Road Commission, Kent County Drain Commissioner, Michigan Department of Natural Resources, and/or other interested governmental agencies. Industrial cooling water unpolluted air conditioning water, or unpolluted process waters may be discharged to a storm sewer or natural outlet upon approval of the Kent County Road Commission, and, where appropriate, upon approval of the Kent County Drain Commissioner and/or other interested governmental agencies.

7.32 Prohibited Discharges. No persons shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any effluent having a temperature higher than 140 degrees F.
- (2) Any effluent which contains more than 50 mg/l of animal fat, vegetable fat, oil, or grease, or any combination thereof.
- (3) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
- (4) Any grease, oil or other substance that will become solid or viscous at temperatures 60 degrees Celsius and below after entering the system.
- (5) Any substance from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce which has not been shredded to such a degree that all particles shall be carried freely under flow conditions normally prevailing in the public sanitary or combined sewer, with no particle larger than one half inch of any dimension.
- (6) Any other substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage disposal system including but not limited to mineral oil, grease, ashes, cinders, sand, mud, plastic, wood, paunch manure, straw, shavings, metal, glass, rags, feathers, asphalt, tar and manure.

- (7) Any effluent containing suspended solids greater than 350 mg/l.

The engineer upon review may approve discharges in excess of the limits set forth in subsections (1) through (7) subject to conditions either set forth in this chapter or special conditions he deems necessary in order to preserve and protect public health, safety and welfare, subject to conformance with the applicable state and federal law.

7.33 Order of Determination. Any person, firm or corporation whose operations entail the discharge of wastes containing toxic, poisonous or objectionable substances shall file with the Department of Public Works a written statement setting forth the nature of the operation contemplated or currently being carried on, the amount of water required to be used and its source, the proposed point of discharge of said waste into the sewage system of the County, the maximum amount to be discharged per second, and a fair statement setting forth the expected bacterial, physical, chemical or other known characteristics of the wastes. Within 30 days of receipt of said statement, the Board of Public Works shall make an Order of Determination setting forth the maximum limits for the substances listed in Section 7.31 and 7.32.

7.34 Review of Order. Any Order of Determination issued by the Board of Public Works may be reviewed annually, and the maximums set forth therein adjusted to compensate for increased flows in the entire sewer system, or increased contribution of toxic, poisonous or objectionable substances by other users of the County sewer system.

7.35 Enforcement of Order. Any Order of Determination issued in pursuance of this chapter shall be considered a part of this chapter for the specific industrial user or other establishment involved, and shall be enforceable in the same manner as this chapter.

7.36 Surcharges. If it is determined in the best interests of the Township in order to provide the necessary service to meet the contractual obligations of the Township with the County of Kent, pretreatment may be required, and an appropriate surcharge may be made against any user who does not otherwise meet the limitations of the chapter as written.

7.37 Grease, Oil and Sand Interceptors.

- (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts. All interceptors shall be of a type and capacity approved by the Department of Public Works and shall be located so as to be readily accessible for cleaning and inspection.
- (2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction water tight, and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.
- (3) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuous efficient operation at all times.

POWER AND AUTHORITY OF INSPECTORS

7.38 Entry for Inspection. The engineer and other duly authorized employees of the Kent County Department of Public Works, and Oakfield Township bearing proper credentials and identification and who shall have reasonable cause to believe that there exists a condition which constitutes a violation of this chapter, or that it is necessary for the preservation of public health, shall be permitted at all reasonable hours to enter upon properties within the Township for the purpose of operating and maintaining the STEP units and for inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

7.39 Warrant. Whenever such entry is refused, the Township or the Kent County Department of Public Works may make complaint under oath to the proper court having jurisdiction thereof stating the facts of the cause so far as he has knowledge thereof. Under determination that such reasonable cause exists, such court may thereupon issue a warrant directed to the Kent County Sheriff commanding him to give such aid as may be necessary to make such entry for such purposes.

7.40 Enforcement. It shall be the duty of the building inspector, the Supervisor and the Township Board to enforce this chapter.

MISCELLANEOUS

7.41 Penalty. Any person who shall maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of any sewer system in Oakfield Township, or who shall violate any provision of this chapter shall be responsible for a municipal civil infraction, as provided in this Code. Each day in which any such violation shall continue shall be deemed a separate offense.

7.42 Indemnity. Any person shall violate any provision of this chapter shall be liable to the Township for any expense loss or damage occasioned to the Township by reason of such violation.

7.43 Restrictions Imposed by Other Township Ordinance and/or Statutes of the State of Michigan. If any provision of any other ordinance of the Township of Oakfield and/or the statutes of the State of Michigan imposes greater restrictions than herein set forth, then the provisions of such ordinances and/or statutes shall control.

7.44 Abatement of Nuisances. Nothing stated in this chapter may be construed to limit the power of the Township Board of Health to order the immediate and complete abatement of a condition which, in the opinion of the Township Board of Health, may constitute a public nuisance or menace to the public health.

7.45 Other Remedies. In addition to the remedies elsewhere provided herein, the provisions of this chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this chapter is deemed to be a nuisance per se.

CHAPTER 8

JUNKYARD REGULATIONS

8.1 Definition.

- (1) Junk is defined as used or secondhand goods, articles or materials of any kind including but not limited to scrap metal, fixtures, machinery, parts of motor vehicles, accessories to motor vehicles, old tools, pipes and other equipment.
- (2) Junkyard shall be defined as a lot, parcel of land, building, structure or part thereof used primarily for the collecting, accumulation, purchase, sale, exchange, storage, salvage or receiving of used or secondhand goods, articles or materials of any kind including, but not limited to, scrap metal, fixtures, machinery, parts of motor vehicles and also including the dismantling of automobiles, machinery, fixtures, equipment and other materials. A junkyard or the operation thereof shall not include the sale of used motor vehicles but may include the dismantling of motor vehicles or the sale of used or second hand motor vehicle parts or accessories.

8.2 License Required. No person shall engage in the business of operating a junkyard without having obtained a license therefor from the Township.

8.3 Application. Any person desiring to engage in the business of operation or maintaining a junkyard and all those engaged in said business shall made application in writing for said license to the Township Board. Said application shall specify the street or road and the building and street number of the premises on which the person intends to carry on said business, together with such other information as may be required by the Township.

8.4 Township Board Review. Upon receipt of any application for a junkyard license or request for change of location of existing junkyard, the Township Board shall review said application at its next specific purpose at the discretion of the Board. The Board may, but shall not be required to, hold a public hearing on any such application. In determining whether to grant said application, the Township Board shall consider the following:

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

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

8.6 Issuance of License. Upon determination of the Township Board to grant the license and upon receipt by the Township Treasurer of the necessary license fee, the Township Clerk shall issue to said applicant the required license. All such licenses shall be recorded by the Township Clerk.

8.7 Change of Location. No licensee shall maintain more than one location by virtue of any one license. However, said licensee may remove the location of said business to another in writing to the Township Clerk, specifying the building, number and street or road to which the removal is to be made. No removal shall be made until said removal is approved by the Township Board. (ref. to 8.4).

8.8 Location Restriction. No junkyard shall be operated, established or maintained within 1,000 feet of any church, school, public building, park, recreation area or cemetery, unless specifically waived by the Township Board.

8.9 Lot Size Required. No license shall be approved unless the applicant has at least five acres of land available therefor, unless specifically waived by the Township Board.

8.10 Name of Licensee. Every person or firm licensed under this chapter shall cause his or her name of the firm name to be printed or painted in large, legible characters and placed over the door or entrance to said shop, office or place of business or such other place as may be approved by the Township.

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

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

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

information and facts connected with the receipt and other pertinent information relative to said goods.

8.14 Receipt of Goods. No licensee shall purchase or receive by sale, barter or exchange or otherwise any article from any person between the hours of 9:00 p.m. and 7:00 a.m. nor from any person who is intoxicated or from any person under the age of 18 years.

8.15 Storage. No junkyard shall be located on the same lot or premises as a dwelling. All junk shall be stored within a fully enclosed building, provided, however, that junk may be stored out of doors if the junkyard shall be enclosed with a masonry wall, tight board fence or similar fence of entirely opaque material, not less than 7-1/2 feet in height, painted a neutral color and continuously maintained in good and slightly condition. There shall be no open burning of junk or other materials, nor shall any materials be stored in the junkyard be stacked higher than the enclosing fence. There shall be no signs or advertising thereon except to identify the licensee's business. All junk and other such materials shall be stored entirely within said fences. Any materials causing offensive odors or unsanitary conditions shall be immediately removed from the premises. No dismantling or salvaging operations shall take place on said premises on Sundays, or between the hours of 8:00 p.m. and 7:00 a.m.

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

8.17 License Revocation. In the event any licensee shall violate the provisions of this chapter, or any other provisions of the Township Code or any applicable laws of any jurisdiction having authority, the Township Board may revoke said license upon reasonable notice to the licensee. Any licensee whose license is so revoked or who has been refused a license shall be entitled to a hearing before the Township Board at the request of said licensee. Said hearing and the determination by the Township Board shall be held within a reasonable time and said determination shall be final, subject to right of appeal to the Circuit Court for the County of Kent.

8.18 Tires. No junkyard shall accept or allow the dumping or placement of tires of any kind within the junkyard except for those tires normally on or within a vehicle legally accepted for storage within the junkyard.

CHAPTER 9

TOWNSHIP FIRE DEPARTMENT

9.1 Scope, Purpose and Intent. The purpose of this chapter is to establish the Township Fire Board; to establish jurisdiction and authority of the Township Fire Board over personnel selection; to establish authority to adopt rules and regulations for the conduct of personnel and maintenance of equipment; to recommend to the Township Board the appointment of a Fire Chief and to employ and appoint firefighters and officers; and to prescribe the powers and duties of Fire Department volunteers and employees.

9.2 Fire Board; Establishment. There is hereby established the Oakfield Township Fire Board, which shall be comprised of five Township residents. The Township Board, by resolution, shall appoint such persons who, in its discretion, shall best perform the duties associated with serving on the Fire Board. The Board members shall serve for terms of four years, or until a successor is appointed, and may be re-appointed to subsequent terms.

9.3 Funding, Power and Duties. The Township Fire Board shall prepare a recommended annual budget for the operation and maintenance of the department and its equipment, and present it to the Township Board not later than February 15. The Township Board shall review the recommended budget and approve the final budget, as recommended or with modifications, in the sole discretion of the Township Board. Any proposed major expenditures not included in the budget shall be presented to the Township Board for approval at its next regularly scheduled meeting. The Fire Board shall establish rules and regulations for the operation of the department and care of the equipment.

9.4 Fire Chief. The Township Fire Board shall recommend to the Township Board the appointment of the Chief administrative officer of the department who shall be the Fire Chief. The Chief shall be accountable to the Township Fire Board for the efficient and effective operation of the department, and for the department's compliance with all state laws, Township ordinances and policies. The Chief shall serve at the pleasure of the Township Board. Annually, or more frequently if so requested by the Township Board, the Fire Board shall prepare a written evaluation of the Fire Chief and present it to the Township Board.

9.5 Fire Chief Duties. The Fire Chief shall have the following specific duties:

- (1) The Chief shall recommend, subject to Fire Board approval, the appointment of a deputy chief, captain(s) and firefighters as may be deemed necessary.
- (2) The Chief shall develop written administrative rules to increase the efficiency and effectiveness of the department, including preplanning and post-incident critiques, regulations, assignment and scheduling of personnel and shall plan for the long-range needs of the department.
- (3) The Chief shall review all personnel and operating problems and shall report as directed by the Fire Board. A written report shall be filed annually with the Township Fire Board. The Fire Board shall present such written report to the Township Board at the February meeting each year.

- (4) As needed, the Chief shall notify the Fire Board chairperson of major problems or issues that require Board action. When such problems must be resolved immediately and it is impractical or will endanger the health, safety or welfare of the Township to wait until the next Fire Board meeting to resolve the issue, the Fire Board chairperson shall be empowered to resolve the issue or problem, subject to the subsequent approval of the Fire Board.
- (5) The Chief shall hold regular department information and training meetings.
- (6) The Chief may incur expenditures against the department budget as appropriated by the Township Board. The Chief shall monitor the unencumbered balances remaining in the department budget and shall make timely recommendations for budget amendments at such times as the need for such amendments becomes known to the Fire Board. The department's expenditures shall not exceed the amounts appropriated.
- (7) The Chief shall also be responsible for the following:
 - (a) Supervising the extinguishment of all fires that endanger the health, safety and welfare of Oakfield Township.
 - (b) Enforcing Township fire ordinances or fire prevention codes.
 - (c) Ensuring that all personnel are trained and qualified for the duties that they are expected to fulfill.
 - (d) Ensuring that fire inspection and community fire prevention programs are conducted.
 - (e) Ensuring that all equipment and buildings are properly maintained and in good working order.
 - (f) Ensuring that all department personnel comply with departmental and Board rules, regulations and policies.

9.6 Officers. There shall be a chain of command established among the department officers in descending order of rank, from the Chief to the deputy chief, captain(s), to firefighters. Each rank shall obey the orders of their superior officers. Temporary officers may be appointed by the senior officer present at any emergency to ensure the continuity of the chain of command. Such temporary appointments shall terminate when the officer with the given responsibility becomes available.

The Fire Chief shall establish a job description for each rank. Each command officer shall be responsible that orders are carried out by subordinates.

9.7 Firefighters. Firefighters shall be employed in accordance with the following requirements:

- (1) Applicants for vacant firefighters positions shall be of good character, possess a good driving record, and shall be screened by a physician of the Township Board's choice at Township expense. The physician's examination shall determine if the applicant has any pre-existing physical conditions that would preclude the applicant from performing the duties associated with firefighting.
- (2) All firefighters shall serve an initial probationary period for a period of not less than six months. At the discretion of the Chief, the probationary period may be extended for up to an additional six months. At the conclusion of the minimum probationary period, the Chief may recommend that a probationary firefighter that has met all of the qualifications contained in the firefighter job description be given permanent firefighter status by the Township Fire Board.
- (3) A probationary firefighter shall be entitled to all compensation and benefits afforded to permanent firefighters, but shall be restricted to perform only those duties for which he/she has been specifically trained. A probationary firefighter shall not be issued department insignia or badges. Use of emergency signal devices on the private vehicle of a probationary firefighter shall be at the Chief's discretion.

9.8 Disciplinary Procedure.

- (1) Violations of any Township ordinances, Fire Board rules, Fire Department administrative regulations, or conviction of a felony shall subject any personnel involved to disciplinary proceedings. A violation shall be documented by the Chief upon good cause shown, or when a violation occurs in his presence.
- (2) The Chief shall provide a copy of a written disciplinary statement to an alleged violator. The written statement shall state the rule that was allegedly violated, the nature of any disciplinary actions to be taken, and the consequences of any further occurrence. Disciplinary action may range from a reprimand to suspension, demotion or dismissal, or a combination of any of the above, in the discretion of the Chief, depending on:
 - (a) Seriousness of the violation.
 - (b) Consequences to the safety of others by the violation.
 - (c) Potential harm to the Department or the Township.
 - (d) Prior record of the individual.
 - (e) The nature of the act and any related matters.
- (3) Any disciplinary action may be appealed to the Fire Board, who shall affirm, deny, or modify the disciplinary action taken by the Chief. The Fire Board may, on its own initiative, bring charges against any Fire Department personnel. Disciplinary action initiated by the Fire Board shall follow the above procedures, except that the responsibilities designed above to the Chief shall be performed by the Fire Board.

- (4) In addition to such administrative rules that may be promulgated by the Chief, theft of Township property, or theft of any property at the scene of an emergency shall be cause for immediate dismissal.
- (5) Firefighters shall not respond to emergencies, meetings or training sessions while under the influence of alcohol or any controlled substance.

9.9 Compensation. Compensation to firefighters (firefighters in this section shall include all sworn members of the Fire Department) shall be in such amounts as may be determined from time to time by the Fire Board with the approval of the Township Board. The department shall keep accurate records of all compensation to all personnel. The compensation records shall be submitted by November 1 of each year to the Fire Board for approval and then to the Township Treasurer for payment. Such payment shall be made no later than December 1 of each year.

9.10 Public Relations.

- (1) The Fire Chief, or his/her designee, may release facts regarding fires or other emergencies to the news media. All other personnel shall refer all media inquiries to the Chief or the designee.
- (2) Members of the public shall be allowed in the fire station only when accompanied by a member of the Fire Department.
- (3) The public shall always be treated courteously and professionally by all department personnel.

9.11 Emergency Responses. When responding to emergencies, all personnel shall drive emergency vehicles with appropriate concern for the safety of the public. Use of emergency signals on vehicles shall be considered a request for the right-of-way from other drivers. Use of emergency signal equipment shall be permitted only when the department has been officially dispatched to an emergency.

9.12 Department Equipment. Required protective gear shall be worn when engaged in firefighting activities. Lost or damaged equipment shall be reported as soon as possible to an officer. Township property shall be disposed only with the prior approval of the Fire Board and Township Board. All department issued equipment shall be returned to the Chief by personnel leaving the department.

9.13 Use of Fire Station.

- (1) Only Township owned vehicles and equipment may be kept at the fire station. Department equipment shall not be borrowed for private use.
- (2) Private vehicles must be parked in designated areas only.
- (3) Alcohol and controlled substances shall not be brought into the fire station.

9.14 Fundraising and Association.

- (1) All fund raising activities shall have the prior approval of the Fire Board, and all revenues solicited in the name of the Fire Department shall be deposited with the Township Treasurer. Such funds will be disbursed by the Township Board.
- (2) Any fund raising activities on behalf of the Fire Department, yet not solicited in the name of the Township or the Fire Department, shall be conducted by a tax-exempt organization that has been designated a 501-c-3 charity, or other similar designation recognized by the Internal Revenue Service.
- (3) The personnel of the Fire Department are authorized to incorporate a tax-exempt charitable organization that shall be known as “The Oakfield Township Firefighters Association.” The purpose of the association shall be to provide for the social development of personnel and the betterment of fire protection in the Township. The association shall be incorporated under the laws of the State of Michigan, with by-laws approved by the Township Board. The association may elect its own officers. The financial records of the association shall be audited annually by the Fire Board. The Association shall not be considered an “association” for collective bargaining purposes.

9.15 Fire and Emergency Service Charges.

- (1) **Purpose.** This Ordinance is adopted to provide reimbursement to the Township relative to certain fire and emergency services rendered by the Oakfield Township Fire Department. Such fees are intended to supplement funding for the fire department from general Township funds, special assessments, special millages and other lawful sources.
- (2) **Definitions:**
 - (a) “Fire Department Response” means coming to the scene of a fire or hazardous materials incident, traffic or vehicular accident, or hazardous condition, or any investigation in connection with a fire, hazardous materials incident, accident or hazardous condition.
 - (b) “Hazardous Condition” means any condition creating a concern for the physical welfare of persons in the immediate area of the situation (including downed utility lines or gas leaks not in an occupied structure), requiring a fire department response.
 - (c) “Investigation” means gathering of evidence or data in connection with arson investigations, or special investigations required to determine the responsibility of persons for fires, spills, accidents or hazardous conditions. Investigations do not include the normal investigation made to determine cause and origin of a fire as required by the State of Michigan.

- (d) “Release” means any leaking, spilling, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment.
 - (e) “Person” means a natural person, corporation, partnership or other entity with legal capacity.
- (3) **Charges for Services.** Pursuant to the authority granted by Public Act 33 of the Public Acts of 1951, as amended, and as further amended by Public Acts of 1990, found in Michigan Compiled Laws Section 41.801 and 41.806(a), the Township shall render charges to persons or properties served by Oakfield Township Fire Department for certain specific services for conditions described as follows:
- (a) Any fire department response to a fire started by a property owner or person, such as but not limited to, a controlled brush fire or other open burning, which becomes uncontrolled, any fires purposely or knowingly started in any building, dwelling, appurtenant structure, or any other structure, or any motor vehicles when said fire has been started for the specific purpose of and with the intent of causing damage to or destruction of any such building, dwelling, appurtenant structure, or vehicle.
 - (b) Any fire department response to an incident caused by a criminal act; i.e. OWI, intentional false alarm, arson, etc.
 - (c) Any fire department response requiring containment, abatements or any safety measure in connection with any hazardous or toxic material release. Charges in such case shall be made to the person responsible for the release, whether or not the release occurs on the property of the responsible party. The responsibility for the release includes releases caused by the person as well as any release from any vehicle, building, or other instrumentality, owned occupied or utilized by the person, regardless of fault.
 - (d) Any fire department response to a traffic or vehicular accident, including but not limited to the control of fires, or spills, assistance to injured persons or ambulance crews, or extraction of persons from vehicles.
 - (e) Any fire department response for hazardous conditions.
 - (f) Any Township response to a false alarm due to system malfunction or maintenance issue at a property that is not a single family or duplex residence in excess of three such alarms in any consecutive 12-month period.
 - (g) The provision of fire department equipment or personnel for the purpose of providing stand-by fire, rescue, or emergency medical services necessary to support a non-emergency event/situation hosted by a for-profit organization. When such services are requested by a non-profit organization, the Township Board will act upon a recommendation by the Fire Chief to charge for services.

- (h) Failure to comply with requests made by the fire department to abate hazards as specified in the fire safety codes as adopted by the Township. If compliance is not made within three inspection visits over a 30 day period, the fire safety specialist will notify the Fire Chief, who will charge the person responsible for the property the appropriate fee as provided by resolution.
- (4) **Exemptions.** The following properties and services shall be exempt from the foregoing charges:
- (a) Fires caused by railroad trains which are the specific statutory responsibility of railroad companies.
 - (b) Fire service performed outside the jurisdiction of the Township under a mutual aid contract with an adjoining municipality.
- (5) **Responsibility for Charges.** Persons responsible for charges include:
- (a) Persons who caused the condition.
 - (b) Property owners for occupants of property upon which the conditions exist.
 - (c) Owners or lessees of instrumentalities involved in the condition, such as vehicle owners, utility or gas companies.
 - (d) Owners of vehicles from which occupants are extricated, owners or renters of premises from which a person or persons are rescued, and owners of vehicles receiving fire extinguishment or spill abatement shall be deemed as benefiting from the services provided.
 - (e) Insurers or guarantors for persons responsible or benefited.
- (6) **Multiple Property Protection.** When a particular service rendered by the Township directly benefits more than one person or property, each person responsible as set forth above shall be jointly and severally liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Township Fire Chief subject only to appeal, within the time limits for payment, to the Township Board.
- (7) **Payment for Services.** The Township shall bill persons determined to be responsible for the incident charged for, or owners of property, for amounts set forth in the resolution determining charges. All bills rendered for charges shall be paid within 30 days of the mailing of the billing.
- (8) **Collection of Charges.** The Township may proceed in district court or circuit court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.
- (9) **Charges to be Determined by Resolution.** Charges for fire department services enumerated above shall be determined by resolution of the Township Board.

- (10) **Disbursement of Funds.** All funds collected as a result of this Ordinance shall be used for the normal operations and maintenance of the fire department and its equipment.
- (11) **Other Remedies.** The recovery of charges and expenses imposed under this Ordinance shall not relieve or limit the liability of any person under any other local ordinance, or state or federal law, rule or regulation. The remedies provided herein shall be in addition to those remedies provided by the Hazardous Material Expense Recovery Ordinance, and nothing in this Ordinance shall prohibit the Township from also proceeding under the Hazardous Material Expense Recovery Ordinance.

CHAPTER 10

TOWNSHIP CEMETERIES

10.1 Short Title. This chapter shall be known and cited as the Township Cemetery chapter.

10.2 Definitions. As used and provided in this chapter, the following definitions shall apply:

- (1) “Adult burial space” shall mean an area of land in a cemetery four feet wide by eight feet in length.
- (2) “Infant or still born burial space” shall mean land in a cemetery three feet wide by three and one-half feet in length in areas specifically set aside for such burials.
- (3) “Lot” shall consist of an area sufficient to accommodate from one to eight burial spaces.

10.3 Sale of Lots or Burial Places. Cemetery lots or burial spaces shall be sold only as follows:

- (1) Lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of burial of the purchaser, his or her heirs at law or next of kin. No sales shall be made to funeral directors or others.
- (2) The Township Clerk may vary the above restrictions on sales only where the proposed purchaser discloses sufficient personal reasons for burial within the Township as a previous resident of the Township or by relationship to persons previously interred therein.
- (3) All sales shall be made on a form approved by the Township Board, which form shall be executed by the Township Clerk.
- (4) All sales shall grant a right of burial only and shall not convey any other title to the lot or burial space sold.
- (5) Burial spaces and rights may be transferred only to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township, which transfer may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk and entered upon the official records of the Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records the original permit.

10.4 Purchase and Transfer Fees.

- (1) The original purchase price and transfer fees for lots and burial spaces shall be established by resolution of the Township Board.

- (2) Charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

10.5 Perpetual Care. A perpetual care fund is hereby established to be administered by the Township Treasurer. A perpetual care charge, in an amount established and revised by resolution of the Township Board, shall be levied against each cemetery lot, to be collected at the time of original sale. The perpetual care charge is in addition to the purchase price and transfer fees, and shall be deposited in the perpetual care fund, to be segregated and invested by the Township Treasurer for care and maintenance of the cemetery.

10.6 Grave Opening. 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 established from time to time by resolution of the Township Board as may be appropriate.

No burial space may be opened or closed except under the direction, supervision and control of the cemetery sexton. These provisions, however, shall not apply to proceedings for the removal and reinterment of bodies and remains when such matters are under the supervision of the local health department.

10.7 Markers or Memorials. Markers and memorials shall be allowed in the Township cemeteries only in accordance with the following regulations:

- (1) All markers or memorials shall be of stone or other equally durable substance.
- (2) Any large, upright monuments must be located upon a suitable, solid foundation sufficient to maintain the same in an erect position.
- (3) Only one monument, marker or memorial shall be permitted per burial space.
- (4) The footing or foundation upon which any monument, market or memorial is to be placed shall be constructed by the Township with the cost to be paid by the owner of the burial right, such cost to be determined from time to time by resolution of the Township Board.

10.8 Interment Regulations. The following regulations shall apply to all interments in the Township cemeteries:

- (1) Only one person may be buried in a burial space, except for a mother and infant, or two infants buried at the same time.
- (2) At least 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.
- (3) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, shall be presented either to the cemetery sexton or the Township Clerk prior to interment. In the event the permit has been lost or destroyed, the Township Clerk may allow the interment if satisfied from the Township records that the person to be buried in the burial space is the authorized and appropriate person.

- (4) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space.
- (5) All burials shall be within the standard concrete vault installed or constructed in each burial space before interment.

10.9 Maintenance. All burial spaces and lots shall be maintained in accordance with the following:

- (1) No grading, leveling or excavating in a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.
- (2) No flowers, shrubs, trees or vegetation of any kind shall be planted without the approval of the cemetery sexton or the Township Clerk. Any such items planted without such approval may be removed by the Township Clerk or the sexton.
- (3) The Township reserves the right to remove or trim any tree, plant or shrub located within the cemetery when necessary in the interest of maintaining proper appearance and use of said cemetery.
- (4) Any mounds or other obstructions which hinder the free use of a lawn mower or other gardening apparatus are prohibited, except markers as herein provided.
- (5) The cemetery sexton shall have the right to remove and dispose of any and all growth, emblems, displays or containers that, through decay, deterioration, damage or otherwise, become unsightly, a source of litter or a maintenance problem.
- (6) Surfaces other than earth or sod are prohibited.
- (7) All refuse of any kind or nature, including dried flowers, wreaths, papers and flower containers, must be removed or deposited in containers located within the cemetery.

10.10 Forfeiture of Cemetery Lots or Burial Spaces. Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant for 40 years from the date of their sale shall automatically revert to the Township in accordance with the following:

- (1) Notice shall be sent by the Township Clerk by first class mail, postage prepaid, to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or burial spaces will be forfeited if they do not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the desire to retain said burial rights.
- (2) If no written response to said notice is received by the Township Clerk either from the last owner of record, his heirs or legal representatives within 60 days from the date of mailing of said notice, the lots or burial spaces shall automatically revert to the Township.

10.11 Purchase of Lots or Burial Spaces. The Township shall repurchase any cemetery lot or burial spaces from the owners for the original price paid the Township upon written request of said owner, his legal heirs or representatives.

10.12 Records. The Township Clerk shall maintain records concerning all burials, burial permits, the perpetual care fund and all other necessary records and shall keep said records separate and apart from any other records of the Township. Said records shall be open to public inspection at all reasonable business hours.

10.13 Cemetery Hours. Cemeteries shall be open to the general public from the hours of dawn to dusk each day. No person shall be permitted in any Township cemetery anytime other than the foregoing hours, except upon permission of the Township Board or the sexton of the cemetery.

CHAPTER 11

TOWNSHIP HISTORICAL COMMISSION

11.1 Intent and Purpose. The purposes of this chapter and the intent of the Township Board in adopting it are the following:

- (1) To promote public interest within the Township in historic buildings and sites and historic objects and memorabilia for the benefit of the citizens of the Township and others.
- (2) To safeguard the heritage of the Township by recognizing and preserving buildings, sites, districts or objects which reflect elements of the Township's cultural, social, economic, political or architectural history.
- (3) To establish a Township Historical Commission and to encourage its effective operation, so as to implement the goals and purposes of this chapter.

11.2 Historical Commission. Under the terms of Act 213 of the Public Acts of Michigan of 1957, as amended, the Township of Oakfield hereby creates and establishes the Oakfield Township Historical Commission.

11.3 Membership. The Oakfield Township Historical Commission shall consist of seven members. All members shall reside in the Township. The members shall be appointed by the Township Supervisor, with the approval of the Township Board.

Members shall be appointed for three-year terms, except that the terms of the initial appointments shall be as follows: One member shall be appointed for a term of one year, three members shall be appointed for a term of two years each and three members shall be appointed for a term of three years each.

If there is a vacancy in the membership of the Commission, interim appointments for the remainder of the unexpired term shall be made by the Township Supervisor, with the approval of the Township Board.

11.4 Officers.

- (1) At its first meeting, the Historical Commission shall elect a chairperson, vice-chairperson and secretary from its members. It may thereafter create and fill other offices or committees as it considers advisable. The term of each officer shall be one year. If an officer becomes unable or unwilling to occupy that individual's office, the commission shall elect another member of the commission to fill the vacancy for the unexpired term of such office.
- (2) The Chairperson shall preside over the meetings of the commission.
- (3) The Vice-Chairperson shall preside over the meetings of the commission in the Chairperson's absence.

- (4) The Secretary shall give notice of meetings to members and the public and shall keep and maintain records of the proceedings of the commission.

11.5 Meetings, Records and Reports. Public notice of the date, time and place of a regular or special meeting of the commission shall be given as provided in the Michigan Open Meetings Act. The commission shall meet upon call by the chairperson or by a majority of the members. Actions shall be taken by majority vote of the members present, if a quorum is present. A quorum shall be a majority of the members.

The Commission shall prepare and maintain minutes of its meetings. It shall make an annual written report to the Township Board concerning its activities and any recommendations for actions by the Township Board related to the purposes of the commission for the advancement of historic preservation and awareness in the Township.

11.6 Functions and Duties. The functions and duties of the Oakfield Township Historical Commission shall be as follows:

- (1) To undertake research, inspection and investigations of sites, buildings, documents or items of historical interest.
- (2) To operate and maintain buildings and sites of historical interest.
- (3) To protect and to provide for public access to buildings, sites, documents and other items of historical interest.
- (4) To recommend expenditures by the Township for the acquisition or operation of buildings, property and other items of historical interest.
- (5) To recommend that the Township Board apply to the Michigan Historical Commission to have any sites of historical interest within the Township listed as State Historical Sites, in accordance with Act 10 of the Public Acts of 1955.
- (6) To plan and carry out events intended to educate the public and to foster public interest in the heritage of the Township of Oakfield.
- (7) To request and accept appropriations, grants and gifts from any source, public or private, including the Township of Oakfield, to carry out its functions.
- (8) To perform all the functions assigned by federal law, state law or local ordinance to the Township Historical Commission.
- (9) To carry out any other functions which, in the determination of the commission, will foster the preservation of, and public interest in, the heritage of the Township of Oakfield.

11.7 Volunteers. The historical commission shall, when appropriate, encourage the participation of volunteers in order to obtain the disseminate information, to observe historic buildings and neighborhoods, and to assist in performing other activities of the commission.

CHAPTER 12

CABLE TELEVISION REGULATIONS

12.1 Purpose of Chapter. The purpose of this chapter is to adopt regulations consistent with the Federal Communications Act of 1934 as amended, the Cable Television Consumer Protection and Competition Act of 1992 and the rules of the Federal Communications Commission with respect to basic cable television service rate regulation. In addition, the purpose of this chapter is also to prescribe procedures so as to provide reasonable opportunity for consideration of the views of interested parties in connection with regulation by the Township of rates for basic cable television service. This chapter shall be implemented and interpreted consistent with the above stated statutes and applicable rules of the Federal Communications Commission.

12.2 Definitions. For purposes of this chapter, the words and phrases listed in this section shall have the meanings stated below:

- (1) “Act” means the Communications Act of 1934 as amended, and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, being U.S. Public Law 102-385, as it may be amended from time to time.
- (2) “Associated equipment” means all equipment and services subject to regulation pursuant to 47 CFR § 76.923.
- (3) “Basic cable television service” shall mean basic service as defined in the rules of the Federal Communications Commission and any other cable television service which is subject to rate regulation by the Township pursuant to the Act and the rules of the Federal Communications Commission.
- (4) “Cable television operator “ means an operator of basic cable television service as defined in the FCC Rules and the operator of any other cable television service which is subject to rate regulation by the Township pursuant to the Act and the rules of the Federal Communications Commission.
- (5) “FCC” means the Federal Communications Commission.
- (6) “FCC Rules” means all rules of the FCC promulgated from time to time pursuant to the Act.
- (7) “Increase in rates” means an increase in cable television rates or a decrease in cable television programming or a decrease in the customer services provided by a cable television operator.
- (8) “Township” means the Township of Oakfield, Kent County, Michigan.

All other words and phrases used in this chapter shall have the meanings as defined in the Act in the FCC Rules.

12.3 Regulation of Basic Cable Television Service. The Township may regulate the rates charged for basic cable television service within the Township, in accordance with this chapter and other applicable and Township ordinances. In the regulation of rates for basic cable television service and associated equipment, the Township shall follow all FCC Rules.

12.4 Procedures; Filing of Rate Schedules; Submission of Information by Cable Television Operator.

- (1) The procedures under which the Township shall regulate the rates charged for basic cable television service within the Township shall be as set forth in this chapter.
- (2) A cable television operator shall submit its schedule of rates for basic cable television service and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable television operator shall also submit with its proposed schedule of rates such information as may be necessary to demonstrate that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable television operator shall file ten copies of its schedule of rates or its proposed increase in rates with the Township Clerk. Such filing by the cable television operator shall be deemed to have been made when ten copies thereof have been received by the Township Clerk.
- (3) By resolution or otherwise, the Township Board may adopt rules and regulations prescribing the information, data, calculations and other material which the Township requires to be included as a part of the filing of a schedule of rates or a proposed increase in rates by a cable television operator.
- (4) In addition to information, data, calculations and other material required by rules and regulations of the Township, a cable television operator shall provide all other information requested by the Township Board in connection with the Township's review and regulation of existing rates for basic cable television service and associated equipment or a proposed increase in such rates. The Township Board may establish deadlines for submission of any requested information, data, calculations or other material, and the cable television operator shall comply with such deadlines.
- (5) A cable television operator has the burden of proving that its schedule of rates or its proposed increase in rates for basic cable television service and associated equipment complies with the Act and the FCC Rules, including, without limitation, 47 USC § 543 and 47 CFR §§ 76.922 and 76.923.

12.5 Notice, Initial Review of Rates. Upon the filing of ten copies of the schedule of rates or a proposed increase of rates by the cable television operator, pursuant to this chapter, the Township Clerk shall publish a public notice in a newspaper of general circulation in the Township. The notice shall state that the filing has been received by the Township Clerk and (except those parts which may be withheld as proprietary under Section 6 hereof) is available for public inspection and copying; that interested parties are encouraged to submit written comments on the schedule of rates or proposed increase in rates, to the Township Clerk, not later than seven days after the public notice is published; and any other information deemed pertinent. The Township Clerk shall give notice to the cable television operator of the date, time and place of the meeting in which the Township Board

shall first consider the schedule of rates or the proposed increase in rates. Such notice to the cable television operator shall be mailed by first-class mail at least three days prior to the meeting of the Township Board. If a written report by Township staff or a consultant of the Township, regarding the schedule of rates or the proposed increase in rates, has been prepared for consideration of the Township Board, then the Township Clerk shall mail a copy of the report by first-class mail to the cable television operator at least three days before the meeting at which the Township Board will first consider the schedule of rates or the proposed increase in rates.

12.6 Proprietary Information.

- (1) If this chapter, any rules or regulations adopted by the Township pursuant to Section 4(2), or any request for information pursuant to Section 5 requires the production of proprietary information, the cable television operator shall produce such information. The cable television operator may request, however, that specific, clearly identified portions of its response be treated as confidential and be withheld from public disclosure, for the reason that such stated portions are proprietary. Such request must state the reasons why the information should be treated as proprietary and the facts supporting such reasons. The Township Board may grant the request for confidentiality of such information if the Board determines that the preponderance of the evidence shows that non-disclosure of such information is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. The Township Clerk shall place in a file available for public inspection any written decision that results in information being withheld. If the cable television operator requests confidentiality of allegedly proprietary information, and such request is denied, the cable television operator may withdraw its proposal, in cases in which the cable operator is proposing a rate increase, and in that event the allegedly proprietary information shall be returned to the cable television operator; alternatively, the cable television operator may seek review within five business days of the denial of such request for confidentiality, in any appropriate forum, and in that event the Township's release of such information shall be stayed, pending resolution of the review being sought.
- (2) Any interested party may file with the Township Clerk a written request to inspect material withheld as proprietary. In responding to such request, the Township shall consider the policy considerations favoring non-disclosure and shall also consider the reasons cited for permitting inspection of the material, in relation to the facts of the particular case. Upon reaching a decision regarding whether withheld material shall then be disclosed, the Township shall promptly notify the requesting party and the cable television operator that submitted the information in question. The Township may grant, deny or grant with conditions any such request. The party requesting disclosure of such information or the cable television operator may seek review of the Township's decision by filing an appeal in any appropriate forum. Pending resolution of any such appeal, disclosure by the Township of such information or material shall be stayed.

- (3) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 CFR § 0.459.

12.7 Effective Date of Rates; Order Tolling Effective Date of Rates. After a cable television operator has filed its existing schedule of rates or its proposed increase in rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after 30 days from the date of filing under Section 5 of this chapter unless the Township Board (or other properly authorized body or official) tolls such 30 day period pursuant to 47 CFR § 76.933 by issuing a brief written order, by resolution or otherwise, within 30 days of the date of filing. The Township Board may by such order toll the 30-day period for an additional 90 days in cases not involving cost-of-service showings or for an additional 150 days in cases involving cost-of-service showings.

12.8 Hearing on Basic Cable Service Rates Following Tolling of 30-Day Deadline; Public Notice.

- (1) If a written order has been issued pursuant to Section 7 of this chapter and 47 CFR 76.933 so as to toll the effective date of existing rates for basic cable television service and associated equipment or a proposed increase in such rates, the cable television operator shall submit to the Township any additional information required or requested pursuant to Section 4(4) of this chapter.
- (2) In addition, the Township Board shall hold a public hearing to consider the comments of interested parties within the additional 90 day or 150 days, as the case may be.
- (3) The Township Clerk shall publish a notice of the public hearing in a newspaper of general circulation within the Township. The notice shall state the date, time and place at which the hearing will be held; the fact that interested parties may appear in person, by agent or by letter at such hearing, in order to submit comments on or objections to the existing cable television rates or the proposed increase in rates; and that copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the Township Clerk. Such notice shall be published not less than 15 days before the public hearing. In addition, the Township Clerk shall mail by first-class mail a copy of the public notice to the cable television operator not less than 15 days before the public hearing.

12.9 Report of Staff or Consultant; Written Response. Following the public hearing provided for in Section 8, the Township Board may cause a written report to be prepared for the Board by the Township's staff or consultants. The report may include a recommendation for a decision by the Township Board regarding cable television rates pursuant to Section 10. Such a report shall be based on the material and information filed by the cable television operator, the comments or objections of interested parties, information requested from the cable television operator, review or comment by Township staff or consultants and other appropriate information. If such a report is submitted, the Township Clerk shall mail a copy of it to the cable television operator by first-class mail not less than 20 days before the decision by Township Board under Section 10.

The cable television operator may file with the Township Clerk a written response to the report. The Township Clerk shall forward the written response of the cable television operator to the Township Board, if the response is received by the Clerk within ten days after the report is mailed by the cable television operator and at least ten copies of the response are submitted to the Clerk.

12.10 Decision and Order on Rates. The Township Board shall issue an order, by resolution or otherwise, which in whole or in part, (1) approves the existing rates for basic cable television service and associated equipment or a proposed increase in such rates; (2) denies the existing basic cable television rates or proposed increase in such rates; (3) orders a reduction in the existing rates or in the proposed increase in rates; (4) prescribes a reasonable rate or reasonable increase in rates; (5) allows the existing cable television rates or proposed increase in rates to become effective subject to refunds; or (6) orders other appropriate relief; all in accordance with the FCC Rules. If the Township Board issues an order allowing the existing basic television rates or proposed increase in rates to become effective subject to refund, the Township Board shall also direct the cable television operator to maintain an accounting pursuant to 47 CFR § 76.933. The order of the Township Board shall be issued within 90 days of the tolling order under Section 7 in all cases not involving cost of service showing. The order shall be issued within 150 days after the tolling order under Section 7 in all cases involving a cost of service showing.

12.11 Refunds, Notice. The Township Board may order a refund to cable television subscribers as provided in 47 CFR § 76.942. Before the Township Board orders a refund to subscribers, the Township Clerk shall give at least seven days written notice to the cable television operator by first-class mail of the date, time and place at which the Township Board shall consider issuing a refund order and shall provide an opportunity for the cable television operator to comment regarding the proposed refund. The cable television operator may appear in person, by agent, or by letter at such time, for the purpose of submitting comments to the Township Board.

12.12 Written Decisions, Public Notice. Any order of the Township Board pursuant to Section 10 or Section 11 shall be in writing, shall be effective upon adoption by the Township Board, and shall be deemed released to the public upon adoption. The Township Clerk shall publish a public notice of any such written order in a newspaper of general circulation within the Township, which shall (1) summarize the written decision, and (2) state that copies of the text of the written decision are available for inspection or copying from the office of the Township Clerk. In addition, the Township Clerk shall mail a copy of the text of the written decision to the cable television operator by first-class mail.

12.13 Rules and Regulations. In addition to rules promulgated pursuant to Section 4, the Township Board may, by resolution or otherwise, adopt rules and regulations for basic cable television service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules.

12.14 Failure to Give Notice. The failure of the Township Board to give the notices or to mail copies of reports as required by this chapter shall not invalidate the decision or proceedings of the Township Board.

12.15 Additional Hearings. In addition to the requirements of this chapter, the Township Board may hold additional public hearings upon such reasonable notice as the Township Board, in its sole discretion, shall prescribe.

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

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

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

CHAPTER 13

HAZARDOUS MATERIALS RESPONSE CHARGES

13.1 Purpose. This chapter is adopted in order to provide for the payment or reimbursement to the Township of expenses resulting from the use of Township goods, equipment, monies and other resources in responding or otherwise acting in connection with an incident involving hazardous or toxic materials. In order to implement this chapter and thus to protect the Township in such cases, the Township Board hereby authorizes the imposing of charges so as to recover the reasonable and actual costs incurred by the Township in responding to calls for assistance or in otherwise acting in connection with a spill or release of hazardous or toxic materials.

13.2 Definitions. For purposes of this chapter, the following words and terms are defined as follows:

- (1) “Hazardous or Toxic Materials” means any chemicals, gasses, solids, liquids, and any other materials or substances that pose a present or potential hazard to human health or safety or the environment.
- (2) “Release” means any spill, leaking, discharging, emitting, dumping, leaching, emptying or disposing into the air, the ground, waters, or otherwise into the environment.
- (3) “Responsible Party” means any person, firm, corporation, association, partnership, governmental body, or any other legal entity that causes, contributes to, aids in the occurrence of, or is otherwise involved, whether knowingly, accidentally or otherwise, in a release of a hazardous or toxic material, whether actual or threatened, or is an owner, tenant, occupant or party in control, whether wholly or in part, of property onto which or from which a hazardous or toxic material is released.

13.3 Imposition of Charges. Where the Township Fire Department or other parties or agencies of the Township government take action in connection with a release of hazardous or toxic materials, whether in response to a call for assistance or otherwise, the actual costs incurred by the Township in taking such action, and all actual costs relating thereto or arising therefrom, shall be imposed upon the responsible parties, whether jointly or severally. Such costs shall include the following:

- (1) Fees for response by Township owned Fire Department vehicles utilized in responding to the hazardous or toxic materials incident, in an amount established by resolution of the Township Board.
- (2) All personnel-related costs incurred by the Township as a result of responding to the hazardous or toxic materials incident. Such costs may include, but are not limited to, wages, salaries, and fringe benefits and insurance for full-time and part-time firefighters; overtime pay and related fringe benefit costs for hourly employees and fire-run fees paid to on-call firefighters. Such personnel-related charges shall commence at the time that the Fire Department has responded to the hazardous or

toxic materials incident, and shall continue until all Township personnel have concluded hazardous or toxic materials incident-related responsibilities.

- (3) Other expenses incurred by the Township in responding to the hazardous or toxic materials incident, including but not limited to rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous or toxic materials incident.
- (4) Charges to the Township imposed by any local, state or federal government entities related to the hazardous or toxic materials incident.
- (5) Costs incurred in accounting for all hazardous or toxic materials incident-related expenditures, including billing and collection costs.

13.4 Billing Procedures. Following the conclusion of a hazardous or toxic materials incident, or at any other appropriate time, the Township fire chief shall submit a detailed listing of all known costs and expenses relating to or arising out of the incident to the Township treasurer, who shall prepare an invoice directed to the responsible party or parties, demanding payment in full for all of such costs and expenses. Such invoice shall demand such payment within 30 days of the receipt of the invoice. Any additional costs and expenses that become known to the Township fire chief following the transmittal of the invoice shall be billed in the same manner upon subsequent invoices to the responsible party or parties. For any such amounts that remain unpaid after 30 days from the date of any invoices, the Township shall impose a late charge of one percent per month or fraction thereof, though in the discretion of the Township Board, such late charge or any part thereof may be waived for good cause shown.

13.5 Other Remedies. The Township may pursue any other remedy or may commence any appropriate action or proceeding in any court or before any administrative agency, toward the collection of the charges imposed under this chapter. The recovery of any such charges shall not limit the liability of the responsible parties under local ordinance or other laws, rules or regulations.

CHAPTER 14

TOWNSHIP PARKS AND GROUNDS

14.1 Applicability. This chapter shall apply to all recreational areas, playgrounds, courts, parks, shelters, and other outdoor facilities intended for recreational purposes which are owned by the Township. Such areas are referred to in this chapter as “Township recreational facilities.”

14.2 Township Residents. Township recreational facilities are constructed and made available for the benefit of Township residents only. No person who is not a resident of the Township, or who is not accompanied by a Township resident, shall enter or use any Township recreational facility, except for events which are sponsored or approved by the Township to be open to residents and non-residents.

14.3 Hours. Township recreational facilities shall open at 8:00 a.m. and close at 7:00 p.m. from October 1 through April 30, and at 10:00 p.m. from May 1 through September 30. No person shall be in a Township recreational facility other than during those hours, except for events which are sponsored or approved by the Township during other hours.

14.4 Damage. No person shall maliciously or intentionally damage or vandalize any equipment, structure, or vegetation in, or deposit trash or litter in, any Township recreational facility. In addition to other penalties provided in this Code, any person who damages, or litters in, Township recreational facilities, whether maliciously, intentionally, or as a result of negligence, shall be liable to the Township for the full cost of the material and labor for replacement and repair of said damage or removal of litter. If any person fails to pay the cost of repair or replacement, upon demand, the Township may institute appropriate legal proceedings and may recover, in addition to the cost of repair and replacement, its reasonable attorney’s fees, court costs and other expenses of litigation.

14.5 Alcoholic Beverages. No person shall possess alcoholic beverages in any Township recreational facility.

14.6 Posting. A copy or summary of the provisions of this chapter shall be prominently posted at all Township recreational facilities. The lack of such posting, however, shall not excuse a violation of this chapter.

CHAPTER 15

LAND DIVISION ORDINANCE

15.1 Title and Purpose.

- (1) This Ordinance shall be known and may be cited as the Oakfield Township Land Division Ordinance.
- (2) The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act") in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions within the Township.
- (3) This Ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Township.

15.2 Definitions.

- (1) Certain words and phrases used in this Ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meanings stated in the Act.
- (2) "Administrator" means the person designated by the Township Board as Administrator under the terms of this Ordinance.
- (3) "Division" or "land division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent (as defined in the Act), and that satisfies the requirements of Sections 108 and 109 of the Act. Division does not include a property transfer between two or more adjacent parcels, if the land taken from one parcel is added to an adjacent parcel.
- (4) "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.
- (5) "Parcel" means a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- (6) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on March 31, 1997.

- (7) “Private road” means a private road which complies with the requirements of the Township Zoning Ordinance.
- (8) “Road authority” means the governmental authority having jurisdiction of a public road or public street.
- (9) “Resulting parcel(s)” means one or more parcels which result from a land division.
- (10) “Tract” means two or more parcels that share a common property line and are under the same ownership.

15.3 Land Division Approval Required. Any division of land, including any partitioning or splitting of land, within the Township which requires the approval of the Township in order to qualify as a land division under the Act shall satisfy the requirements of Sections 4, 5 and 7 and the other applicable provisions of this Ordinance.

15.4 Application for Land Division Approval.

- (1) A proposed land division shall be filed with the Administrator and shall include the following:
 - (a) A completed application, on such written form as the Township may provide, including any exhibits described therein.
 - (b) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land.
 - (c) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31, 1997.
 - (d) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
 - (e) A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to scale. A tentative parcel map shall include:
 - (i) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map.
 - (ii) Proposed boundary lines and the dimensions of each parcel.
 - (iii) An adequate and accurate legal description of each resulting parcel.

- (iv) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions.
 - (v) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets.
 - (vi) The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - (f) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
 - (g) Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.
- (2) A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.2 commence, until all of the requirements for an application for land division approval have been complied with.

15.5 Minimum Requirements for Approval of Land Division.

- (1) A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:
- (a) The application requirements of Section 4.
 - (b) All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Township Zoning Ordinance for the zoning district(s) in which the resulting parcels are located.
 - (c) Each resulting parcel shall have the depth to width ratio specified by the Township Zoning Ordinance for the zoning district(s) in which the resulting parcel is located. If the Township Zoning Ordinance does not specify a depth to width ratio, each resulting parcel which is ten acres or less in area shall have a depth which is not more than four times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner provided by the Township Zoning Ordinance for the measuring of the minimum width and maximum depth of parcels. Notwithstanding the foregoing, the Administrator may approve a land division that creates a resulting parcel with a depth to width ratio greater than 4-to-1 if the applicant demonstrates to the Administrator that there are exceptional topographical or physical conditions with respect to the parcel and that the greater ratio would be reasonably compatible with the surrounding lands. If an applicant's request for approval of a greater depth to width ratio is denied by the

Administrator, the applicant may appeal the Administrator's decision pursuant to Section 5.5 of this Ordinance.

- (d) Each resulting parcel shall have a means of vehicular access to an existing street from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street.
 - (e) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
 - (f) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
- (2) The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for the disapproval.
 - (3) Any notice of approval of a division resulting in a parcel less than 1 acre in size shall contain a statement that the Township, its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in Section 109(a) of the Act, including requirements regarding suitability of on-site water supply and on-site sewage disposal, as described in Section 105(g) of the Act.
 - (4) An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Township Board, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least ten days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.
 - (5) The Administrator shall maintain a record of all land divisions approved by the Township.

15.6 Exempt Splits and Other Divisions Not Subject to Approval.

- (1) An exempt split is not subject to approval by the Township if all resulting parcels are accessible (as defined in the Act) or if either Section 15.6(3)(a) or 15.6(3)(b) of this Ordinance applies.

- (2) The Township shall not permit the creation of an exempt split if one or more of the resulting parcels are not accessible unless either Section 6.3(a) or 6.3(b) of this Ordinance applies to all such inaccessible parcels.
- (3) An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval by the Township if the parcel or tract is not accessible and either of the following applies:
 - (a) The parcel or tract was in existence on March 31, 1997.
 - (b) The parcel or tract resulted from an exempt split or other partitioning or splitting under Section 109b of the Act.

15.7 Approval of Land Division.

- (1) A decision approving a land division shall be effective for not more than 90 days after such approval by the Administrator or, if appealed, by the Township Board, unless either of the following requirements is satisfied within such 90-day period:
 - (a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s), shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator.
 - (b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 90th day following such approval by the Administrator or, if appealed, by the Township Board.

- (2) All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 7.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this Ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.
- (3) The approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations. Without limiting the generality of the foregoing, the Township's determination that resulting parcels are "accessible," within the meaning of the Act, does not constitute a determination that any driveway, private road, or easement will comply with the requirements of the Township's

private road ordinance, or that a building or structure may be constructed on any resulting parcel.

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

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

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

CHAPTER 16

PROHIBITION OF PUBLIC NUDITY ORDINANCE

16.1 Public Nudity Prohibited. No person shall engage in public nudity. No business establishment shall permit persons to engage in public nudity. For purposes of this Ordinance, the term “business establishment” shall include, but not be limited to, owners, officers, employees, and other persons in charge of or in control of a business premises or any part thereof.

16.2 Public Nudity Defined. As used herein “public nudity” means knowingly or intentionally displaying to another person(s) any individual’s genitals, pubic area or anus with less than a fully opaque covering, or a female individual’s breast with less than a fully opaque covering of the nipple or areola: (1) in a public place; or (2) for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee. Public nudity does not include a woman’s breast feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the breast feeding.

16.3 Public Place Defined. As used herein, “public place” means any premises which are open to the general public or any business, club, association, lodge, fraternal organization or other association, group or entity.

16.4 Public Nudity Declared a Nuisance. Any premises in which public nudity is offered, promoted, allowed or encouraged shall constitute a public nuisance, and shall be subject to abatement proceedings.

16.5 Enforcement By All Legal Means. The Township may in its discretion enforce the terms of this Ordinance by any and all available remedies. Such remedies may include legal proceedings for the enjoining or prevention of violations, the issuance of municipal civil infractions and other enforcement means.

16.6 Penalties. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$500 for the first offense, and not less than \$750 nor more than \$1,000 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages and expenses. For purposes of this section, “subsequent offense” means a violation of a provision of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

16.7 Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

16.8 Severability. In the event that any section, term or provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect any other provision of this Ordinance, except insofar as the section, term or provision thus declared invalid shall be inseparable from the remainder of the Ordinance or any part thereof.

CHAPTER 17

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS ORDINANCE

AN ORDINANCE to require the licensing of peddlers, solicitors and transient merchants within the Township; to establish procedures for granting licenses; and to provide penalties for violation of the licensing requirements.

17.1 Purpose. The purposes of this Ordinance are to protect the interests of the public health, safety and welfare of the citizens of the Township by the regulation, licensing and control of peddlers, hawkers, solicitors and similar salespersons conducting business within the Township.

17.2 License Required. It shall be unlawful for any peddler, solicitor or transient merchant, whether a person, firm or corporation, to peddle, solicit or engage in business as a transient merchant within the Township as to any merchandise, article or thing without having first secured a license from the Township therefor.

17.3 Definitions.

- (1) The term “solicitor,” as used in this Ordinance, shall mean any person traveling either by foot or vehicle from place to place, who takes or attempts to take orders for the sale of goods, wares or merchandise for future delivery, or for services to be furnished or performed in the future. Such definition shall include any person who uses or occupies any building, structure or other place in the Township for such purposes.
- (2) The term “peddler,” as used in this Ordinance, shall mean any person traveling either by foot or vehicle from place to place, carrying goods, wares or merchandise, and offering the same for sale, or making sales and delivering articles to purchasers, or offering to provide services, either immediately or in the future.
- (3) The term “transient merchant,” as used in this Ordinance, shall mean any person who engages in the temporary business of the retail sale and delivery of goods, wares or merchandise within the Township, and who, for the purpose of conducting such business, uses or occupies any lot, premises, building, room or structure; provided, however, that such definition shall not include merchants having regularly established places of business within the Township, and shall not apply to persons making sales at any annual fair, street fair, festival, annual celebration or observance.

17.4 License, Application and Fee.

- (1) Application for a license for a peddler, solicitor or transient merchant shall be made to the Township clerk. The application shall be in the form prescribed by the Township and shall include the following:
 - (a) The name, address and telephone number of the applicant, including both local information and permanent information, if different.

- (b) The name, address and telephone number of each employee or independent contractor who shall be operating as a peddler, solicitor or transient merchant, if any.
 - (c) A description of the nature of the business and the goods or services to be offered.
 - (d) The place where the goods, if any, are manufacturer or produced, where they are located at the time the application is filed and the proposed method of delivery.
 - (e) Such other information as the Clerk may reasonably determine is necessary to determine the nature and character of the proposed operations.
 - (f) The address of the place at which the business is to be conducted, if any.
 - (g) The description and number of vehicles to be used in such operations, if any.
- (2) Any applicant for such a license shall pay the fee prescribed therefor by resolution of the Township board.
 - (3) A license under this Ordinance shall be for a duration not to exceed 30 days; provided, however, the license may be renewed without payment of a further fee if the information contained in the renewal application remains unchanged from the original application. The Township Clerk shall review applications and issue licenses.

17.5 Exempt Persons. The licensing requirements of this Ordinance shall not apply to any person who is exempt from such licensing requirements under the terms of state or federal law, but any such persons shall remain subject to the other provisions hereof.

17.6 Hours and Days of Business. No peddler, solicitor or transient merchant shall call at any dwelling or residence except between the hours of 9:00 a.m. and 5:00 p.m. on Monday through Saturday without an appointment.

17.7 Obedience to Signs. No peddler, solicitor or transient merchant shall call without an appointment at any dwelling or residence where a sign is displayed stating “no peddlers,” “no solicitors,” “no salesman,” “no trespassing,” or words of similar meaning or import.

17.8 Exhibition of License. If requested by any person, a peddler, solicitor or transient merchant shall exhibit the Township license issued to him or her.

17.9 Fraud. Any licensed peddler, solicitor or transient merchant who shall be guilty of any fraud, cheating or misrepresentation, whether directly or through any other person, while acting as a peddler, solicitor or transient merchant within the Township, shall be in violation of this Ordinance.

17.10 Penalty.

- (1) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for a subsequent offense, in the discretion of the court, in addition to all other costs, damages, attorneys fees and expenses. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
- (2) The Township Supervisor, the Kent County sheriff or deputy sheriff and such other officer or other official designated by the Township Supervisor are hereby authorized to issue citations for violation of the provisions of this Ordinance if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction. If a citation is based solely on the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation shall be approved in writing by the Township Supervisor.
- (3) Citations shall be numbered consecutively and shall be in a form approved by the state court administrator’s offices.
- (4) Citations shall be served upon the alleged violator as provided by law.
- (5) Citations shall require the appearance at the district court within a reasonable time after the citation has been issued. The procedures for admission or denial of responsibility, request for informal or formal hearings, and all matters related to the processing of citations for civil infractions shall be as provided by law.

CHAPTER 18

GREAT LAKES ENERGY COOPERATIVE ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to Great Lakes Energy Cooperative, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances and facilities on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Township of Oakfield, Kent County, Michigan, for a period of 15 years.

THE TOWNSHIP OF OAKFIELD ORDAINS:

18.1 Grant, Term. The Township of Oakfield, Kent County, Michigan, hereby grants the right, power and authority to the Great Lakes Energy Cooperative, a Michigan non-profit electric cooperative, its successors and assigns (hereinafter "Grantee"), to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances and facilities, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Township of Oakfield, Kent County, Michigan, for a period of 15 years.

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

18.3 Conditions. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys, bridges and waterways, as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys and shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good of condition as when work was commenced.

Grantee shall provide notice to the Township before undertaking any significant operation to lay, maintain, operate or install facilities within the Township. The Township may, in its discretion, impose conditions upon the location of such facilities, including requiring that they be underground in certain instances, where such location is a necessary aid to the public health, safety and welfare and, in particular, to the free and effective flow of traffic.

The Grantee shall at all times use due care in exercising the privileges contained in this franchise and shall be liable to the Township and to every owner of property abutting the Grantee's electric lines and other facilities, for all damages and costs arising from the default, carelessness or negligence of the Grantee or its officers, agents and servants.

18.4 Indemnification and Hold Harmless. As part of the consideration for the granting of this franchise, the Grantee shall, at its sole cost and expense, fully indemnify and hold the Township, its officers, boards, commissions, agents and employees, harmless against any and all claims, demands, lawsuits, actions, liability and judgments for damages arising out of the granting or operation of this franchise, including but not limited to liability for damages to any former holder of a public utility franchise whose franchise may have been revoked and superseded by this franchise. In further consideration for the granting of this franchise, the Grantee shall pay actual attorney's fees, costs and expenses which may be incurred by the Township in defense of or in response to any claim, demand, lawsuit, action or administrative proceeding arising out of the granting of this franchise or the revocation of prior franchises, whether or not judgment is entered against the Township.

18.5 Vacation of Rights-of-Way and Relocation of Facilities. The Township has the right to vacate any public right-of-way within the Township as well as any right to use same possessed by the Grantee, and/or the Township may require the Grantee to relocate its lines and facilities at said Grantee's own expense when such vacation and/or relocation is made necessary to secure the public health and welfare or is otherwise required by the Township in the exercise of a governmental function. This re-location shall include the re-location of facilities underground where such a re-location is in the public interest and advances the public health, safety and welfare.

18.6 Franchise Not Exclusive. The rights, power and authority herein granted, are not exclusive.

18.7 Revocation. The franchise granted by this Ordinance is subject to revocation upon 60 days written notice by the party desiring such revocation.

18.8 Michigan Public Service Commission, Jurisdiction. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

18.9 Effective Date. This Ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after 30 days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this Ordinance shall constitute a contract between said Township and said Grantee.

CHAPTER 19
TOWNSHIP PLANNING COMMISSION

19.1 General Provisions.

- (1) **Short Title.** This Ordinance shall be known and may be cited as the Oakfield Township Planning Commission Ordinance.
- (2) **Statutory Authority.** This Ordinance is authorized by Public Act 33 of 2008, as amended. MCL 125.3801 et seq.
- (3) **Continuation of Planning Commission.** The existence and status of the Township Planning Commission is hereby continued for all lawful purposes and effects and without limitation as to duration.
- (4) **Repeal.** Any prior resolution establishing the Township Planning Commission is repealed.
- (5) **Definitions.** Any words not otherwise defined in this Ordinance are defined as stated in Michigan Public Act 33 of 2008, as amended. If such words have not been defined, they are to be understood by their ordinary meaning.

19.2 Transition.

- (1) **Former Acts.** All actions taken by the Township Planning Commission preceding the creation of this Ordinance are approved, ratified and confirmed. Any Planning Commission actions in process at the effective date of this Ordinance shall continue, but shall be subject to the terms hereof.

19.3 Membership.

- (1) **Composition.** The Planning Commission shall consist of seven members.
- (2) **Appointment.** The Township Supervisor shall appoint each Planning Commission member, subject to the approval of the Township Board, by majority vote of the Board members elected and serving
 - (a) **Qualified Electors.** The members of the Planning Commission shall be qualified electors of the township, except that one of such members need not be so qualified To be and remain qualified as a member, an elector need not be registered to vote, but shall reside and be eligible to register to vote in the Township. Appointment of one non-qualified elector to the Planning Commission is discretionary only.
 - (b) **Representation.** To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Township.

- (c) **Township Board Member.** One member of the Planning Commission shall be a member of the Township Board. The term of a Township Board member on the Planning Commission shall be the same as the member's Township Board term. A Township Board member may not serve as chairperson of the Planning Commission.
- (d) **Township Employees.** Township employees shall not be eligible for membership on the Planning Commission.
- (3) **Officers.** At the first meeting of each year, the Planning Commission shall select a chairperson from among its members, who shall serve for a term of one year; the chairperson may be re-elected. At the same meeting, the commission shall also elect a secretary from among the remaining members. The secretary shall have a one-year term and may be re-elected. The Planning Commission shall elect such other officers as the members may determine. The term of each officer shall be one year.
- (4) **Term of Office.** Planning Commission members in office at the time of the adoption of this Ordinance shall continue in office until the expiration of their respective terms. Succeeding members shall be appointed for three-year terms. A member's term commences on the date of appointment and terminates three years from the date of appointment, except that a member shall continue to serve until his or her successor is appointed.
- (5) **Vacancies.** The Township Board shall fill vacancies in the membership of the Commission in the same manner as provided for the initial appointments. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term, and may be re-appointed to a full term.
- (6) **Removal.** The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance, after providing written notice to the member and an opportunity for a public hearing.
- (7) **Compensation.** Planning Commissioners may receive such compensation and expense reimbursement as the Township Board may determine.
- (8) **Zoning Board of Appeals.** One member of the Planning Commission shall serve as a member of the Zoning Board of Appeals.

19.4 Powers and Duties.

- (1) **In General.** Unless otherwise reserved in this Ordinance, the Planning Commission has all the powers and duties provided by Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended, and applicable Township ordinances.
- (2) **Duties and Responsibilities.** The Planning Commission shall perform the following duties and responsibilities, among others:

- (a) **Bylaws and Other Matters.** The Planning Commission shall adopt bylaws for the transaction of its business and shall keep a public record of its resolutions, findings, determinations and other official actions. Public records shall be available to the public as provided by the Freedom of Information Act, Public Act 442 of 1976, as amended. The bylaws shall provide that members shall not participate in matters as to which they have a conflict of interest. The Planning Commission shall prepare an annual report to the Township Board.
 - (b) **Master Plan.** To guide the development of the Township, the Planning Commission shall prepare a Master Plan in accordance with applicable provisions of Michigan Public Act 33 of 2008, as amended.
 - (c) **Zoning Ordinance.** The Planning Commission shall administer the Township zoning ordinance and take such other actions with respect to zoning and land use planning as are authorized by the terms of the zoning ordinance, other applicable Township ordinances and state law.
- (3) **Reservations.** The Township Board retains the responsibility of adopting a capital improvements program for the Township.

19.5 Meetings. The Planning Commission may hold meetings as frequently as it determines, but may not have fewer than four regularly scheduled meetings each year. The time and place of regular meetings shall be determined by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended. Meetings shall be held in accordance with the Open Meetings Act.