

GRATTAN TOWNSHIP

Regulatory Ordinance

This text is a compilation of the Regulatory Ordinance and includes amendments adopted through November 14, 2016.

Township of Grattan
12050 Old Belding Road
Belding, Michigan 48809

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TRASH ORDINANCE

(Ord. No. II, 1973; amended by Ord. No. 95-21)

An ordinance to prevent, reduce or eliminate blight, blighting factors, or causes of blight, within the Township, and to secure the public health, safety, and general welfare by prohibiting the accumulation of trash and junk or either of them on premises other than in properly designated sanitary landfills or licensed junk yards, and to provide penalties for the violation of said ordinance.

THE TOWNSHIP OF GRATAN ORDAINS:

Section I. Definitions.

(a) The terms “trash” and “junk” are used synonymously and each as herein used shall include the following: Used articles or used pieces of: iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage for rats, ashes, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

(b) The term “person” as used herein shall include any person, firm or corporation.

Section II.

It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash or junk on premises in Grattan Township, except in a lawful sanitary landfill, a lawful junk yard, or not to exceed eight days storage in watertight storage receptacles designed for the temporary accumulation of trash. Such receptacles must have tight-fitting watertight covers.

Section III. Penalties.

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 subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages, expenses, and other remedies provided by law. For purposes of this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within 12 months of a previous violation 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 issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

Section IV.

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section V.

This Ordinance amends the provisions of the ordinance adopted by the Township Board of Grattan Township at its meeting held on the 11th day of March, 1969.

Section VI.

A. This Ordinance was adopted by the Township Board of Grattan Township at its meeting held on the 10th day of April, 1973.

B. This Ordinance shall be effective 30 days after its publication in a newspaper of general circulation in Grattan Township.

OUTDOOR ASSEMBLY ORDINANCE

(Ord. No. III, 1973, amended by Ord. No. 95-22)

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 1,000 in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent therewith.

THE TOWNSHIP OF GRATTAN ORDAINS:

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

Section I. Name.

This Ordinance shall be known and cited as the Grattan Township Outdoor Assembly Ordinance.

Section II. Definitions.

A. "Outdoor assembly," hereinafter referred to as "assembly" means any event, attended by more than 1,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to music festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;

2. An event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 U.S.C. S501(c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206.201 of the Compiled Laws of 1948; or

3. An event held entirely within the confines of a permanently enclosed and covered structure.

B. "Person" means any natural person, partnership, corporation, association or organization.

C. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

D. "**Attendant**" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

- E. “**Licensee**” means any person to whom a license is issued pursuant to this Ordinance.

Section III.

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

Section IV. Application for License.

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the Township of Grattan and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of \$100 and shall include at least the following:

- A. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500).
- B. A statement of the kind, character, and type of proposed assembly.
- C. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- D. The date or dates and hours during which the proposed assembly is to be conducted.
- E. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

Section V.

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

- A. Police and fire protection.
- B. Food and water supply and facilities.
- C. Health and sanitation facilities.
- D. Medical facilities and services including emergency vehicles and equipment.
- E. Vehicle access and parking facilities.

- F. Camping and trailer facilities.
- G. Illumination facilities.
- H. Communications facilities.
- I. Noise control and abatement.
- J. Facilities for clean up and waste disposal.
- K. Insurance and bonding arrangements.

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

Section VI.

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

Section VII.

Within 30 days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as a prerequisite to the issuance of a license, or where a license is denied, within 50 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

Section VIII.

A license may be denied if:

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

Section IX.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other

conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

Section X.

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

A. **Security Personnel.** The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the county in cooperation with the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

B. **Water Facilities.** The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system if available, and if not available, then from a source constructed, located and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the county health officer.

C. **Restroom Facilities.** The licensee shall provide separate enclosed flush-type closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the county health officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Taps of Faucets		1:500

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

Facilities	Male	Female
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the county health officer.

D. **Food Services.** If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

E. **Medical Facilities.** If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be prescribed by the county health officer.

F. **Liquid Waste Disposal.** The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the county health officer. If such rules and regulations are not available or if they are not inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create a nuisance nor menace to public health.

G. **Solid Waste Disposal.** The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be

inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

H. **Public Bathing Beaches.** The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

I. **Public Swimming Pools.** The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

J. **Access and Traffic Control.** The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic on to and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

K. **Parking.** The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four attendants.

L. **Camping and Trailer Parking.** A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. The provisions of 1970, Act 171 shall be effective and applicable upon the adoption of said ordinance.

M. **Illumination.** The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plans shall be approved by the building inspector.

N. **Insurance.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result for the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of Grattan Township in writing at least ten days before the expiration or cancellation of said insurance.

O. **Bonding.** Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of

\$100,000 in a form to be approved by the Township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, and employees and the Township Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

P. **Fire Protection.** The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.

Q. Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of Grattan Township.

R. **Fencing.** The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

S. **Communications.** The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

T. **Miscellaneous.** Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township of Grattan.

Section XI. Revocation.

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

Section XII. Violations.

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

A. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.

B. Conduct or operate an assembly in such a manner as to create a public or private nuisance.

C. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment, or amusement.

D. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.

E. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.

F. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other controlled substances, as defined in part 71 of the Michigan Public Health Code.

Any of the above enumerated violations is a separate offense and is a nuisance per se immediately enjoined in the circuit court. Any violation 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, and in addition to all other costs, damages, expenses, and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 24 months of a previous violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

Section XIII. Severability.

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

Section XIV. Effective Date.

This Ordinance shall be effective from and after May 18, 1973.

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

DISORDERLY CONDUCT ORDINANCE

(Ord. No. IV, 1973, amended by Ord. No. 95-20)

An ordinance to prohibit disorderly conduct and other miscellaneous offenses.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section I. Definitions.

The term "public place" as used in this chapter shall mean any street, alley, park, public building, any place of business or assembly upon to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

Section II. Acts Prohibited.

No person shall:

- (a) Commit an assault, or an assault and battery on any person.
- (b) Engage in any disturbance, fight, or quarrel in a public place.
- (c) Be drunk in any public place or under the influence of any narcotic drug in any public place.
- (d) Engage in any indecent insulting, immoral, or obscene conduct in any public place.
- (e) Insult, accost, molest, or otherwise annoy, either by word of mouth, sign or motion, any person in any public place.
- (f) 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.
- (g) Jostle or roughly crowd persons in any street, alley park, or public building.
- (h) 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.
- (i) Willfully destroy, remove, damage, alter or in any manner deface any property not his or her own.
- (j) Beg in any public place.
- (k) Engage in peeping in the windows of any inhabited place.
- (l) Swim or bathe in any public place without wearing proper apparel.

- (m) Make any immoral exhibition or indecent exposure of his or her person.
- (n) Engage in any act of prostitution or gross indecency.
- (o) Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
- (p) 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.
- (q) Disturb the public peace by loud, boisterous or vulgar conduct.
- (r) Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.
- (s) Obstruct, resist, hinder, or oppose any member of the police force, or any police officer in the discharge of his duties as such.
- (t) Knowingly furnish to any police officer or other official a false name, false address or false information in connection with any arrest or investigation.
- (u) Knowingly make to any police officer a fictitious report of the purported commission of any crime or misdemeanor.
- (v) Trespass or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupant or his agent.
- (w) Prowl about on the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.
- (x) Wrongfully throw or propel any snowball, missile or object from any moving automobile.
- (y) Wrongfully throw or propel any snowball, missile or object toward any person or automobile.
- (z) **Minor in Possession of Alcoholic Liquors.** No person under the age of 18 years shall purchase, or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport, or have under his control in any motor vehicle any alcoholic liquor unless said person's employed by a license as deferred in Public Acts 1952, No. 227, as amended, and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his control during regular working hours and in the course of his employment.

Section III.

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to

exceed \$500 together with court costs, in the discretion of the court. Each day that such violation occurs shall constitute a separate offense.

Section IV. Adoption and Effective Date.

A. This Ordinance was adopted by the Township Board of Grattan Township at a meeting held on the 10th day of April, 1973.

B. This Ordinance shall be effective 30 days after its publication in a newspaper of general circulation in Grattan Township.

SEPTIC DISPOSAL ORDINANCE

(Ord. No. 92-02, amended by Ord. No. 95-25)

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Findings and Purpose.

The Township Board of the Township of Grattan (“Township”) hereby finds that it is essential and necessary to the health, safety, well-being and welfare of the residents of the Township and the well-being of the personal and real property located within the Township that the Township adopt this Ordinance, and that the disposal of septic waste shall occur only in a sanitary, orderly and safe fashion. In the past, septic waste has been improperly dumped, buried or disposed of within the Township, which may have caused irreparable harm to property and natural resources within the Township, including but not limited to, lakes, streams, soils, watersheds and sensitive wetlands, all of which are essential to the health and economic well-being of the community. The Township Board further finds that the improper disposal of septic waste poses a real and substantial risk to the health and safety of persons, pets, farm animals and wildlife within the Township.

Section 2. Authorization.

This Ordinance is authorized and enacted pursuant to MCL 41.181, MCL 325.312 *et seq.*, Article 4, Section 52 of the Michigan Constitution of 1963 and other applicable laws.

Section 3. Disposal of Septic Wastes Prohibited.

Septic waste (i.e., any human excrement or other substance removed from a portable toilet, septic tank, seepage pit, outdoor privy, cesspool, sewage lift station or other septic enclosure) shall not be disposed of within this Township except as expressly authorized in Section 4 hereof. This Ordinance shall not be applicable to animal manure and other non-human fertilizers for agricultural purposes.

Section 4. Permitted Disposal of Septic Waste.

Septic waste shall not be disposed of or applied to land within the Township except as follows:

A. Septic waste may be disposed of at a public septic waste treatment facility (a septic or waste treatment facility owned and operated by a governmental unit and approved by the Michigan Department of Natural Resources).

B. If a public septic waste treatment facility (or its receptacle) is not available within the Township or within a 30-mile radius of the boundaries of the Township to receive septic waste which is generated from entirely within the Township, a person (“applicant”) may apply for a Township septic waste servicing permit for a particular property and may dispose of septic waste within the Township at that property only if all of the following requirements are met:

(i) **Bond.** The Township Board shall require a surety performance bond or irrevocable letter of credit in a minimum amount to insure compliance with all of the provisions of this Ordinance and any permits issued hereunder.

(ii) **Permits.** Only persons properly licensed pursuant to law may dispose of septic wastes in the Township. Septic waste servicing permits may be issued by the Township Board after a hearing as provided herein for disposal of septic waste within the Township. All septic waste servicing permits shall be valid for no longer than a two-year time period. The Township Board shall set permit fees by resolution from time to time.

(iii) **Sites.**

a. The Township Board shall require a septic waste disposal plan from all permit applicants, which shall include the following:

(1) The date, north arrow, and scale. The scale shall be not less than 1 inch = 20 feet for property under three acres and at least 1 inch = 100 feet for parcels three acres or more in size.

(2) All lot and/or property lines are to be shown and dimensioned.

(3) The location and height of all existing and proposed structures on and within 1,000 feet of the proposed septic disposal site property's boundary.

(4) The location and pavement width and right-of-way width of all roads, streets, alleys, or easements abutting the property or within the property.

(5) The location of all lakes, streams, rivers, drainage ditches, bodies of water and wetlands within the property and within 1,000 feet of the property.

(6) The name and address of the individual or firm responsible for the preparation of the septic waste disposal plan.

(7) The name and address of the property owner or applicant.

(8) A sketch showing the proposed septic waste disposal area drawn to scale.

(9) The location, height, and types of any proposed fences, walls, or landscaping.

(10) Other information as may be requested by the Township Board, including detailed site topography.

b. No disposal of septic wastes shall be permitted within 500 feet of any property line or within 1,000 feet of any residence, well, building open to the general public, place of business, state, county or township road, road or highway, lake, wetlands, stream, river, pond or drainage ditch.

c. All septic disposal sites shall be approved in writing by the County Health Department, the Department of Natural Resources and the Township Board. If either the County Health Department or Department of Natural Resources do not require such approval, the applicant shall provide proof that no such approval is required.

d. No disposal shall be permitted which may reasonably be expected to pollute or contaminate surface or underground water supplies, cause such pollution or contamination, or which constitutes a health hazard, an impending health hazard or nuisance.

e. No disposal shall be permitted where the water table is within four feet of the surface of the ground. The applicant shall supply all necessary percolation tests or soil borings for the proposed septic waste disposal site to the Township Board to show the level of the groundwater table at the site.

f. No site shall be used for disposal of septic waste if the Township Board finds that runoff of wastes will occur because of elevation, slope of the land, absence of suitable vegetation on the site, soil percolation characteristics, proximity of wells, rivers, streams, lakes, ponds, wetlands or other bodies of water.

g. The Township Board may require each septic waste site to be entirely fenced to prevent the entry of domestic animals and humans. Legible signs, at least 20 inches by 20 inches in area, shall be posted and maintained at all gates or drives to the disposal site and shall bear the following legend, together with the applicant's name and address:

WARNING!

**DO NOT ENTER
SEPTIC TANK WASTE DISPOSAL SITE**

(iv) **Application Methods.**

a. All septic wastes shall be disposed of by use of a liquid manure injection system during months of the year when the ground is not frozen. During that time period, all septic wastes shall be disposed of under the surface of the soil and all ground openings shall be closed immediately after injection of wastes.

b. During the periods of the year when the ground is frozen, septic wastes shall be disposed of in trenches or within diked areas which shall be designed to prevent surface runoff of wastes. All wastes shall be covered with soil within 24 hours after disposal. In any event, no surface deposit of accumulation of wastes is allowed.

c. All openings made in the ground shall follow the contours of the land so as to minimize the possibility of runoff of wastes or erosion of soil.

d. The Township Board may require that crops be planted in accordance with sound farming practices on the soil in which septic wastes are deposited. Crops selected shall be of types and varieties which will:

- (1) Utilize the nutrients contained in the wastes.
- (2) Absorb wastes.
- (3) Minimize the possibility of runoff or pollution of surface or underground water supplies.

(v) **Entry Upon Land/Testing.** Township officials may enter upon the land to be used for disposal of septic wastes or which is being used for disposal of septic wastes at reasonable times and without prior notification for the purposes of observing compliance with the provisions of this Ordinance. Samples of soil, water and wastes may be removed for chemical, bacteriological or viral analyses, and the Township may conduct tests or take samples of ground or surface waters on the site.

(vi) **Additional Requirements.**

a. Septic waste disposal shall not take place other than during weekdays between 8:00 a.m. and 5:00 p.m. and no disposal shall be permitted on weekends or holidays.

b. In the interest of protecting the public health, safety and general welfare, the Township Board may impose additional reasonable conditions or requirements in addition to those set forth in this Ordinance including, but not limited to, such measures as may be appropriate to minimize objectionable odor, traffic and waste migration from septic waste disposal.

c. The Township may require, not more than once in a calendar year, that the applicant have a site survey and report done by a qualified registered engineer or other qualified person or firm approved by the Township to ensure that the site disposal operations fully comply with the permit and the requirements of this Ordinance. Said survey and report shall be paid for by the applicant and copies thereof shall be supplied to the Township.

(vii) **Cessation of Use.** All disposal of septic wastes shall immediately cease upon the occurrence of any one of the following events:

a. Acceptance of residential septic wastes or septic tank cesspool and seepage pit wastes for treatment by the City of Grand Rapids or any other political subdivision, public entity or public septic waste treatment facility located within a 30-mile radius of the boundaries of the Township.

b. Violation of one or more of the above provisions of this Ordinance or any condition of approval of a permit issued under this Ordinance.

(viii) **Prohibitions.**

a. The disposal of commercial and industrial wastes from seepage pits, cesspools or septic tanks is prohibited within the Township.

b. Only septic waste generated from within the Township may be disposed of in the Township outside of a public septic waste treatment facility.

c. Septic waste disposed of outside of public septic waste treatment facilities shall not include plastic, metal or hazardous or toxic chemicals or substances.

(ix) **Deed Restrictions.** As part of the permit application process, a binding deed restriction shall be executed and recorded by the owner of a septic waste disposal site which will give notice to future owners of the property that the property has been used to dispose of septic waste. Such deed notice shall be in a form approved by the Township, shall run with the land and shall be recorded within 30 days of the first septic waste disposal on the property.

(x) **Public Notice and Hearing.** A septic waste servicing permit application shall be considered only at a public hearing of the Township Board. Public notice of a meeting of the Township Board shall be given by publication in a newspaper of general circulation in the Township not less than five days nor more than 15 days before the date of said meeting. At least ten days before the hearing, written notification of the hearing shall also be sent to all property owners within 1,000 feet of the property for which a permit is being sought.

Section 5. Violation; Penalty.

Violation of this Ordinance shall be 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 subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses, and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation 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 issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. In addition to municipal civil infraction penalties, provided for herein, the Township may initiate civil proceedings for abatement and termination of the violation.

Section 6. Other Persons Who May Be Liable.

The prohibitions and penalties of this Ordinance shall apply not only to any person, firm, entity, corporation or association which does anything prohibited by this Ordinance or by any permit issued hereunder and those who aid and abet such acts, but also to any owner, co-owner, lessee, part-owner, occupant or person, firm, corporation or entity having control of any premises or property from, through or onto which any such prohibited items, materials or substances are drained, buried, dumped, abandoned, stored or accumulated and also those who authorize, permit or acquiesce in such actions or ordinance violations.

Section 7. Severability.

The sections and portions of this Ordinance shall be deemed severable. Should any section, clause or provision of this Ordinance ever be declared to be invalid, in whole or in part, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the section, clause, sentence or provision declared to be invalid.

Section 8. Effective Date.

This Ordinance shall take effect 30 days after the date of publication in a local newspaper as provided by law.

MICHIGAN CONSOLIDATED GAS COMPANY FRANCHISE ORDINANCE

(Ord. No. 92-09, amended by Ord. No. 94-___)

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Grant of Gas Franchise and Consent to Laying of Pipes, Etc.

Subject to all the terms and conditions mentioned in this Ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in Sections 5, 6 and 7 of the Township of Grattan, Kent County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Sections 5, 6 and 7 of the Township of Grattan, for the purposes of conveying gas into and through and supplying and selling gas in said Sections 5, 6 and 7 of the Township and all other matters incidental thereto.

Section 2. Installation and Extension of System.

If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then within not more than one year following the later of the date upon which this Ordinance takes effect and the date upon which the Company receives such regulatory approval as may be necessary for the Company to convey gas to Sections 5, 6 and 7 of the Township of Grattan and to construct and operate its facilities therein, the Company shall determine the area within Sections 5, 6 and 7 of the Township of Grattan to be served initially and commence the installation of a gas distribution system within such area, and the Company shall thereafter proceed to complete said initial installation as soon as reasonably practicable; provided, however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control; and provided further that such initial installation and any extensions shall be subject to the main extension provisions, the area expansion program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

Section 3. Use of Streets and Other Public Places.

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within Sections 5, 6 and 7 of said Township and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Township for all damages and costs which may be recovered against said Township arising from the default, carelessness, or negligence of the Company or its officers, agents, and servants.

No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township Board, or other

authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Section 4. Standards and Conditions of Service; Rules, Regulations and Rates.

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Grattan, under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

Section 5. Successors and Assigns.

The words "Michigan Consolidated Gas Company" and "the Company," wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

Section 6. Effective Date; Term of Franchise Ordinance; Acceptance by Company.

This Ordinance shall take effect the day following the date of publication thereof, which publication shall be made within 30 days after the date of its adoption, and shall continue in effect for a period of 30 years thereafter, subject to revocation at the will of the Township at any time during said 30 year period; provided, however, that when this Ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, within 180 days after the date this Ordinance takes effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Effect and Interpretation of Ordinance.

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Ordinance are hereby rescinded. In the case of conflict between this Ordinance and any such ordinances or resolutions, this Ordinance shall control. The catch line headings which precede each section of this Ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Ordinance.

STREET ADDRESS NUMBERS AND STREET NAME ORDINANCE

(Ord. No. 2012-002, amended by Ord. No. 2013-003)

An ordinance to establish requirements for identification of dwellings and other buildings by readily visible street address numbers; to require that all streets in the Township be named and identified with street signs; to otherwise provide for the identification of buildings and streets; and to provide penalties for violations of the ordinance.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited as the Grattan Township Street Address Numbers and Street Name Ordinance.

Section 2. Purpose.

This Ordinance is enacted to protect the health, safety and general welfare of the residents of the Township by requiring the uniform placement, size and display of street address numbers for all dwellings and other principal buildings within the Township, so that each building or building unit can be readily identified and located by personnel responding to emergencies, so as to reduce or avoid uncertainty as to the address of each building or building unit, and thereby enable emergency responders to reach the location of emergencies more quickly than may otherwise be possible. In addition, this Ordinance requires identification of lots/spaces located within campgrounds, resorts and mobile home parks where there are permanent or temporary structures or vehicles such as campers, trailers, mobile homes or tents in which individuals reside on a temporary or permanent basis. Further, this Ordinance is enacted to assure that all streets, including private streets (whether or not approved by the Township) are named and appropriately identified by readily visible street signs, to improve prompt access by emergency personnel when necessary.

Section 3. Placement of Street Address Numbers.

All dwellings and other buildings shall be marked and identified by the owner with the correct street address number in accordance with this section.

(a) Street address numbers shall be placed at or near the front entrance of the dwelling or other principal building at a location that is readily visible from the adjacent street or right-of-way.

(b) Street address numbers shall be at least four inches high; each part of a number shall be at least 1/2 inch wide. All street address numbers shall be Arabic numerals.

(c) The dwelling owner or building owner shall be responsible for installing and maintaining street address numbers in accordance with this Ordinance.

(d) If the street address numbers on a dwelling or other principal building are not visible from the adjacent street or right-of-way, the street address numbers shall in addition be displayed on a separate post or sign, such numbers being at least four inches high, and at least 1/2 inch wide, on a contrasting background. The street address post or sign shall be located as close as possible to the intersection of the building driveway and the adjacent street or right-of-way, though not closer than five feet from the edge of the right-of-way. The post or sign shall be at least 42 inches above the ground. If the mailbox for the dwelling or other principal building is located directly adjacent to the abutting street or right-of-way, on the same side of the street as the dwelling or other building, then the property owner may display the street address number on the mailbox, rather than on a separate post or sign, using numerals of the same size and of contrasting color or reflective material.

(e) In the case of multiple buildings or multiple building units on a single parcel of land, street address numbers and unit numbers shall be displayed on each building and each building unit.

(f) A single building on a parcel of land shall display only one street address number.

Section 3.5. Placement of Identification Numbers for Lots Within Campgrounds, Resorts, and Similar Operations.

Any campground, resort, or similar operation which has specific parcels that have not been otherwise assigned an address by the Kent County Road Commission must have each lot clearly numbered as specified in this Ordinance. Lot identification must be placed on a post near the front area of the lot, but not closer than five feet from a vehicular drive, road or right-of-way. One post may be placed between two lots/campsites if the numbers clearly identify the location of each lot. The post must be of substantial structure and of a height not less than 42 inches. All permanent buildings within a campground must be clearly identified with the identification numbers on the building or on a post 42 inches above ground in front of the building. The identification numbers must be at least three inches high and one-half inch wide and should be placed on a contrasting background or be made of reflective material.

Section 4. Street Names.

(a) All public and private streets shall be named, including private streets and other private rights-of-way (excluding driveways not established as separate easements).

(b) In the approval of a private street, the Township shall approve a name for the street, subject to the approval of the name by the Kent County Road Commission.

(c) A street name shall not duplicate an existing street name, nor be confusingly similar to an existing street name.

(d) A public or private street or other private right-of-way shall be marked by a street identification sign that complies with Kent County Road Commission requirements for street signs. The placement of such street signs shall be subject to County Road Commission approval.

(e) If two or more dwellings or other principal buildings are served by a private street, shared access easement, private right-of-way or other private means of access, the Township zoning

administrator may require that a sign listing the name of the private street or easement, if any, and the addresses of the buildings served by the street or easement be displayed on an additional sign near the intersection of the private street, easement or other right-of-way with the public street. In determining whether such sign is required, the zoning administrator shall consider the visibility from the public street of the street addresses located on or at the buildings served by the private street, private easement or other right-of-way, and the ability of emergency services personnel to identify the dwellings or other principal buildings in the absence of an additional sign or other identification.

Section 5. Currently Unnamed Private Streets, Private Access Easements and Other Private Rights-of-Way.

(a) The owner or owners of dwellings or other principal buildings as to which access is gained by an unnamed private street, private access easement or other private right-of-way shall be obligated, if required by the Township, to obtain Kent County Road Commission approval of a name for such private street, private access easement or other private right-of-way, and to place a street name sign of a type and at a location approved by the County Road Commission.

(b) As an alternative to (a) above, the Township may request the Kent County Road Commission to approve a street name proposed by the Township. In determining a street name to propose for such purpose, the Township may consult the owners of the dwellings or other buildings involved (but if a street is to be named for a person or family, consent of the person or family shall be first obtained). After approval of a street name, the Township shall require the property owners to arrange for the placement of a street sign approved by the County Road Commission, or the Township may request that the Road Commission install such a sign.

Section 6. Building Permits and Certificates of Occupancy.

All applicants for building permits for new construction (or alteration of existing buildings that have no street address numbers) shall be given a copy of the requirements for street address numbers and street names and signs, and shall comply with the requirements of this Ordinance before a building permit is issued, or as a condition of the building permit. The issuance of a certificate of occupancy shall be conditioned upon compliance with the requirements of this Ordinance. Required street address numbers shall be permanently affixed in accordance with this Ordinance at the time of final inspection of a dwelling or other principal building.

Section 7. Buildings Under Construction.

Street address numbers shall be displayed so as to be readily visible from the street or other right-of-way that abuts a parcel of land on which a building is being constructed.

Section 8. Existing Buildings; Time for Compliance.

This Ordinance is adopted in furtherance of the public health, safety and general welfare, and accordingly it applies to all existing dwellings and all other existing principal buildings, in accordance with its terms. For such existing dwellings and other existing principal buildings, the requirements of this Ordinance shall be fully complied with within six months after the effective date of this Ordinance, or within such further period of time as may be permitted by the Township Board.

Section 9. Sign Provisions in Zoning Ordinance.

A number which qualifies as a street address number within the meaning of this Ordinance and which complies with the street address number size and placement requirements stated herein shall not be included for purposes of calculating sign area requirements under the otherwise applicable sign requirements of the Township Zoning Ordinance. If there is a conflict between the provisions of this Ordinance and those of the Township Zoning Ordinance with respect to the location or placement of a street address number or street sign, the provisions of this Ordinance shall control.

Section 10. Municipal Civil Infraction.

(a) A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$250.

(b) The officials authorized to issue a municipal civil infraction citation for a violation of this Ordinance shall be as stated in Section 2 of the Township Civil Infractions Citations Ordinance, being Township Ordinance No. 95-29, as amended. Other matters and procedures with respect to such municipal civil infraction citations shall be as provided in Ordinance No. 95-29, as amended.

Section 11. Nuisance Per Se.

A violation of this Ordinance constitutes a nuisance per se.

Section 12. Other Remedies.

In addition to any other remedy available by law, the Township may pursue a legal action for injunction or other process to restrain or prevent any violation of the provisions of this Ordinance.

Section 13. Repeal.

As of the effective date of this ordinance, Township Ordinance No. 93-12, as amended by Ordinance No. 95-28, is repealed in its entirety.

Section 14. Effective Date.

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a notice of adoption in a newspaper of general circulation in the Township.

DANGEROUS AND DILAPIDATED BUILDINGS ORDINANCE

(Ord. No. 2014-001)

An ordinance to promote the health, safety and welfare of the people of Grattan Township (“Township”), Kent County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the types of buildings and structures regulated by this Ordinance; to establish procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF GRATTAN (‘Township’) ORDAINS:

Section I. Title.

This Ordinance shall be known and cited as the “Grattan Township Dangerous and Dilapidated Buildings Ordinance.”

Section II. Purpose.

The purpose of this Ordinance is to regulate and prohibit the existence of dangerous and/or dilapidated buildings within Grattan Township. Furthermore, it is the intent and purpose of this Ordinance to promote the health, safety, and welfare of the people of Grattan Township by regulating the maintenance, alteration, health, safety, and improvement of buildings and structures and to establish remedies and provisions of the enforcement of this Ordinance.

Section III. Definitions of Terms.

As used in this Ordinance, including in this section, the following words and terms shall have the meanings stated herein:

A. “Dangerous building” means any building or structure, residential or otherwise, that has one or more of the following defects or conditions or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code.

2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.402 *et seq.* of the Michigan Compiled Laws, or the Township Building Code for a new building or structure, purpose or location.

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

4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Township Building Code.

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

6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used or intended to be used.

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

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

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

10. Any portion of a building or structure is open to the elements, whether such opening occurs due to a broken, missing, or dilapidated door, wall, roof, or other structural or exterior component of the building.

11. The exterior paint, vinyl or aluminum siding, brick, wood, or other exterior component of a building or structure is in such disrepair, a dilapidated fashion, or such poor condition that the exterior building materials of the building or structure involved are directly exposed to the elements, insects, mold, or fungus.

12. A deck, porch, walkway, or similar structure or item attached to a building or structure is slippery and is likely to cause a person to slip or fall due to moss, deterioration, slimy or slippery material, or similar slippery condition.

13. A mobile home or trailer is involved that is dilapidated, unsafe, rundown or unhealthy.

B. “Enforcing agency” means this Township, through the Township Building Official, Zoning Administrator, Zoning Enforcement Officer, and/or such other official(s) or agency as may be designated by the Township Board to enforce this Ordinance.

C. “Township Building Code” means the building code administered and enforced in the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being Section 125.501 *et seq.* of the Michigan Compiled Laws, or adopted pursuant to any other state law.

Section IV. Prohibition of Dangerous Buildings.

It shall be unlawful for any owner or agent thereof to keep, possess, control, own, or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

Section V. Penalties for Violation of This Ordinance.

A. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than \$100 for the first offense and not less than \$200 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purpose 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 or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

B. This Ordinance applies to the property at issue in a particular circumstance. For purposes of being found responsible for a violation of this Ordinance (and for being subject to and bound by any penalties and court orders for violation of this Ordinance), the word “owner” shall include not only the person, partnership, corporation, or other entity shown as the owner as evidenced with the relevant real estate document recorded with the Kent County Register of Deeds records, but in addition, shall also include any owner or co-owner of the property (whether or not shown of record with the Kent County Register of Deeds records), and where a land contract is involved, shall apply to both the record owner of the property as well as the person or persons purchasing the property on the land contract. Anyone who assists another in violating this Ordinance, or who aids and abets another in violation of this Ordinance, shall also be deemed to be in violation of this Ordinance.

C. In addition to the other remedies mentioned above, upon a finding of responsibility for a civil infraction, the Court may also issue an order requiring that the property or building involved either be brought into full compliance with this Ordinance (as well as the Township Building Code and any other applicable ordinances or codes) or alternatively, that the owner of the

property completely demolish or remove the building or structure involved within a reasonable period of time. Such a court order may also provide that if demolition and/or removal of a building or structure is ordered (or some other action is required to be taken by the property owner) and the property owner does not fully comply with the order, the Township shall be authorized to enter the property involved and remove or fully repair the dwelling or structure involved (or bring the property into full compliance with the court order) and that the Township shall be fully reimbursed for all of its costs and expenses, with the same being secured by a lien on the property.

D. In addition to the above-mentioned remedies, the Township is also authorized (at its option and discretion) to pursue a civil lawsuit to enforce and/or ensure compliance with this Ordinance in Kent County Circuit Court.

E. This Ordinance may be enforced by the Township Zoning Administrator, the Township Building Inspector, the Township Zoning Enforcement Officer, and such other Township official or agent as the Township Board may designate from time to time by resolution.

Section VI. Exemption for Bona Fide Farm Buildings.

This Ordinance shall not apply to any nondwelling building which is actively and regularly used or maintained in conjunction with a bona fide ongoing farming operation.

Section VII. Severability.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section VIII. Repeal.

Upon the effective date of this Ordinance, Grattan Township Ordinance No. 94-06 (commonly called the “Grattan Township Dangerous Buildings Ordinance”) shall be repealed.

Section IV. Effective Date.

This Ordinance shall take effect upon the expiration of 30 days after publication as required by law.

CIVIL INFRACTION CITATIONS ORDINANCE

(Ord. No. 95-29; Amended by Ord. No. 07-___)

An ordinance to provide for the issuance of citations for civil infractions and to provide the procedure therefor.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Violations of Ordinances as Civil Infractions.

Violations of Township ordinances shall be punishable as municipal civil infractions, except with respect to violations of those ordinances or those provisions of ordinances that are designated as being punishable as misdemeanors.

Section 2. Officials Authorized to Issue Municipal Civil Infraction Citations.

The following Township officials and law enforcement personnel are authorized to issue citations for violation of any Township ordinance which is designated as a municipal civil infraction if such person has reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who allegedly witnessed the violation:

- (a) The Township Supervisor.
- (b) The Township Building Official, as to violations of the Township building codes.
- (c) The Township Zoning Administrator.
- (d) The Township Zoning Enforcement Officer.
- (e) Any deputy of the Kent County Sheriff's Department.

If a citation is based solely upon the complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized official, then the citation may nevertheless be issued if the official has reasonable cause to believe that the violation has occurred and if the Township attorney approves in writing the issuance of the citation, if such approval by the Township attorney is required by law.

Section 3. Form and Service of Civil Infraction Citations.

(a) Civil infraction citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's Office.

(b) The authorized Township official or other authorized official shall personally serve the citation upon the alleged violator; provided, however, that if the municipal civil infraction involves the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy of the citation on the land or attaching a copy of the

citation to the building or structure. In addition, in such a case, a copy of the citation shall be sent by first class U. S. mail to the owner of the land, building or structure at the owner's last known address.

Section 4. Procedures Following Issuance of Municipal Civil Infraction Citations.

(a) A municipal civil infraction citation shall require that the alleged violator appear at the district court within a reasonable time after the citation has been issued, or within such period of time as is stated in the citation.

(b) 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.

Section 5. Township Lien for Unpaid Fines and Costs.

The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating a Township ordinance shall be paid to the Township immediately upon entry of the court order. If any such fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

Section 6. Other Remedies.

In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of a Township ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

Section 7. Publication and Effective Date.

This ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation.

HAZARDOUS MATERIALS ORDINANCE

(Ord. No. 96-___)

An ordinance to establish charges for Township emergency services in connection with incidents involving hazardous or toxic materials, to provide methods for the collection of such charges, and to provide for other available remedies.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Purpose.

This Ordinance 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 Ordinance, 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 otherwise acting in connection with a spill or release of hazardous or toxic materials.

Section 2. Definitions.

For purposes of this Ordinance, the following words and terms are defined as follows:

(a) “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.

(b) “Hazardous materials incident” or “incident” shall mean any accident, emergency, activity, or other occurrence where a release of hazardous materials occurs or where there is a present danger of a release of hazardous materials. For purposes of this definition, “release” shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leeching, dumping, disposing or other spreading of material.

(c) “Recoverable expenses” shall mean, in connection with an incident, all actual costs or expenses incurred by the Township, including but not limited to each of the following:

(1) Charges for each fire department vehicle including but not limited to pumpers, water tenders, and other vehicles. Hourly rates for these charges shall be established by resolution of the Township Board.

(2) Replacement costs for equipment that is contaminated beyond reuse or repair (such as self-contained breathing apparatus).

(3) All personnel-related expenses incurred by the Township, including but not limited to wages, salaries, 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. These personnel-related expenses will commence when the fire department has begun responding to the incident and shall continue until all Township personnel have concluded hazardous materials incident-related responsibilities.

- (4) Expenses of decontaminating and cleaning equipment.
- (5) Technical consulting services specifically required as a result of the incident, including but not limited to technical experts or specialists not otherwise available to the Township.
- (6) Laboratory costs of analyzing samples taken during the incident.
- (7) Cost of cleanup, storage or disposal of the released hazardous material.
- (8) Medical and hospital expenses incurred as a result of the incident.
- (9) Legal, engineering, accounting, billing, collection and other administrative expenses incurred as a result of the incident, including but not limited to efforts to recover expenses pursuant to this Ordinance.

(d) “Responsible party,” in connection with a hazardous materials incident, 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.

Section 3. Recovery of Expenses.

Where the Township Fire Department or other parties or agencies of the Township government, or other persons or parties acting in behalf of the Township government, take action in connection with a hazardous materials incident, all responsible parties shall be responsible to the Township, and shall pay or reimburse the Township, for the recoverable expenses relating to the hazardous materials incident. Such responsibility shall be in addition to any other penalties, obligations or remedies provided by law. The liability of responsible parties under this Ordinance shall be joint and several.

Section 4. Billing and Collection Procedures.

After the conclusion of a hazardous materials incident, the Township Fire Chief (or an agent of the fire chief) shall submit an itemized list of all known recoverable expenses to the Township Treasurer, who shall prepare and send an invoice to all responsible parties for payment. The Township Treasurer’s invoice shall demand full payment within 30 days after receipt of the invoice. Any additional expenses that become known to the Township after mailing of the first invoice shall be billed in the same manner to the responsible parties. Any amounts unpaid after 30 days after the due date will bear a late charge of 1 percent per month, or fraction of a month, or the highest legal limit of interest permitted by law, whichever is less.

Section 5. Appeal Process.

Any responsible party may appeal the amounts listed in any invoice to the Township Board. The appeal shall be filed in writing delivered to the Township Supervisor not later than 15 days after the date the Responsible Party receives the invoice. The Township Board shall give the appealing parties an opportunity to present evidence in support of their position. The appealing parties shall bear the burden of proof. After receiving all evidence deemed relevant by the Township Board, the Township Board shall make a decision on whether the expenses are properly recoverable under this Ordinance. An appeal to the Township Board will not postpone or delay the applicable time periods for payment of any invoice issued under this Ordinance. The Township Board shall use reasonable efforts to make a decision no later than 60 days after hearing the appeal.

Section 6. Violations; Other Remedies.

A violation of this Ordinance shall be a municipal civil infraction. The Township Fire Chief and the Township Supervisor shall each have authority to issue municipal civil infraction citations for violations of this Ordinance. The Township may pursue any other remedy or may institute any other appropriate action or proceeding to collect charges imposed under this Ordinance. The recovery of expenses imposed under this Ordinance does not relieve or limit the liability of any person under any other local ordinance or state or federal law, rule or regulation.

Section 7. Severability.

Should any part or provision of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, such invalid or unenforceable part or provision shall not affect the validity or enforceability of the remainder of the ordinance, if the remainder thereof can be given effect without such part or provision thus declared to be invalid or unenforceable.

Section 8. Effective Date.

This Ordinance shall become effective 30 days after publication of the ordinance or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

SEWER CONNECTION, USE AND RATE ORDINANCE

(Ord. No. 07-006)

(Ord. No. 96-30, amended by Ord. Nos. 98-01, 99-712, 02-01
and 03-02; *Repealed* by Ord. No. 07-006)

An ordinance to regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the Grattan Sewer System and the Grattan/Vergennes Sewer System; to provide for the connection to and the fixing and collection of rates and charges for the use of the sewer system, the allocation and use of revenues derived therefrom and the administration of the system, and to provide penalties for ordinance violations.

Article I Short Title

Section 101. Short Title.

This Ordinance shall be known as the “Grattan Sewer Connection, Use and Rate Ordinance” and may be cited as such.

Section 102. Objectives Re: Public Sewer System.

The Grattan Sewer System and the Grattan/Vergennes Sewer System, which are together referred to as the “Public Sewer System,” were established to promote the health and welfare of the residents of the Township. This Ordinance is adopted to enable the Township to operate, maintain and administer the Public Sewer System and to pay all costs related to the Public Sewer System. Accordingly, it is necessary for the Township to establish rates and charges for services to persons using the Public Sewer System in amounts necessary to operate, maintain and administer the Public Sewer System and to pay debt service on obligations issued by the Township for the Public Sewer System.

Section 103. Objectives Re: State and Federal Law Requirements.

This Ordinance sets forth uniform requirements for Users of the Public Sewer System and enables the Township to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.). In addition, the objectives of this Ordinance include the following:

(a) To prevent the introduction of pollutants into the Public Sewer System which will interfere with the operation of the System or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the Public Sewer System which will pass through the Public Sewer System, inadequately treated, into the receiving stream or the atmosphere or otherwise be incompatible with the Public Sewer System;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the Public Sewer System;

(d) To provide for equitable distribution of the cost of the Public Sewer System; and

(e) To protect the physical integrity of the Public Sewer System and to provide for the safety of the public and workers on and in the Public Sewer System.

Section 104. Findings Re: Public Health, Safety and Welfare.

The Township hereby determines that the Public Sewer System is immediately necessary to protect and preserve the public health, safety and welfare of the Township. This determination is based upon the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code and which reads as follows:

“Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.”

Section 105. Finding Re: Measure of Sewer Use by Metering of Water Supply.

The Township hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the discharge to and the use of the Public Sewer System. However, the Township recognizes that the cost for the implementation, use and maintenance of this technology is high especially for residential users of the Public Sewer System. To the extent practicable, the Township will seek to use and require metering for measuring discharges to and use of the Public Sewer System. The Township declares, as its goal, the eventual use of metering of domestic water supply for all Users of the Public Sewer System at that time when (a) all or substantially all Users of the Public Sewer System are connected to a public water supply system and/or (b) in the opinion of the Township, the costs for using and maintaining the metering technology is practical and cost effective for Users of the Public Sewer System. In the interim, the Township finds that the use of a flat-rate User Charge based upon Units is a valid, cost effective, and practical method for measuring use of the Public Sewer System.

**Article II
Definitions**

Section 201. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(1) **Available Public Sanitary Sewer System.** To be an Available Public Sanitary Sewer System to a Structure in Which Sanitary Sewage Originates located on a Premises , a public sanitary sewer system (tapped or untapped) must:

(a) have physical availability to the Premises, i.e., be located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the Premises;

(b) have capacity availability for the Premises, i.e., adequate capacity in the abutting sewer main and all downstream facilities, which will collect, transport, pump and treat the Sewage reasonably expected to be discharged from the Structure in Which Sanitary Sewage Originates;

(c) be located:

1) with respect to a non-lakefront Premises, not more than 200 feet at the nearest point from the Structure in which Sanitary Sewage Originates, except as provided in (c)(3) below;

2) with respect to a lakefront Premises, not more than 500 feet at the nearest point from the Structure in which Sanitary Sewage Originates; or

3) with respect to all Premises, regardless of whether the Premises is a lakefront Premises or not, any distance from a Structure in which Sanitary Sewage Originates that is either (i) located on the Murray Lake Peninsula or (ii) for Premises not located on the Murray Lake Peninsula, within 500 feet of the edge of the lake; and

(d) be a gravity sewer, except that a forcemain may be considered to be an Available Public Sanitary Sewer System only (1) with respect to a Structure in which Sanitary Sewage Originates that is located within 500 feet of the edge of the lake, regardless of whether the Premises is a lakefront premises or not; and (2) if the connection to the forcemain can be made in accordance with Township Engineering Specifications for forcemain connections.

An existing connection of a Structure in which Sanitary Sewage Originates made to any forcemain before the effective date of this Ordinance is grandfathered from the application of subpart (d) of the preceding sentence.

An existing Structure in which Sanitary Sewage Originates which, as of the effective date of this Ordinance, is located on a non-lakefront Premises within 500 feet of the edge of the lake and is connected to a Septic Tank or other Sewage Disposal Facilities, is grandfathered from the application of subpart (c)(3) of the preceding sentence until such time as the Septic Tank or other Sewage Disposal Facilities fail (as determined by the Health Department).

The distance from the public sanitary sewer system shall be measured (a) from a publicly-owned Grinder Pump System with respect to a Premises served by a publicly-owned Grinder Pump System; (b) from the Service Stub with respect to Premises for which a Service Stub has been installed by or for the Township; and (c) from the sewer main for Premises for which no Service Stub has been installed by or for the Township.

(2) **Board of Appeals.** The Township Board acting in the capacity as the Wastewater Board of Appeals pursuant to Article IX of this Ordinance.

(3) **B.O.D.5 or Biochemical Oxygen Demand.** As used in this Ordinance, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C., expressed in PPM by weight.

(4) **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.

(5) **Building Sewer.** The extension from the Building Drain which conveys the discharge of Sewage to the Service Connection and its components or other place of disposal. A privately owned Grinder Pump System shall be part of the Building Sewer.

(6) **C.O.D. or Chemical Oxygen Demand.** The oxygen consuming capacity of inorganic and organic matter present in Sewage.

(7) **Claimant.** Any person who makes a claim for economic damages which allegedly were caused by a Sewage Disposal System Event, as defined in Section 1001.

(8) **Compatible Pollutant.** The pollutants which can be treated and removed to a substantial degree by the Wastewater Treatment Plant. These pollutants include but are not limited to defined maximum concentrations of B.O.D.5, S.S., pH and additional pollutants identified in the Discharge Permit if the Wastewater Treatment Plant was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.

(9) **Connection Fee.** The charge imposed by the Township to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee includes the Service Capital Improvement Charge and represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the Township's ability to provide service to the Public Sewer System's existing and future customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of private Sewage Disposal Facilities and the contamination of ground water. See also Direct Connection and Indirect Connection.

(10) **Control Manhole.** A Manhole installed on the Building Sewer or Service Connection pipeline to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.

(11) **Cost of Operation and Maintenance.** All costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection, transportation and treatment of Sewage on a

continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.

(12) **Cost of Replacement.** Expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.

(13) **Direct Connection.** The connection of the Building Sewer directly to the Public Sewer System in a manner such that the Premises served by the Building Sewer utilizes the existing collection, transportation and treatment components of the Public Sewer System.

(14) **Discharge Permit.** Permit issued by the MDEQ for the discharge of treated Sewage from the Wastewater Treatment Plant.

(15) **Domestic Sewage.** The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

(16) **Dwelling Unit.** For purposes of assigning units, a “dwelling” unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen.

(17) **Garbage.** Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.

(18) **Grattan Sewer System.** The sanitary sewer collection, transmission and treatment system which services properties in the Township adjacent to Big Pine Island Lake (formerly known as the Grattan Sanitary Drain).

(19) **Grattan/Vergennes Sewer System.** The sanitary sewer collection, transmission and treatment system which services properties in the Township adjacent to Big Crooked Lake and Ratigan Lake and properties in the Township and Vergennes adjacent to Murray Lake (formerly known as the Grattan/Vergennes Sanitary Drain).

(20) **Gravity System.** The publicly-owned gravity Service Stub which provides the connection between the privately-owned Building Sewer and the Public Sewer System.

(21) **Grinder Pump.** In a Grinder Pump System, the device to which the Building Sewer connects and which grinds and pumps the Sewage to the Public Sewer System for transportation to the Wastewater Treatment Plant.

(22) **Grinder Pump System.** The Grinder Pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System. The Grinder Pump System may be privately owned or publicly owned.

(23) **Health Department.** Kent County Health Department.

(24) **Indirect Connection.** The connection of a Building Sewer to a sewage collection system which is installed to applicable Township Engineering Specifications and with Township approval that is:

(a) paid for by special assessment or private funds;

(b) serves multiple users; and

(c) is connected to the Public Sewer System and, after construction, turned over to the Township and becomes part of the Public Sewer System (e.g., if a developer constructs collection sewers in a plat and connects the collection sewers to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).

The effect of an Indirect Connection is that the Premises served by the Building Sewer utilizes the existing transportation and treatment components (but not the existing collection components) of the Public Sewer System.

(25) **Industrial Users.** Users which discharge Industrial Wastes.

(26) **Industrial Wastes.** The liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from Domestic Sewage.

(27) **Inspection and Permit Fee.** The amount charged, to each applicant by the Township at the time an application is made to the Township for connection, disconnection or reconnection to the Public Sewer System, to cover the routine cost of inspecting and approving the physical connection, disconnection or reconnection of a Building Sewer and Service Connection to the Public Sewer System, routine engineering review and the issuance of a Sewer Permit.

(28) **Inspector.** The persons responsible for inspecting connections, disconnections or reconnections of Building Sewers and Service Connection to the Public Sewer System as designated by the Township.

(29) **Manhole.** A structure installed as part of the Public Sewer System to allow access to a sewer main, including but not limited to, a Control Manhole.

(30) **May.** Is permissive.

(31) **MDEQ.** Michigan Department of Environmental Quality.

(32) **MG/L.** Milligrams per liter.

(33) **Miscellaneous User Fee.** The amount charged to Users for miscellaneous services and related administrative costs associated with the System.

(34) **Murray Lake Peninsula.** The lands located between the eastern basin and western basin of Murray Lake, a.k.a. Murray Lake Island, a.k.a. the Causeway.

(35) **NAICS.** The North American Classification System or the successor publication, if replaced.

(36) **Natural Outlet.** Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

(37) **Normal Strength.** Sewage which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD, nor more than 240 mg/l of Suspended Solids; nor more than 10 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN.

(38) **Nuisance.** Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.

(39) **pH.** The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter. A measure of relative acidity (pH less than 7) or alkalinity (pH greater than 7) of the solution tested. A neutral solution has a pH of 7.

(40) **PPM.** Parts per million.

(41) **Person.** Any individual, firm, company, association, society, corporation or group, public or private.

(42) **Premises.** The lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable parcel of property, including all structures located thereon.

(43) **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of foods that have been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in the Public Sewer System, with no particle greater than one-half inch in any dimension.

(44) **Public Sewer System or System.** Together, the Grattan Sewer System and the Grattan/Vergennes Sewer System, including the respective sanitary sewer collection and transmission systems, including all publicly-owned Service Connections, mains, lift stations, odor control facilities and all appurtenances thereto, located in the Service District, and in addition the Wastewater Treatment Plant.

(45) **Receiving Fund.** The enterprise fund established pursuant to Article VIII to receive collections of Sewer Rates and Charges.

(46) **Septic Tank.** A watertight tank or receptacle used to receive Domestic Sewage and intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage and the partial decomposition by bacterial action on solids so separated.

(47) **Service Agreement.** The Amended and Restated Sewer Service Agreement dated as of September 19, 2005 by and between the Township and Vergennes.

(48) **Service Connection.** A publicly-owned Grinder Pump System, Gravity System, Service Stub, and all related electrical controls and appurtenances, but not including the Building Sewer.

(49) **Service District.** The areas served by the Public Sewer System and known as the Grattan Township Sewer District located in the Township, as outlined in the maps in the attached Appendices II, III, IV and V, together with the Additional Service District Map Legend Description set forth in the attached Appendix VI, and extensions of the Service District approved by the Township Board after the effective date of this Ordinance in accordance with Section 307 of this Ordinance.

(50) **Service Stub.** That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends therefrom, with respect to a Gravity System, to the property line (also referred to as a lateral) and, with respect to a publicly-owned Grinder Pump System, to the Grinder Pump.

(51) **Service Stub Fee.** The fee charged by the Township for an existing Service Stub.

(52) **Service Capital Improvement Charge.** The amount charged to Users of the Public Sewer System to pay principal, interest and administrative costs of retiring debt or construction, improvement and upgrade costs incurred to improve the efficiency of, and to prevent overburdening or failures in, the Public Sewer System.

(53) **Sewage Disposal Facilities.** Any privately-owned Septic Tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the Public Sewer System.

(54) **Sewage.** Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.

(55) **Sewer Administrator.** The person appointed by the Township Board, initially the Township Supervisor, who shall be responsible for the overall administration of the System.

(56) **Sewer Permit.** The written permit required by the Township for connection to the Public Sewer System.

(57) **Sewer Rates and Charges.** The Connection Fee (for both Direct Connections and Indirect Connections), Service Stub Fee, Service Capital Improvement Charge, Inspection and Permit Fee, User Charge, User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to Section 304.

(58) **Shall.** Is mandatory.

(59) **Slug.** Any discharge of water, Sewage or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

(60) **Structure in which Sanitary Sewage Originates.** A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

(61) **Storm Sewer or Storm Drain.** A sewer which carries storm or surface waters, or drainage, but is intended to exclude Sewage.

(62) **Subsurface Disposal System.** An arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a “drainfield system,” “tile field” or a “soil absorption system”).

(63) **S.S. or Suspended Solids.** Solids either floating or suspended in Sewage, or other liquids and which are removable by laboratory filtering and biologic processes.

(64) **Township.** The Township of Grattan, located in Kent County, Michigan, and/or its duly authorized agent or representative.

(65) **Township Engineering Specifications.** Technical specifications prepared by the Township’s consulting engineer for the Public Sewer System or any portion thereof, including without limitations, specifications for materials or equipment, methods of construction and connection requirements.

(66) **U.S. EPA.** The United States Environmental Protection Agency.

(67) **Unit or Units.** A standard basis of measuring the relative quantity of Sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling) with an average daily discharge of 250 gallons. A listing of the relative relationships between the various Users of the System is hereby determined by the Township and is set forth in Appendix I to this Ordinance. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon the use to which the User’s property is put. Each User shall be assigned a minimum of one (1) Unit. Fractions of Units in excess of one (1) Unit may be computed and assigned to the nearest tenth. The assignment of Unit(s) for any use not enumerated in Appendix I shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix I.

(68) **User.** A recipient of services provided by the System including Premises which are connected to and discharge Sewage into the System.

(69) **User Charge.** A charge, based on Units, levied on Users of the System which represents (a) that User’s proportionate share of the cost of Cost of Operation and Maintenance of the System, and (b) the benefit to that User derived from the availability and use of the System. A

portion of the User Charge, as determined by resolution of the Township Board from time to time, shall be set aside by the Township and deposited to the Repair, Replacement and Capital Improvement Fund established pursuant to Section 802(c) of the Sewer Ordinance. The amount of the User Charge designated by resolution of the Township Board to be set aside in the Repair, Replacement and Capital Improvement Fund shall be separately itemized on the User's bill.

(70) **User Class.** The kind of user class connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental, as follows:

Residential User. A User of the System whose premises or buildings are used primarily as a domicile for one or more persons including Dwelling Units such as detached, semi-detached and row houses, mobile homes, apartments or permanent multi-family dwellings (transit lodging is not included, it is considered a Commercial User).

Industrial User. A User of the System which discharges Industrial Wastes as distinct from its employees' Domestic Sewage.

Commercial User. An establishment listed in the current edition of the NAICS involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated Domestic Sewage and which is not a Residential User or an Industrial User.

Institutional User. Any establishment listed in the current edition of the NAICS involved in a social, charitable, religious or educational function which, based on the determination by the Township, discharges primarily segregated Domestic Sewage.

Governmental User. Any federal, state or local government User of the System.

(71) **User Surcharge.** A charge imposed on a User of the System for discharges of Sewage that are in excess of Normal Strength Sewage.

(72) **Vergennes.** The Township of Vergennes, located in Kent County, Michigan.

(73) **Wastewater Treatment Plant.** The publicly-owned physical plant and appurtenances owned by the Township and designated to receive and treat the raw, untreated Sewage of the properties located in the Service District and served by the Public Sewer System. The Wastewater Treatment Plant for the Grattan Sewer System is located on Lincoln Lake Road. The Wastewater Treatment Plant for the Grattan/Vergennes Sewer System is located on Murray Lake Road.

(74) **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

Article III
Use of Public Sewer System Required

Section 301. Discharge of Sewage.

No Person shall discharge any Sewage or other polluted waters to any Natural Outlet within the Service District except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA and this Ordinance.

Section 302. Sewage Disposal Facilities.

Except as provided in this Ordinance, no Person shall construct or maintain in the Service District any private Sewage Disposal Facilities.

Section 303. Mandatory Connection of Properties in Service District.

All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the Available Public Sanitary Sewer System in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

Section 304. Connection Deadline.

As a matter of public health, all connections to the Public Sewer System required hereunder, shall be completed no later than twelve (12) months after the last to occur of (1) the date of official notice by the Township to make said connections or (2) the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such twelve (12) month period shall be liable for a civil penalty equal in amount to the User Charges that would have accrued and been payable had the connection been made as required.

Section 305. Enforcement in the Event of a Failure to Connect.

In the event a required connection to the Public Sewer System is not made within the time provided by Section 304, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Sanitary Sewer System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township Ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sanitary Sewer System.

Section 306. Optional Connection.

The owner of a Structure in which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District, but not located adjacent to an Available Public Sanitary Sewer System, may elect to extend the Public Sewer System, in accordance with the requirements and procedures set forth in Section 308, so as to become an Available Public Sanitary Sewer System with respect to the affected Premises and connect thereto. The owner of a Structure in Which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District and located too far from a public sanitary sewer located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the Premises for said public sanitary sewer to be an Available Public Sanitary Sewer System, may elect to connect said structure to the Public Sewer System in compliance with this Ordinance, provided that there is presently available capacity in the abutting pipe and all downstream facilities, which will collect, transport, pump and treat the Sewage reasonably expected to be discharged from said Structure in Which Sanitary Sewage Originates.

Section 307. Extension of Service District.

The owner of a Structure in which Sanitary Sewage Originates now situated or hereafter constructed outside the Service District may be permitted to connect to the Public Sewer System only upon the consent of the Township Board to extend the Service District to include said property. The consent of the Township Board shall be granted or denied by the Township Board in the exercise of its reasonable discretion and may, without limitation, be based upon the following considerations: the continued availability of System capacity for properties located within the Service District; the capacity of the respective Wastewater Treatment Plant determined by reference to its Discharge Permit; the number of Users currently connected to the Public Sewer System in the respective Service District; the amount of vacant undeveloped lands contained within the respective Service District, the likelihood of the development of such vacant lands and whether such lands are subject to a special assessment or other capital charge for construction of the Public Sewer System; the public health considerations for constructing the Public Sewer System in the respective Service District and the portion of remaining available capacity in the respective Wastewater Treatment Plant needed to alleviate and avoid public health concerns in the respective Service District; the proximity of the lands to be served by the proposed extension to the lands currently served by the respective Service District; the amount of available capacity in the respective Wastewater Treatment Plant to ultimately serve the intervening lands in the event the lands to be served by the requested extension are not contiguous to the Service District in question; and, the requirements of the Service Agreement. At its discretion, the Township Board may require the Person requesting an extension of the Service District to provide at the sole expense of said Person an engineering report prepared by the Township's consulting engineer addressing the feasibility of the proposed extension in the context of the foregoing considerations. The Person requesting the extension shall pay an amount to the Township (to be held by the Township in escrow), in advance, at least equal to the estimated cost of the feasibility study. Any amount so deposited in excess of the cost of the feasibility study shall be refunded by the Township to the requesting Person; to the extent the amount so deposited with the Township is inadequate to pay the cost of the feasibility study for any reason, the shortfall shall be paid to the Township before the Township grants or denies its consent for the extension. In addition, the owner requesting the extension of the Service District may, in the discretion of the Township Board be required to pay all expenses (including construction, right of way, restoration, permits,

engineering, legal and similar expenses incurred by the Township) of the extension of the Public Sewer System necessary, in the determination of the Township, to serve the extension of the Service District.

Section 308. Extension of Public Sewer by Property Owner.

If connection to the System is required by this Ordinance, but the System is not adjacent to the Premises, or if a property owner or Person elects to extend the Public Sewer in accordance with Section 306 or Section 307, such extension shall be in accordance with the following requirements:

(a) The sewer main shall be extended to the Premises in a public right-of-way, or in an easement owned by the public to the Premises in question. If the sewer is to be extended for the purpose of serving a new development, including but not limited to a site condominium, subdivision, or division of land which involves the installation of a new public or private road, the sewer main shall be extended throughout such new road so that the sewer abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right-of-way.

(b) If a sewer main is extended to a Premises, the main shall be installed across the entire frontage of the Premises served, to the border of the adjacent Premises. For developments for which a new public or private road is constructed, the sewer main shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer main extensions shall be located within an easement dedicated to the public, if not located in a public street right-of-way.

(c) The sewer main shall be constructed in accordance with Township Engineering Specifications. The entire cost of installation of the sewer main, including the installation thereof across the entire frontage of the Premises served, including but not limited to engineering (including design, construction and inspection), construction, permits and restoration shall be paid by the owner or owners of the Premises to whom sewer is being extended.

(d) Upon completion of the sewer main, inspection by the Township engineer (at the expense of the property owner) that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers if requested), the sewer main shall be dedicated to the Township, without cost to the Township. Upon acceptance of dedication, the Township shall thereafter be responsible for maintenance of the sewer main. The Township shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.

(e) The person responsible for installing the sewer shall also pay the Township for the cost of acquisition of all necessary easements, rights-of-way and interests in land, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The person responsible for installing the sewer shall pay an amount to the Township (to be held by the Township in escrow), in advance, at least equal to the estimated expenses of such acquisition. Any excess not required to complete the improvements shall be refunded by the

Township to the responsible party; any shortfall shall be paid to the Township before connection of any Premises is permitted to the extension.

(f) In addition to the extension of a sewer main as required, the owner of Premises to be connected to the System shall pay to the Township the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the Premises or by a development which will be provided with public sewer, including but not limited to increasing the size of downstream sewer mains to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the sewage treatment plant. In such a situation, the responsible party and the Township shall enter into an agreement whereby the responsible party pays to the Township, in advance, an amount equal to the estimated cost of making such improvements, as determined by the Township engineer. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any Premises is permitted to the extension.

(g) The Township Board may authorize and enter into an agreement whereby a person who extends the Public Sewer or who pays for improvements to a public sewer may be reimbursed for a portion of such expenditures, from revenues resulting from Connection Fees (but in no event greater than the difference between a Direct Connection and an Indirect Connection) paid for Premises which thereafter utilize the Public Sewer System facilities installed by such person.

Section 309. Extension of Public Sewer by Township.

The Township may, at the discretion of the Township Board, utilize any means legally available to the Township to extend the Public Sewer.

Article IV Private Sewage Disposal

Section 401. Private Sewage Disposal Facilities.

If a Public Sewer System is not available to a Premises located in the Service District in accordance with the provisions of Article III, the Building Sewer shall be connected to private Sewage Disposal Facilities constructed in compliance with requirements of the Health Department and the MDEQ.

Section 402. Operation and Maintenance.

The owner shall operate and maintain the private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the Township.

Section 403. Governmental Requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Township, the Health Department, the MDEQ or any other governmental agency with jurisdiction over the Service District.

Section 404. Connection to Public Sewer System; Abandonment.

At such time as a Premises formerly served by Private Sewage Disposal Facilities are connected to the Public Sewer System, the private Sewage Disposal Facilities shall be abandoned for sanitary use in the manner required by the Health Department.

**Article V
Building Sewers and Connections**

Section 501. Sewer Permit Required.

No unauthorized person shall uncover, make any connections with, or disconnection from, or opening into, use, alter, or disturb any portion of the Public Sewer System without first obtaining a Sewer Permit from the Township in accordance with Section 502.

Section 502. Sewer Permit Application.

(a) **Authorized Persons.** A connection to, or disconnection from, the Public Sewer System shall be made only by an authorized contractor or plumber licensed in accordance with Section 514 and only after a Sewer Permit is issued by the Township.

(b) **Requirements.** Prior to said connection or disconnection, the property owner or his agent shall submit a signed Sewer Permit application to the Township. This Sewer Permit application shall be on a form furnished by the Township and shall be accompanied by payment in full of the applicable fees determined in accordance with Section 702, any civil penalty which has accrued pursuant to Section 304 above and the Inspection and Permit Fee, the plans and specifications of all plumbing construction within the Premises (when requested), and all other information required by the Township.

(c) **Sequence of Sewer Permit and Other Permits.** The Township shall not issue a Sewer Permit until (a) all zoning and land use approvals required for the proposed use of the Premises have been made by the Township in accordance with applicable Township ordinance and (b) all wetland, soil erosion and other site specific permits have been issued by the Township, MDEQ or other applicable regulatory agency. To summarize, where zoning, wetland and other types of permits are also required for the Premises, the various permits shall be obtained in the following order, as applicable:

- (i) Wetland permit;
- (ii) Zoning permit;
- (iii) Sewer permit;
- (iv) Building permit.

In accordance with the above-stated permit sequence, the Township shall not issue a building permit until the Sewer Permit is issued for the same Premises. Approval of the Sewer Permit is subject to the provisions of Section 503.

(d) **No Inspection Without Sewer Permit.** No inspection of a Building Sewer or Service Connection will be made without a valid Sewer Permit.

(e) **Expiration of Permits.**

(i) If the building permit for a Premises expires prior to commencement of construction, then the Sewer Permit for that Premises shall also be deemed to have expired.

(ii) If a building permit is not issued within one year after issuance of a Sewer Permit for the same Premises, then the Sewer Permit shall automatically expire at that time.

(iii) If a Sewer Permit expires before commencement of construction, the Connection Fee, Service Capital Improvement Charge, and Service Stub Fee, if any, paid by the applicant in accordance with Section 702 shall be refunded by the Township to the applicant and the civil penalty paid under Section 304, if any, the Miscellaneous User Fee, if any, and the Inspection and Permit Fee will be retained by the Township. In the event the property owner elects to re-apply for a Sewer Permit, then all requirements of this Section 502 shall apply including, without limitation, the payment of an additional Inspection and Permit Fee at the time of re-application.

Section 503. Approval of Application and Issuance of Sewer Permit.

The approval of a Sewer Permit application and the issuance of a Sewer Permit shall be subject to

(a) compliance with all terms of this Ordinance, including, without limitation, Section 502, above, all applicable zoning and land use requirements and the rules and regulations of the Health Department and the MDEQ,

(b) the availability of capacity in the System to serve the Premises in question, including Compatible Pollutant capacity,

(c) compliance of the plans and specifications for connection with the following standards for construction:

(i) The design, installation and connection of the Building Sewer and Service Connection shall comply with Township Engineering Specifications.

(ii) The size of the Building Sewer shall not be less than four (4) inches in diameter and is subject to inspection by the Inspector at the time of connection to the Service Connection. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Service Connection shall not be completed or approved until the owner has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.

(iii) 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 (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. Where this minimum depth cannot be obtained, the Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot, sloping towards the Service Connection.

(iv) In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, the Sewage carried by the Building Drain shall be lifted by means acceptable to the Township and discharged to the Building Sewer or the Service Connection. The operation and maintenance of all lift pumps and injectors, except for a publicly-owned Grinder Pump, shall be the responsibility of the property owner.

(v) Where the Public Sewer System is more than twelve (12) feet deep measured from established street grade, a riser may be constructed on the Service Connection using methods and materials approved by the Township.

(vi) All joints and connections shall be made gastight and watertight.

(vii) A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

(viii) No Service Connection shall be connected directly to a Manhole.

(ix) Connection of the Building Sewer to the Public Sewer System shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township (including Township Engineering Specifications).

(d) The payment of all required fees and costs in accordance with Section 502(b); and

(e) The signature and dating of the Sewer Permit by the Sewer Administrator or the designee of the Sewer Administrator.

Section 504. Ownership of Grinder Pump Systems.

(a) All Grinder Pump Systems identified in the Service District maps attached as Appendices II, III, IV and V are publicly owned and are subject to repair, operation, maintenance and replacement by the Township in accordance with Section 511.

(b) All Grinder Pump Systems which serve Premises in the Service District but which are not identified in the Service District maps attached as Appendices II, III, IV and V are privately owned and are subject to repair, operation, maintenance and replacement by the property owner in accordance with Section 512.

(c) The Township shall not accept ownership of any privately-owned Grinder Pump Systems which currently exist or are hereafter installed in the Service District.

Section 505. Excavations, Pipe Laying and Backfill.

All excavations, pipe laying and backfill required for the installation of Building Sewers and Service Connections shall conform to Township Engineering Specifications. No backfill shall be placed until the work has been inspected and approved by the Inspector.

Section 506. Connection of Building Sewer.

The connection of the Building Sewer to the Public Sewer System shall be made to the Service Connection.

Section 507. Connection of Certain Drains is Prohibited.

No Person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer System.

Section 508. Public Safety Requirements; Restoration.

All excavations for Building Sewer installation and connection to the Public Sewer System shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township, the County Road Commission and all other governmental entities having jurisdiction.

Section 509. Cost of Installation of Building Sewer and Connection to Public Sewer; Indemnification.

All costs and expenses incidental to the installation of the Building Sewer and the connection thereof to the Public Sewer System shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains a Sewer Permit from the Township and any necessary permission to work in the public right-of-way from the County Road Commission. Said owner shall indemnify the Township from all loss or damage that may directly or indirectly be caused by the installation and connection of the Building Sewer to the Public Sewer System.

Section 510. Inspection.

The holder of a Sewer Permit shall notify the Inspector when the Building Sewer and Service Connection are ready for inspection. The excavation shall be left open until inspection is complete. In the event the excavation is not left open until inspection is complete, the property owner shall, at the property owner's expense, have the excavation re-opened to enable the Inspector to complete the inspection of the Building Sewer and Service Connection. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the

requirements of this Ordinance, the Building Sewer shall then be connected with the Service Connection under the observation of the Inspector. The inspection shall include the installation of all required components of the Service Connection, including without limitation, wiring, conduit, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the private Sewage Disposal Facilities in the manner required by the Health Department.

Section 511. Township's Responsibility for Repairs, Operation and Maintenance.

The cost of all repairs, operation, maintenance and replacement of the Public Sewer System, as well as each Service Connection (including each publicly-owned Grinder Pump System), shall be borne by the Township as part of the Township's budgeted annual expense of the System, subject to the right of the Township to impose a Miscellaneous User Fee in accordance with Section 707, below.

Section 512. Property Owner's Responsibility for Installation, Repairs, Operation and Maintenance.

The cost of all repairs, operation, maintenance and replacements of existing Building Sewers (including the privately-owned Grinder Pump Systems, if any) and their connection to the Service Connection in accordance with Township Engineering Specifications shall be borne by the property owner. Without limitation of the foregoing, the property owner shall be responsible for the clean-up, and reporting to the MDEQ and any other applicable regulatory agency, of all spills from a privately owned Grinder Pump System and the payment of any fines or penalties resulting therefrom. If, for any reason, the installation of the Building Drain, the Building Sewer and the Service Connection and the connection of the Building Drain to the Building Sewer and/or the connection of the connection of the Building Sewer to the Service Connection do not comply with Township Engineering Specifications, even if the installation and connection thereof was favorably inspected by the Township Inspector, the property owner shall be responsible for all cost and expense necessary to bring the Building Drain, Building Sewer and Service Connection, and the interconnections thereof, into compliance with Township Engineering Specifications.

Section 513. Disconnection from Public Sewer.

All sewer disconnects, regardless of the type of Service Connection, shall be made at the property line or the edge of the sewer easement. When disconnecting a Service Connection at the property line, the pipe must be saw cut and a Fernco with a watertight/gastight plug must be installed on the end of both the public sewer main and private Building Sewer to prevent infiltration of dirt and water. Sewer disconnects for properties with an individual Grinder Pump, regardless of whether the Grinder Pump is publicly owned or privately owned, serving one home shall also have the power to the Grinder Pump shut off and a lockout tag placed on the electrical cabinet. All sanitary sewer disconnects must be inspected by the Township's Inspector. The property owner or his licensed plumber or contractor shall notify the Inspector when the disconnection is ready for inspection. The excavation shall be left open until inspection is complete. In the event the excavation is not left open until inspection is complete, the property owner shall, at the property owner's expense, have the excavation re-opened to enable the Inspector to complete the inspection of the disconnection.

Section 514. Obstruction of Manholes and Publicly-Owned Grinder Pumps Prohibited.

No Person shall, in any manner, obstruct or prevent free access to, or place or store temporarily or otherwise, any object, material, debris, automobiles or structures of any kind within a three (3) foot radius of any publicly owned Grinder Pump or Manhole. No Person shall pile snow or permit bushes, shrubbery or trees to grow within a three-foot (3') radius of any publicly-owned Grinder Pump or Manhole. Each Person who has a publicly-owned Grinder Pump or Manhole on his or her Premises shall keep the publicly-owned Grinder Pump or Manhole and the surrounding area within a three-foot (3') radius of the publicly-owned Grinder Pump or Manhole free and clear from piled snow, bushes, shrubbery and trees. The three foot (3') radius shall be measured from the center of the Manhole or the publicly-owned Grinder Pump, as the case may be. Upon the failure of said Person to remove said obstruction, snow, bushes, shrubbery and trees, and a notice thereof which shall be mailed to said Person by the Township, the Township is hereby authorized and empowered to remove said obstruction, snow, bushes, shrubbery and trees, and charge the cost of said removal to said Person as a Miscellaneous User Fee.

Section 515. Contractor Requirements.

Any contractor or plumber desiring to construct a Service Connection or uncover, make any connection with, or disconnection from, or opening into, use, alter or disturb any public sewer or appurtenances thereof, must first secure an annual license from the Township. The license shall not be valid until signed and dated by the Sewer Administrator or the designee of the Sewer Administrator. The license shall be issued on the basis of the Township's April 1/March 31 fiscal year. An applicant for a license shall pay a license fee of \$50 and execute unto the Township and deposit with the Township a cash bond or irrevocable letter of credit in the sum of \$5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Township, pertaining to sewers and plumbing. This bond shall state that the licensee will indemnify and save harmless the Township and the owner of the Premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on the part of the licensee in connection with the Service Connection installation and connection, or disconnection or other use, alteration or disturbance of any public sewer or appurtenances thereof. Such bond or letter of credit shall remain in force and must be executed for a period of one (1) year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide to the Township prior to issuance of the license, evidence of public liability insurance insuring the interests of the Township, the property owner, and all persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages. Thirty (30) days' prior written notice of cancellation of licensee's public liability insurance shall be given to the Township and written evidence of this notice requirement shall be provided to the Township prior to the issuance of the license. Any subcontractor to a licensed contractor or plumber must also obtain a license from the Township and comply with all requirements of this Section 515.

Article VI
Use of the Public Sewer System

Section 601. Prohibited Discharge of Storm Water.

No Person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to the Public Sewer System. Any Premise connected to a Storm Sewer shall comply with county, state and federal requirements as well as those of the Township.

Section 602. Permissible Discharge of Storm Water.

Unpolluted water, storm water and all other unpolluted drain water shall be discharged to the ground surface, to a Natural Outlet or to a Storm Sewer or Storm Drain in accordance with applicable state and federal regulations.

Section 603. Prohibited Discharges to Public Sewer System.

(a) No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Public Sewer System or the Wastewater Treatment Plant. These general prohibitions apply to all Users whether or not the User is subject to the national categorical pretreatment standards of any other national, state or local pretreatment standards or requirements. A User may not contribute the following substances to the Public Sewer System or the Wastewater Treatment Plant:

(i) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the System or the Wastewater Treatment Plant or to the operation of the System or the Wastewater Treatment Plant. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the System or the Wastewater Treatment Plant such as, but not limited to: grease, garbage that is not Properly Shredded Garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, diapers, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(iii) Any Sewage having a pH less than 5.5 or greater than 9.5, or Sewage having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the System or the Wastewater Treatment Plant.

(iv) Any Sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process,

constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Wastewater Treatment Plant, or exceed the limitation set forth in a categorical pretreatment standard.

(v) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(vi) Any substance which may cause the System or Wastewater Treatment Plant effluent or any other product thereof such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(vii) Any substance which will cause the Wastewater Treatment Plant to violate its Discharge Permit or the receiving water quality standards.

(viii) Any Sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(ix) Any Sewage having a temperature which will inhibit biological activity in the System or the Wastewater Treatment Plant resulting in interference, and in no case Sewage with a temperature at the introduction into the System or Wastewater Treatment Plant which exceeds 40° C (104° F).

(x) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the System or Wastewater Treatment Plant.

(xi) Any Sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations.

(xii) Any Sewage which causes a hazard to human life or creates a public Nuisance.

(xiii) Any unpolluted water including, but not limited to, non-contact cooling water.

(xiv) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

Upon the promulgation of the national categorical pretreatment standards for a particular industry subcategory, the pretreatment standard if more stringent than limitations imposed under this Ordinance shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance and the Township shall notify all affected Users of the applicable reporting requirements.

Section 604. Discharge Permit Limitations.

No Person shall discharge or cause to be discharged into the System any Sewage which would cause effluent from the Wastewater Treatment Plant to exceed discharge limits established in the Discharge Permit issued for operation of the System.

Section 605. Remedies; Pre-Treatment.

If any Sewage is discharged, or is proposed to be discharged to the Public Sewer System, and such Sewage contains the substances or possesses the characteristics enumerated in Section 603 or Section 604, and which in the judgment of the Township may have a harmful effect upon the System or Wastewater Treatment Plant, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, the Township may take the actions necessary to:

- (a) Effect a cease and desist of the discharge of the Sewage to the Public Sewer System.
- (b) Reject the Sewage.
- (c) Require pre-treatment of the Sewage to an acceptable condition prior to discharge to the Public Sewer System.
- (d) Require control over the quantities and rates of discharge.
- (e) Require payment of a User Surcharge to cover the added cost of handling and treating the Sewage pursuant to Sections 705(b) and 706 hereof.

Any Industrial User who discharges Sewage to the System shall pretreat or limit the discharge to conform to standards set forth in the Code of Federal Regulations 40 CFR 403 (Pretreatment) or any applicable more stringent state or local rules, regulations or standards.

If the Township permits the pre-treatment or equalization of Sewage flows, the design and installation of the pre-treatment plants and equipment shall be subject to the review and approval of the Township, the Health Department, the MDEQ, and shall also be subject to the requirements of all applicable codes, ordinances, regulations and laws. No construction of pre-treatment or equalization facilities shall take place until all necessary approvals are obtained in writing, and copies of said approvals are forwarded to the Township.

Section 606. Maintenance of Pre-Treatment Facilities.

Where preliminary treatment or flow equalizing facilities are provided for any Sewage, said facilities shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the Township.

Section 607. Special Arrangements; Surcharge.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any User whereby Sewage of unusual strength or character may be accepted by the Township for treatment, subject to payment of a User Surcharge by

the User and provided such Sewage will not damage the System, the Wastewater Treatment Plant or the receiving water.

Section 608. Grease, Oil and Sand Interceptors.

Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual User and at no cost to the other Users of the System when determined by the Township to be necessary for the proper handling of Sewage containing ingredients described in Section 603 of this Article. As a general rule, all restaurants and similar facilities shall be required to install a standard grease trap. All interceptors shall be

- (a) of the type and capacity prescribed by the Township,
- (b) located so as to be readily and easily accessible for cleaning and inspection,
- (c) constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and
- (d) of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Interceptors shall not be required for private living quarters or Dwelling Units.

Section 609. Control Manhole.

When required by the Township, the owner(s) of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable Control Manhole upstream from the connection to the Public Sewer System. The purpose of this Control Manhole shall be to enable observation, sampling, and measurements of the Industrial Wastes. The Control Manhole shall be at the property line or in a location approved by the Township, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Township and the Township Engineer. Installation of the Control Manhole, sampling equipment and other appurtenances required by the Township shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the Control Manhole and appurtenances in a safe, accessible and operable manner at all times at his or her expense.

Section 610. Testing of Industrial Wastes.

All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on samples obtained at the Control Manhole. Where no specific control Manhole has been constructed, the Control Manhole shall be considered to be the downstream Manhole in the Public Sewer System closest to the point of connection of the Building Sewer. Costs for said testing may, at the discretion of the Township, be charged to the User discharging the Industrial Wastes as a Miscellaneous User Fee.

Section 611. Test Standards.

All measurements, tests, and analyses of Sewage characteristics described in this Article shall be determined in accordance with the current "Standard Methods for the Examination of Water and Sewage," as published by the American Public Health Association. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and the Wastewater Treatment Plant and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether samples should be taken.

Article VII Sewer Rates and Charges

Section 701. Public Utility Basis; Fiscal Year.

The Public Sewer System shall be operated and maintained by the Township on a public utility basis pursuant to state law under the supervision and control of the Township Board, and, with respect to that portion of the Grattan/Vergennes Sewer System located within Vergennes, subject to the terms and conditions of the Service Agreement. The Township Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the System. The System shall be operated on a April 1 to March 31 fiscal year. The Township shall annually, on or before March 1 of each year, prepare a report on the revenues and expenditures of the System, including a projected budget for the ensuing fiscal year.

Section 702. Fees for Connection to System.

The owner of each Structure in Which Sanitary Sewage Originates required by Article III, or electing, to connect to the System shall pay the following fees in full prior to the issuance by the Township of a Sewer Permit to connect to the Public Sewer System pursuant to Article V, except for installment payments permitted by the terms of Section 702(b):

(a) **Connection Fee.** A Connection Fee as computed in the following manner:

(i) For a Direct Connection to the Public Sewer System, the Connection Fee, including the Service Capital Improvement Charge, shall be a rate per Unit established by resolution of the Township Board from time to time.

(ii) For an Indirect Connection to the Public Sewer System, the Connection Fee, including the Service Capital Improvement Charge, shall be a rate per Unit established by resolution of the Township Board from time to time.

(b) **Service Capital Improvement Charge.** The Service Capital Improvement Charge shall be a rate per Unit established by resolution of the Township Board from time to time. The Township Board reserves the right to impose a Service Capital Improvement Charge on existing Users of the Public Sewer System as of an effective date to be determined by the Township Board in

an amount payable in either a single lump sum or in equal annual installments with interest on the unpaid balance at a rate which is not more than one percent per annum higher than the rate of interest paid by the Township on debt incurred to upgrade the System to improve the efficiency of, and prevent overburdening and failures in, the System, all as shall be established by resolution of the Township Board. The owners of record of vacant lands in the Service District may voluntarily elect to pay the Service Capital Improvement Charge by notifying the Township in writing within thirty (30) days after the effective date of the Service Capital Improvement Charge. A Service Capital Improvement Charge may be set in different amounts for the Grattan Sewer System and the Grattan/Vergennes Sewer System or, in the alternative, a Service Capital Improvement Charge may be charged only to the Grattan Sewer System or the Grattan/Vergennes Sewer System, depending upon the nature and extent of the improvements to the Public Sewer System. Once imposed on a Premises, the Service Capital Improvement Charge, if payable in installments, shall continue to be payable even if the structure located on the Premises is destroyed or disconnected from the Public Sewer System, regardless of circumstances.

(c) **Service Stub Fee.** The Service Stub Fee shall be a fee for each Service Stub constructed by or on behalf of the Township in the amount established by resolution of the Township Board from time to time. If the Township has not installed the Service Stub, no Service Stub Fee shall be payable and the owner of the Premises shall be liable for the costs and expenses of acquiring and installing the Service Stub pursuant to Township Engineering Specifications as part of the cost and expense of acquiring and installing the Service Connection in accordance with Section 702(d).

(d) **Service Connection.** In addition to the fees set forth above, the owner of the Premises shall be liable for the cost and expenses of acquiring and installing the Service Connection pursuant to Township Engineering Specifications. The Township shall determine the type of Service Connection for each User on the basis of conformity to prior installations and integrity of the Public Sewer System.

Section 703. Considerations Relating to Connection to System.

(a) **Changes in Use.** The Township, at its discretion, may periodically review the number of Units assigned to Users other than single family homes with a single Dwelling Unit. If such a review indicates, or absent such a review, if subsequent changes at any time increase the amount of sanitary Sewage originating from a Premises, the Township Board shall increase the number of Units assigned to said Premises and thereupon a Connection Fee and Service Capital Improvement Charge for the additional Units shall be payable in cash at the time a building or other permit is issued by the Township for such changes in use or at the time such change in use occurs, if no building permit is issued or required. In the alternative, if such a review indicates, or absent such a review if subsequent changes at any time decrease the amount of sanitary sewage originating from the Premises, the Township Board shall decrease the number of Units assigned to said Premises for purposes of applicable Sewer Rates and charges, except that no refunds shall be made for Connection Fees, User Fees or Service Capital Improvement Charges paid or payable with respect to the Premises for the number of Units previously assigned to the Premises.

(b) **Repair and Replacement of Service Connection.** In the event the connection of a Building Sewer to a Service Connection for a Premises for which Sewer Rates and Charges have

been paid is repaired, revised, or replaced, no additional Connection Fee shall be payable provided that an increase in the utilization by said Premises of the Public Sewer System does not occur as a result of said repair, revision or replacement. An additional Inspection and Permit Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.

Section 704. Hardship Deferment.

The owner or owners of a single family residence, in which residence said owner or owners reside and upon which the Connection Fee and the Service Stub Fee required by Section 702 have been imposed, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the Connection Fee and the Service Stub Fee, based upon a showing of financial hardship, subject to and in accordance with the following:

(a) The owners of the Premises shall, under oath, complete a hardship application provided by the Township Board, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than 60 days prior to the due date of the Connection Fee and the Service Stub Fee required by Section 702. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.

(b) Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

(c) An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.

(d) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the Connection Fee and the Service Stub Fee required by Section 702, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the Township so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

(i) A change in the financial status of any applicant which removes the basis for financial hardship;

(ii) A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the Premises or extension thereof;

(iii) Death of any of the applicants.

(e) Upon a determination of the Township Board deferring all or part of the Connection Fee and the Service Stub Fee, the owners of the Premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the Premises, guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the Premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

Section 705. User Charge.

(a) **Computation.** A User Charge, at a rate per month or quarter per Unit established by resolution of the Township Board from time to time, shall be charged in advance to each Premises connected to the Public Sewer System.

(b) **Normal Strength Domestic Sewage.** The User Charges imposed pursuant to this Section are applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage into the System that does not qualify as Normal Strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Section 706 below.

(c) **Industrial Users.** As of the date of adoption of this Ordinance, it is determined that no Users of the System are Industrial Users. Before the Township permits any Industrial User to connect to the System in the future, the Township shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of Industrial Wastes.

(d) **Accrual Date.** User Charges shall begin to accrue for a Premises as of the earlier of the date of issuance of an occupancy permit for the Premises or the date which is 150 days after the date of issuance of a building permit for the Premises.

(e) **Responsibility of User to Pay for Service Connection Power.** In addition to the User Charge, each User shall provide and pay for the electrical power necessary for the operation of their individual Service Connection, as such electrical power is independently metered and billed.

(f) **Unoccupied Premises.** A User Charge shall be charged to each Premises which is connected to the Public Sewer System, regardless of occupancy, until such time as the Building Sewer is disconnected from the Service Connection in accordance with Section 513 at the expense of the property owner, by either the property owner or the Township. In the event that the sewer service for such Premises is disconnected by the Township, the appropriate Miscellaneous User Fee shall be paid by the owner of the Premises.

Section 706. User Surcharge.

The User Surcharge payable pursuant to Section 705(b) above, shall be determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of

the System for the transportation and treatment of non-qualifying Sewage shall be considered and included as a basis for determining the User Surcharge.

Section 707. Miscellaneous User Fee.

The Township shall, from time to time, establish by resolution of the Township Board and impose on one or more Users or Persons a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, non-routine Township engineering review and excessive inspection services not covered by the Inspection and Permit Fee, costs of repairing and/or replacing a damaged Service Connection, costs of abating a nuisance pursuant to Section 1105 hereof, and costs incurred by the Township to disconnect and reconnect sewer service.

Section 708. Inspection and Permit Fee.

The Inspection and Permit Fee shall be determined from time to time by resolution of the Township Board, shall be based upon the actual cost borne by the Township for its Inspectors and may vary for a new connection, a disconnection or a reconnection. If, however, unusual circumstances demand, the Township may impose a Miscellaneous User Fee for inspection and approval costs in excess of said minimum fee on an hourly or other reasonable basis intended to reimburse the Township for its actual costs, including the costs of outside consultants (i.e. non-routine engineering review).

Section 709. Billing of Sewer Rates and Charges.

The Sewer Administrator is responsible for the billing and collection of Sewer Rates and Charges. The Township shall bill in advance and collect all User Charges and User Surcharges on a quarterly basis. The Township shall mail each User a bill on or before the 1st day of the first month in the billing period. The bill shall separately itemize the Sewer Rates and Charges. All Users will receive an annual notification either printed on the bill or enclosed in a separate letter which will show the breakdown of the sewer bill in its components for operation, maintenance and replacement and for debt retirement. Payment of the bill which is rendered by the Township is due and payable on or before the 1st day of the second month in the billing period. Payment of said bill shall be made at a location designated by the Township. The quarterly billing periods shall correspond to the quarters of the Township's fiscal year. A Miscellaneous User Fee shall be billed promptly after the circumstances which gave rise to the Miscellaneous User Fee. Payment of a Miscellaneous User Fee shall be due on the 10th day after the bill or statement is mailed by the Township.

Section 710. Unpaid Sewer Rates and Charges.

If Sewer Rates and Charges are not paid on or before the due date then a penalty in the amount of 5% shall be added to the balance due. Partial payments will be applied first to outstanding penalties, if any, and then to Sewer Rates and Charges.

Section 711. Unpaid Sewer Rates and Charges; Remedies.

If Sewer Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may

- (a) discontinue the services provided by the System by disconnecting the Building Sewer from the Service Connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Township for disconnecting and reconnecting the service, shall be paid to the Township;
- (b) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
- (c) enforce the lien created in Section 712 below.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or equity.

Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges, penalties and interest, invalidate or waive the lien created by Section 712 below. Before disconnecting service, the Township shall give thirty (30) days written notice to the User at the last known address according to the Township records and the Township Tax Assessment Roll. The notice shall inform the User that the User may request an informal hearing to present reasons why service should not be disconnected.

Section 712. Lien.

The Sewer Rates and Charges shall be a lien on the respective premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for ninety (90) days or more following the date of billing, they shall be considered delinquent. The Sewer Administrator shall certify all delinquent Sewer Rates and Charges and penalties thereon, annually, on or before October 1, of each year to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges, and penalties thereon upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises. Notwithstanding the foregoing, if any delinquent Sewer Rates and Charges and the penalties thereon are paid in full (following the certification thereof on or before October 1) not less three (3) business days prior to the printing of the tax roll the same shall not be entered upon the tax roll by the Township.

Section 713. No Free Service.

No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

Section 714. Rental Properties.

A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a Dwelling Unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the User Charge for the preceding four (4) quarterly billing periods. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 711 and 712 shall be applicable with respect to the unpaid Sewer Rates and Charges, including penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 715. Cancellation of Permits; Disconnection of Service.

Applications for sewer connection permits filed pursuant to Article V may be canceled and/or sewer service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the Sewer Permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Sewer Rates and Charges.
- (c) Failure to keep Building Sewers and privately-owned Service Connections and Control Manholes in a suitable state of repair.
- (d) Discharges in violation of this Ordinance.
- (e) Damage to any part of the System.

Before disconnecting service, the Township shall give thirty (30) days written notice to the User at the last known address according to the Township records and the Township Tax Assessment Roll. The notice shall inform the User that the User may request an informal hearing to present reasons why service should not be disconnected.

Section 716. Security Deposit.

If the sewer service supplied to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, and penalties, and the applicable reconnection charge has been paid. The Township may, as a condition

to reconnecting said service, request that a sum equal to the User Charge for the preceding four (4) quarterly billing periods be placed on deposit with the Township for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including penalties. The User shall immediately make sufficient payment to the Township to reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 711 and 712 shall be applicable with respect to any unpaid Sewer Rates and Charges, including penalties. The security deposit shall be held by the Township without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of twelve (12) months.

Section 717. Billing Address.

Bills and notices relating to the conduct of the business of the Township will be mailed to the User at the address listed on the permit application filed pursuant to Article V unless a change of address has been filed in writing at the business office of the Township; and the Township shall not otherwise be responsible for delivery or non delivery of any bill or notice, nor will the User be excused from non-payment of a bill or from any performance required in said notice.

Section 718. Interruption of Service; Claims.

The Township shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the System, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages or have any portion of a payment of Sewer Rates and Charges refunded for any interruption.

**Article VIII
Revenues**

Section 801. Estimated Rates; Sufficiency.

The Sewer Rates and Charges hereby fixed are established to be sufficient to provide for the Cost of Operation and Maintenance of the System as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. The User Charge shall be reviewed annually and revised as necessary to meet system expenses and to insure that all User Classes pay their proportionate share of the Cost of Operation and Maintenance.

Section 802. Revenues; Depository.

The revenues of the System shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated "Grattan Sewer System Receiving Fund" (the "Receiving Fund") and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the time hereafter specified.

(a) **Operation and Maintenance Fund.** Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a separate account, designated "Operation and Maintenance Fund," a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(b) **Debt Service Fund.** There shall next be established and maintained a separate account, to be designated "Debt Service Fund," which shall be used solely for the payment of debt service on the Township's obligations issued to pay for the System, extensions to the System or for the purpose of making improvements in the efficiency of the System through the use of new technology and the replacement of obsolete or inefficient components so as to prevent overburdening of or failures in the System. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said obligations when due. A separate subaccount shall be established for each issue of debt obligations. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.

(c) **Repair, Replacement and Capital Improvement Fund.** There shall next be established and maintained a separate depository account designated "Repair, Replacement and Capital Improvement Fund" (the "Repair, Replacement and Capital Improvement Fund") for the purpose of making repairs (including the cleaning of sewer mains and other system components), replacements and capital improvements to the existing Public Sewer System, if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Debt Service Fund, such revenues as the Township Board shall deem necessary for this purpose.

(d) **Expansion Fund.** There shall next be established and maintained an Expansion Fund for the purpose of making extensions and enlargements to the Public Sewer System. There shall be deposited into said fund, after providing for the foregoing funds, such revenues as the Township Board shall determine.

(e) **Surplus Moneys.** Moneys remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township Board, be transferred to the Repair, Replacement and Capital Improvement Fund, the Expansion Fund, or used in connection with any other project of the Township reasonably related to purposes of the System.

(f) **Bank Accounts.** All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth.

Section 803. Transfer of Funds.

In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System, except sums in the Debt Service Fund, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein and these monies shall be replaced in the next operating year. User Charges shall then be adjusted to the extent that such transfers are not required.

Section 804. Investment of Funds.

Moneys in any fund or account established by the provisions of this Ordinance may be invested in the manner provided in the Township investment policy, subject to the limitations set forth in Act 94 of the Public Acts of Michigan of 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Article IX
Administrative Appeals; Board of Appeals

Section 901. Board of Appeals.

In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Sewer Administrator and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety.

Section 902. Informal Hearing.

An informal hearing before the Sewer Administrator may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within ten days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Township Hall or at such place as designated by the Sewer Administrator. The Sewer Administrator shall issue a written statement of his decision within five (5) business days after the informal hearing.

Section 903. Appeals from Informal Hearing.

Appeals from the written decisions of the Sewer Administrator may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of the written decision. Such appeal may be taken by any Person aggrieved. The appellant shall file a Notice of Appeal with the Sewer Administrator and with the Board, specifying the ground therefor. Prior to a hearing, the Sewer Administrator shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the Sewer Administrator to explain the action. The final disposition of the appeal shall be in the form of a resolution either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of the Board of Appeals shall be final.

The Board of Appeals shall meet at such times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.”

Section 904. Payment of Amounts Outstanding.

All Sewer Rates and Charges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year’s billing unless otherwise directed by court order.

Section 905. Effect of Administrative Action.

If any informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for immediate cease and desist order issued pursuant to this Section.

Section 906. Appeal from Board of Appeals.

Appeals from the determinations of the Board of Appeals may be made to the Circuit Court for the County of Kent within twenty (20) days after the decision of the Board of Appeals as provided by law. All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

Article X
Notice and Claim Procedures
For Sewer Overflow or Backup

Section 1001. Notice and Claim Procedures Applicable to Overflow or Backup of the Public Sewer System.

This section has been adopted in accordance with Act 222 of the Public Acts of Michigan of 2001 (“Act 222”) to set forth the notice and claim procedures applicable to an overflow or backup of the Public Sewer System, which, as defined in Act 222, shall be referred to for purposes of this Section as a “Sewage Disposal System Event.” To afford property owners, individuals and the Township greater efficiency, certainty and consistency in the provision of relief for damages or physical injuries caused by a Sewage Disposal System Event, the Township and any Person making a claim for economic damages, which, as defined in Act 222, shall be referred to for purposes of this Section as a “Claimant,” shall follow the following procedures:

(a) A Claimant is not entitled to compensation unless the Claimant notifies the Township of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have been discovered by the Claimant.

(b) The written notice under subsection (a) shall contain the Claimant’s name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.

(c) The written notice under subsection (a) shall be sent to the Sewer Administrator, who is hereby designated as the individual at the Township to receive such notices pursuant to Section 19 of Act 222.

(d) If a Claimant who owns or occupies affected property notifies the Township orally or in writing of a Sewage Disposal System Event before providing a notice of a claim that complies with subsections (a), (b) and (c), the Sewer Administrator shall provide the Claimant with a written explanation of the notice requirements of subsections (a), (b) and (c) sufficiently detailed to allow the Claimant to comply with said requirements.

(e) If the Township is notified of a claim under subsection (a) and the Township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township shall notify each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Township receives the Claimant’s notice under subsection (a). The Township shall give notice of a claim with respect to the Grattan/Vergennes Sewer System to Vergennes.

(f) If the Township receives a notice from a Claimant or a different or additional governmental agency that complies with this Section, the Township may inspect the damaged property or investigate the physical injury. A Claimant or the owner or occupant of affected property shall not unreasonably refuse to allow the Township or its duly authorized representatives to inspect damaged property or investigate a physical injury.

(g) Prior to a determination of payment of compensation by the Township, the Claimant shall provide to the Township additional documentation and proof that:

(i) At the time of the Sewage Disposal System Event, the Township owned or operated, or directly or indirectly discharged into, that portion of the Public Sewer System that allegedly caused damage or physical injury;

(ii) The Public Sewer System had a defect;

(iii) The Township knew, or in the exercise of reasonable diligence, should have known, about the defect in the Public Sewer System;

(iv) The Township, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the Public Sewer System; and

(v) The defect in the Public Sewer System was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.

(h) Prior to a determination of payment of compensation by the Township, the Claimant shall also provide to the Township additional documentation and proof that neither of the following were a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:

(i) An obstruction in a Service Connection or a Building Sewer that was not caused by the Township; or,

(ii) A connection on the affected Premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharged any storm water, surface water, ground water, roof runoff, sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the Public Sewer System.

(i) If the Township and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (a), the Claimant may institute a civil action in accordance with Act 222.

(j) To facilitate compliance with this section, the Township shall make available to the public information about the notice and claim procedures under this Section.

(k) The notice and claim procedures set forth in this Section shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.

(l) The Township does not own or operate any Storm Sewer, Storm Drain or combined sewer and, accordingly, the notice and claim procedures set forth in this Section, with the exception of subsection (e), do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain or a combined sewer.

(m) In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Act 222, the specific requirements of Act 222 shall control.

(n) As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section do not apply to claims for noneconomic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

(o) Any word, term or phrase used in this Section, if defined in Act 222, shall have the same meaning provided under Act 222.

Article XI Enforcement

Section 1101. Inspection by Township.

The duly authorized representatives, employees or agents of the Township, including, but not limited to, the Inspector, the Township Supervisor, the Township's engineer, the Health Department and representatives of MDEQ bearing proper identification shall be permitted to enter at any time upon prior notice (absent an emergency) during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. All reasonable safety rules imposed by the owner of the Premises shall be observed. Any Person who applies for and receives sewer services from the Township or owns real property in the Service District shall be deemed to have given consent for all such activities including entry upon that Person's property.

Section 1102. Damage to System.

No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System including the Wastewater Treatment Plant or any Service Connection, or connect or disconnect any Building Sewer to the Public Sewer System.

Section 1103. Notice to Cease and Desist.

Except for violations of Section 1102 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 1104. Civil Infraction.

Any violation of Section 1102, or any violation beyond the time limit provided for in Section 1103, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within 12 months of a previous violation 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 issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation. The Supervisor and the Sewer Administrator are each hereby authorized to issue, in the manner provided by law, citations for municipal civil infractions for violations of this Ordinance.

Section 1105. Nuisance; Abatement.

Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township in the furtherance of the public health may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such Nuisance or violation to occur shall be responsible to the Township for the costs and expenses incurred by the Township in making such repairs or taking such action as a Miscellaneous User Fee.

Section 1106. Liability for Expenses.

Any Person violating any of the provisions of this Ordinance shall become liable to the Township and their authorized representatives for any expense, including reasonable attorney’s fees, loss, or damage incurred by the Township by reason of such violation.

Section 1107. Remedies Are Cumulative.

The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township.

Article XII. Miscellaneous

Section 1201. Repeal of Conflicts.

All ordinances or parts of ordinances in conflict herewith and relating to the Public Sewer System including, without limitation, Ordinance No. 96-30, adopted June 24, 1996; Ordinance No. 98-01, adopted March 30, 1998; Ordinance No. 99-712-1, adopted July 12, 1999; Ordinance No. 02-01, adopted March 11, 2002; and Ordinance No. 03-03, adopted February 24, 2003, as amended, are hereby repealed.

Section 1202. Severability.

The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1203. State and Federal Law Requirements.

If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

Section 1204. Article and Section Headings.

The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

**Article XIII
Publication and Effective Date**

Section 1301. Publication.

A true copy or a summary of this Ordinance shall be published in the Greenville Daily News within thirty (30) days after the adoption of the Ordinance by the Township.

Section 1302. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

**Article XIX
Amendment**

Section 1401. Reservation of Right to Amend.

The Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the Sewer Rates and Charges herein provided.

**Appendix I
Table of Unit Factors**

USAGE	UNIT	FACTOR
Church	1-400 seats	1.00
	401-800 seats	2.00
	801-1200 seats	3.00
Party/Convenience Store w/o Gasoline	1,000 square feet	1.00
Public Institutions:		
Fire Station, Museum	Per Service Stub	1.009
Township Offices	1,000 sq. ft.	0.40
Residential:		
Single Family Housing	Dwelling Unit	1.00
Multi-Family Housing (Apt/Condo/Duplex)	Dwelling Unit	1.00
Mobile Home Parks	Mobile Home Space	1.00
Campground and Seasonal Trailer Park	Camping or Trailer Site	.50
Schools:		
No Cafeteria No Showers	Classrooms, labs, art & music rooms as classrooms	.075/classroom
With Cafeteria No Showers	Classrooms, etc. as above	1.000/classroom
No Cafeteria With Showers	Classrooms, etc. as above	1.25/classroom
With Cafeteria With Showers	Classrooms, etc. as above	1.50/classroom
Administrative Offices REMARKS: Incidental if part of school; treat as office if separate structure	1,000 sq. feet	0.40

NOTE: NO SERVICE STUB SHALL BE ASSIGNED LESS THAN ONE UNIT.

Appendix II

Grattan Sewer System - Map of Big Pine Island Lake

Appendix III

Grattan/Vergennes Sewer System - Map of Big Crooked Lake

Appendix IV

Grattan/Vergennes Sewer System - Map of Ratigan Lake

Appendix V

Grattan/Vergennes Sewer System - Map of Murray Lake

Appendix VI

Additional Service District Map Legend Description

This Appendix is intended to supplement the individual Legends set forth on the Service District Maps attached as Appendix II, Appendix III, Appendix IV and Appendix V to the Grattan Sewer Connection, Use and Rate Ordinance (the “Sewer Ordinance”).

PREMISES INCLUDED IN SERVICE DISTRICT BY COLOR CODE

Green

- Premises coded **Solid Green** or **Green Bars** are included in the Service District.
- **Solid Green**
 - Has physical availability.
 - Mandatory connection is required.
 - Premises has house connected to System.
 - Number of Units connected to the System is assumed to be one (1) or map displays the number of Units as of June 1, 2007 for schools, trailer park, etc.
 - The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
- **Green Bars**
 - Mandatory connection is required.
 - Premises is vacant with no septic or sewer on Premises.
 - A single Unit on each Premises may be connected to the System.
 - The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
 - This category includes buildable and non-conforming lots, but the inclusion of a Premises in this category does not imply that the Premises is buildable under township ordinances or state law (i.e., the presence of wetlands could preclude building). The only implication for the System is that one (1) Unit must be included for the Premises in Township capacity calculations.

Yellow

- Premises coded **Solid Yellow** or **Yellow Bars** have physical availability to the System and are included in the Service District. A single Unit on each Premises may be connected to the System. The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
- **Solid Yellow**

- A portion of the Premises is within the 200 foot or 500 foot rules set forth in the definition of Available Public Sanitary Sewer System set forth in the Sewer Ordinance (the “200 foot or 500 foot rules”), but owner elected not to connect to sewer.
- Premises has house with septic because structure was built outside of the 200 foot or 500 foot rules.
- An existing house on a non-lakefront premises located within 500 feet of lake shall be allowed to maintain an existing septic system, but will be required to connect when septic fails (as determined by the Health Department).
- **Yellow Bars**
 - A portion of the Premises is within the 200 foot or 500 foot rules.
 - Premises is vacant with no septic or sewer.
 - A single Unit on each Premises may be connected to the System.
 - The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
 - This category does not imply that this Premises has capacity availability for more than one (1) Unit. The only implication for the System is that one (1) Unit must be included for this Premises in Township capacity calculations.

Blue

- **Solid Blue**
 - Premises coded **Solid Blue** are generally included in the Service District; however, such Premises are not buildable. In the event any such Premises is considered to be buildable in the future, the requirements of Section 307 and Section 308 of the Sewer Ordinance must be satisfied before a sewer connection permit may be issued for one or more Units to be constructed on such Premises.
 - Does or does not have physical availability.
 - Premises is vacant with no septic or sewer on Premises.
 - Number of Units available is zero (0).
 - This Premises is not buildable; therefore, it is not counted in capacity calculations. Reasons the Premises is not buildable include, but are not limited to, the following:
 - a. too small
 - b. township or state property
 - c. park or preserve – public or private
 - d. open space.
- **Blue Bars**
 - Does or does not have physical availability.
 - Premises is vacant with no sewer.
 - Premises coded **Blue Bars** were approved for sewer service on or before June 1, 2007 by Township Board resolution in accordance with the requirements of Sections 306, 307 and/or 308. Connection of one or more Units to the System is permitted in accordance with the terms of such township board resolutions. Sewer extension and development were not completed as of June 1, 2007.

PREMISES NOT INCLUDED IN SERVICE DISTRICT BY COLOR CODE

Red

- Premises coded **Solid Red** or **Red Bars** are not included in the Service District. If a property owner requests sewer service, the provisions of Section 307 and Section 308 of the Sewer Ordinance will apply.
- **Solid Red**
 - Has no physical availability.
 - Premises has house with septic.
 - Number of Units available is zero (0).
- **Red Bars**
 - Has no physical availability.
 - Premises is vacant with no sewer.
 - Number of Units available is zero (0).

MISCELLANEOUS

- All capitalized terms not defined in this Appendix shall have the meanings assigned to such terms in Article II of the Sewer Ordinance.
- The “500-foot buffer” is a line located 500 feet from the edge of the lake and is intended to be used by the Township in applying the mandatory connection requirements set forth in Article III and the related definition of Available Public Sanitary Sewer System set forth in the Sewer Ordinance.
- Physical availability, as set forth in the definition of Available Public Sanitary Sewer System, means that public sewer lines run across the Premises or abut the Premises within a public road or easement. The inclusion of a Premises in the Service District does not mean that the public sewer is physically available to the Premises.
- Physical availability of the public sewer to Premises does not automatically ensure that the public sewer components have capacity to serve the Premises, as set forth in the definition of Available Public Sanitary Sewer System.
- Inclusion in the Service District does not imply that a Service Stub is already constructed and available for the Premises.
- The inclusion of a Premises on any Service District map does not constitute zoning or land use approval for any particular use.
- The inclusion of a Premises on any Service District map does not imply that the Premises is, or will be, zoned or approved under any applicable Township zoning or land use ordinance, or state or federal law, rule or regulation for any particular purpose or at any particular density.

- All grinder pump stations shown on any of the Service District maps (identified on the individual map legends as GPS) are publicly owned; privately-owned grinder pump stations are not shown on any of the Service District maps.

LAND DIVISION AND ACCESS ORDINANCE

(Ord. No. 98-___, amended by Ord. Nos. 2012-04 and 2014-002)

An ordinance to regulate the division of parcels or tracts of land and to secure the public health, safety and general welfare of persons and property by the regulation of access easements and other means of access to or for parcels or tracts of land, in order to carry out respectively Michigan Public Act 288 of 1967, as amended, being the Land Division Act, and Michigan Public Act 246 of 1945, as amended; to establish minimum requirements and procedures for the approval of such land divisions and such access easements and other means of access to land, consistent with applicable provisions of the Township Zoning Ordinance; and to prescribe penalties for the violation of this Ordinance.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Title and Purpose.

1.1 This Ordinance shall be known and may be cited as the Grattan Township Land Division and Access Ordinance, consistent with applicable provisions of the Township Zoning Ordinance.

1.2 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 implement Michigan Public Act 246 of 1945, as amended, in order to secure the public health, safety and general welfare of persons and property within the Township by regulating access easements and other means of access to land; to provide for the orderly development of land and the safe, convenient and suitable access to land, and otherwise to provide for the public health, safety and general welfare of persons and property in the Township by establishing minimum requirements for the review and approval of certain land divisions and means of access to lands within the Township, consistent with applicable provisions of the Township Zoning Ordinance.

1.3 This Ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Township.

Section 2. Definitions.

2.1 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.

2.2 "Access" means an easement, right-of-way, road, street, driveway, trail, path, lane, route of travel or other means, either public or private, whereby ingress to and/or egress from any land is provided or intended to be provided. Such access may be established, created or acknowledged by written easement, agreement, restrictive covenant, deed of conveyance, dedication, license, permit or other means, whether or not any written instrument for such purpose is recorded.

2.3 “Administrator” means the Township assessor or such other Township official who by resolution of the Township Board is designated the administrator under the terms of this Ordinance.

2.4 “Division” or “land division” means the dividing, partitioning or splitting of a parcel or tract of land by the owner or proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, transfer, parcel or lot creation, or lease of more than one year, or of building development that results in one or more parcels. Division or land division also includes the creation or establishing of an access easement or other access to land, and the dividing, partitioning or splitting of a parcel or tract of land for the purpose of adjusting or relocating one or more boundary lines, or transfer of land between lots or parcels.

2.5 “Lot area” means the minimum area of a lot or parcel of land, including any site development plan approval and any planned unit development approval required for the number of proposed lots, and lawful, approved access to such lot or parcel, as provided by the Township Zoning Ordinance.

2.6 “Lot width” means the minimum width of a lot or parcel of land, including all required minimum frontage on a public street or private road or on a lake, stream or other body of water, as provided by the Township Zoning Ordinance.

2.7 “Parcel” means a contiguous area of land which can be described as stated in Section 102(g) of the Act.

2.8 “Parent parcel” or “parent tract” means a parcel or tract, respectively, lawfully in existence on March 31, 1997.

2.9 “Private road” means a private road which complies with the requirements of the Township Zoning Ordinance.

2.10 “Road authority” means the governmental authority having jurisdiction of a public road or public street.

2.11 “Resulting parcel(s)” means one or more parcels which result from a land division, including access thereto.

2.12 “Tract” means two or more parcels that share a common property line and are under the same ownership.

Section 3. Land Division Approval Required.

Any division of land, including any partitioning or splitting of land and the creation or establishing of access to resulting parcels, within the Township, shall satisfy the requirements of Sections 4, 5 and 6 and other applicable provisions of this Ordinance.

Section 4. Application for Land Division Approval.

4.1 A proposed land division shall be filed with the administrator and shall include the following:

(a) A completed application for land division and access, 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, including land proposed to be used for access, 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) Three copies of 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 and proposed means of access thereto, shall be accurately and clearly drawn to scale. A tentative parcel map shall include:

(1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map.

(2) Proposed boundary lines and the dimensions of each parcel.

(3) An adequate and accurate legal description of each resulting parcel.

(4) 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.

(5) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets.

(6) With respect to lots or parcels abutting bodies of water, or which have or may have access to bodies of water, the location, dimensions and nature of the proposed access to such bodies of water.

(7) 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.

(8) If a resulting parcel is a development site (as defined in the Act), the location of all public utility easements serving the parcel.

(f) A copy of minutes, resolutions or other documents showing that all applicable required approvals under the terms of the Township Zoning Ordinance have been obtained.

(g) Other information reasonably required by the administrator in order to determine whether the proposed land division or creation of land access qualifies for approval, including, though not limited to, a survey required by the administrator in order to verify the accuracy or completeness of the land descriptions provided for parent parcels, parent tracts, resulting parcels and access easements or other means of access.

(h) Payment of the application fee and other applicable fees and charges to cover the costs of review of the application and administration of this Ordinance and the Act, as established by resolution of the Township Board.

4.2 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 and access approval have been complied with, including all required approvals of private roads or other access, site development plans, lot area, lot width, access to bodies of water and land divisions for certain large-scale residential developments, under the terms of the Township Zoning Ordinance.

Section 5. Minimum Requirements for Approval of Land Divisions.

5.1 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. 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.

(d) Each resulting parcel shall have a means of 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.

(g) All applicable required Township approvals of private roads or other access; site development plans; lot area; lot width; planned unit development approval of certain large-scale residential developments; and access to bodies of water, all under the terms of the Township Zoning Ordinance.

5.2 If all of the requirements of Section 5 have been satisfied, the administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the administrator, including the filing of evidence of all other Township approvals required by the terms of this Ordinance. The administrator 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.

5.3 Any notice of approval of a division resulting in a parcel less than one 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.

5.4 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.

5.5 The administrator shall maintain a record of all land divisions approved by the Township.

5.6 No parcel (including a remnant parcel) shall be created that does not fully comply with the minimum lot size, access, lot width to depth ratio requirements, and other dimensional requirements of the Grattan Township Zoning Ordinance, as amended.

Section 6. Approval of Land Divisions.

6.1 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), and access thereto, 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; or

(b) A survey accurately showing the resulting parcel(s) and access thereto 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 shall be of no further effect after the 90th day following such approval by the administrator or, if appealed, by the Township Board.

6.2 All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 6.1 shall be reviewed by the administrator in order to determine their conformity with the approved tentative parcel map.

6.3 The approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations. The use and development of approved resulting parcels is subject to all applicable requirements of the Township Zoning Ordinance, the Township building codes and other applicable Township ordinances.

6.4 The approval of a land division does not grant rights to use or develop a resulting parcel if such use or development does not comply with the Township Zoning Ordinance or other applicable Township ordinances, irrespective of whether such use or development was lawful at the time of approval of the land division, except where such use or development is permitted by the nonconforming use provisions of the Township Zoning Ordinance or other applicable Township ordinances.

6.5 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.

6.6 If a land division or lot split will result in the creation of one or more parcels that can be developed or used only for certain uses or purposes under the Grattan Township Zoning Ordinance (for instance, for farm use, a farm with a farm dwelling or for agricultural uses), then the Township can require that a deed restriction/restrictive covenant be placed on all resulting parcels (including the remnant parcel) for which such use or activity restriction or regulation by the Zoning Ordinance applies, and the land division or lot split shall not be effective until that occurs (and the deed restriction/restrictive covenant document has been recorded). Furthermore, the deed restriction/restrictive covenant shall have language and provisions that are acceptable to and approved by the Township.

Section 7. 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.

Section 8. 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.

Section 9. Effective Date.

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

CEMETERY ORDINANCE

(Ord. No. 99-712)

An ordinance to protect the public health, safety and welfare by providing regulations on the use, operation and management of cemeteries owned by the Township, to provide penalties for violations thereof, and to repeal ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Title.

This Ordinance shall be known and may be cited as the Grattan Township Cemetery Ordinance.

Section 2. Definitions.

The following words and phrases used in this Ordinance shall have the meanings stated respectively in this section.

(a) **Cemetery Lot.** A designated area or space within a cemetery sufficient to accommodate from one to six burial spaces.

(b) **Burial Space.** An area of land within a cemetery lot that, for an adult burial space, consists of a land area four feet wide and ten feet in length and, for an infant or stillborn burial space, consists of a land area three feet wide and three and one-half feet in length.

(c) **Burial Right.** A right of earth interment in a burial space within a cemetery lot.

Section 3. Sale of Cemetery Lots or Burial Spaces.

(a) Cemetery lots and burial spaces shall be available only by purchase and assignment from the Township or by transfer between eligible owners if such transfer is approved by the Township Clerk and recorded in the cemetery records of the Township.

(b) Cemetery lots and burial spaces shall be sold only to residents or taxpayers of the Township, for the purpose of burial of the purchaser or his or her heirs at law or other next of kin, subject, however, to subsection (c) of this section. No sale of cemetery lots or burial spaces shall be made to funeral directors or other persons not authorized as purchasers under the terms of this section.

(c) Notwithstanding the above-stated restriction on the sale of cemetery lots and burial spaces to only residents or taxpayers of the Township, the Township Clerk is hereby authorized to sell cemetery lots and burial spaces to purchasers who disclose sufficient personal reasons for burial within a Township cemetery, because of their previous residence in the Township, or previous Township residence of the person for whom burial rights are sought, or because of their family or other relationship to persons already interred in a Township cemetery.

(d) Sales of cemetery lots and burial spaces shall be accomplished only by the sale of burial rights. All sales of burial rights in a cemetery lot or burial space shall be made only on a form approved by the Township Board, entitled Certificate of Burial Rights, or some other title approved by the Board. Such form or certificate shall grant a right of burial only, and shall not convey any other title or interest in or to the cemetery lot or burial space. Such certificate or other form shall be signed by the Township Clerk.

(e) Burial rights may be transferred only to those persons eligible to be original purchasers of burial rights in cemetery lots or burial spaces within a cemetery in the Township. Such transfer may be accomplished only by a written and signed endorsement or assignment written upon the original burial rights certificate as issued by the Township Clerk. Any such endorsement or assignment shall also be signed and approved by the Township Clerk, and shall be entered into the official cemetery records of the Township. Upon the completion of such approved assignment, and the recording of the same in the Township cemetery records, the Township Clerk shall issue a new burial rights certificate to the assignee, and shall then cancel the original burial rights certificate, and mark the Township cemetery records accordingly.

Section 4. Fees and Charges for Burial Spaces.

(a) The purchase price for cemetery lots and burial spaces shall be as determined by resolution adopted by the Township Board. The Board may provide for such charges on the basis of each adult burial space, each infant or stillborn burial space or other method.

(b) The fee or other charge for the transfer of one or more burial spaces from an original purchaser or previous assignee to a qualified assignee, including the recording of the transfer in the Township cemetery records, shall be as determined by resolution of the Township Board.

(c) Such fees and charges shall be paid to the Township Treasurer and shall be deposited into the cemetery fund for the Township cemetery in which the burial spaces are located. By subsequent resolution, the Township Board may periodically alter such fees and charges.

Section 5. Opening and Closing of Burial Spaces.

(a) No burial space shall be open or closed except under the direction and control of the Township sexton; provided, however, that this provision shall not apply to properly conducted proceedings for the removal and reinterment of previously interred remains, under the lawful supervision of the County Health Department or other agency having jurisdiction.

Section 6. Burial Vaults.

All casket burials shall be within a standard concrete burial vault installed or constructed in a burial space before interment. All cremated remains shall be placed in a durable container.

Section 7. Grave Markers.

(a) For purposes of this section, a grave marker shall consist of a monument, marker, tablet, tombstone or headstone, placed for the purpose of permanently marking an individual or family burial space.

(b) All markers must consist of stone or other material that is equally durable.

(c) All markers shall have a generally flat surface. Markers shall be placed firmly on the ground, but they may project above the ground surface. Only one marker shall be permitted for each burial space.

(d) A marker must be placed on and be supported by a footing or foundation that is at or below ground level. The placement of the marker and the construction of the footing or foundation shall be the responsibility of the monument company or other designee selected by the family or by the person acting in behalf of the deceased person. All costs for the purchase and placement of markers, together with footings or foundations, shall be paid directly to the monument company or other responsible party. The Township shall have no responsibility for the placement of markers or the payment of the cost thereof.

Section 8. Regulations for Interment.

(a) Only one person may be buried in a burial space, except that a parent and an infant may be buried therein or two children buried at the same time may be buried therein.

(b) The sexton shall be notified at least 36 hours in advance of the time of any funeral, so as to allow sufficient time for the opening of the burial space.

(c) Prior to interment, the burial space certificate for the burial space, together with appropriate identification of the person to be buried, shall be submitted to the sexton or to the Township Clerk. Where the burial space certificate has been lost or destroyed, the Township Clerk may consult the Township cemetery records and if the clerk thereupon determines that the person proposed to be buried in the burial space is properly authorized, then the clerk may authorize the sexton to proceed with the opening of the burial space and to approve the interment.

(d) Each grave shall be located in an orderly manner and shall be within the boundaries of the burial space.

Section 9. Ground Maintenance of Burial Spaces.

(a) No grading, leveling, or excavating of any burial space, or any other portion of a cemetery lot, shall be permitted, except upon prior approval of the Township sexton or Township Clerk.

(b) Mounds of earth which would impede or interfere with the efficient use of lawnmowers or other gardening apparatus are prohibited.

(c) Landscape materials other than earth or sod are prohibited, except that wood chips, gravel, brick or other usual landscape material may be placed on the ground immediately around a marker.

(d) The sexton or other person acting in behalf of the Township in the maintenance of a cemetery may remove or trim any tree, plant or shrub located within the cemetery, so as to maintain the appearance and promote the convenient use of the cemetery.

(e) Benches, fences, railings, walls, or similar landscaping accessories are not permitted.

(f) Any artificial flowers or artificial plants that are placed within or near burial spaces must be so placed not earlier than May 15 each year and must be removed not later than October 15 of the same year. All flowers and plants, whether artificial or live, must be placed within one foot of a burial space marker.

(g) The Township sexton may remove and dispose of all artificial or live plants or flowers, emblems, displays, containers and any other objects within or near burial spaces where any such items have become unsightly, a source of litter or a hindrance to proper ground maintenance within the cemetery.

(h) All refuse of any kind including dried flowers, wreaths, flower containers, papers and other debris must be fully and promptly removed from the cemetery ground by the persons who placed such materials within the cemetery, or by other persons who may be caring for the burial spaces where any such materials have been placed.

Section 10. Repurchase of Cemetery Lots or Burial Spaces.

The Township will repurchase cemetery lots or burial spaces for the original amount paid to the Township by the purchaser, upon written request of the owner thereof or the owner's heirs at law or other legal representatives or assigns.

Section 11. Forfeiture of Lots or Burial Spaces.

(a) Cemetery lots and burial spaces that are sold after the effective date of this Ordinance and that remain unused for burial purposes 40 years after the date of sale shall automatically revert to Township ownership, and thereupon the Township shall be the sole owner of all rights and interest therein, upon the occurrence of the following:

(i) Written notice shall be sent by the Township Clerk by regular first-class mail to the last known address of the owner of the lot or burial space, as shown in the Township cemetery records, informing such owner of the expiration of the 40-year period and stating that all rights to and interest in such lot or burial space shall be forfeited permanently to the Township if such owner does not, within 60 days of the mailing of such notice, inform the Township Clerk in writing that such owner desires to retain his or her rights to such lot or burial space, and does not desire to relinquish the same to the Township.

(ii) Such owner does not, within said 60 days, respond to such notice or, if such owner does respond within 60 days, the owner states that he or she does not desire to retain the lot or burial space. A response by the owner's heirs at laws, next of kin or other authorized legal representative or assign of the owner shall be deemed to be a response by the owner.

Section 12. Cemetery Records.

The Township Clerk shall maintain records of all sale and transfer of burial spaces, all burials, burial permits, and funds provided for the perpetual care of cemetery lots or burial spaces and other matters concerning burials and burial spaces within Township cemeteries. Such records shall be maintained separate and apart from other Township records. They shall be available for public inspection during Township office hours.

Section 13. Cemetery Hours.

Township cemeteries shall be open to the public only during daylight hours. Visitors and others shall not enter into or remain in the Township cemeteries during any other time, except upon the prior approval of the sexton or the Township Board.

Section 14. Violations.

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 each subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses, and other remedies provided by law. 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.

Section 15. Severability.

The provisions of this Ordinance are hereby declared to be severable. Should any provision, section or part of this Ordinance be declared to be invalid by any court of competent jurisdiction, such decision shall affect only that provision, section or part thereof, and shall not affect or invalidate the remainder of the ordinance, which shall nevertheless continue to be in full force and effect.

Section 16. Repeal and Effective Date.

All ordinances or parts of ordinances that are in conflict with this Ordinance are hereby repealed, to the extent of such conflict. This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

LIQUOR LICENSE ORDINANCE

(Ord. No. 00-01)

An ordinance establishing procedures and standards for review of applications for on-premises liquor licenses and for filing objections to renewal or requests for revocation of existing on-premises liquor licenses, and providing penalties for the violation thereof.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Preamble.

The Township Board of the Township of Grattan finds and declares that in the interest of the public health, safety and general welfare of its citizens, the Township shall require that any establishment seeking a liquor license from the State of Michigan for the sale and consumption of alcoholic beverages on the premises shall first obtain a favorable recommendation from the Township Board. The Township Board further declares that the Township shall file an objection to renew or a request for revocation of a liquor licensee's license with the Michigan Liquor Control Commission if the licensee engages in conduct harmful to the public health, safety or general welfare of its citizens.

Section 2. Definitions.

(a) Words or phrases used in this Ordinance that are specifically defined in the Michigan Liquor Control Code of 1998 (Act No. 58 of the Public Acts of Michigan of 1998; MCL 436.1101, *et seq.*) shall conform to the meanings given to them by that Act and the regulations promulgated under that Act.

(b) Unless the context specifically indicates otherwise, the meanings of the following terms used in this Ordinance shall be as follows:

(1) "Accessory use" shall mean a use that is incidental and subordinate to the principal use of the premises.

(2) "Applicant" shall mean any person who seeks a recommendation from the Township Board for an on-premises license.

(3) "Bona fide restaurant" shall mean a restaurant which is open to the public a minimum of 20 hours per week at specified days and times and without regard to season. Such a restaurant shall provide a choice of hot and cold dishes to patrons and have at least one cook on duty during all open hours.

(4) "On-premises license" shall mean any one of the five types of liquor licenses issued by the Michigan Liquor Control Commission, including Class C, Club, Class B Hotel, Class A Hotel, and Tavern licenses.

(5) “Person” shall mean any individual, firm, partnership, association, corporation, limited liability company (“LLC”), business, trust, club or lodge.

(6) “Premises” shall include all of the areas used in carrying out the functions of the business of the licensee.

(7) “Principal use” shall mean the primary or predominant use of any premises.

Section 3. Approval of Township Board Required.

Any person seeking a liquor license from the State of Michigan Liquor Control Commission for the sale of beer, wine, spirits or other alcoholic beverages for consumption on the premises (an “on-premises license”) shall obtain approval of its application by the Grattan Township Board, as provided by this Ordinance, before a license is granted by the Commission. The applicant shall bear the burden of proof in establishing compliance with all requirements of this Ordinance.

Section 4. Application for Township Approval of License.

Applications for Township approval of an application to the Liquor Control Commission for a license to sell beer, wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership, corporation, or LLC, verified by oath or affidavit, and shall contain the following statements and information:

(a) The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; or, in the case of a corporation, the names and addresses of the officers, directors and stockholders of the corporation holding more than 5 percent of the stock of such corporation; or in the case of an LLC, and the names and addresses of all members thereof.

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

(c) The nature of the business of the applicant, and in the case of a corporation or LLC, the purpose for which it was formed.

(d) The length of time said applicant has been in business of that nature, or, in the case of a corporation or LLC, the date when it was incorporated or formed.

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

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

(g) A statement, if such is the case, that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter contained in this Ordinance or the laws of the State of Michigan.

(h) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the Township in the conduct of its business.

(i) The application shall be accompanied by a building and a site plan showing the entire structure and premises and, in particular, the specific areas where activities authorized by the license will be carried out. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control in accordance with all applicable Township ordinances.

Section 5. Application.

All applications for licenses to sell alcoholic beverages for consumption on the premises shall be made to the Michigan Liquor Control Commission in accordance with that body's rules and regulations, and shall be accompanied by a recommendation for approval from the Grattan Township Board in the form of a resolution passed by that Board. The passage of such a resolution shall be in the Board's discretion. In considering approval of the application, the Board may require of the applicant such statements and consents as are within the scope of this Ordinance. The Township Board shall have the right to solicit the recommendation and comments of the Kent County Sheriff or other law enforcement authorities as to the suitability of the applicant. A recommendation disapproving the application can be made for any reason within the standards provided in this Ordinance.

Section 6. Qualifications of Applicant.

The Township Board shall not approve an application for the issuance of an on-premises license to the following parties or in the following circumstances:

(a) A person who has been convicted of three or more liquor violations or a felony, in any court or before the Michigan Liquor Control Commission, within a period of five years preceding the submission of the application.

(b) A person whose license under this Ordinance has been revoked for cause.

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

(d) A co-partnership, unless all of the members of the co-partnership shall qualify to obtain a license.

(e) A corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than 5 percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.

(f) An LLC, if any member of the LLC would not be eligible to receive a license hereunder for any reason.

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

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

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

(j) For premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, zoning regulations, public health regulations, or any other applicable Township ordinance or county regulation.

(k) For any new license or for the transfer of any existing license unless the sale of beer, wine or spirits is shown to be an accessory use to other permitted business uses within the site, such as but not limited to food sales, motel operations or recreational activities.

(l) For premises where the premises does not or will not soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control or where a nuisance does or will exist.

(m) For premises that have an inappropriate location, giving consideration to the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; traffic safety; accessibility to the site from abutting roads; ability of abutting roads to accommodate commercial activity; proximity of inconsistent zoning; and accessibility from primary roads or state highways.

(n) A person whose license is in escrow if the Township Board finds that the owner of the escrowed license is in violation of any provision of this Ordinance, state law, other local ordinance or rule of the Michigan Liquor Control Commission, or if the license is held in escrow for more than one year.

Section 7. Location Requirements.

Alcoholic beverages may not be sold for consumption on premises which are:

(a) Within 500 feet of a church or a school building. The distance between the church or school building and the premises shall be measured along the center line of the street(s) of address between two fixed points on the center line of the street determined by projecting straight lines, at right angles to the center line, from the point of the church or school building nearest to the premises and from that part of the premises located nearest to the church or school building.

- (b) On a street where density of traffic or other conditions constitute a hazard.
- (c) At any place where insufficient lighting, lack of police patrol, or other conditions are such as to constitute a nuisance.
- (d) At any place where the proposed use is likely to create a traffic, safety or health hazard.

Section 8. Additional Requirements by Type of Liquor License.

In addition to the location requirements of Section 7, the proposed establishment shall meet the following requirements:

(a) **For a “Class C” Liquor License.** The proposed or existing establishment shall include a bona fide restaurant as the principal use on the same premises with a capacity for seating a minimum of 150 patrons at tables or booths and providing hazard-free, off-street parking at a ratio of one parking space for every three persons immediately adjacent to the restaurant facility. If additional space is provided for the dispensing, sale and consumption of alcoholic beverages, that space shall be limited so as to accommodate not more than that number of patrons equal to 20 percent of the number of patrons that can be accommodated for dining on the premises.

(b) **For all “Class A” and “Class B” Hotel Licenses.** Any “Class A” or “Class B” hotel licensees shall meet at least the following requirements:

(1) A minimum of 40 guest rooms.

(2) A dining capacity of not less than 100 persons, and if additional space is provided for the dispensing and sale of alcoholic liquors, such space shall be limited so as to accommodate not more than that number of patrons equal to 20 percent of the dining capacity.

(c) **Licenses for Recreational Facilities.** Recreational facilities which are primarily for the use of adults, which are contained in a building and which offer food service, can be considered for a favorable recommendation to the Liquor Control Commission if the proposed alcoholic beverage service is accessory to the recreational business and produces no more than 20 percent of the annual gross receipts of the establishment.

(d) **For a “Tavern” Liquor License.**

(1) The proposed or existing establishment shall include a bona fide restaurant as the principal use on the same premises with a capacity for a minimum of 100 patrons at tables or booths. The bona fide restaurant shall provide at least one parking space for each three seated patrons. No more than 20 percent of the restaurant’s dining capacity shall be set aside exclusively for the dispensing, sale and consumption of alcoholic beverages.

(2) A bona fide restaurant with a seating capacity of less than 100 patrons may request from the Township Board an exception from the minimum seating capacity requirement

contained in Section 8(d)(1) of this Ordinance. The Township Board may grant such an exception if all of the following criteria are met:

(i) The applicant demonstrates to the Township that at least 50 percent of the gross receipts from the sale of food and beverages, including alcoholic beverages, will be derived from the sale of food and beverages other than alcoholic beverages.

(ii) No floor area or other space may be set aside exclusively for the dispensing, sale and consumption of alcoholic beverages.

Section 9. Term of License Approval.

(a) Once the Township Board provides its recommendation for approval of an applicant's initial license, such approval shall be deemed continuing and shall not require annual renewal, provided that the applicant is issued a license or license renewal from the Michigan Liquor Control Commission and complies with all requirements of this Ordinance. However, if the Michigan Liquor Control Commission declines to issue or renew a license to an applicant or licensee, the Township Board's approval of the applicant or licensee shall lapse and the applicant or licensee shall then seek renewed approval by the Township Board in accordance with this Ordinance, if the applicant or licensee proposes to reapply to the Commission for a license.

(b) Nothing in this section shall impair the Township Board's right to file, at any time, an objection to an application to renew or a request for revocation under Section 11(d) of this Ordinance.

Section 10. Restrictions on Liquor License.

(a) No disorderly, loud or boisterous conduct shall be permitted on the premises nor shall obscene entertainment be permitted on the premises.

(b) Contests for prizes of monetary value where contestants are chosen from those present shall not be permitted on the premises.

(c) No booths shall be permitted on the premises which are completely enclosed or capable of being temporarily completely enclosed.

Section 11. Authority of Township Board Regarding Licenses.

(a) No applicant for a liquor license shall receive a favorable recommendation from the Township Board while such person is in default to Grattan Township, Kent County or other local taxing authority.

(b) No applicant for a liquor license has the right to the issuance of such license, and the Township Board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. The Township Board reserves the right to take no action with respect to any application filed with the Board. The Township Board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines

that the issuance of an additional liquor license is in the best interests of the Township at large and for the needs and convenience of its citizens.

(c) The Township Board shall grant a public hearing upon a license application when, in its sole discretion, the Board determines that the issuance of an additional liquor license is in the best interests of the Township at large and for the needs and convenience of its citizens. The purpose of the public hearing shall be only to solicit comments from the public on the license application, and such hearing is not required to be held in accordance with the provisions of Section 12 of this Ordinance. Following any such hearing, the Board may adopt a resolution containing a written statement of its findings and determination and submit a copy of the resolution to the applicant. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in this Ordinance.

(d) The Township Board may file an objection to an application to renew an existing license or may file a request for the revocation of an existing license with the Michigan Liquor Control Commission if the Township Board determines, after holding a hearing pursuant to Section 12 of this Ordinance, that a licensee has:

- (1) Violated a requirement of this Ordinance;
- (2) Failed to maintain compliance with any condition required for initial license application approval by the Township Board;
- (3) Been found, pursuant to Commission hearing, to have sold or furnished alcohol, on at least three separate occasions in a single calendar year, to a person who was less than 21 years of age, if the violations did not involve the use of false or fraudulent identification by the person less than 21 years of age; or
- (4) Caused or maintained a nuisance on the premises.

Section 12. Hearing Procedures.

(a) **When Required.** Before filing an objection to renew or a request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall provide the licensee with an opportunity for a hearing to object to the Township Board's proposed action. The hearing may be held at any regular meeting of the Township Board and shall be conducted in accordance with Act No. 267 of the Public Acts of Michigan of 1976.

(b) **Notice.** The Township Board shall provide the affected licensee with prior written notice of the hearing, by regular first class mail, mailed not less than ten days prior to the hearing. The notice shall contain the following:

- (1) A statement of the Township Board's proposed action.
- (2) Tentative reasons for the proposed action.
- (3) A statement specifying the date, time and location of the hearing.

(4) A statement indicating that the licensee may present evidence and testimony on its behalf and confront adverse witnesses at the hearing.

(c) **Presentation of Evidence.** At a hearing held pursuant to this section, the Township Board may present the evidence or information bearing on its proposed decision to file an objection to renew or a request for revocation of the licensee's license. The licensee shall then be given a reasonable time to present evidence and testimony in opposition to the Township Board's proposed action and to confront adverse witnesses, if any.

(d) **Township Board Decision.** Following the hearing, the Township Board shall determine, by majority vote of its members, whether to file an objection to renew or a request for revocation of the licensee's license with the Michigan Liquor Control Commission. If the Township Board votes to file an objection to renew or request for revocation, then the Township Board shall adopt a resolution containing a statement of its findings and determinations and submit a copy of the resolution to the Michigan Liquor Control Commission and the licensee. If the Township Board votes not to file such an objection to renew or a request for revocation, the Township Clerk shall provide the licensee with written notice of the Township Board's decision.

(e) **Basis of Decision.** The Township Board shall vote to file an objection to renew or a request for revocation of the licensee's license if, based on all the evidence presented at the hearing, a majority of the members serving on the Board determine that there is reasonable and sufficient evidence supporting the charge that the licensee has engaged in any of the prohibited activities described in Section 11(d)(1)-(4) of this Ordinance.

Section 13. Severability of Ordinance.

Should any portion of this Ordinance be declared invalid, the remaining portions hereof shall remain in full force and effect.

Section 14. Penalties.

(a) A violation of any provision of this Ordinance is a civil infraction for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the court, in addition to all other costs; attorney's fees, damages and expenses. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation 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 issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) In addition to, or in lieu of, enforcement of this Ordinance under Section 14(a), the Township may commence proceedings in the appropriate court for injunctive or other relief.

Section 15. Effective Date.

This Ordinance shall take effect 30 days after its publication or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

DOCK AND BOAT ORDINANCE

(Ord. No. 08-01; Eff. 9-1-08)

[Except those portions amended or added by Ord. No. 09-002.]

An ordinance to regulate the number and placement of docks, to regulate docking, mooring and launching of watercraft and other matters, to provide penalties for the violation of these regulations, and to repeal the prior Grattan Township Boat Launching and Dock Ordinance which was adopted on September 10, 2001.

THE TOWNSHIP OF GRATTAN ORDAINS:

Article 1

Intent, Purpose and Short Title

Section 1.1 Intent and Purpose.

The Grattan Township Board recognizes and concludes that the proper and safe use of water resources in Grattan Township (“Township”) is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes in the Township, to preserve and protect the quality and safety of the lakes and shorelines and the rights of riparian owners and users as well as the Township as a whole, and to promote the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for watercraft, dock and raft usage in the Township.

Section 1.2 Short Title.

This Ordinance shall be known and may be cited and referred to as the “Grattan Township Dock and Boat Ordinance,” and shall hereinafter be referred to as the “Ordinance.”

Article 2

Scope and Application

Section 2.1 Minimum Standards.

The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township.

Section 2.2 Interpretation.

This Ordinance is intended to supplement other laws and ordinances. If this Ordinance imposes more stringent requirements than other ordinances, the provisions of this Ordinance shall govern, except as otherwise herein provided.

Section 2.3 Application to Planned Unit Developments.

The provisions of this Ordinance cannot be overridden in or by an approved planned unit development under the Grattan Township Zoning Ordinance.

Article 3 Definitions

Section 3.1

For the purposes of this Ordinance:

(a) “Beached” or “beaching” means placing or securing a watercraft on or adjacent to the shore of a separate frontage on a lake.

(b) “Boat hoist” and “shore station” means a device for the purpose of mooring, anchoring or holding a watercraft in, on or above the water in a lake. **(Amended by Ord. No. 09-002; Eff. 10-30-09.)**

(c) “Dock” means a structure, platform or fixture extending from the shore or bottomlands into a lake.

(d) “Docked” or “docking” means the anchoring, tethering, or mooring of a watercraft directly to a pier, structure, platform, pole, anchor or dock; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or the regular or overnight beaching of a watercraft or anchoring or tethering to the bottomlands of a lake.

(e) “Mooring” means a space for a single watercraft at or adjacent to a dock, in an offshore boat cradle or shore station, or a beaching location.

(f) “Normal highwater mark” means the normal high water mark of the lake as determined by the Department of Natural Resources (or successor), or if the Department has not made such a finding, the normal high water mark location shall be determined by the Township Engineer. The measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

(g) “Person” means a human being, partnership, corporation, association (including a condominium association), and any other entity to which the law provides or imposes rights or responsibilities.

(h) “Personal watercraft” shall have the same meaning given to that term under Part 802 of the Natural Resources and Environmental Protection Act, MCL 324.802001, *et seq.*

(i) “Separate frontage” means that portion of a lot or parcel of land lawfully existing on documentation recorded with the Kent County Register of Deeds, which abuts or intersects with the normal highwater mark of a lake, whether such lot or parcel is owned by one or more persons, is

commonly owned by several persons or combinations of persons, or occupied by a multiple-unit residential development.

(j) “Watercraft” means any boat, pontoon boat, hydrofoil, hovercraft, jet ski, personal watercraft, jet boat, or similar vessel having a propulsion system of six horsepower or more, or sailboat over 12 feet in length, but does not include canoes, kayaks, paddle boats, rowboats (without an engine) or other human-powered craft or sailboards.

Article 4 General Regulations

Section 4.1 Number of Watercraft.

Except as otherwise permitted by Section 4.3, not more than four watercraft shall be launched from or for each separate frontage, nor shall more than four watercraft be utilized, docked, moored, beached, or kept at, on, or adjacent to each separate frontage.

Section 4.2 Number of Docks.

Except as otherwise permitted by Section 4.3, no more than one dock shall be allowed, used, or installed for each platted lot or parcel meeting all legal minimum water frontage, area and width requirements imposed by the Grattan Township Zoning Ordinance for the zoning district in which the lot or parcel is located.

Section 4.3 Additional Watercraft and Docks.

(a) Where a separate frontage contains more than 80 feet of continuous frontage on a lake (as measured along the water’s edge at the normal highwater mark of the lot or parcel), one additional dock shall be allowed and four additional watercraft may be launched and/or docked for each full 80 feet of continuous water frontage in excess of the initial 80 feet of separate frontage. No additional docks or watercraft shall be allowed for additional frontage measuring less than a full 80 feet. If a separate frontage is located within a zoning district under the Grattan Township Zoning Ordinance where the minimum lot width requirement is greater than 80 feet, the minimum continuous water frontage in this subsection (a) shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

(b) Where more than one dock is permitted for a separate frontage, the docks shall be separated by a minimum of 30 feet.

Section 4.4 Raft and Dock Ownership Identification. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

The owner(s) of a raft or swimming platform shall place and maintain a sign or placard on such item that conspicuously identifies the current lake property address of the owner(s).

A raft or swimming platform shall be anchored on and kept only over the bottomlands owned by the owner of that raft or swim platform.

Each raft or swimming platform shall have a minimum of two reflectors affixed to two external sides of the raft or swim platform.

Article 5 Safety Regulations

Section 5.1 Permanent Docks Prohibited.

Permanent docks, shore stations, boat cradles and rafts are prohibited. All docks, shore stations, boat cradles and rafts shall be completely removed from lakes before December 15 of each year and may not be reinstalled before the following March 15.

Section 5.2 Dock Repair. (Amended by Ord. No. 09-002; Eff. 10-30-09.)All docks, shore stations, boat hoists and rafts shall be kept in good repair. Good repair means free from defects which might cause a hazard to persons or watercraft and free from defects which may result in interference with navigation of watercraft in lakes.

Section 5.3 Size and Location Restrictions. (Amended by Ord. No. 09-002; Eff. 10-30-09.)Floating rafts, trampolines, floats, ski jumps, swim platforms, or similar items with an exposed surface area exceeding 85 square feet shall not be anchored, placed, or used in any lake. Docks, floating rafts, trampolines, floats, ski jumps, or platforms shall not be located in a body of water so as to impede navigation or present a safety hazard to watercraft. No person shall install or maintain a dock or anchor a raft, ski jump, trampoline, float, or platform except on bottomlands owned by that person.

Section 5.4 Moorage.

A watercraft or other boat may only be moored or anchored overnight in a lake if it is moored or anchored adjacent to a dock, boat cradle or shore station which complies with this Ordinance.

Section 5.5 Dock Location.

No dock shall be placed or maintained in a location where it can present a hazard to navigation, or create a risk that watercraft will run aground while attempting to moor at the dock.

Section 5.6 Dock Width. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

All docks shall have a minimum width of two and one-half feet, but shall not exceed a maximum width of eight feet. "T" or "L" or "U" sections may be used. Any such "T" or "L" or "U" dock section may be located at any part of the dock, so long as all portions of the dock conform to all setback and lot line requirements in this Ordinance (and other Township ordinances) and all portions of the dock are located only on or over the bottomlands of the owner of the dock.

In no event shall a dock (including any and all portions thereof) extend laterally (as measured parallel to the shoreline) so as to encompass an area greater than 50 percent of the lake frontage of the lakefront lot(s) involved.

A dock (including any and all portions thereof) shall only be located on the bottomlands of a lot owned by the owner of the dock. Where a canal or channel is involved, refer to Section 5.13.

Section 5.7 Dock Length. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

No dock shall extend more than 75 feet into a body of water, measured perpendicularly from the shoreline, unless necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. Docks and watercraft located in rivers or streams shall not extend into the stream or river more than 10 percent of the width of the stream or river, measured perpendicularly from the stream or river bank.

Section 5.8 Setback Requirements.

No dock shall be placed within ten feet of the side lot lines of a lot or parcel as extended to the center of the lake or body of water. The following setbacks are also applicable.

(a) No shore-station or boat hoist shall be located within two feet of a side lot line as extended to the center of the lake or body of water. If the shore station has a canopy that extends out further than the other parts of the shore station, the measurement used shall be from the edge of the canopy and not the shore station. **(Amended by Ord. No. 09-002; Eff. 10-30-09.)**

(b) No watercraft or other boat shall be launched, stored, moored or docked within two feet of the side lot lines of a property as extended to the center of the lake or body of water.

Section 5.9 Common Docks.

Two adjoining lots or parcels which have frontage directly on a lake may share one common dock, which may be located on the common boundary line of the two lots or parcels or within ten feet thereof, with no more than eight moorings being utilized in total for both parcels if the Safety Board of Appeals determines that the common dock is safe and consistent with free navigability and approves the same in writing. No other docks shall be allowed for the two lots or parcels except the approved one common dock.

Section 5.10 Public Lands.

Any land, easement, lake access property, or park under the ownership, possession or control of the Township or any governmental agency or unit having access to or frontage on any lake shall be fully subject to the provisions of this Ordinance.

Section 5.11 Parks, Easements, and Common Areas.

No dock or mooring for watercraft (or any boat) shall be located at or on any right-of-way, park, road, common area, alley, dedicated walkway, or easement (or bottomlands thereof) which abuts or terminates at a lake, nor shall any watercraft, boat, canoe, kayak, paddle boat, rowboat, or similar vessel be anchored, moored, beached, or stored at or on any such park, right-of-way, common area, road, dedicated walkway, or easement (or bottomlands thereof).

(a) This Section 5.11 shall apply whether the right-of-way, easement, park, road, common area, alley, or dedicated walkway is public or private.

(b) **Exception.** If lots or parcels front on a road right-of-way, easement, or similar way which runs along and parallel to the shoreline of the lake and such abutting lots or parcels are deemed to be riparian pursuant to Michigan law, then each individual lot or parcel so deemed to be a riparian property under Michigan law shall be considered a “separate frontage” for purposes of this Ordinance as to each such parcel or lot’s portion of the right-of-way, easement, or other way involved, and this Section 5.11 shall not apply to each such separate frontage.

Section 5.12 Boat Storage Device Design Requirements.

Each boat cradle and shore-station used in the Township shall meet all of the following requirements, in addition to the other requirements of this Ordinance.

- (a) It shall not have a rigid roof and walls.
- (b) It shall not have “tracks” or appurtenances extending onto dry land.
- (c) All portions of the device shall be located lakeside of the shoreline when in use during the boating season.
- (d) It shall be designed for not more than one watercraft, except for those designed for personal watercraft which may hold no more than two personal watercraft.
- (e) It shall be designed so that watercraft are removed from the water and are stored above the water.
- (f) No fill or the addition of any permanent or stabilizing structure or material shall be added to the bottomlands of any lake, channel, canal, river, or stream to support any boat hoist or shore station. **(Added by Ord. No. 09-002; Eff. 10-30-09.)**

Section 5.13 Channels and Canals. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

- (a) This Section 5.13 shall apply to any channel or canal (and to properties fronting on any such canal or channel) which lawfully existed prior to April 1, 2001.
- (b) No part of any dock, shore station, boat hoist, or moored or docked boat or watercraft shall extend into (or be located within) the traveled or navigable portion of a canal or channel. For purposes of this subsection, the phrase “navigable portion of a canal or channel” shall mean the area located within ten feet on either side of the centerline or center thread of the canal or channel or the centermost 50 percent of the total width of the canal or channel, whichever is greater.
- (c) Any channel or canal which was created on or after April 1, 2001 (in which was expanded after April 1, 2001), as well as the properties abutting any such canal or channel, shall not have any dock, boat hoist, swim platform, or similar item located therein or on the shore or

bottomlands thereof. Furthermore, any property fronting on such a canal or channel shall not be utilized for any dock, shore station, mooring, docking, or the launching of any watercraft or boat.

Section 5.14 Single Family Usage Only.

For all properties with frontage on a lake in any residential or agricultural zone district under the Grattan Township Zoning Ordinance, as amended, only boats or watercraft owned by the owner of the lake property involved may be moored, beached, docked, or stored on that property (or the bottomlands thereof) overnight.

If a single family rents or leases a dwelling (and occupies the same) on a lawful lakefront lot, the family shall be considered the owner of the lake property involved for purposes of this Ordinance, so long as no more than one family is occupying or using the dwelling and lakefront property involved. **(Added by Ord. No. 09-002; Eff. 10-30-09.)**

Article 6 Existing Watercraft and Dock Activity

Section 6.1 Lots of Record.

A lot of record includes a lot or parcel that was platted or otherwise lawfully of record prior to the effective date of former Ordinance No. 01-02 (the prior Grattan Township Boat Launching and Dock Ordinance).

Section 6.2 Application of Ordinance to Lots of Record.

Lots of record having separate frontage measuring less than 80 continuous feet (or the minimum frontage required in the zone district involved is such requirement is over 80 feet) are permitted to have not more than four watercraft launched, docked, moored or beached from their separate frontage and are permitted to have not more than one dock on their separate frontage.

If a lawful lot of record has any type of easement, walkway, or similar lake access device located on that lot of record and such easement or right of way has a lawful nonconforming dock, watercraft mooring, or similar nonconforming use thereon, the balance of the water frontage of the lot of record (excluding the area comprising the easement, walkway, or other lake access device) shall be permitted to have such dock, watercraft moorage, and related rights to the use of docks and watercraft, limited to single family use as provided in Sec. 5.14, for the owner of the lots of record, to the same extent as is permitted by this ordinance for a lot of record without such easement or right of way thereon.

Lots of record must comply with all other provisions of this Ordinance, except as otherwise allowed by Section 6.3, below. **(Section 6.2 amended by Ord. No. 10-007; Eff. 10-20-10.)**

Section 6.3 Continuation of Lawful Existing Uses.

The lawful mooring, docking, or launching of watercraft or boats or usage of docks, shore stations, boat cradles, or rafts on or from a particular lot, parcel, or separate frontage occurring prior

to the date of adoption of this Ordinance shall be permitted to continue without change. However, any change, alteration, or expansion of such prior usage which occurs after the date this Ordinance becomes effective shall fully comply with the provisions of this Ordinance. For purposes of this Section 6.3, normal maintenance and repair of docks due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage.

If a permanent dock or other nonconforming dock lawfully existed prior to the adoption of this Ordinance and if any such dock is replaced, reconstructed, moved, or altered, it shall lose its lawful nonconforming structure status, in which case such dock (as well as any replacement dock) shall be fully subject to this Ordinance and shall be completely removed from the lake involved (pursuant to Section 5.1 hereof) from December 15 through the following March 15. **(Added by Ord. No. 09-002; Eff. 10-30-09.)**

The burden of asserting a defense under this Section 6.3 is on the property owner who asserts a lawful existing use. The Board of Safety Appeals mentioned below may hear and decide appeals regarding the existence or expansion of any lawful existing uses under this Section 6.3. The Board of Safety Appeals shall not decide any such appeal until after it has held an informational hearing pursuant to Section 7.5 of this Ordinance.

Article 7

Variances and Modifications

Section 7.1 Board of Safety Appeals.

The Township Board shall appoint a five member Township Board of Safety Appeals (“Board”) for purposes of this Ordinance. At least three members shall reside at or own property fronting on a lake within the Township. One member may be a member of the Township Board or the Planning Commission. Members shall be appointed for terms of three years.

Section 7.2 Powers.

The Board may interpret the provisions of this Ordinance if questions arise and may approve modifications to particular provisions of this Ordinance for a given case if it determines that the literal enforcement of this Ordinance would cause undue hardship in a given case or circumstance.

Section 7.3 Standards for Variance.

The Board shall not grant a variance to any provision of this Ordinance unless the Board makes all of the following findings:

(a) That the enforcement of this Ordinance would unnecessarily prevent the reasonable use of the land or watercraft involved without resulting benefit to the public health, safety and welfare of persons or property.

(b) That granting a variance to the provisions of this Ordinance for the particular instance would not unduly prevent the realization of the purposes of this Ordinance.

(c) That granting a variance to the provisions of this Ordinance for the particular instance would not cause substantial harm or detriment to adjacent or nearby lands or watercraft or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance.

(d) That exceptional or extraordinary circumstances or conditions are involved.

Section 7.4 Variance.

Upon the making of the findings set forth above, the Board may grant a variance to a particular provision or provisions of this Ordinance for a given property. The Board may grant a variance to a provision of this Ordinance only upon a concurring vote of at least four of its members. In granting any such variance, the Board shall include in its minutes the reasons or grounds for its decision. The Board may attach reasonable conditions to the granting of a variance.

Section 7.5 Informational Hearing. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

A variance application shall be considered only at a duly held meeting of the Board. At least ten days before the meeting, written notification that an application will be reviewed shall be sent to all property owners within 300 feet of the property for which the variance is being sought. The Township shall also give at least 15 days' prior written notice of such hearing to any lake or property owners' association for the lake involved if such association has provided its address to the Township beforehand. Notice shall be provided to the required parties through delivery via first-class mail. Failure to give or receive such notice shall not affect the validity of the Board's proceedings.

Section 7.6 Fees.

The Township Board may set fees from time to time by resolution for applications hereunder.

Article 8 Penalties and Enforcement

Section 8.1 Penalty.

Violation of this Ordinance is a civil infraction, for which the fines shall be not less than \$100 or more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation 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 issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

Section 8.2 Injunction.

Any violation of this Ordinance is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 8.1 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

Section 8.3 Enforcement and Administration.

This Ordinance shall be enforced and administered by the Township Zoning Administrator, or such other Township official as may be designated from time to time by resolution by the Township Board.

**Article 9
Severability**

Section 9.1 Severability.

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

**Article 10
Effective Date and Repealer**

Section 10.1 Effective Date.

The provisions of this Ordinance shall take effect 30 days from the date of publication of the ordinance or a summary of its provisions in accordance with law.

Section 10.2 Repealer.

Grattan Township Ordinance No. 01-02 (the prior Grattan Township Boat Launching and Dock Ordinance adopted on September 10, 2001) is hereby repealed as of the effective date of this Ordinance.

JUNK CONTROL ORDINANCE

(Ord. No. 02-25)

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Findings and Purpose.

The Township Board of the Township of Grattan (“Township”) hereby finds that it is essential and necessary to the health, safety, well-being, and welfare of the residents of the Township and the well-being of the personal and real property located within the Township that the Township adopt this Ordinance, and that the disposal and accumulation of solid and liquid waste, junk, refuse, trash, and discarded items shall occur only in a sanitary, orderly, and safe fashion. In the past, junk, waste, refuse, trash, and hazardous materials may have been improperly dumped, buried, or disposed of within the Township, which may have caused irreparable harm to property and natural resources within the Township, including but not limited to, lakes, streams, soils, groundwater, watersheds, and sensitive wetlands, all of which are essential to the health and economic well-being of the community. The Township Board further finds that the improper disposal of such materials impairs property values and poses a real and substantial risk to the health and safety of persons, pets, farm animals, and wildlife within the Township.

This Ordinance is not intended to interfere with lawful farming and generally accepted farm operations or practices. Nor shall this Ordinance be deemed to prohibit or interfere with the otherwise lawful storing or spreading of manure, fertilizers, herbicides, or other soil conditioners as part of a farm operation.

Section 2. Authorization.

This Ordinance is authorized and enacted pursuant to MCL 41.181, *et seq.*, Article 4, Section 52 of the Michigan Constitution of 1963 and other applicable laws.

Section 3. Prohibited Acts.

Unless otherwise expressly permitted by Section 4 hereof it shall be unlawful for any person, entity, corporation, association, or other organization to do or permit any of the following (or to assist in doing any of the following) within Grattan Township:

- A. Operate an unlicensed or unlawful dump, landfill, or sanitary landfill.
- B. Utilize, bury or dispose of any item at an unlicensed or illegal landfill or disposal site knowing the same to be unlicensed or illegal.
- C. Pour, inject, drain, dump, abandon, bury, or dispose of any discarded liquid which may be hazardous, toxic, nuclear, poisonous, putrid, dangerous, or biologically harmful into, below, within, or onto the ground, substrata, a road, or any soil, lake, stream, pond, or wetland or to accumulate or store such discarded liquids outdoors. For purposes of this subsection C, the words hazardous, toxic, nuclear, poison, putrid, dangerous, or biologically harmful shall be as defined by

any federal or Michigan law. This prohibition shall include, but not be limited to, gasoline, oil, cleaning fluid, heating oil, industrial or commercial waste, medical waste, paint waste, processed food byproducts or waste, flammable liquid, or liquid industrial by-products.

D. Deposit, dump, drain, or cause to be drained, any harmful or hazardous liquid, sewage, or industrial waste substance from any sink, tank, motor vehicle, or any other thing, onto the surface of any land or into any open ditch, lake, stream, pond, or wetland, or into any pipe or conduit which directly or indirectly empties or deposits any such substance onto the surface of any land or into any open ditch, lake, creek, wetland, or stream.

E. Place, throw, bury, dump, abandon, store, or accumulate outdoors any empty or partially filled cans, food containers, broken or whole bottles, trash, rubbish, garbage, litter, junk, rags, used or broken glass, mobile homes not meeting township ordinance requirements, debris, used tires, used tanks, discarded or scrap plastic, waste, boxes, barrels, scrap metal, cardboard, inoperable or partially assembled equipment or machinery, scrap rubber, crockery or utensils of any kind, automobile or vehicle bodies or parts of automobiles or vehicles (except in a duly licensed junk yard), old stoves or appliances, furniture, parts of machinery, contaminated soil, illegal pesticide, illegal fertilizer, refuse, scrap styrofoam, paper, broken pallets, cloth, batteries, mattresses or bed springs, flammable matter or substances, offal, medical waste, industrial byproducts or waste substances, or objects of a similar nature, upon, under, or on any land in the Township, or to permit any such things or substances to accumulate on land or water over which the person permitting the same occupies, owns, leases, or has control.

F. Allow the accumulation of materials which provide rat harborage or which may serve as food for rats or is accessible to such rodents or in or around which flies, insects, rodents, or vermin may exist, breed, or multiply, or to suffer or permit upon any premises stagnant or filthy water deemed a health hazard by the Kent County Health Department (excluding natural wetlands), dead animals or unwholesome meat, or any other unwholesome, filthy, deleterious, or offensive thing or substance.

G. Litter on any property or roadway within the Township.

H. Accumulate, place, store, or allow or permit the accumulation, placement, or storage of trash or junk outdoors on property in Grattan Township, except in a lawful sanitary landfill, a lawful junk yard, or not to exceed eight days' storage in watertight storage receptacles designed for the temporary accumulation of trash.

Section 4. Exceptions to this Ordinance.

The following activities shall not be subject to the requirements of Section 3 of this Ordinance:

A. The lawful disposal of materials or items into or within a lawful sanitary landfill, hazardous materials landfill, or facility or incinerator properly licensed by the State of Michigan.

B. The lawful disposal of materials or items into or within a lawful waste disposal site which has been expressly approved or authorized by the Township under its zoning ordinance or other ordinances.

C. The otherwise lawful storage, use, and application of lawful fertilizers (excluding human waste), herbicides, and insecticides pursuant to agricultural, landscaping, lake weed control, or horticultural uses.

D. The accumulation or spreading of animal (non human) manure for agricultural purposes.

E. The composting of plant, vegetative, or crop matter.

F. Winter treatment of roads, sidewalks, steps, and other ways for snow and ice removal.

G. The lawful storage of automobile or vehicle bodies or parts at a lawful and approved junk yard.

H. Lawfully and properly maintained feed, chemical, fertilizer, fuel, or liquid storage tanks, whether above or below ground, including the contents thereof.

I. The outdoor storage of bona fide farm equipment, farm implements and farm vehicles, if being used for ongoing farm operations and if in compliance with any and all other applicable Grattan Township ordinances.

J. The lawful disposal of human and conventional household waste pursuant to a lawful municipal or underground septic disposal system, or as otherwise expressly allowed pursuant to any applicable ordinance.

K. Notwithstanding any provision of this Ordinance, the following items may be buried or disposed of within the Township:

(i) Clean fill.

(ii) Crops, natural compost or vegetative items.

(iii) Rocks or untreated wood.

(iv) Cables, conduits, pipes and tubes which are being utilized for utilities, drainage or irrigation purposes.

(v) Cement.

(vi) Basements, shelters, foundations, lawful structures and nontoxic pilings.

(vii) Conventional firewood.

(viii) Cemetery uses and burial of pets.

- (ix) Approved and lawful underground storage tanks.
- (x) Burying of dead farm animals if buried on land comprising the farm where the animals were from.
- (xi) Approved, lawful underground septic systems.
- (xii) Burying of any road killed animal at or near the site killed.
- (xiii) Disposal of game remnants by the hunter or fisherperson involved if the game was lawfully killed.

Section 5. Building Materials.

No building materials shall be stored outside of a fully enclosed building for over 60 days. This section shall not apply to building materials used for a lawfully operated building materials supply business or building materials stored on a site or property for two years or less for which a valid building permit has been issued by the appropriate county or Township building official and where said materials are intended for use in connection with such construction on that property or site. For purposes of this Ordinance the term “building materials” shall include, but not be limited to, lumber, building blocks or bricks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, insulation, nails, or screws.

Section 6. Violation: Penalty, Remedies and Enforcement.

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall, be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than \$100 for the first offense and not less than \$200 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. 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 or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 7. Other Persons Who May Be Liable.

The prohibitions and penalties of this Ordinance shall apply not only to any person, firm, entity, corporation or association which does anything prohibited by this Ordinance and those who aid and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm, corporation, or entity owning or having control of any premises or property from, through, or onto which any such prohibited items, materials, or substances are drained, buried, dumped, abandoned., stored, or accumulated and who permits or acquiesces in such actions or ordinance violations.

Section 8. Additional Remedies.

In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. Any violation of this Ordinance is a nuisance per se.

Section 9. Severability.

The sections and portions of this Ordinance shall be deemed severable. Should any section, clause or provision of this Ordinance ever be declared to be invalid, in whole or in part, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the section, clause, sentence, or provision-declared to be invalid.

Section 10. Effective Date.

This Ordinance shall take effect 30 days after this Ordinance or a summary thereof is published in the newspaper as provided by law.

Section 11. Repeal.

This Ordinance shall repeal the prior Township Junk Control Ordinance (Ordinance No. 92-04) adopted on May 11, 1992, in its entirety.

VEHICLE ORDINANCE

(Ord. No. 02-026)

An ordinance to regulate junk and inoperable vehicles and motor vehicles and certain vehicle sales; to provide penalties for the violation of such regulations, and to repeal the Grattan Township Uniform Ordinance No. 1.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited and referred to as the “Grattan Township Vehicle Ordinance,” and shall hereinafter be referred to as the “Ordinance.”

Section 2. Definitions.

For the purposes of this Ordinance, the following terms shall have the following meanings:

(a) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks.

(b) “Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) “Inoperable vehicle” or “inoperable motor vehicle” means any vehicle or motor vehicle which cannot be started or legally or physically operated on public streets or highways by virtue of lacking the equipment required by the laws of the State of Michigan or which does not bear valid and current license plates.

(d) “Junk vehicle” or “junk motor vehicle” means a vehicle or motor vehicle which has been so damaged or dismantled as to be a total loss. These terms shall also include all parts or accessories of vehicles or motor vehicles without which vehicles or motor vehicles cannot be operated in a safe manner on streets or public highways.

(e) “Total loss” means where the cost to fully repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally-recognized appraisal book or method.

Section 3. Keeping or Storage of Inoperable or Junk Vehicles or Motor Vehicles.

No person, firm, entity, or corporation shall accumulate, store, place, or permit the accumulation, storage, or placement of any inoperable or junk vehicle or motor vehicle in Grattan Township for more than 48 hours during any calendar year on a lot or parcel, unless such inoperable or junk vehicle or motor vehicle is stored in a fully-enclosed lawful garage or other building. This prohibition shall not, however, apply to a truck used for snowplowing or road maintenance where

such truck is utilized only for one particular private road and the truck is unlicensed, so long as the truck is fully operable.

Section 4. Prima Facie Evidence.

The ownership, lease, occupation, or use of land by any person, entity, firm, or corporation upon which an inoperable or junk vehicle or motor vehicle is accumulated, stored, or placed shall be prima facie evidence that such person, firm, entity, or corporation accumulated, stored, or placed such inoperable or junk vehicle or motor vehicle upon such land, or permitted such inoperable or junk vehicle or motor vehicle to be accumulated, stored, or placed upon such land.

Section 5. Vehicle and Item Sales.

No automobile, truck, vehicle, snowmobile, farm and/or garden implement or vehicle, recreational vehicle, trailer, snowmobile, appliance or similar item shall be parked, stored, or kept on any property with any sign, banner, or device indicating that such item is for sale, rent or lease for more than 45 days per calendar year. If such item is still displayed for sale 45 days or more after the Township (or its designated official) sends the property owner a letter indicating that there may be a violation of this Section 5, a rebuttable presumption shall arise that such item has been displayed for sale, rent, or lease for more than 45 days in violation of this section. This Section 5 prohibition shall not apply where neither the item nor the signage is visible from a public road right-of-way or any adjoining property. Nor shall the prohibitions in this Section 5 apply to a commercial vehicle or implement sales business which complies with the Grattan Township Zoning Ordinance, as amended, and is otherwise lawful.

Section 6. Violation: Penalty, Remedies and Enforcement.

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than \$100 for the first offense and not less than \$200 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. 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 or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 7. Repeal.

This Ordinance shall repeal the Grattan Township Uniform Ordinance No. 1 adopted by the Grattan Township Board on April 10, 1973, as well as the comparable ordinance adopted by the Grattan Township Board on March 11, 1969.

Section 8. Severability.

In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Section 9. Effective Date.

The provisions of this Ordinance shall take effect 30 days from the date of publication of the ordinance or a summary of its provisions in accordance with the law.

SUBDIVISION ORDINANCE

(Ord. No. 02-___)

An ordinance regulating the subdivision of land in the Township of Grattan; requiring and regulating the preparation and presentation of pre-preliminary, preliminary and final plats for such purpose; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedures to be followed by the Township Board and Planning Commission in applying these rules, regulations and standards; regulating certain aspects of site condominium developments and certain land divisions; and prescribing penalties for the violation of this Ordinance;

THE TOWNSHIP OF GRATTAN ORDAINS:

Article 1 General Provisions

Section 1.1 Short Title.

This Ordinance shall be known and may be cited as the “Grattan Township Subdivision Ordinance.”

Section 1.2 Purpose.

The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Grattan (as well as regulating certain aspects of site condominium developments and certain land divisions) in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

- A. Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- B. Secure safe and convenient traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions and public facilities.
- C. Achieve individual property lots of maximum utility and livability.
- D. Ensure adequate provisions for water, drainage and sanitary sewer facilities and other health requirements.
- E. Plan for the provision of adequate recreational areas, school sites and other public facilities.
- F. Ensure that subdivision improvements are properly installed and completed in compliance with the regulations contained in the Land Division Act, as amended.

G. Ensure that all developments fully comply with the Grattan Township Master Plan, the Grattan Township Land Division Ordinance, the Grattan Township Zoning Ordinance, and other applicable ordinances and laws.

Section 1.3 Legal Basis.

This Ordinance is enacted pursuant to the statutory authority granted by the Land Division Act (MCLA 560.101 *et seq.*), MCLA 41.181 *et seq.*, and the Township Planning Act of 1959, Act 168, P.A. 1959, as amended (as well as any other applicable statutes).

Section 1.4 Scope.

This Ordinance shall not apply to any lot or lots forming a part of a subdivision lawfully created and recorded prior to the effective date of this Ordinance, except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township, the provisions of this Ordinance shall control.

Section 1.5 Schedule of Fees.

The Township Board shall by resolution establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during office hours at the Township Hall. Such fees may be changed from time to time by the Township Board. The applicant shall pay all applicable fees upon the filing of any application or request under this Ordinance as to which a fee is prescribed. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposal under this Ordinance) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provision of the Michigan Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application or proposal is approved, whether in whole or in part. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include, but shall not be limited to Township attorney fees, Township engineering fees, costs and fees for the services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question (including reimbursement for any costs or expenses incurred by the Township should the Township decide to have its own studies and reports done pursuant to Subsections 3.21(C)(19), (20), (21), (22) and (23)), special meeting costs and other reasonable costs and expenses. Such money

shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

Section 1.6 Applicability of the Land Division Act.

If this Ordinance does not specify a particular procedure or requirement for a given circumstance or item, the provisions of the Michigan Land Division Act (as amended) shall otherwise apply.

Article 2 Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance; unless otherwise specifically stated. The word “shall” is always mandatory and not merely directory.

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

As Built Plans. Revised construction plans prepared by a licensed engineer in accordance with all approved field changes.

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

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

Building Line or Setback Line. A line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or the shore of a lake or the edge of a stream or river bank. Where the zoning ordinance or other ordinance of Grattan Township requires a building line or setback with reference to a wetland, the building line or setback line shall be measured from the edge of the wetlands.

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

Comprehensive Development Plan (Or Master Plan). A unified document of text, charts, graphics or maps, or any combination, designed to portray general, long-range proposals for the arrangement of land uses and which is intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community, including any unit, part or amendment to such plan.

County Drain Commissioner. The Kent County Drain Commissioner.

County Health Department. The Kent County Health Department.

County Plat Board. The Kent County Plat Board.

County Road Commission. The Kent County Road Commission.

Crosswalkway. Provision for handicapped access, signage, paint stripping, curb cuts, flaring and scope, etc., required for pedestrians to cross the street at intersections or other designated places.

Dedication. The intentional appropriation of land by the owner to public use.

Flood Plain. The area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

Improvements. Any structure or item incident to servicing or furnishing facilities for a subdivision, land division or site condominium such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, drains, ponds and other appropriate items with appurtenant construction.

Land Division Act. MCLA 560.101 *et seq.*, as amended.

Lot. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat. Also, where this Ordinance applies to a site condominium or parcel of land other than a platted lot, the word “lot” shall mean a parcel of land, exclusive of any public or private road right-of-way or access easement, separated from other parcels by legal description, and in the case of a site condominium subdivision, shall also include the portion of the condominium project designated and intended for separate ownership and use as described in the master deed.

Master Plan. The Grattan Township Master Plan, as amended.

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

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

Planned Unit Development. One of the zoning districts provided by the Grattan Township Zoning Ordinance. Also commonly referred to as a “PUD.” In order to effectuate a planned unit development, a property must be rezoned to PUD and a detailed site plan must also be approved at the time of rezoning to PUD by the Township.

Planning Commission. The Planning Commission of Grattan Township.

Plat. A map or drawing of a subdivision of land as specified by the Land Division Act.

a. **Pre-Preliminary Plat.** An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

b. **Preliminary Plat.** A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

c. **Final Plat.** A map of a subdivision of land made up on final form ready for approval and recording.

Proprietor, Subdivider, Applicant, or Developer. A natural person, firm, association, partnership, entity, limited liability company, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Public Open Space. Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces.

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

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

Right-of-Way. Land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

Sidewalk. Concrete paving parallel to and removed from road surface to facilitate pedestrian travel.

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

Site Condominium Subdivision or Development; Site Condominium Unit. A site condominium subdivision or development is a division or development of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended. A site condominium unit is the portion of the condominium project designated and intended for separate ownership and use as described in the master deed and shall be considered a "lot" for the relevant portions of this Ordinance.

Sketch Plan. A pre-preliminary plat.

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

a. **Major Arterial.** Those streets which have greater continuity and are intended to serve a large volume of traffic for both the Township and region.

b. **Minor Arterial.** Those streets of considerable continuity which are used primarily to carry traffic from collector streets to major arterials.

c. **Collector Street.** Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

d. **Minor or Local Street.** A street which is intended primarily for access to abutting properties.

e. **Marginal Access Street.** A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

f. **Cul-de-sac.** A minor street of short length having one end terminated by a vehicular turn-around.

g. **Street Width.** The shortest distance between the lines, delineating the right-of-way of streets.

Subdivide or Subdivision. Subdivide or subdivision shall be as defined in the Land Division Act.

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

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

Zoning Ordinance. The Grattan Township Zoning Ordinance, as amended.

Article 3 Platting Procedure and Data Required

Section 3.1 [Reserved]

Section 3.2 Preliminary Plats.

3.21 Requirements.

A preliminary plat containing all of the information as required by Sections 111 to 120 of the Land Division Act and these regulations must be submitted to the Planning Commission for processing. The drawing shall be prepared by a registered surveyor or civil engineer.

A. **Submittal.** The subdivider shall submit eight copies of the preliminary plat on a topographic map to the Township Clerk at least ten days before a meeting of the Planning Commission.

B. **Size and Scale.** The preliminary plat may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least one inch to 100 feet showing the date and north arrow.

C. **Information Required.** The following shall be shown on the preliminary plat or be submitted with it.

1. The name of the proposed subdivision.
2. Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat.
3. Location of the subdivision, giving the numbers of section, township and range.
4. Statement of intended use of the proposed plat, such as, residential single family, two family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry and other non-public uses exclusive of single family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
5. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
6. A location map showing the relationship of the proposed plat to the surrounding area.
7. A map showing the land use and existing zoning of the proposed subdivision and the adjacent tracts.
8. Streets, street names, right-of-way and roadway widths.
9. Lot lines and the total number of lots by block.
10. A site report as described in the rules of the State Department of Public Health is required if the proposed subdivision is not to be served by public sewer and water systems.
11. Proposed and existing storm and sanitary sewers, water mains and their respective profiles or indicate alternative methods.
12. Eight copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
13. Right-of-way easements showing location, width and purpose.

14. The subdivider shall submit eight sets of preliminary engineering plans for streets, water, sewers and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable Township regulations and standards.

15. Contours shall be shown on the preliminary plat at five foot intervals where slope is greater than 10 percent, and two foot intervals where slope is 10 percent or less. In the case of waterfront property or where the high groundwater elevation is within six feet of existing or proposed finished ground surface, show existing and proposed two-foot contour intervals. The Planning Commission may require two-foot contour intervals when the lots in the subdivision exceed one acre. When extensive cutting or filling of land is anticipated that will affect building sites, sewage and disposal facilities, the areas involved shall be indicated. The source, if known, and the type of fill material to be used when filling is anticipated shall be specified.

16. Statement as to whether the high groundwater is less than or greater than six feet from either the existing or proposed finished ground surface. In those cases where the groundwater is less than six feet, the groundwater level shall be specified. A statement as to how and when the high groundwater level was established shall be included.

17. Location of flood plain areas, Michigan Department of Environmental Quality designated wetlands, rivers, streams, creeks, lakes, county drains, lagoons, waterways, bays and artificial impoundments, either existing or proposed within or adjacent to the area to be platted.

18. Location and results of all percolation tests and soil borings performed on the site when the subdivision will not be served by a public sewer system. Percolation tests should be provided on the basis of at least one per acre or one per lot if lots exceed one acre in size. The county health department may modify this requirement based on local conditions. As an example, a soil survey map prepared by a competent soil scientist, with an indication of approximate percolation rates for certain categories of soils, which have been determined to exist in the proposed plat area, may be used to reduce the number of required percolation tests.

19. Statement of the availability of water of good quality meeting county health department standards for domestic use on the entire land area proposed to be subdivided, if public water service will not be provided to the development. If questionable, the county health department may require an estimate as to the availability of quality water prepared by and based upon a study by a registered civil engineer or hydrogeologist competent in the field of water supply.

20. A report of soil limitations (such as drainage, suitability for development, suitability for septic tank absorption fields, etc.) based on site inspection carried out by a soil specialist qualified in the area of soil classification and mapping, including soils information as may be obtained from a modern soil map which meets the standards of the National Cooperative Soil Survey. The source of such information shall be specified.

21. If requested by the Planning Commission or Township Board, a hydrological report by a registered engineer regarding the impact of the proposed development, wells, septic

system(s) and other improvements on the aquifer(s) involved, the adjoining properties, nearby lakes, wetlands and the environment.

22. If hookup to public sanitary sewer is proposed (whether public sanitary sewer must be extended or whether it is located nearby and only hookups will be involved) and the Planning Commission or Township Board requires it, a report by a registered engineer regarding sewer capacity in the system and the mains and lines involved, proposed costs of extension and/or hookup and other matters regarding the public sanitary sewer system deemed relevant by the Planning Commission or Township Board.

23. Such other information, studies or reports as maybe required by the Planning Commission or Township Board, including, but not limited to, an environmental impact study or report, traffic impact study or report, watershed study or report, lake impact study or report, and water drainage and runoff study or report.

24. Sufficient information to show that all applicable Township ordinance requirements are met, including all requirements of the Grattan Township Zoning Ordinance.

D. **Complete Application.** No application for preliminary plat review and approval shall be deemed complete until all of the information required by Section 3.21 has been filed with the Township by the applicant and all other applicable data has been received.

3.22 Procedures.

A. **Validation.** The subdivider shall first submit to the Township Clerk for validation a sufficient number of copies of the preliminary plat to meet the requirements of Sections 112(1) and/or 113 to 119 of the Land Division Act. The subdivider shall also submit a written application for approval and also all applicable fees.

B. **Tentative Approval.** The Township Board, following review by the Planning Commission, may tentatively approve or reject the preliminary plat under Section 112(4) of the Land Division Act before distribution to other approving authorities.

C. **Distribution to Authorities.** The subdivider shall submit to the various approving authorities the number of validated copies of the preliminary plat required by Sections 112 to 119 of the Land Division Act.

D. **List of Authorities – Filing.** The subdivider shall then file with the Township Clerk a list of all authorities to whom validated copies of the preliminary plat have been distributed.

3.23 Actions.

A. **Letters of Conditional Approval or Rejection.** When the subdivider has secured the approvals of the various approving authorities as required by Section 113 to 119 of the Land Division Act, it shall deliver all copies to the Township Clerk, who shall promptly transmit them to the Planning Commission.

B. Planning Commission.

1. The Planning Commission shall review the preliminary plat and if it meets all requirements of this Ordinance and all other applicable Township ordinances, shall provide for a public hearing, giving notice to all parties in interest.

2. If the preliminary plat does not meet all requirements of this Ordinance and all other applicable Township ordinances, the Planning Commission shall notify the subdivider by letter, giving the earliest date for resubmission of the plat and additional information required.

C. Township Board.

1. The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendations from the Planning Commission.

Section 3.3 Final Plats.

3.31 Requirements.

A. General.

1. Final plats shall be prepared and submitted as provided for in the Land Division Act.

2. A written application for approval and the recording fee shall accompany all final plats.

3. The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

3.32 Procedures.

A. Submittal to Approving Authorities. The subdivider shall submit the final plat and as-built engineering plans for approval to all agencies as required by the Land Division Act and to the Planning Commission for recommendations delivered to the Township Clerk on behalf of the Township Board for approval or rejection.

3.33 Actions.

A. Planning Commission.

1. The Planning Commission shall examine the plat at a public meeting of the Commission, so as to determine whether the plat conforms to the provisions of the Land Division Act, the provisions of this Ordinance (and all other applicable Township ordinances) and the preliminary plat as approved by the Township.

2. If the Planning Commission recommends disapproval of the plat by the Township Board, it shall state its reasons in its official minutes and forward same to the Township

Board, and recommend that the Township Board disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.

3. Recommendations for approval of the plat by the Township Board shall be accompanied by a report.

B. Township Board.

1. The Township Board shall review the final plat and the report from the Planning Commission at a public meeting of the board.

2. The Township Board shall approve the plat, or disapprove it.

3. The Township Board shall instruct the Township Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plat in behalf of the Township Board.

**Article 4
Subdivision Design Standards**

Section 4.1 Trafficways - Streets and Roads.

4.11 General.

The standards set forth in this Ordinance shall be the minimum standards for streets, roads and intersections. Any higher standards adopted by the Kent County Road Commission shall prevail. All streets shall be dedicated to public use, except as otherwise provided in Section 4.12(11) hereof.

4.12 Location.

A. **Local or Minor Streets.** Such streets shall be so arranged as to discourage their use by through traffic.

B. **Street Continuation and Extension.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission and the County Road Commission.

C. **Stub Streets.** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas (see Section 4.62B).

D. **Relation to Topography.** Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and reasonable gradients.

E. **Marginal Access Streets.** Where a subdivision abuts or contains an arterial street, the Township may require:

1. Marginal access streets approximately parallel to and on each side of the right-of-way.
2. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

F. Cul-de-sac Streets; Second Accesses.

1. Cul-de-sacs shall not be more than 600 feet in length. Cul-de-sacs shall terminate with an adequate turnaround with a minimum radius of 75 feet for right-of-way and 50 feet for pavement.
2. For any proposed subdivision with more than 35 proposed lots, there shall be a second access/entrance onto a public road, and such second access/entrance shall either tie directly into a separate public road from the first access/entrance, or alternately, if a second public road is not reasonably available, the second access/entrance shall not tie into the public road within 500 feet of where the first access/entrance ties into that same public road. This subsection 2 shall also apply to site condominiums.

G. Half Streets. Half streets shall generally be prohibited except where unusual circumstances make it essential to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the County Road Commission.

H. Prohibition of Private Streets. All lots shall have frontage on a fully improved public road, with a minimum frontage at least equal to or greater than the minimum lot width required for the zoning district involved pursuant to the zoning ordinance. Private streets and private roads are prohibited unless expressly approved by the Township Board pursuant to a planned unit development approved under the zoning ordinance.

4.13 Specifications.

A. Street Rights-of-Way Roadway Widths.

1. Street and road right-of-way and roadway widths shall conform to the following minimums:

Street Types	R.O.W. Widths
Major Arterial	130 feet
Minor Arterial	100 feet
Collector Street	80 feet
Minor or Local Street	66 feet

B. **Layout of Streets and Roads.** If, in the opinion of the Township Board, the proposed layout or configuration of the streets or roads in a plat would be unsafe or unreasonable, the Township Board can require that the roads and streets be reconfigured or changed.

4.14 Street Names.

Street names shall not duplicate any existing street name in the Township, except where a new street is a continuation of an existing street.

Street names that may be spelled differently but sound the same shall also be avoided.

All new streets shall be named as follows: Streets with predominant north-south directions shall be named "avenue" or "road;" streets with predominant east-west direction shall be named "street" or "highway;" meandering streets shall be named "drive," "lane," "path" or "trail;" and cul-de-sacs shall be named "circle," "court," "way," or "place."

4.15 Driveways (No new curb cuts).

Any plat shall be so designed that no lots have direct access to (or driveways to) any existing perimeter county or state road. Access to lots within the plat shall only be provided by new streets proposed as part of the plat. The Township Board upon recommendation of the Planning Commission may grant direct access to such existing perimeter, county or state roads provided that all of the following conditions are met:

A. Approval for such direct access is obtained in writing from the Kent County Road Commission for each lot.

B. The proposed plat contains four or fewer lots.

C. The proposed plat has less than 400 feet of frontage on the existing county primary or county local road.

D. The entire property under the ownership or control of the applicant (including any portion which is excluded from the plat), has less than 300 feet of lot depth.

E. Such direct access will be reasonably safe from a traffic standpoint and will be consistent with the goals of the zoning ordinance and the master plan.

In addition to the above, the Township Board (upon recommendation of the Planning Commission) may grant direct access for a driveway to a lot to an existing minor or local county street where such local street is a dead end or cul-de-sac (or where such local street is a gravel road) and where the applicant shows good cause to justify the same.

Section 4.2 Intersections.

4.21 Angle of Intersection.

Streets shall intersect at 90 degrees or closely thereto and in no case at less than 80 degrees.

4.22 Number of Streets.

No more than two streets shall cross at any one intersection.

4.23 “T Intersections.

Except on arterials and certain collectors, ‘T’ type intersections shall be used where practical.

4.24 Centerline Offsets.

Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, major or local street centerlines shall be offset by a distance of 125 feet or more. All other streets must be offset a distance of 500 feet or more.

Section 4.3 Easements.

4.31 Location.

Easements shall be provided along front lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six feet along each lot, or a total of 12 feet for adjoining lots.

4.32 Drainageway.

The subdivider shall provide drainageway easements as required by the county drain commissioner.

4.33 Pedestrian Mid-Block Walkways.

Right-of-way for pedestrian crosswalks in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas.

The right-of-way shall be at least ten feet wide and extend entirely through the block.

Section 4.4 Blocks.

4.41 Arrangements.

A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.

4.42 Minimum Length.

Blocks shall not be less than 500 feet long.

4.43 Maximum Length.

The maximum length allowed for residential blocks shall be 1,320 feet long from center of street to center of street.

NOTE: Minimum and maximum lengths apply to block faces and not to block widths.

Section 4.5 Lots.

4.51 Lot Lines.

Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

4.52 Width Related to Length/Depth.

The depth of a lot shall not exceed two and one-half times the width of the lot, with width measured along the road frontage of the lot.

4.53 Corner Lots.

Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block walkway shall be treated as corner lots.

4.54 Lot Frontage.

All lots shall front upon a publicly dedicated and fully improved public street for a distance equal to or greater than that required by the Grattan Township Zoning Ordinance, as amended.

4.55 Zoning Requirements.

No plat shall be approved, either at the preliminary or final plat approval stage, until and unless all proposed lots, uses, dimensions, and other applicable requirements of the Grattan Township Zoning Ordinance, as amended, are met.

No application for a preliminary plat or preliminary plat approval shall be considered complete or timely until and unless the proposed plat (including the dimensions of all proposed lots and the proposed use) meet all of the requirements of the Grattan Township Zoning Ordinance. If the property at issue must be rezoned before the proposed plat will meet the requirements of the zoning ordinance, the application shall not be considered complete or timely until the applicant has applied for the required rezoning and such rezoning has become effective.

4.56 Lot Division.

The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less in area than permitted by the Township Zoning Ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites

has been approved by the county or district health department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

Section 4.6 Buffer Strips, Reserve Strips and Screening Trees.

4.61 Buffer Strips; Fencing; Agricultural Setbacks.

Buffer strips may be required by the Township to be placed and maintained next to incompatible features such as highways, roads, agricultural uses or properties, railroads, commercial, or industrial uses to screen the view and for general buffer or isolation purposes from residential properties. Such screens shall be a minimum of 20 feet wide and shall not be part of the normal roadway right-of-way or utility easement. Plantings shall be at a height of at least five feet from the ground when planted and shall provide at least a 50 percent reduction in visibility as approved by the Planning Commission. All such plantings shall be maintained at all times and shall be promptly replaced when dying. No such buffer strip shall be dedicated to the public unless approved by the Township.

Additionally, the Township may require that fencing be installed (either in addition to the above-mentioned buffer strips and screening or in lieu thereof). Such fencing may be required where the proposed residential use may be incompatible with adjoining agricultural/farming, highway, railroad, commercial, or industrial uses. Such fencing shall be at least four feet tall (or taller if required by the Township) and shall be fully maintained at all times.

The Township may also require additional setbacks (greater than those required by the Township Zoning Ordinance) for dwellings and buildings where a proposed plat, subdivision, or site condominium development adjoins property or properties being utilized for agricultural or fanning purposes.

4.62 Reserve Strips.

A. **Reserve Strips – Private.** Privately held reserve strips controlling access to streets shall be prohibited.

B. **Reserve Strip – Public.** A one-foot reserve may be required to be placed at the end or “stub” of “dead-end” streets which terminate at subdivision boundaries and between half-streets. These reserves shall be deeded in fee simple to the Township for future street purposes.

4.63 Screening Trees.

Where a proposed plat has frontage along an existing public county or state road, two staggered parallel rows of evergreen trees of the fir, pine, or spruce variety shall be planted and maintained at all times located outside of the road right-of-way, but within 100 feet of the road right-of-way and parallel to the road right-of-way. Such trees shall be at least five feet tall from the ground when planted, shall be promptly replaced when dying and the trunks of the trees shall be no further apart within a row than 12 feet. Such trees shall be planted prior to any building permits being issued within the plat.

This requirement may be modified by the Township Board upon the recommendation of the Planning Commission such that the same number of trees can be planted elsewhere on the property within the plat as approved by the Township Board.

Section 4.7 Public Sites and Open Space.

4.71 Public Uses.

The Township may require the permanent dedication of up to 10 percent of the land area in a plat for public parks, playgrounds and other public open spaces.

4.72 Natural Features.

Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved in the design and development of the subdivision as required by the Township Board.

4.73 Open Space.

The Township Board may require the permanent setting aside of up to 25 percent of the land area in a plat for undeveloped open space. To the extent that the zoning ordinance requires a greater amount of land be set aside for open space, the requirements of the zoning ordinance shall govern.

4.74 Dedication.

Except for subsection 4.71, above, no buffer, open space, or similar property shall be dedicated to public use unless such dedication is approved by the Township Board.

Section 4.8 All Property Within the Proposed Plat.

If a subdivider proposes a plat whereby the plat does not encompass all of the adjoining property owned or controlled by the subdivider, the Township Board can require that all adjoining and contiguous properties owned or controlled by the subdivider be included within the proposed plat.

Section 4.9 Compliance With all Applicable Ordinances.

All plats must comply with all applicable Grattan Township ordinances and all requirements of the Land Division Act and other applicable state laws.

Article 5 Subdivision Improvements

Section 5.1 Purpose.

It is the purpose of this article to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline

the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction and financing of public facilities and to further establish procedures for assuring compliance with these requirements.

Section 5.2 Responsibility for Plans.

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

Section 5.3 Procedure.

When construction has been completed at the time of filing the final plat, one complete copy of as-built engineering plans of each required public improvement shall be filed with the Township Clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Article 3.

Section 5.4 Required Public Improvements.

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

5.41 Monuments.

Monuments shall be set in accordance with the Land Division Act and the rules of the State Department of Treasury.

5.42 Streets and Alleys.

All streets and alleys shall be constructed in accordance with the standards and specifications of this Ordinance and as adopted by the Kent County Road Commission.

5.43 Curbs and Gutters.

Valley gutters shall be required on all streets and shall be constructed in accordance with the standards and specifications adopted by the Kent County Road Commission. Curbs and gutters shall be required at all major intersections.

5.44 Installation of Public Utilities.

Except as otherwise provided by this Ordinance, public utilities and driveways shall be located in accordance with the rules of the Kent County Road Commission. The underground work for utilities shall be stubbed to the property line. All utilities shall be installed and maintained

underground. If natural gas is located within 3,000 feet of any boundary of the proposed plat, the subdivider shall extend such natural gas line to and within all portions of the plat.

5.45 Driveways.

All driveway openings in curbs shall be as specified by the Kent County Road Commission or the Department of State Highways.

5.46 Storm Drainage.

An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Kent County Drain Commissioner. Construction and maintenance shall follow the specifications and procedures established by the Kent County Drain Commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the Kent County Drain Commissioner.

All storm, drainage, and runoff water attributable to, originating from, or caused by a plat (or roads therein) shall be permanently retained and detained within that plat unless both the Township and the Kent County Drain Commissioner approve or permit a method to allow storm, drainage, and runoff water attributable to the plat to flow out of the plat based on their finding that such water runoff will not adversely impact adjoining properties or nearby natural features, lakes, streams, or wetlands. No such storm, drainage or runoff water shall be directed into a lake or drainage course which ends up in a lake within one-half mile of the proposed plat.

The requirements of this section shall also apply to all site condominium developments and also to simple land divisions involving 11 or more parcels.

5.47 Water Supply System.

When a proposed subdivision is to be serviced by a public or private community water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider as required by the Township and the Township Fire Department.

Where a proposed plat will have 11 or more lots, the entire plat (and all lots thereof) shall be served by either a public water system or a Township-approved private-owned community water system.

The requirements of this section shall also apply to all site condominium developments and also to simple land divisions involving 11 or more parcels.

5.48 Sanitary Sewer System.

When a proposed subdivision is to be serviced by a public or private community sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of Act 98, PA. 1913, as amended.

Where an applicant proposes utilizing public sanitary sewer for a proposed plat, an application for preliminary plat approval pursuant to Section 3.2 of this Ordinance shall not be deemed complete (and no applicable approval time limit shall begin to run) unless the applicant has prior thereto applied for approval to hookup to public sanitary sewer for the proposed plat and the Township Board has granted tentative approval for such hookup in writing.

Where a proposed plat will have 11 or more lots, the entire plat (and all lots thereof) shall be served by either a public sewer system or a Township-approved privately-owned community sewer system.

Where a subdivider proposes to utilize a privately-owned community sewer system for the plat and the Township is required by the State of Michigan (or any of its agencies) to any way guarantee such system or assure that it is always functional and in compliance with all applicable laws, the Township shall have the option of requiring that the subdivider post a 30-year bond or irrevocable letter of credit for such system in an amount determined by the Township to be reasonable. Additionally, the Township can also require that the developer place a binding permanent covenant or deed restriction on all properties in the plat (in a form and with language approved beforehand by the Township) stating that all future owners of properties within the plat agree to the imposition of a special assessment district (or the equivalent) should the private community sanitary system ever fail, become substandard or not comply with all applicable laws, as well as an alternate provision indicating that the Township under such circumstances can charge the costs for repairing or upgrading the system to the owners of properties within the plat even without utilizing a special assessment district. Finally, such covenant or deed restriction shall also have a statement contained therein that all future owners of properties within the plat agree that if the problem with the private community sewer system cannot be remedied, all dwellings within the plat shall be vacated until and unless the problem is corrected.

The requirements of this section shall also apply to all site condominium developments and also to simple land divisions involving 11 or more parcels.

5.49 Street Name Signs.

Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the County Road Commission.

Section 5.5 Miscellaneous.

5.51 Sidewalks.

Sidewalks shall be required along the entire frontage of all streets within the proposed plat. Such sidewalks shall be comprised of concrete and shall meet the standards of the Kent County Road Commission. At its discretion, the Township Board may require alternate sidewalk composition, material, design, and location. The Township Board may waive some or all of the requirements for sidewalks in some or all portions of the proposed plat if the subdivider demonstrates that all of the following standards will be met:

- A. The alteration or absence of such sidewalks will not pose a safety hazard to either pedestrians or motorists.
- B. The alteration or absence of sidewalks will not be aesthetically objectionable.
- C. The topography involved would make the installation, use, or maintenance of the sidewalk unreasonably difficult.

The requirements of this section shall also apply to all site condominium developments and also to simple land divisions involving 11 or more parcels.

5.52 Recreational.

Where a school site, neighborhood park, or recreation area, as previously delineated or specified by official action of the Planning Commission, is located in whole or part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for the Township in all other cases; however, voluntary dedication of these land areas will be accepted.

5.53 Street Trees.

The Township may require that street trees be planted between the street curb and sidewalk (or along the street if there are no sidewalks). Any such trees shall be of a species, height, and location as required by the Township. Furthermore, the trees shall be maintained at all times and shall be promptly replaced when dying. The location of street trees shall be approved by the Kent County Road Commission.

5.54 Street Lighting.

Street lights may be required by the Township throughout some or all portions of the subdivision. In such cases, a subdivider shall conform to the requirements of the public utility providing such lighting. Such lights shall also comply with any conditions required by the Township, including installing lights of the “downlit” variety so as to minimize light pollution and the shining of lights onto adjoining lots or properties.

Section 5.6 Guarantee of Completion of Improvements Required by the Township.

5.61 Improvements are to be Fully Installed Before Final Plat Approval.

A. All required plat improvements (including, but not limited to, curb and gutter, water mains and lines, sanitary sewer lines and mains, storm sewers, culverts, bridges, roads, utilities, natural gas, lagoons, drains, ponds, and similar items) shall be fully installed (and inspected and approved by the Township) prior to Township approval of the final plat.

B. At the discretion of the Township Board, the only required improvements which need not be actually installed (and approved as to installation by the Township) prior to approval of the final plat are the following items:

1. Installing the final layer of asphalt on a new public road.
2. Installation of required sidewalks.
3. Installation of any required trees or landscaping.
4. Installation of required street lights.

Should the Township permit any of the public improvements specified in this subsection B to be completed later than the date of the approval of a final plat, the subdivider shall post appropriate monetary security as required by the Township pursuant to Section 5.62, below.

C. Except as otherwise permitted pursuant to subsection B, above, no zoning permit, building permit, or other Township approval shall be given for the commencement and construction of any building or the commencement of any use for a plat prior to all required plat improvements being fully installed and inspected and approved by the Township.

5.62 Financial Guarantee Arrangements, Exceptions.

In lieu of the actual installation of the public improvements specified in subsection 5.61B hereof; the Township Board on recommendation of the Planning Commission may permit the subdivider to provide a financial guarantee of performance in one or a combination of a cash deposit, certified check or irrevocable bank letter of credit, with the form and amount to be approved by the Township Board. The Township may also set time limits for when all such improvements must be fully completed. Completion of all improvements shall be required prior to the issuance of any building or occupancy permits.

A. **Treasurer, Escrow Agent or Trust Company.** A cash deposit, certified check or irrevocable bank letter of credit acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board.

B. **Dollar Value.** The dollar value of the cash deposit, certified check or irrevocable bank letter of credit, shall be equal to 125 percent of the total estimated cost of construction of the specific improvement(s) including contingencies, as estimated by the Township Board.

C. **Escrow Time.** The escrow time for the cash deposit, certified check or irrevocable bank letter of credit shall be for a period to be specified by the Township Board.

D. **Progressive Payment.** In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check or irrevocable bank letter of credit, to the extent of the cost

of the completed portion of the public improvement in accordance with a previously entered into agreement.

5.63 Special Agreements.

A special agreement shall be entered into between the subdivider and the Township Board where street trees and street lights have been required by the Township Board.

5.64 Inspection of Public Improvements under Construction.

Before approving a final plat and construction plans and specifications for improvements, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

5.65 Penalty in Case of Failure to Complete the Construction of a Public Improvement.

In the event the subdivider shall, in any case, fail to complete any such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, the Township Board may have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the costs and expenses thereof by appropriating the cash deposit, certified check or irrevocable bank letter of credit provided by the subdivider to the Township. Also, until all improvements have been fully completed, no building permits or certificates of occupancy shall be issued.

**Article 6
Variances**

Section 6.1 General.

The Planning Commission may recommend to the Township Board a variance from any provision of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the ordinance or that application of such provision or requirement is impracticable. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Township Board shall have the authority to grant a variance upon such a recommendation from the Planning Commission. No variance shall be recommended by the Planning Commission or approved by the Township Board unless such bodies find all of the following after a public hearing by the Planning Commission:

A. That there are such special circumstances or conditions affecting said property that the strict application of the provision of this Ordinance would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.

B. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

C. That such variance will not violate the provisions of the Land Division Act.

D. The Planning Commission shall include its findings and the specific reasons therefor in its report of recommendations to the Township Board and shall also record its reasons and actions in its minutes.

E. That such variance will be consistent with and will not have the effect of undermining the interest and purpose of this Ordinance, the zoning ordinance and the master plan.

By utilizing the hearing process specified in this Article 6, the Township Board can also render binding interpretations regarding any of the provisions of this Ordinance should a dispute over a potential ambiguity or provision arise.

Section 6.2 Variance Hearings.

No public hearing on a variance pursuant to this Article 6 shall be held by the Planning Commission unless notice of the proposed variance request has been printed in the local newspaper at least ten days before the date of the hearing specifying the time, date, location, and purpose for the hearing. Furthermore, written notices of the hearing (including the same information required for the newspaper notice) shall be sent to the owners of all properties located within 300 feet of the proposed plat based on ownership shown on the most recent tax rolls.

Article 7

Enforcement and Penalties for Failure to Comply with this Ordinance

Section 7.1 Enforcement.

The prohibitions and penalties contained in this Section 7.1 shall be in addition to the other penalties and remedies provided below and elsewhere in this Ordinance. No subdivision plat required by this Ordinance or the Land Division Act shall be admitted to the public land records of the county or received or recorded by the county register of deeds, until such subdivision plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance unless such public improvement shall correspond in its location and to the other requirements of this Ordinance. Furthermore, no building permit, zoning permit or certificate of occupancy shall be issued for any plat, lot or property in violation of this Ordinance.

Section 7.2 Penalties.

Violation of this Ordinance shall be 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 subsequent offenses, in the discretion of the court, and in addition to all other costs,

damages, expenses, and other remedies provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense. In addition, the Township, any public agency or private citizen may take such lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Land Division Act.

Section 7.3 Stop Work Orders.

Upon notice from the Township Zoning Administrator or Building Inspector that any use or activity is occurring contrary to the provisions of this Ordinance, such work or use shall be stopped immediately. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner’s agent or to the person doing the work and shall state the conditions, if any, under which such work or use will be permitted to resume. Any person who shall continue to work on or use the property after having been served with a stop work order, except such work or use as that person is directed to perform by Township officials to abate the violation, is guilty of violating this Ordinance, and such work performed after the stop work order has been issued shall also constitute a violation of this Ordinance.

Article 8 Amendments

Section 8.1 Procedures.

The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance. A proposed amendment supplement, or repeal may be originated by the Township Board, Planning Commission, or by petition. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board.

Article 9 Miscellaneous Provisions

Section 9.1 Validity.

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof; other than the part so declared to be invalid.

Section 9.2 Repeal.

Upon the effective date of this Ordinance, the prior Grattan Township Subdivision Ordinance, as amended, will be deemed repealed.

Section 9.3 Effective Date.

This Ordinance will become effective 30 days after this Ordinance (or a summary thereof) is published in the newspaper.

**UNIFORM PUBLIC WATER SYSTEM DESIGN
AND CONSTRUCTION ORDINANCE**

(Ord. No. 03-05)

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Title.

This Ordinance shall be known and may be cited as the “Grattan Township Uniform Public Water System Design and Construction Ordinance.”

Section 2. Purpose.

(a) It is the Township’s objective that all public water systems located in the Township provide fire protection and a continuous and reliable supply of safe drinking water to public water system customers. To meet this objective, the Township hereby adopts uniform design and construction standards for all public water systems constructed in the Township as set forth in Sections 5 through 8 herein.

(b) These uniform design and construction standards will ensure the long-term integrity and compatibility of public water systems in the Township by requiring the application of uniform standards to all systems.

(c) These uniform design and construction standards will benefit Township residents served by public water systems by helping to assure a continuous and reliable supply of safe drinking water, improve fire protection, lower fire insurance rates and, in general, encourage water system reliability and financial integrity.

(d) These uniform design and construction standards will benefit all Township residents as a tool to assist the Township in anticipating and planning for the demand for public water in the Township, as and when appropriate.

Section 3. Definitions.

In the interpretation and application of this Ordinance, the following definitions shall apply, unless the context clearly indicates otherwise:

(a) “Backflow” means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

(b) “Cross connection” means a connection or arrangement of piping or appurtenances through which a backflow could occur.

(c) “Secondary water supply” means a waste supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply

which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

(d) “Submerged inlet” means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.

Section 4. Implementation of Uniform Standards.

(a) The Township Board, the Township Planning Commission, the Township Engineer and the Township Fire Chief shall apply the uniform design and construction standards specified in this Ordinance as the basis of review and approval of all proposed public water supply systems when acting under the authority of any Township ordinance, including, but not limited to, the Township Zoning Ordinance, Subdivision Ordinance, and Land Division Ordinance, all as amended from time to time.

(b) To ensure consistent application of the uniform design and construction standards, the Township Board shall adopt the uniform design and construction standards by reference in all Township ordinances approving developments served by public water supply systems, though the standards shall nevertheless apply, according to their terms, whether or not such reference is made.

(c) The Township Board may, however, grant exceptions to the uniform design and construction standards in accordance with Section 9 herein.

Section 5. Uniform Design and Construction Standards.

(a) Grattan Township adopts the following documents and standards to provide uniform requirements for the design, construction and approval of public water supply systems in Grattan Township:

(1) The general and specific standards for public water systems in Grattan Township, Michigan, as set forth in Sections 6 and 7 herein.

(2) Standard construction specifications of the Kent County Department of Public Works.

(b) These uniform design and construction standards define the guidelines for review and approval of proposed public water supply systems, define design standards for system capacities, and specify acceptable water system component materials and installation criteria.

Section 6. General Standards for Public Water Systems.

The following regulations, standards and guidelines define the general design criteria to be adhered to for all public water supply systems in Grattan Township:

(a) Safe Drinking Water Act, Act 399 PA 1976, as administered by the Michigan Department of Environmental Quality (“MDEQ”).

- (b) Suggested Practice for Waterworks Design, Construction and Operation in accordance with the Safe Drinking Water Act prepared by the MDEQ.
- (c) Standards of the American Water Works Association.
- (d) Standards of the American Society of Testing and Materials.
- (e) Standards of the American National Standards Institute.
- (f) Fire Insurance Rating Guidelines of the Insurance Services Office (“ISO”).

Section 7. Specific Standards for Public Water Systems.

In addition to the general standards stated above, the Township adopts the following specific design standards for public water supply systems in the Township:

(a) All public water systems in the Township shall be capable of supplying water for fire protection, in addition to peak domestic demands. Needed fire flow shall be based on criteria established by ISO.

(b) All public water systems in the Township shall be designed considering the ultimate development of the system service area. The system supply rate shall be based on a study of projected water use acceptable to the Township and the MDEQ. If the public water system is proposed to be built in phases by a developer, the developer shall provide the Township with a letter of credit for the cost of the construction of future phases of the public water system in the manner required by Township ordinance or a written agreement between the Township and the developer.

(c) An updated reliability study, as defined by the Safe Drinking Water Act and approved by the MDEQ, shall be provided with all requests for proposed extensions of existing public water systems in the Township.

(d) All public water systems in the Township shall include looped water mains to ensure a reliable and continuous supply to all customers. Dead-end mains shall be prohibited unless adequate provisions are made for future looping connections.

(1) A dead-end main shall not be permitted to exist for a period greater than 24 months after construction, unless a longer time period is approved by the Township Board. The Township Board may approve a longer time period only if the owner or operator of the public water system demonstrates that the following criteria have been satisfied:

(i) Strict enforcement of the 24-month period would involve practical difficulties or would cause undue hardship.

(ii) A longer period of time would be consistent with the spirit and intent of these uniform standards.

(iii) A longer period of time would not materially diminish the public health, safety and welfare.

(2) A temporary dead-end main shall not be permitted if that portion of the main is designed to serve nine or more residential units, unless a greater number of residential units is approved by the Township Board. The Township Board may approve a temporary dead-end main for a greater number of residential units only if the owner or operator of the public water system demonstrates that the following criteria have been satisfied:

(i) Strict enforcement of the eight-unit maximum would involve practical difficulties or would cause undue hardship.

(ii) Allowing a greater number of units would be consistent with the spirit and intent of these uniform standards.

(iii) Allowing a greater number of units would not materially diminish the public health, safety and welfare.

(e) All public water systems in the Township which do not include elevated water storage shall include a standby power supply which will allow for an uninterrupted supply of water to all system customers.

(f) All distribution and transmission mains shall be properly sized based on a design using computer modeling to verify anticipated system performance.

(g) Any standard for public water systems defined by the Township shall take precedence over the Standard Construction Specifications of the Kent County Department of Public Works when a conflict exists. Whenever there is a conflict between the general standards referred to above and the specific design criteria adopted by the Township, the most stringent requirement shall be applied.

(h) The following specific standards shall apply to the design and construction of all public water systems in the Township:

(1) Eight-inch minimum water main size.

(2) Six-inch minimum fire hydrant lead size.

(3) Ductile iron pipe shall be Class 52.

(4) Four hundred foot maximum distance between fire hydrants.

(5) Fire hydrant pumper connection shall be in accordance with City of Grand Rapids Standard Detail W-12.

(i) Any request for an extension to an existing public water system or for a new public water system shall be reviewed for the Township by its Township Engineer and Township Fire Chief and, in addition, by the affected water system superintendents, prior to any submittal to the MDEQ for a construction permit, which review is subject to final approval by the Township Board and/or Planning Commission in accordance with all applicable Township ordinances.

(j) All well houses, well sites and water storage facilities for public water systems in the Township shall have paved access roads, security fences and alarm systems acceptable to the Township.

(k) All groundwater supplies shall be protected from pollution by adequate well head protection and site isolation from potential pollution sources.

Section 8. Cross-Connections Prohibited.

(a) A cross-connection shall not be made between the water distribution system and a secondary water supply.

(b) A cross-connection shall not be made by submerged inlet.

(c) A cross-connection shall not be made between the water distribution system and piping which may contain sanitary waste or a chemical contaminant.

(d) A cross-connection shall not be made between the water distribution system and piping immersed in a tank or vessel which may contain a contaminant

Section 9. Exceptions to Uniform Standards.

(a) The Township Board shall have the authority and discretion to grant exemptions to certain or all of the requirements of the uniform design and construction standards, but only in the following circumstances:

(1) The public water supply system serves all residential dwelling units in a single residential development, and that residential development contains or is designed to contain fewer than 20 residential dwelling units; or,

(2) The public water supply system will serve one half or less of the residential dwelling units in a single residential development containing or designed to contain from one to 50 residential dwelling units; or,

(3) The public water supply system will serve one-third or less of the residential dwelling units in a single residential development containing or designed to contain from 51 to 100 residential dwelling units.

(b) No exceptions shall be granted to a public water supply system which serves a residential development containing or designed to contain greater than 100 residential dwelling units, or to a public water supply system serving or designed to serve more than one residential development.

(c) An exception to the uniform design and construction standards granted under this section does not relieve the public water supply system or the residential development from complying with the requirements of and obtaining all needed approvals pursuant to all other

applicable Township ordinances, rules and regulations, and other applicable regulations and requirements of law.

Section 10. Application of Uniform Standards.

These uniform standards cover and apply only to those public water supply systems in the Township that were placed in operation on or after July 1, 2003. In addition, however, these uniform standards also cover and apply to all extensions or modifications made to an existing public water system on or after July 1, 2003, irrespective of whether the original water system was placed in operation before July 1, 2003.

Section 11. Penalties/Enforcement.

(a) **Municipal Civil Infraction.** A violation of this Ordinance shall be a municipal civil infraction for which the fine shall not be less than \$500 nor more than \$2,500 for the first offense and not less than \$1,000 nor more than \$5,000 for the second offense, in the discretion of the court, and in addition to all other costs, damages and expenses provided by law, including attorney fees. A “subsequent offense” means a violation committed within 12 months of a previous violation for the same offense; however, an offense committed on subsequent days within a period of one week following the issuance of a citation for a first offense is considered a separate first offense. Each day during which the violation continues is deemed a separate offense.

(b) **Injunctive Relief.** In addition, a violation of this Ordinance is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and the imposition of municipal civil infraction penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

Section 12. Restrictions Imposed by Other Ordinances or Laws.

If any provision of any other applicable ordinance of the Township and/or the provisions of applicable state or federal law impose more restrictive requirements than those set forth in this Ordinance, then the more restrictive requirements shall control.

Section 13. Severability.

If a court of competent jurisdiction declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall affect only the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Section 14. Repeal.

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 15. Publication/Effective Date.

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

STORM WATER ORDINANCE

(Ord. No. 03-23)

An ordinance to provide for the regulation and control of storm water runoff; to provide for storm water permits and the procedures and standards for the issuance thereof; to provide for payment or reimbursement of costs and expenses incurred by the Township associated with storm water permits and the consideration thereof; to establish standards and requirements for the protection of floodways and for the control of soil erosion and sedimentation; to adopt other provisions for the establishing, maintaining and protection of drains and drainageways; to provide regulations for the inspection, sampling and monitoring of storm water and other discharges; to establish performance and design standards for determining the permitted rate of storm water runoff from development sites and for achieving other storm water management controls in and for specified zones of the Township; and to provide penalties for violations of the ordinance.

THE TOWNSHIP OF GRATTAN ORDAINS:

Article I General

Sec. 1.01 Statutory Authority and Title.

This Ordinance is adopted in accordance with the Township Ordinance Act, as amended, being MCL 41.181, *et seq.*; the Township and Village Public Improvement Act, as amended, being MCL 41.721, *et seq.*; the Drain Code of 1956, as amended, being MCL 280.1, *et seq.*; the Land Division Act, as amended, being MCL 560.1, *et seq.*; the Revenue Bond Act, as amended, being MCL 141.101, *et seq.*; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, *et seq.*; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 U.S.C. 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

This Ordinance shall be known and may be cited as the Township of Grattan Storm Water Ordinance.

Sec. 1.02 Findings.

The Township finds that:

- (1) Water bodies, roadways, structures, and other property within, and downstream of the Township are at times subjected to flooding.
- (2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the Township and the region.

(3) Land development alters the hydrologic response of watersheds, resulting in increased storm water runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition.

(4) Storm water runoff produced by land development contributes to increased quantities of water-borne pollutants.

(5) Increases of storm water runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and cause deterioration of the water resources of the Township and downstream municipalities.

(6) Storm water runoff, soil erosion, and non-point source pollution, due to land development within the Township, have resulted in a deterioration of the water resources of the Township and downstream municipalities.

(7) Increased storm water runoff rates and volumes, and the sediments and pollutants associated with storm water runoff from future development projects within the Township will, absent reasonable regulation and control, adversely affect the Township's water bodies and water resources, and those of downstream municipalities.

(8) Storm water runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of storm water runoff from development.

(9) Adopting the standards, criteria and procedures contained in this Ordinance and implementing the same will address many of the deleterious effects of storm water runoff.

(10) Adopting the standards and requirements stated in this Ordinance, and assuring their implementation, is necessary for the protection of water bodies and other affected natural resources.

(11) Adopting these standards is necessary for the preservation of the public health, safety and welfare.

Sec. 1.03 Purpose.

It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To reduce artificially induced flood damage.
- (2) To minimize increased storm water runoff rates and volumes from land development.
- (3) To prevent the deterioration of existing watercourses, culverts and bridges, and other structures.
- (4) To encourage water recharge into the ground where geologically favorable conditions exist.
- (5) To prevent an increase in non-point source pollution.

(6) To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes.

(7) To minimize the impact of development upon stream bank and streambed stability.

(8) To reduce erosion from development or construction projects.

(9) To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution.

(10) To reduce storm water runoff rates and volumes, soil erosion, and non-point source pollution, wherever practicable, from lands that were developed without storm water management controls meeting the purposes and standards of this Ordinance.

(11) To regulate the rate, and control the impact of storm water runoff from development sites, so as to prevent adverse effects on water bodies.

(12) To reduce the adverse impact of changing land use on water bodies and, to that end, this Ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient storm water management controls.

Sec. 1.04 Applicability, Exemptions and General Provisions.

(1) This Ordinance shall apply to any development site which requires approval of a plat, a site development plan, building permit, or any other permit for work which will alter storm water drainage characteristics of the development site, provided, however, that this Ordinance shall not apply to the following:

(a) The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.

(b) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to greenhouses and other similar structures.

(c) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this Ordinance, where such approvals remain in effect.

Sec. 1.05 Definitions.

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise:

(1) **Base Flood.** A flood having a 1 percent chance of being equaled or exceeded in any given year.

(2) **Base Flood Elevation.** The high water elevation of the base flood, commonly referred to as the “100-year flood elevation.”

(3) **Base Flood Plain.** The area inundated by the base flood.

(4) **Best Management Practices (BMPs).** A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality’s Guidebook of BMPs for Michigan Watersheds, or, if required by the Township, equivalent or other practices and equivalent or other design criteria that accomplish the purposes of this Ordinance (including, but not limited to minimizing or preventing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the Township Engineer, and, where appropriate, the standards of the Kent County Drain Commissioner.

(5) **Building Opening.** Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.

(6) **Clean Water Act.** The Federal Water Pollution Control Act, 33 U.S.C. Sec 1251 *et seq.*, as amended, and the applicable regulations promulgated thereunder.

(7) **Construction Site Storm Water Runoff.** Storm water runoff from a development site following an earth change.

(8) **Design Engineer.** Registered and licensed professional engineer responsible for the design of a drainage plan.

(9) **Detention.** A system which is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.

(10) **Developed or Development.** The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the Township’s approval of a site plan, plat, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of Article II only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single family detached dwelling site or a two family detached dwelling site, unless the individual single family detached dwelling or two family detached dwelling is located within 500 feet from a water body (see definition of water body) and the impervious surfaces exceed 5,000 square feet.

(11) **Developer.** The property owner or any person proposing or implementing the development of land.

(12) **Development Site.** Any land that is being or has been developed, or that a developer proposes for development or that is the subject of an earth change.

(13) **Discharger.** Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or

other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this Ordinance.

(14) **Drain.** Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, *et seq.*, other than an established county or intercounty drain.

(15) **Drainage.** The collection, conveyance, or discharge of ground water and/or surface water.

(16) **Drainageway.** The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.

(17) **Earth Change.** Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

(18) **EPA.** The United States Environmental Protection Agency.

(19) **Erosion.** The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

(20) **Exempted Discharges.** Discharges other than storm water as specified in Section 4.02 of this Ordinance.

(21) **Federal Emergency Management Agency (FEMA).** The agency of the federal government charged with emergency management.

(22) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.

(23) **Floodplain.** Any land area subject to periodic flooding.

(24) **Flood-Proofing.** Any structural and/or non-structural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, or improvements utilities and structures.

(25) **Flood Protection Elevation (FPE).** The base flood elevation plus one foot at any given location.

(26) **Floodway.** The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth of a foot due to the loss of flood conveyance or storage.

(27) **Grading.** Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

(28) **Illicit Connection.** Any method or means for conveying an illicit discharge into water bodies or the Township's storm water system.

(29) **Illicit Discharge.** Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this Ordinance.

(30) **Impervious Surface.** Surface that does not allow storm water runoff to slowly percolate into the ground.

(31) **KCDC.** Kent County Drain Commissioner.

(32) **Lowest Floor.** The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure which is usable solely for parking of vehicles or building access.

(33) **MDEQ.** Michigan Department of Environmental Quality.

(34) **NPDES.** National Pollution Discharge Elimination System.

(35) **Overland Flow-way.** Surface area that conveys a concentrated flow of storm water runoff.

(36) **Person.** An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

(37) **Plan.** Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this Ordinance.

(38) **Pollutant.** A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

(39) **Property Owner.** Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

(40) **Retention.** A system which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.

(41) **Soil Erosion.** The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.

(42) **State of Michigan Water Quality Standards.** All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

(43) **Storm Drain.** A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.

(44) **Storm Water Permit.** A permit issued pursuant to this Ordinance.

(45) **Storm Water Runoff.** The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

(46) **Storm Water Runoff Facility.** The method, structure, area, system, or other equipment or measures which are designed to receive, control, store, or convey storm water.

(47) **Stream.** A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

(48) **Township.** The Township of Grattan.

(49) **Water Body.** A lake, wetlands, river, stream, creek or other watercourse.

(50) **Watershed.** A region draining into a water body.

(51) **Wetlands.** Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

Article II Storm Water Permits

Sec. 2.01 Permit Required.

(1) A developer shall not engage in any development without first receiving a storm water permit from the Township pursuant to Section 2.02.

(2) The granting of a storm water permit shall authorize only such development for which the permit is required, subject to the terms of the permit, and it shall not be deemed to approve other development or other land use activities.

Sec. 2.02 Storm Water Permit Review Procedures.

The Township shall grant a storm water permit, which may impose terms and conditions in accordance with Section 2.09, and which shall be granted only upon compliance with each of the following requirements:

(1) The developer has submitted a drainage plan complying with Section 2.03.

(2) The drainage plan contains a description of an adequate, temporary storm water retention system to prevent construction site storm water runoff, satisfying the requirements of Section 2.05, and the developer has obtained a soil erosion permit, if necessary.

(3) One of the following conditions is satisfied:

(a) The developer provides a permanent on-site storm water infiltration basin designed to store the runoff from the drainage area during a 100-year storm event if a positive downstream conveyance is available. If no positive downstream conveyance is available the infiltration basis shall be designed to store runoff from the drainage area from back-back 100-year storm events.

(b) The developer provides a permanent on-site storm water system with a restricted outlet designed to result in no net increase in storm water runoff volume or rate onto any adjacent property in a 100-year storm event.

(c) If the parcel is located in the Bear Creek Watershed, then the developer must refer to the regulations in the Cannon Township Ordinances for the Bear Creek Watershed.

(4) The developer has paid or deposited the storm water permit review fee pursuant to Section 2.04.

(5) The developer has paid or posted the applicable financial guarantee pursuant to Section 2.06.

(6) The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance including, but not limited to, Section 7.02. All easements shall be acceptable to the Township in form and substance and shall be recorded with the Kent County Register of Deeds.

(7) The drainage plan is designed in conformity with the Township's design and performance standards for drains and storm water management systems, as set forth in Article VIII.

(8) All storm water runoff facilities shall be designed in accordance with the then-current BMPs.

(9) The developer provides the required maintenance agreement for routine, emergency, and long-term maintenance of all storm water runoff facilities and in compliance with the approved drainage plan and this Ordinance including, but not limited to, Section 7.03. The maintenance agreement shall be acceptable to the Township in form and substance and shall be recorded with the Kent County Register of Deeds.

Sec. 2.03 Drainage Plan.

The developer shall provide a drainage plan to the Township for review and approval by the Township. The drainage plan shall identify and contain all of the following:

- (1) The location of the development site and water bodies that will receive storm water runoff.
- (2) The existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses, with contours having a maximum interval of one foot (using USGS datum). The information shall be superimposed on the pertinent Kent County soil map.
- (3) The development tributary area to each point of discharge from the development.
- (4) Calculations for the final peak discharge rates.
- (5) Calculations for any facility or structure size and configuration.
- (6) A drawing showing all proposed storm water runoff facilities with existing and final grades.
- (7) The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant off-site and on-site drainage outlet restrictions other than culverts should be noted on the drainage map.
- (8) An implementation plan for construction and inspection of all storm water runoff facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the storm water runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the storm water runoff facilities are constructed in accordance with the approved drainage plan.
- (9) A plan to ensure the effective control of construction site storm water runoff and sediment track-out onto roadways.
- (10) Drawings, profiles, and specifications for the construction of the storm water runoff facilities reasonably necessary to ensure that storm water runoff will be drained, stored, or otherwise controlled in accordance with this Ordinance.
- (11) A maintenance agreement, in form and substance acceptable to the Township, for ensuring maintenance of any privately-owned storm water runoff facilities. The maintenance agreement shall include the developer's written commitment to provide routine, emergency, and long-term maintenance of the facilities and, in the event that the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the Township to maintain any on-site storm water runoff facility as reasonably necessary, at the developer's expense.
- (12) The name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the storm water runoff facilities.
- (13) All design information must be compatible for conversion to Grand Valley Regional Geographic Information System (REGIS).

(14) Any other information necessary for the Township to verify that the drainage plan complies with the Township's design and performance standards for drains and storm water management systems.

(15) The developer's engineer should submit, once the project is completed, as-built plans and a certification letter stating the site was constructed in accordance with the Township's design and performance standards for storm water management events.

Sec. 2.04 Storm Water Permit Review Fees.

(1) The developer shall pay a storm water permit fee along with the storm water permit application. Refer to the Township schedule of charges for the amount establish by resolution of the Township Board from time to time.

(2) If the initial permit is not approved through the standard review process, then additional amounts may be required to be placed in an escrow account by the developer/owner, at the discretion of the Township.

Sec. 2.05 Construction Site Runoff Controls.

Prior to making any earth change on a development site regulated by this Ordinance, the developer or other person making an earth change shall first obtain a soil erosion permit issued in accordance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, if one is required. The developer or other person making an earth change shall install storm water runoff facilities and shall phase the development activities so as to prevent construction site storm water runoff and off-site sedimentation. During all construction activities on the development site, the Township Engineer may inspect the development site to ensure compliance with the approved construction site runoff controls.

Sec. 2.06 Financial Guarantee.

(1) The Township Engineer shall not approve a storm water permit until the developer submits to the Township, in a form and amount satisfactory to the Township, a letter of credit or other financial guarantee for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan. Upon certification by a registered professional engineer that the storm water runoff facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in Section 2.03(8), the Township may release the letter of credit, or other financial guarantee subject to final Township acceptance and approval.

(2) Except as provided in subsection (3), the amount of the financial guarantee shall be \$10,000, unless the Township determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater than \$10,000 is appropriate, the Township shall consider the size and type of the development, the size and type of the on-site storm water system, and the nature of the off-site storm water runoff facilities the development will utilize.

(3) The Township Supervisor, or such other Township official determined by the Township Board, may reduce or waive the amount of the financial guarantee for a development that will not increase the percentage of impervious surface of the development site by more than 10 percent.

(4) This Ordinance shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private storm water runoff facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.

Sec. 2.07 Certificate of Occupancy.

No certificate of occupancy shall be issued until storm water runoff facilities have been completed in accordance with the approved drainage plan; provided, however, the Township may issue a certificate of occupancy if an acceptable letter of credit or other financial guarantee has been submitted to the Township, for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan.

Sec. 2.08 No Change in Approved Facilities.

Storm water runoff facilities, after construction and approval, shall be maintained in good condition, in accordance with the approved drainage plan, and shall not be subsequently altered, revised or replaced except in accordance with the approved drainage plan, or in accordance with approved amendments or revisions in the plan.

Sec. 2.09 Terms and Conditions of Permits.

In granting a storm water permit, the Township may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this Ordinance. A developer shall comply with such terms and conditions.

**Article III
Storm Water System, Floodplain and
Other Standards, Soil Erosion Control**

Sec. 3.01 Management of and Responsibility for Storm Water System.

The Township is not responsible for providing drainage facilities on private property for the management of storm water on said property. It shall be the responsibility of the property owner to provide for, and maintain, private storm water runoff facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body.

Sec. 3.02 Storm Water System.

All storm water runoff facilities shall be constructed and maintained in accordance with all applicable federal, state and local ordinances, and rules and regulations.

Sec. 3.03 Storm Water Discharge Rates and Volumes.

The Township is authorized to establish minimum design standards for storm water discharge release rates and to require dischargers to implement on-site retention, detention or other methods necessary to control the rate and volume of surface water runoff discharged into the storm water drainage system, in the following circumstances:

- (1) A parcel of land is being developed in a manner that increases the impervious surface area of the parcel; or
- (2) The discharge exceeds the Township-calculated pre-development discharge characteristics for the subject property, and the Township determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this Ordinance.

Sec. 3.04 Floodplain Standards.

(1) All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the Flood Protection Elevation (FPE) and shall be in accordance with all applicable federal, state and local ordinances, and rules and regulations. Floodway alteration shall be permitted only upon review and approval by the Township, in accordance with an approved drainage plan.

(2) A drainage plan providing for the filling or alteration of a floodway may include provisions for maintaining stability of the banks of streams or other water bodies, by means of the establishing of buffer zones and other means of providing protection of the slopes and banks of water bodies.

(3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan. Such a plan may also include provisions for the replacement of flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

Sec. 3.05 Soil Erosion and Sedimentation Control.

(1) All persons who cause, in whole or in part, any earth change to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited onto adjacent properties or into a storm water drainage system, a public street or right-of-way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with all applicable federal, state and local ordinances, rules and regulations.

(2) During any earth change which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other persons causing or participating in the earth change shall do the following:

- (a) Comply with the storm water management standards of this Ordinance.

(b) Obtain and comply with the terms of a soil erosion and sedimentation control permit if required by law.

(c) Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment.

(d) Prevent damage to or impairment of any water body on or near the location of the earth change or affected thereby.

(e) Prevent damage to adjacent or nearby land.

(f) Apply for all required approvals or permits prior to the commencement of work.

(g) Proceed with the proposed work only in accordance with the approved plans and in compliance with this Ordinance.

(h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this Ordinance.

(i) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within 24 hours, or immediately following the issuance of all required permits or the granting of other required approvals, shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety. In the event of the deposit of soil, sediment, debris, or other materials on any lands and other specified places, as stated in this subsection, the property owner and other persons causing or participating in the earth change that resulted in the same shall promptly apply to the Department of Environmental Quality, or other agency having jurisdiction, for all required approvals for the removal of any such materials, and promptly upon obtaining such approvals, the property owner or other participating person shall proceed immediately to accomplish such removal.

(j) Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.

(k) Request and obtain inspection of soil erosion and sedimentation control facilities, by the Township at such frequency as required by the Township.

Sec. 3.06 Building Openings.

(1) No building opening shall be constructed below the following elevations:

(a) One foot above the 100-year floodplain.

(b) The building opening established at the time of plat or development approval and on file in the Township engineering.

(c) Three feet above the top of any downstream culvert.

(d) Four feet above the bottom of any permanent and defined drain.

(2) A waiver from elevations stated in Section 3.05(1) may be granted by the Township Engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.

(3) Upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this Ordinance. This certificate shall attest that the building opening elevation complies with the standards of this Ordinance. The permittee for the building permit shall submit the certificate to the Township Building Inspections official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening elevation is below the elevation specified in Section 3.06(1)(b) or (c), that opening must be raised using a method that meets with the approval of the Township. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening elevation complies with the standards of this Ordinance prior to the commencement of framing and or structural steel placement.

Sec. 3.07 Public Health, Safety and Welfare.

Protection of the public health, safety and welfare shall be a primary consideration in the design of all storm water runoff facilities.

Article IV Prohibitions and Exemptions

Sec. 4.01 Prohibited Discharges.

(1) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with best management practices.

(2) The Township is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Township's storm water drainage system.

Sec. 4.02 Exempted Discharges.

The following non-storm water discharges shall be permissible, provided that they do not result in a violation of State of Michigan water quality standards:

Water supply line flushing
Landscape irrigation
Diverted stream flows
Rising ground water
Uncontaminated ground water infiltration to storm drains
Uncontaminated pumped ground water
Discharges from potable water sources
Foundation drains
Air conditioning condensate
Individual residential car washing
De-chlorinated swimming pool water
Street washwater
Discharges or flows from emergency fire fighting activities
Discharges for which a specific federal or state permit has been issued

Sec. 4.03 Interference with Natural or Artificial Drains.

(1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainageway without first submitting a drainage plan to the Township and receiving approval of that plan. Any deviation from the approved plan is a violation of this Ordinance. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

(2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodway.

(3) For an overland flow-way:

(a) Silt screen fences shall not be permitted below the top of the bank of a water body.

(b) Chain link fences shall be permitted if the Township determines that the fence will not obstruct or divert the flow of water.

(c) If a fence is removed by the Township for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense.

(d) No shrubs or trees shall be planted below the top of the bank of a water body.

(4) Shrubs, trees or other above-ground woody vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

Sec. 4.04 Storage of Hazardous or Toxic Materials in Drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile within a drainageway any hazardous or toxic materials unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a drainageway.

**Article V
Inspection, Monitoring, Reporting, and Recordkeeping**

Sec. 5.01 Inspection and Sampling.

To assure compliance with the standards in this pervasively regulated area, the Township may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Township's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Township shall provide the discharger reasonable advance notice of such inspection and/or sampling. The Township or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

Sec. 5.02 Storm Water Monitoring Facilities.

A discharger of storm water runoff shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the Township. The Township may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling and flow measurement of discharges in order to determine whether adverse effects from or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, Ordinances and regulations.

Sec. 5.03 Accidental Discharges.

(1) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the Township concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the Township within five days. The written report shall specify:

- (a) The composition of the discharge and the cause thereof.
- (b) The exact date, time, and estimated volume of the discharge.
- (c) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.

(d) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.

(2) A properly-reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of Section 5.03(1).

Sec. 5.04 Record Keeping Requirement.

Any person subject to this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or storm water runoff from any property.

Article VI Enforcement

Sec. 6.01 Sanctions for Violation.

(1) Any person violating any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine of not less than \$100 nor more than \$2,500 for a first offense, and not less than \$500 nor more than \$5,000 for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 6.01(2) shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

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.

The Township Supervisor and the Township Zoning Administrator are each authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this Ordinance.

(2) Any person who neglects or fails to comply with a stop work order issued under Section 6.02 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment in the county jail for not more than 93 days, or both such fine and

imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

(3) Any person who aids or abets a person in a violation of this Ordinance shall be subject to the sanctions provided in this section.

Sec. 6.02 Stop Work Order.

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this Ordinance, the Township is authorized to issue a Stop Work Order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The Township may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

Sec. 6.03 Failure to Comply; Completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the Township may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the Township for all costs of such work.

Sec. 6.04 Emergency Measures.

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the Township is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Township for all of such costs.

Sec. 6.05 Cost Recovery for Damage to Storm Drain System.

A discharger shall be liable for all costs incurred by the Township as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MDEQ for violation of an NPDES permit, attorney fees, and other costs and expenses.

Sec. 6.06 Collection of Costs; Lien.

Costs incurred by the Township and the Drain Commissioner pursuant to Sections 6.02, 6.03, 6.04 and 6.05 shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are

delinquent for six months or more may be certified annually to the Township Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Sec. 6.07 Appeals.

Any person as to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Township Board the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Township Board shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Township Board may consider the recommendations of the Township Engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the Township Board may grant a variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

(1) The application of the ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance.

(2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this Ordinance, nor result in less effective management of storm water runoff.

Article VII Storm Water Easements and Maintenance Agreements

Sec. 7.01 Applicability of Requirements.

The requirements of this article concerning storm water easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the Township for review and approval.

Sec. 7.02 Storm Water Management Easements.

The developer shall provide all storm water management easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance in form and substance required by the Township and shall record such easements as directed by the Township. The easements shall assure access for proper inspection and maintenance of storm water runoff facilities and shall provide adequate emergency overland flow-ways.

Sec. 7.03 Maintenance Agreements.

The developer shall provide all storm water maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance in form and substance as required by the Township, and shall record such agreements as directed by the Township. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance of storm water runoff facilities and adequate emergency overland flow-ways.

Sec. 7.04 Establishment of County Drains.

Prior to final approval, all storm water management facilities for platted subdivisions shall be established as county drains, as authorized in Section 433, Chapter 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

**Article VIII
Performance and Design Standards**

Sec. 8.01 Performance Standards.

In order to achieve the goals and purposes of this Ordinance, the following three storm water management zones (Zones A, B and C) are hereby established. The zones are shown on the Grattan Township Storm Water Management Zone Map and made a part of this Ordinance.

(1) Zone A represents areas which require the most protective storm water management regulations. Generally, lands in Zone A have high quality waters, meet water quality standards, and have less than 10 percent imperviousness. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. Zone A has, in general, little impervious surface area and few storm water facilities. In this zone, where site conditions do not permit infiltration of storm water runoff, detention of storm water runoff, with a restricted outlet, shall be required. This storm water management practice provides greater protection for surface water quality, and also assists in augmenting stream base flow, reduction of flash storm flows and prevention of stream bank erosion. Section 8.02 specifies design criteria for Zone A, in order that the volume and rate of storm water runoff are controlled at predevelopment levels.

(2) Zone B represents developed areas that have significant impervious surfaces and storm water runoff facilities in place. Generally, the lands in Zone B have degraded physical, biological, or water quality indicators, and have 10 percent to 25 percent imperviousness. The goal of Zone B is the control of storm water runoff in order to prevent further destabilizing of streams and other water bodies. In this zone, the use of detention ponds, the maintenance and enhancement of buffer strips and other measures to reduce directly-connected impervious areas are specified in Section 8.02 for the achieving of the storm water management standards applicable to Zone B. The management practices for this zone are intended to maintain existing water quality and to alleviate adverse downstream impact on water bodies.

(3) Zone C consists of (1) highly urbanized areas, (2) areas where there has been significant modification of drainage ways, or (3) areas located in such proximity to water bodies that detention of storm water runoff would be generally detrimental to such water bodies. The amount of

impervious surface area in Zone C is generally greater than 25 percent. Among the measures required in Zone C, as stated in Section 8.02, are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and the reduction of impervious surface areas that are directly connected to water bodies. An important element of storm water management practice in Zone C is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

Sec. 8.02 Design Standards.

The design standards for storm water runoff facilities for Zones A, B and C, as described in Section 8.01, are the following:

	Zone A	Zone B	Zone C
Criteria	High quality waters. Meets water quality standards. Less than 10% imperviousness.	Degraded physical, biological, or water quality indicators. 10% to 25% imperviousness.	Heavily degraded physical, biological, or water quality indicators. Greater than 25% imperviousness.
Storm Water Management Standards	Use infiltration basins, infiltration trenches, extended detention basins, and/or constructed wetlands. Maintain and enhance buffer strips.	Use detention ponds; maintain and enhance buffer strips, and reduce directly connected impervious area.	Use sediment basins, maintain and enhance buffer strips, and reduce directly connected impervious area.
Water Quality Control	Detain the first 0.5” of runoff from the contributing watershed, with detention per Zone B and infiltration where conditions permit, or provide equivalent treatment.	Detain the first 0.5” of runoff from the contributing watershed for 24 hours or provide equivalent treatment, and infiltration when conditions permit.	Provide sedimentation control within the drainage system, and infiltration when conditions permit.
Bank Erosion Control	Rate of release shall be limited to 0.050 cfs/acre for a 2-year storm event.	Release rate of .13 cfs/acre per Kent County Drain Commissioner rules, but storm water runoff shall not exceed the capacity of the downstream conveyance system.	Storm water runoff shall not exceed the capacity of the downstream conveyance system. Provide sedimentation control within the drainage system and infiltration when conditions permit.
Flood Control	Detention with infiltration when conditions permit. Release rate of 0.13 cfs/acre per KCDC rules.	Release rate of 0.13 cfs/acre per Kent County Drain Commissioner rules.	Direct conveyance of storm water runoff within the capacity of downstream system.

cfs/acre — cubic feet per second per acre

Sec. 8.03 Resolution to Implement Performance and Design Standards.

The Township Board of the Township may adopt a resolution establishing more detailed design and performance standards for storm water runoff facilities, consistent with the terms of this Ordinance, and in order to further implement its goals and purposes.

**Article IX
Other Matters**

Sec. 9.01 Interpretation.

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

Sec. 9.02 Catch-Line Headings.

The catch-line headings of the articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

Sec. 9.03 Severability.

The provisions of this Ordinance are hereby declared to be severable, and if any part or provision of this Ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

Sec. 9.04 Other Ordinances.

This Ordinance shall be in addition to other ordinances of the Township, and shall not be deemed to repeal or replace other ordinances or parts thereof except to the extent that such repeal is specifically provided for in this article.

Sec. 9.05 Effective Date.

The ordinance was adopted December 8, 2003 by the Township Board.

This Ordinance shall become effective January 1, 2004, following publication of a summary of its provisions in a local newspaper of general circulation.

WETLANDS PROTECTION ORDINANCE

(Ord. No. 05-03)

An ordinance to regulate and protect wetlands in the Township of Grattan, and to provide penalties for the violation thereof.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited as the “Grattan Township Wetlands Protection Ordinance.”

Section 2. Definitions.

The following words and phrases in this Ordinance shall have the following respective meanings.

(a) Contiguous means any of the following:

(1) A permanent surface water connection or other direct physical contact with an inland lake, a stream, a pond or a river.

(2) A seasonal or intermittent direct surface water connection to an inland lake or stream, a pond or a river.

(3) A wetland that is partially or entirely located within 500 feet of the ordinary high watermark of an inland lake or stream, a pond, or a river.

(b) **Feasible and Prudent Alternative.** An alternative is feasible and prudent if both of the following provisions apply:

(1) The alternative is available and capable of being accomplished after taking into consideration cost, existing technology, and logistics.

(2) The alternative would have less adverse impact on wetlands, watercourses or waterbodies and the aquatic life associated therewith. A feasible and prudent alternative may include any or all of the following:

(i) Use of a location other than the proposed location;

(ii) A different configuration;

(iii) A different size; or

(iv) A different method that will accomplish the proposed purpose or goal.

(c) **Fill Material** means soil, rocks, sand, pilings, waste of any kind, or any other material which displaces soil or water, reduces water retention potential or reduces ability for wetland vegetation growth.

(d) **Inland Lake or Stream** means a natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. An inland lake or stream does not include a lake or pond that has a surface area of less than five acres.

Part 303 of the NREPA defines “Inland lake or pond, a river or stream” as meaning any of the following:

(1) A river or stream which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

(2) A natural or permanent artificial inland lake or impoundment that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is more than five acres. This does not include lakes constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

(3) A natural or permanent artificial pond that has permanent open water with a surface area that is more than one acre, but less than five acres. This does not include ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

(e) **MDEQ** means the State of Michigan Department of Environmental Quality.

(f) **Minor Drainage** includes ditching and tiling for the removal of excess soil moisture incidental to the planting, cultivating, protecting, or harvesting of crops or improving the productivity of land in established use for agriculture, horticulture, silviculture, or lumbering.

(g) **Non-Contiguous Wetlands** are isolated wetlands surrounded by upland and that are at least 500 feet from the ordinary high watermark of a defined watercourse or waterbody. These wetlands do not have a direct connection to an inland lake or stream.

(h) **Non-Regulated Wetlands** are wetlands that the Township has determined not to regulate, based on their size, vegetative composition, physical features, and relatively minimal resource value, as compared to wetlands that the Township has determined to regulate.

(i) **NREPA** means the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

(j) **Ordinary High Watermark** means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinctly different from the upland

and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, the ordinary high watermark means the high established level.

(k) **Person** means an individual, sole proprietorship, partnership, limited liability company, corporation, association, or municipality; the State of Michigan; an instrumentality or agency of the State of Michigan; the federal government, an instrumentality or agency of the federal government; or other legal entity.

(l) **Structure** means any assembly of materials above or below the surface of the land or water, including but not limited to buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, paving and roadways, poles, fences, towers, cables, pipelines, drainage tiles, and other underground installations.

(m) **Township Wetland Officer** means the Township's initial enforcement agent for this Ordinance, who shall be appointed by the Township Board.

(n) **Waterbody** means any body of water that has definite banks, a bed, and visible evidence of a continued occurrence of water. Waterbodies include both large and small lakes and ponds.

(o) **Watercourse** means any body of water that has definite banks, a bed, and visible evidence of a continued flow. The flow may be visible throughout the year or intermittent and only visible during certain seasons of the year.

(p) **Wetland** means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life. Wetland is sometimes commonly referred to as a bog, swamp or marsh.

A wetland need not have standing water for support of vegetation, inasmuch as saturation of the soils below the surface of the ground may be sufficient for the support of wetland vegetation.

(q) **Wetland Assessment** means an evaluation of wetland functions, values, benefits, and/or physical features. A wetland assessment may also include those services and evaluations provided by a wetland identification.

(r) **Wetland Mitigation** (or mitigation) is the creation of wetland from upland to compensate for permitted impacts to wetland.

Section 3. Findings of Fact.

(a) The Township Board determines that wetlands are valuable resources that provide a multitude of benefits and values, including the following:

(1) Flood and storm control by the hydrologic absorption and storage capacity of the wetland.

(2) Wildlife habitat by providing breeding, nesting, and feeding grounds and cover for many forms of wildlife and waterfowl.

(3) Protection of subsurface water resources and providing watersheds for recharging ground water supplies.

(4) Erosion control by serving as a sedimentation area and filtering basin, for the absorbing of silt and organic matter.

(5) Providing areas for passive forms of recreation.

(6) Maintaining the overall quality of life for persons residing within the Township and also those who visit the Township to engage in recreation and for other purposes.

(b) The Township Board further determines that the conservation and development of natural resources is a matter of paramount public concern in the interest of the health, safety, and general welfare of the Township.

Section 4. Purposes.

The purposes of this Ordinance include, but are not limited to, the following.

(a) To provide for the protection and preservation of wetlands that are not regulated under state law.

(b) To provide greater protection and preservation of all wetlands within the Township to better maintain their hydrological, biological, recreational, and aesthetic natural resource values.

(c) To protect the many functions and benefits that wetlands provide, including the following:

(1) Flood and storm water control; recharging of ground water supplies.

(2) Filtering of sediment.

(3) Reducing the forces of erosion, specifically along watercourses and water bodies.

(4) Wildlife, waterfowl and fish habitat.

(5) Protection of subsurface water resources and watersheds.

(6) Treatment of pollutants by serving as biological and chemical oxidation basins.

(7) Places for passive recreational activities.

Section 5. Statutory Basis.

This Ordinance is adopted pursuant to Part 303, Wetland Protection, of the NREPA, P.A. 451 of 1994, as amended; and Part 17, Michigan Environmental Protection Act (“MEPA”), of the NREPA.

Section 6. Activities Requiring a Wetland Use Permit.

It shall be unlawful for any person to conduct any activity listed below, within a wetland, without first obtaining a wetland use permit in accordance with the requirements of this Ordinance.

- (a) Depositing or permitting the placement of fill material.
- (b) Grading of the surface profile of the land.
- (c) Dredging, removing, or permitting the removal of soil, vegetation or minerals.
- (d) Draining, or causing to be drained through artificial means, any water into or from a wetland.
- (e) Constructing, operating, or maintaining any use, activity or development that occupies space within a wetland and/or diminishes the ability of the wetland to function, but is not exempt under Section 7; any use, activity or development in a wetland that requires a building permit, sanitary sewage disposal permit or any other required state, county or township permit.

Section 7. Activities Not Requiring a Wetlands Use Permit.

The following uses and activities are permitted in a wetland without a wetland use permit, subject to laws of the state and applicable Township ordinances:

- (a) Fishing, trapping, or hunting.
- (b) Swimming or boating.
- (c) Hiking.
- (d) Grazing of animals.
- (e) Farming, horticulture, silviculture and lumbering, including plowing; irrigation; irrigation ditching; seeding; cultivating; minor drainage; harvesting for the production of food, fiber, and forest products; or upland soil and water conservation practices. Wetland altered under this subsection (e) shall not be used for a purpose other than a purpose described in this subsection without a permit obtained under the terms of this Ordinance.
- (f) Maintenance or operation of a serviceable structure in existence or under construction on October 1, 1980 pursuant to Part 303 of NREPA.
- (g) The construction or maintenance of farm or stock ponds.

(h) Maintenance, operation, or improvement, that includes straightening, widening or deepening, of the following, where necessary for the commercial production or harvesting of agricultural products:

(1) An existing, private agricultural drain.

(2) That portion of a drain legally established pursuant to the Drain Code of 1956, which has been constructed or improved for drainage purposes.

(3) A drain constructed pursuant to other provisions of Part 303 of the NREPA.

(i) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment if the roads are constructed and maintained in a manner to assure that adverse effects on the wetland will be otherwise minimized.

(j) Drainage necessary for the production and harvesting of agricultural products, if the wetland is owned by a person who is engaged in commercial farming and if the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in Part 303 of the NREPA, wetland areas improved under this subsection after October 1, 1980, shall not be used for non-farming purposes without a permit from the MDEQ. This subsection shall not apply to a wetland that is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the MDEQ has determined to be necessary to be preserved for the public interest, in which case a permit shall be required.

(k) Maintenance or improvement of public streets, highways or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the width of the right-of-way; or deviating from the existing location of the street, highway, or road. Any new construction of public streets, highways or roads shall require the necessary permits, which may include a wetland use permit.

(l) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of six inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(m) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(n) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980, or constructed pursuant to Part 303 of the NREPA or former Act No. 203 of the Public Acts of 1979.

(o) An activity in a wetland that was effectively drained for farming before October 1, 1980 and that on and after October 1, 1980 has continued to be effectively drained as part of an ongoing, bona fide farming operation.

(p) Incidental creation of a wetland as a result of one or more of the following activities:

(1) Excavation for mineral or sand mining, if the area was not a wetland before excavation. This exemption does not include a wetland on or adjacent to a water body of one acre or more in size.

(2) Construction and operation of a water treatment pond or lagoon in compliance with the requirements of state or federal water pollution control regulations.

(3) A diked area associated with a landfill if the landfill complies with the terms of the landfill construction permit and if the diked area was not a wetland before diking.

Section 8. Additional Activities not Requiring a Wetland Permit.

The following uses are permitted in a wetland without a wetland use permit subject to laws of the state and applicable Township ordinances:

(a) Any structure lawfully existing prior to the effective date of this Ordinance that is damaged by fire, explosion, act of God, or other causes beyond the control of the owner. Such a structure may be restored, rebuilt, or repaired, but only to the size, extent and area that existed prior to such damage. Reconstruction shall commence within two years from the date the structure was damaged and all other necessary Township, state and federal permits shall be obtained and complied with.

(b) Any use, activity or development approved by the Township after January 1, 2005 and prior to the effective date of this Ordinance.

(c) The cutting of vegetation within the right-of-way of maintained public streets, highways or roads for the purpose of vehicular safety.

(d) Dredging, placement of fill material or structures, cutting of vegetation, draining, and/or maintained use or development within a non-regulated wetland or a wetland created as part of a storm water detention/retention basin or landscaping project approved by the Township.

Section 9. Township Wetland Inventory Map.

(a) A Township wetland inventory map shall be prepared by the Wetland Review Board, assisted by the Township wetland officer; the inventory map shall be subject to approval and adoption by the Township Board. The map shall be used in the administration of this Ordinance, but shall serve only as a guide to the general location of wetlands and potential wetlands in the Township.

(b) The wetland inventory map shall be based on the best information then available to the Township.

(c) The wetland inventory map shall be on file in the Township office and be available for review during normal business hours. Copies of the wetland inventory map shall be made available to the public at a reasonable cost.

(d) The Township shall provide for public notice and public comment prior to finalizing the wetland inventory map, and shall respond in writing to written comments received regarding the contents of the inventory.

(e) The Township shall notify each record owner of property on the property tax roll that the inventory map exists (or has been amended), where the map may be reviewed, that the owner's property may be designated as a wetland on the inventory map, and that the Township has an ordinance regulating wetlands. The notice shall also inform the property owner that the inventory map does not necessarily include all of the wetlands within the Township that may be subject to the wetlands ordinance. The notice may be given by including the required information with the annual notice of the property owner's property tax assessment.

(f) The Township wetland inventory map shall be amended from time to time, in the following manner:

(1) Proposed amendments in the wetland inventory map shall be prepared by the Wetland Review Board, assisted by the Township wetland officer.

(2) Such proposed amendments in the wetland inventory map shall be submitted by the Wetland Review Board to the Township Board, and shall be subject to the Board's approval and adoption. Upon such approval and adoption, the amendments shall be incorporated into the wetland inventory map.

Section 10. Wetland Identification.

The wetland identification process, as set forth herein, may be used to determine whether a parcel of land contains or does not contain wetland. This process can be used to assist property owners in identifying whether or not they need to obtain a wetland use permit. This process can also be used to identify whether a property shown as wetland on the Township wetland inventory map contains or does not contain a wetland.

(a) An applicant may choose to have any of the following entities perform a wetland identification:

(1) MDEQ staff in accordance with the MDEQ's program.

(2) A qualified wetland consultant experienced with the MDEQ's wetland identification procedures.

(3) The Township wetland officer. If this option is chosen, the applicant shall submit a request for a wetland identification, on a form supplied by the Township, and shall pay any required application fee.

(b) The wetland identification shall include a brief report explaining the methods used in identifying whether the property contains or does not contain wetland

(c) A wetland identification performed by the MDEQ or the applicant's wetland consultant shall be subject to the review and approval of the Township wetland officer. If not approved by the wetland officer, it shall have no further effect under the terms hereof.

(d) If the Township wetland officer conducts the wetland identification, the Township shall provide a response to the applicant within 30 days of receipt of a complete application, except when a greater period of time is permitted under subsection (f). The letter shall identify whether or not a wetland exists on the property, and whether a permit will be required.

(e) The findings of the wetland identification process, if different than those shown on the Township wetland inventory maps, shall be reflected in the next subsequent amendment of the Township wetland inventory map.

(f) The Township may defer completion of a wetland identification beyond the 30-day period stated in subsection (d), if snow cover, frozen ground or other weather conditions inhibit or prevent the wetland identification. A letter shall be sent to the applicant explaining the delay. The Township shall continue processing the application, as soon as site conditions permit, as determined by the Township.

Section 11. Wetland Use Permit Applications.

(a) An application for a wetland use permit shall be submitted prior to any use, activity or development that, under the terms of Section 6, is subject to the issuance of the permit. The application shall be similar in format to the MDEQ's joint permit application pursuant to Part 303 of the NREPA.

(b) Property owners of properties shown on the Township wetland inventory map as containing wetland shall submit a wetland use permit application for any of the uses or activities, described in Section 6. Properties shown as not having wetland on the Township wetland inventory map may or may not contain wetland. The wetland identification process may be used at any time in order to determine whether a wetland use permit is required for a proposed use, activity or development. An application is not required for those properties that are defined as non-regulated wetland, or are included in one of the exemptions listed in Section 7 or Section 8 of this Ordinance.

(c) An applicant for a wetland use permit shall submit the following to the Township Wetland Review Board:

(1) An application completed in full, on a form provided by the Township, and including the following information and any other information required by the Wetland Review Board:

(i) The applicant's and property owner's full legal name, mailing address, and telephone number.

- (ii) A statement of the location of the subject property.
- (iii) The legal description of the property on which any wetland or development is to be made, and the property tax identification numbers of such properties.
- (iv) A statement and appropriate drawings describing the proposed wetland development (e.g., top view, side view, and cross-sectional drawings that show length, width, and height, and the square footage of area to be impacted).
- (v) Written authorization for the Township and its agents to enter upon the property for the purpose of evaluating the application.
- (vi) A written explanation, including alternative site plans, showing that the proposed land use or development is the least environmentally damaging alternative available.
- (vii) Copies of all wetland assessments, applications, permits, and correspondence with the MDEQ and other relevant documents pertaining to the subject property.

(2) A wetland assessment of the proposed land use, activity or development. The wetland assessment shall be prepared by a qualified wetland expert and, among other matters, it shall identify the effects of the proposed uses and activities upon the wetland functions and benefits. The wetland assessment shall include, though it is not limited to the following:

- (i) Dominant vegetation in the tree, shrub, and herb layers.
- (ii) Presence or lack of wetland hydrology indicators.
- (iii) Analysis of soil, including a description of the soil profile to at least 12 inches and comparison to the Kent County Soil Survey.
- (iv) A discussion and summary of the effects of the proposed use or activity on water quality, wildlife, waterfowl and fish habitat, threatened and endangered species, flood storage, nutrient uptake and other functions and benefits of the wetland.
- (v) Maps of the wetland area(s). Mapped data shall be represented in a manner that allows comparison to the Township wetland inventory map. Direction, section number, township, parcel number, and tax identification number shall also be included.

(3) A wetland assessment shall not be required for the proposed construction and use of a single family detached dwelling on a lot or parcel on which such use is permitted under the terms of the Township Zoning Ordinance.

(d) Mitigation plans, if the proposed activity will result in the loss of wetland resources.

(e) Payment of the fee or other Township charges for conducting the review of the wetland use permit application, and otherwise responding to the application, including reimbursement of Township expenses for the same, if such reimbursement is authorized by Township Board resolution. Further, the Township Board may implement this subsection by

adopting, from time to time, resolutions establishing fees, charges, reimbursement procedures, establishment of escrow accounts by applicants and other requirements pertaining to fees, charges and expenses.

Section 12. Review of Wetland Use Permit Applications.

(a) Members of the Wetland Review Board and the wetland officer and, if a permit denial is appealed, members of the Township Board, may make reasonable entry upon the subject lands and waters for the purposes of making any investigation, inventory, or study necessary to evaluate a wetland use permit application.

(b) The Township wetland officer shall determine that all required information and the application fee have been submitted. The submission of the application shall constitute permission from the owner for the Wetland Review Board and the wetland officer, and, if a permit denial is appealed, the members of the Township Board, to conduct an on-site investigation.

(c) Upon receipt of a complete permit application, the Wetland Review Board shall:

(1) Transmit one copy of the application to the MDEQ, if required by law.

(2) Perform or arrange for the performance of any one or all of the following tasks:

(i) Review the wetland land use permit application with respect to all applicable sections of this Ordinance.

(ii) Take photographs of the proposed development area and wetland that may be impacted by the proposed activities.

(iii) Prepare a report and map of the wetland on the property. The report may include recommendations or comments, for consideration by the applicant with respect to the following:

(A) Suggested alternative locations, configurations, and methods that could minimize impacts on the aquatic and natural resources of the land while still accomplishing the apparent goals of the proposed use, activity or development.

(B) Other suggested actions that may benefit the wetland resources.

(3) Approve, approve with conditions, or deny a wetland use permit application within 90 days after receipt of a complete permit application, except when a greater period of time is permitted under subsection (e). Applications involving wetlands of two acres or more shall be reviewed according to the criteria stated in Section 13. Applications involving wetlands of less than two acres shall be reviewed according to the criteria stated in Section 14. When a wetland use permit is approved, approved with conditions, or denied, a written notice thereof shall be sent to the applicant. The denial of a permit shall be accompanied by a statement of the reasons for denial.

(4) Send a copy of the decision, including any maps showing the wetlands on the property, to the applicant.

(d) If the Wetland Review Board does not approve, approve with conditions, or deny the permit application within the 90-day time period provided in subsection (c)(3), or within the greater period of time permitted by subsection (e), the permit application shall then be considered approved, but with a permit condition requiring that each acre of wetland impacted shall be mitigated by the establishment of 1.5 acres of new wetland. The Wetland Review Board may waive mitigation requirements for a use, activity or development approved under this subsection if the impact area is less than 11,000 square feet (.25 acre).

(e) The Wetland Review Board may defer the review of and decision on a wetland use permit application, without regard to the 90-day time limit, if there is a significant amount of snow cover or frozen ground which limits the ability of the wetland officer to accurately assess proposed activities on the property. A notice of such deferral shall be sent to the applicant. The Wetland Review Board shall continue reviewing the application and the proposed use, activity or development, as soon as site conditions permit, as determined by the Wetland Review Board.

Section 13. Review of Applications Involving Wetland Areas of Two Acres or More.

(a) A permit for any activity listed in Section 6 shall not be approved unless the proposed activity is in the public interest and is lawful in all respects. The reasonable use of the property involved, in accordance with applicable local ordinances and state law, shall also be considered.

(b) In determining whether the activity is in the public interest, the benefit that reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, including potential harm to natural resources from pollution, impairment, or destruction. The following general criteria shall be considered:

(1) The relative extent of the public and private need for the proposed activity.

(2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

(3) The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetlands provide.

(4) The probable impact of the activity in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

(5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, on the public health, welfare, and safety, and on fish and/or wildlife, including the probable impact on the wetland functions, values and benefits stated in Section 4(c) of this Ordinance.

- (6) Economic value, both public and private, of the proposed land change to the general area.
- (7) Findings of necessity for the proposed activity which may have been made by other agencies.
- (8) Amount and quality of wetland remaining in the general area and proximity to a waterway.
- (9) The size of the wetland in question.

(c) A wetland use permit shall not be issued if the Wetland Review Board determines that the proposed use, activity or development would result in an unacceptable disruption or degradation of the wetland, watercourses or waterbodies or the aquatic life dependent thereon or associated therewith. In making such determination, the Wetland Review Board shall consider, among other factors, the criteria stated in subsection (b) of this section and the purposes of this Ordinance, as stated in Section 4.

(d) A wetland use permit shall not be issued unless the applicant demonstrates either of the following:

(1) That the proposed use or activity is primarily dependent upon being located in the wetland. For purposes of this subsection (d) a proposed use or activity shall be determined as primarily dependent upon being located in the wetland only if the use or activity, by its type or nature, requires that it be located within the wetland in order to substantially achieve its proposed purpose or result.

(i) An application for a wetland use permit shall include sufficient information with respect to the proposed use or activity so as to enable the Township to analyze and consider the relevant facts bearing upon a determination whether the use or activity is primarily dependent upon being located in the wetland.

(ii) An applicant shall not so narrowly define or explain the purpose or scope of the use or activity so as to limit the Township in a complete analysis of whether the activity is primarily dependent upon being located in the wetland. Accordingly, the application shall fully describe the purposes for which the permit is sought, including associated uses and activities.

(iii) In its review of the application, the Township shall evaluate and determine whether the purpose and scope of the proposed use or activity have been adequately described by the applicant, and the Township shall then further consider the application based on such determination.

(2) That a feasible and prudent alternative does not exist.

(i) An alternative is feasible and prudent if both of the following apply:

(A) The alternative is available and capable of being accomplished, after taking into consideration the costs thereof, the available technology and the logistics likely to be involved in accomplishing the alternative.

(B) The alternative would have less adverse impact on aquatic resources, as compared to the proposed use or activity.

(ii) A feasible and prudent alternative may include any or all of the following:

(A) The use of location other than the proposed location.

(B) The use of a different configuration, arrangement, design or type of construction as compared to the proposed configuration arrangement, design or construction of the proposed use or activity.

(C) A different size, area or scope of the proposed use or activity.

(D) The use of a different method or manner of proceeding that will nevertheless accomplish the basic purpose of the proposed use or activity.

(iii) The applicant shall demonstrate that, given all pertinent information, there is no feasible and prudent alternative that has less impact on aquatic resources. In this regard, the applicant may provide information regarding such factors as alternative construction technologies; alternative project layout and design; the effect of Township zoning provisions; and environmental and natural resource issues, among other matters.

(iv) An alternative may be considered feasible and prudent even if it does not accommodate every element or component of a proposed use or activity that is incident to or severable from the basic purpose of the proposed use or activity.

(v) An alternative may be considered feasible and prudent even if it may involve greater cost, but the Township shall consider the amount and reasonableness of the higher cost in making its determination.

Section 14. Review of Applications Involving Wetland Areas of Less Than Two Acres.

(a) Where a person proposes to perform a regulated use or activity in a wetland of less than two acres, and if the wetland is not exempt from regulation under the terms of Section 8, a wetland use permit shall be applied for and a permit for such use or activity shall be required; provided, however, that this section shall not apply to wetlands of less than one-quarter acre unless subsection (b) applies; and also provided that the Wetland Review Board shall approve the wetland use permit unless the Wetland Review Board determines that the wetland is essential to the preservation of the natural resources of the Township and provides findings thereon in writing to the applicant, stating the reasons for the determination. In making the determination, the Wetland Review Board shall find that one or more of the following factors exist at the site of the wetland:

- (1) The site supports state or federal endangered or threatened plants, birds, fish, or wildlife appearing on the list specified in MCL 324.36505 of the NREPA, as amended.
- (2) The site represents what is identified as a locally rare or unique ecosystem.
- (3) The site supports plants or animals of an identified local importance.
- (4) The site provides groundwater recharge documented by a public agency.
- (5) The site provides flood and storm water control by the hydrologic absorption and storage capacity of the wetland.
- (6) The site provides habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife.
- (7) The site provides wildlife habitat by providing breeding, nesting or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
- (8) The site provides protection of subsurface water resources and valuable watersheds, for recharging groundwater supplies and for other purposes.
- (9) The site provides pollution treatment by serving as a biological and chemical oxidation basin.
- (10) The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- (11) The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

(b) With respect to a use or activity in a wetland that is less than one-quarter acre in area and that is not subject to regulation by MDEQ, the Wetland Review Board may determine that the wetland is not exempt from regulation under Section 8 and that a wetland use permit shall be applied for and a permit for the use or activity shall be required. In making the determination, the Wetland Review Board shall find that all of the following factors exist at the site of the wetland:

- (1) That the wetland is essential to the preservation of natural resources of the Township (and the Wetland Review Board shall provide findings thereon in writing to the applicant).
- (2) That one or more of subparagraphs (1) through (11) of subsection (a) apply.
- (3) That the wetland is of such overriding importance in the preservation of the natural resources of the Township that its small size should not constitute a basis for the use or activity in the wetland to be exempt from regulation by the Township under the terms of this Ordinance.

Section 15. Conditions Included in Wetland Use Permits.

(a) The Wetland Review Board or Township Board, as applicable, shall include in any wetland use permit such reasonable conditions to ensure that the permitted use or activity will be consistent with the intent and purposes of this Ordinance. Such conditions may include required methods, construction work sequence, and other measures necessary to ensure the permitted activities are carried out in a manner that will minimize damage to or impairment of wetlands, or that will ensure that such damage or impairment will be sufficiently mitigated.

(b) A permit shall be issued upon a determination that all requirements of this Ordinance and the law have been complied with, including issuance of all other required permits by the Township, the MDEQ and other governmental agencies.

(c) A wetland use permit may include a required performance bond or letter of credit sufficient to assure that the permitted activities, wetland mitigation, or other permit conditions are completed in full and timely compliance with the permit.

(d) If an applicant engages in any activity or makes any change that might affect the criteria for approval of the wetland use permit, the applicant shall notify the Township wetland officer of that activity or change. Any use or activity that increases the size or scope of permitted activities or adversely affects the criteria considered in approving the permit shall require the filing and consideration of a new wetland use permit application.

(e) A permit shall include provisions for required inspections by the Township at appropriate stages of the construction or installation of the permitted use or activity, including provisions requiring that the applicant notify the Township at such time as specified stages of construction or installation are ready for inspection. Such inspections shall include a final inspection and approval by the Township, after the use or activity has been constructed or installed. A subsequent stage of construction shall not be commenced until after Township approval of the previous stage.

Section 16. Revocation of Permits; Duration of Approval.

(a) Any permit granted under this Ordinance may be revoked or suspended by the Township wetland officer after notice and an opportunity for a hearing, for any of the following:

(1) A violation of a condition of the permit.

(2) Misrepresentation or failure to fully disclose relevant facts in the application that the Wetland Review Board, or the Township Board in the case of an appeal, concludes may have resulted in the approval of the permit, or approval of the permit with less than all appropriate conditions, where the permit may have been denied or may have been approved with other or more stringent conditions, if the applicant had not misrepresented or failed to fully disclose such facts.

(b) An applicant who has received a wetland use permit shall comply with the following in connection with any construction or other activity on the property:

(1) Maintain soil erosion control structures and measures to minimize impacts to wetlands as approved by the Kent County Soil Erosion and Sedimentation Control Agent for the MDEQ, pursuant to Part 91 of the NREPA.

(2) Maintain flagging or staking of the protected wetland.

(3) Post a copy of the wetland use permit on-site in a conspicuous manner prior to commencement of the permitted work until completion thereof.

(c) A wetland use permit shall be valid for a period of two years unless otherwise extended by the Wetland Review Board. A permit may be extended for not more than three years in addition to the original two years.

Section 17. Wetland Mitigation.

(a) A wetland use permit may include requirements for wetland mitigation, and the preparation and submission of a mitigation plan.

(b) The Township wetland officer shall review an Applicant's mitigation plan. Mitigation shall not, however, be considered a substitute for the applicant demonstrating that no other feasible and prudent alternatives exist to otherwise minimize wetland impacts.

(c) A wetland mitigation plan shall include all reasonable attempts to replace all of the wetland resource functions, values, or benefits that will be impacted by the use, activity or development.

(d) Wetland mitigation shall be provided on-site where practical and beneficial to the wetland resources. If wetland mitigation on-site is not practical and beneficial, then wetland mitigation in the immediate vicinity may be considered for approval. If neither option is practical, mitigation elsewhere may be considered under subparagraph (e).

(e) Wetland mitigation shall be located in the Township, if practical and beneficial, but in any event, mitigation shall be located within the same watershed as the affected wetland, unless some other location is specifically approved by the Wetland Review Board, upon a determination that a location within the same watershed is not reasonably available or would not be practical or beneficial.

(f) The wetland mitigation plan shall comply with all applicable federal, state, and local laws.

(g) The wetland mitigation plan shall require monitoring and corrective actions be taken for a period of five years to assure that the wetland mitigation will be successful. If the wetland mitigation is demonstrated to be successful before the end of the five-year time period, the remaining monitoring of the site may be waived by the Wetland Review Board. The applicant shall submit monitoring reports to the Wetland Review Board by August 1 of each year, unless otherwise specified.

(h) Wetland mitigation and monitoring plans shall be a condition of the wetland use permit.

(i) Wetland mitigation shall be completed before commencement of other permitted activities unless a phased concurrent schedule is authorized by the terms of the permit. The terms of and schedule for completion of required mitigation shall be included as conditions of the permit.

(j) Wetlands impacted by a proposed use or activity and that are at least 11,000 square feet in size shall be mitigated at a ratio of 1.5 acres of newly established wetland for each one acre of existing wetland impacted by the use or activity.

Section 18. Administrative Penalties; Stop Work Orders; Enforcement.

(a) If the Township wetland officer, or his or her designee, observes or learns of a person violating this Ordinance, violating any permit granted hereunder, including any term or condition included therein, or conducting or authorizing an activity identified in Section 6 of this Ordinance without having obtained a wetland use permit, then the Township wetland officer, or his or her designee, may issue a written notice to the violator, by first-class mail, explaining the nature of the violation and the means for obtaining compliance with the ordinance or permit. The notice may also be posted on the property where the violation occurred or is occurring. The notice shall provide the violator with a reasonable time to respond to the notice and to correct the violation, through restoration of the site, as determined by the wetland officer, or his or her designee.

(b) If the Township wetland officer, or his or her designee, observes or learns of a person violating this Ordinance, violating any permit granted hereunder, including any term or condition included therein, or conducting or authorizing an activity identified in Section 6 of this Ordinance without having obtained a wetland use permit, or if a violator fails to respond to and/or correct a violation within the time provided in a notice of violation, then the Township wetland officer, or his or her designee, may post a stop work order on the property where the violation occurred or is occurring, ordering that all activities being conducted within the wetland immediately cease and desist. Failure to comply with a stop work order shall be considered a separate violation of the ordinance, subjecting the violator to additional civil infraction penalties for each day of this separate violation.

(c) The Township wetland officer, or his or her designee, shall immediately notify the Township Board of all instances when a person fails to comply with a notice of violation within the time provided and all instances when a person violates a stop work order, for the purpose of allowing the Township Board to evaluate whether a municipal civil infraction citation should be issued and/or whether other judicial enforcement proceedings should commence.

(d) A violation of this Ordinance or a violation of any permit granted hereunder is a municipal civil infraction, for which the fine shall be not be less than \$250 nor more than \$500 for the first offense and not less than \$500, nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorneys fees incurred by the Township in enforcing the ordinance and/or remedying the violation of the ordinance. For purposes of this section, subsequent offense means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months after a previous

violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

(e) A violation of this Ordinance or a violation of any permit granted hereunder is hereby declared to be a nuisance per se. In addition to other penalties and remedies, the Township may seek injunctive relief against the violator, in addition to other relief provided by law.

(f) The Township wetland officer shall have the authority to issue a municipal civil infraction citation against a person who has failed to comply with a notice of violation or who has failed to comply with the stop work order, but only upon prior approval of the Township Board.

Section 19. Appeals Process.

(a) A landowner may request the Township to reevaluate the affected property, for property tax assessment purposes, to determine its then fair market value if a wetland use permit application is denied by the Township.

(b) An applicant may appeal to the Township Board a wetland use permit application decision made by the Wetland Review Board, or a wetland identification decision made by the wetland officer.

(1) The appeal shall be commenced by filing with the Township Board a written statement containing the specific reasons for the appeal within 30 days following the date of the decision being appealed. The timely filing of an appeal shall have the effect of staying any permit issued under this Ordinance pending the outcome of the appeal.

(2) After review and study of the application materials, comments and recommendations, the Township Board shall consider the same at a public meeting of the Board.

(3) After completing the review and considering the appeal at a public hearing, the Township Board shall affirm, affirm with conditions, or reverse the original decision, action or inaction, in accordance with this Ordinance.

(4) The Township Board shall make its decision on the appeal in writing and shall send a copy thereof to the applicant. If the appeal is denied, the decision shall include the reasons for the denial.

(c) An applicant may appeal the decision to Kent County Circuit Court, if such appeal is permitted by law. Any such appeal shall be filed not later than the period of time specified by law and court rule.

Section 20. Wetland Review Board.

(a) The Township Board hereby establishes the Wetland Review Board.

(1) The Wetland Review Board shall consist of three persons, one of whom shall be a member of the Township Planning Commission, one of whom shall be a member of the

Township Board of Zoning Appeals, and one of whom shall be a Township resident who is not a member of either of the above-stated bodies or of the Township Board. The members shall be appointed by the Township Board. Any vacancies shall be filled by appointment by the Township Board, for the remainder of the unexpired term.

(2) The members of the Wetland Review Board shall serve three-year terms, except that the terms of the persons first appointed shall be staggered, so as to permit differing expiration dates of terms. Of the persons first appointed, one shall be appointed for three years, one shall be appointed for two years and one shall be appointed for one year. The terms of the persons appointed from the Planning Commission and the Board of Zoning Appeals shall terminate when their respective terms on those bodies terminate.

(3) The member of the Wetland Review Board who is not a member of the Planning Commission or the Zoning Board of Appeals shall, insofar as practicable, have background, experience or expertise in matters pertaining to wetlands. Accordingly, in considering appointments of such members, the Township Board shall give particular consideration to persons who have experience or expertise in any one or more of the following categories:

(i) Education in the natural resources field or in comparable fields.

(ii) Employment in the area of natural resource management, or a comparable field, either currently or previously.

(iii) Volunteer service or other participation in environmental and/or conservation groups or projects.

(iv) A demonstrated interest in wetlands, natural resources, environmental protection or comparable fields.

(v) An understanding of the functions and value of wetlands as a part of the natural ecosystem.

(vi) Other background, experience or knowledge of particular value or usefulness for the work and responsibilities of the Wetland Review Board.

(b) The Wetland Review Board shall have the following duties and responsibilities:

(1) Approve, approve with conditions or deny applications for wetland use permits.

(2) Annually review the performance of the Township wetland officer.

(3) Provide recommendations to the Township Board concerning the appointment, continued service, or other actions of the Township wetland officer.

(4) Serve an advisory role in setting policy guidelines on wetland issues in the Township.

(5) Identify conflicts between wetland protection efforts and present Township ordinances, operating procedures, and activities within the Township.

(6) Identify and propose solutions to problems associated with wetland management.

(c) The Wetland Review Board shall adopt rules of procedure for its meetings. It shall elect from its membership a chairperson and secretary. It shall convene meetings at such times as it may determine. The presence of two members shall constitute a quorum. The Board shall keep and maintain minutes of its proceedings.

(d) Decisions by the Wetland Review Board shall be made by a majority of the members of the Board.

Section 21. Amendments.

(a) The Township Board may amend this Ordinance at any time, in its discretion.

(b) The Township wetland officer and the Wetland Review Board may review this Ordinance periodically and, in their discretion or in the discretion of either of them, may recommend amendments for consideration by the Township Board. Any such proposed amendments may be forwarded to the Township Board for its review.

Section 22. Notice to the MDEQ.

(a) The Township shall notify the MDEQ of the adoption of this Ordinance. The Township shall cooperate with the MDEQ in the enforcement of the NREPA as to wetlands under the jurisdiction of the MDEQ, as defined under this Ordinance.

(b) The Township wetland officer shall notify the MDEQ of its decisions on all wetland use permit applications.

Section 23. Abrogation and Conflict of Authority.

Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes on the same subject matter; conflicting provisions of this Ordinance shall be abrogated only to the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with and in addition to relevant state regulations and statutes.

Section 24. Other Federal, State and Local Permits.

Issuance of a wetland use permit by the Township does not obviate the need of the property owner or applicant to obtain other state, federal, and local permits that may be required by other statutes, ordinances, or regulations.

Section 25. Disclaimer of Liability.

This Ordinance shall not be construed to abrogate rights or authority otherwise provided by law. No officer, agent or employee of the Township shall be personally liable for any damage that may occur to any person as a result of any act required or permitted in the discharge of duties in the enforcement of this Ordinance.

Section 26. Severability.

This Ordinance and its various provisions are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Section 27. Effective Date.

A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township. The ordinance shall become effective 30 days after such publication.

OPEN BURNING ORDINANCE

(Ord. No. 06-01)

An ordinance prohibiting open burning, except under limited conditions and pursuant to permit, prescribing information to be disclosed in an application for permit, and providing penalties for a violation thereof.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited as the Grattan Township Open Burning Ordinance.

Section 2. Enabling Authority.

This Ordinance is adopted pursuant to authority granted to the Township by law, under the terms of the Township Ordinance Act and other Michigan law.

Section 3. Prohibition of Open Burning.

Except as provided in Section 4, open burning of any materials and of any type is expressly prohibited. The term “open burning” means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

Section 4. Permitted Open Burning; Permit.

Subsection 4.1

Fires for outdoor cooking, contained recreational bonfires, fires purposely set for the instruction and training of public and industrial firefighting personnel, and agricultural fires may take place at any time, and are exempt from the permit requirements of this Ordinance. For purposes of this Ordinance, the term “agricultural fire” shall mean the burning of brush and other vegetation along fence lines, and for the clearing of land in preparation for agricultural use.

Subsection 4.2

(a) The open burning of brush, tree stumps, branches, hedge clippings, leaves and grass clippings may be permitted after first having secured a permit therefor issued by the Township Fire Department.

(b) **Foul Odors.** No person shall burn garbage, animal carcasses, refuse, trash, rubbish, petroleum based products, or like materials giving off foul odors or caustic smoke at any time. This section applies to domestic, commercial and industrial fires.

Subsection 4.3.

Open burning permits may be secured by calling designated fire department staff at any time and, at a minimum, shall include the following information:

- (a) The name and address of the applicant.
- (b) The location of the land/or premises where such open burning is to occur.
- (c) The type of material to be burned.
- (d) The time and date contemplated for such open burning.

Fees for open burning permits may be established by resolution of the Township Board. No fees shall be charged for a permitted bonfire or other fire that is exempt from the permit provisions hereof.

Subsection 4.4.

Applications for permits may be denied, or permits may be issued with conditions, cancelled or revoked, based upon a determination by the Township Fire Department that the requested open burning may endanger persons or property. No burning shall be permitted at any time or in any location which would be a nuisance, hazard, or annoyance to adjoining persons or property by reason of heat, flame, fly-ash, sparks, smoke, or odor, wind direction or wind speed. All permits are also null and void if a county burning ban has been put in place. The determination of the Township building and zoning inspector or the Township Fire Chief, or their respective designees, shall be conclusive as to whether any burning violates this subsection or any other provision of this Ordinance.

Section 5. Regulation of Permitted Open Burning.

Open burning for which a permit has been issued shall:

- (a) Occur only at the time posted on the permit.
- (b) Not be located within 50 feet of structures, combustible material or woodlots; not closer than 10 feet of any property lines, or streets/roads; and not closer than 10 feet from the water's edge of any natural water body or water course.
- (c) Not include burning of building-demolition refuse or excess construction materials.
- (d) Comply with all conditions of the permit.
- (e) Be supervised by a responsible person at least 18 years of age.

All open burning permits can be revoked, in whole or in part, either orally or in writing, before or during the period of time for burning as specified in the open burning permit. Such revocation can be made by the Township Fire Chief or by other designated officer of the fire

department. Such revocation may be based on any provision of this Ordinance and/or upon the determination of the fire chief or other designated officer that the open burning is or may become hazardous or will otherwise not be consistent with the public safety.

All permit holders shall be fully responsible for containing such open burning and shall assume any and all civil and/or criminal liabilities which may result from a failure to contain or control such open burning.

Section 6. Enforcement.

The Township Fire Chief, a designated fire department officer, a fire department member in command at the scene of a fire or other incident, or such other person or persons designated by the Township Board by ordinance or resolution are hereby authorized to act as enforcement officers under the terms of this Ordinance, and among other matters, to issue municipal civil infractions under the terms of Section 7.

Section 7. Violation; Penalty.

Any person, partnership, firm, association, corporation or other entity who shall set or start, maintain or continue, in whole or in part, a fire without an open burning permit, where such permit is required by the terms of this Ordinance, shall be responsible for a municipal civil infraction. The fine for such municipal civil infraction 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 any subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. 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; 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 all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

Section 8. Repeal of Conflicting Provisions.

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 9. Severability.

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10. Publication; Effective Date.

This Ordinance or a summary of its provisions shall be published in a local newspaper of general circulation in the Township. This Ordinance shall become effective 30 days after such publication.

MICHIGAN CONSTRUCTION CODE ORDINANCE

(Ord. No. 06-07)

An ordinance to adopt the Michigan building, electrical, mechanical and plumbing codes and to repeal the ordinances adopting the 1993 BOCA building, electrical, mechanical and plumbing codes.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Adoption of Michigan Building, Electrical, Mechanical and Plumbing Codes by Reference.

Pursuant to the provisions of Sections 8a and 8b of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, the Township of Grattan hereby adopts by reference and elects to administer and enforce the provisions of the Michigan Building, Electrical, Mechanical and Plumbing Codes, being Rules 408.30001, *et seq.* of the Michigan Administrative Code, as amended from time to time (the "Code").

Section 2. References in Code.

References in the Code to "governmental subdivision" shall mean the Township of Grattan. References in the Code to "enforcing agency" shall mean the Building Inspections Department of the Township of Grattan. References in the Code to "building official" shall mean the building inspector of the Township of Grattan.

Section 3. Electrical Inspector.

The Township Board shall appoint an electrical inspector who shall be designated as the official to administer and enforce the electrical code requirements of the Code. A person appointed by the Township Board to administer and enforce the electrical code requirements of the Code at and prior to the effective date of this Ordinance shall continue to be the electrical inspector and shall not require re-appointment by the Township Board.

Section 4. Mechanical Inspector.

The Township Board shall appoint a mechanical inspector who shall be designated as the official to administer and enforce the mechanical code requirements of the Code. A person appointed by the Township Board to administer and enforce the mechanical code requirements of the Code at and prior to the effective date of this Ordinance shall continue to be the mechanical inspector and shall not require re-appointment by the Township Board.

Section 5. Plumbing Inspector.

The Township Board shall appoint a plumbing inspector who shall be designated as the official to administer and enforce the plumbing code requirements of the Code. A person appointed by the Township Board to administer and enforce the plumbing code requirements of the Code at

and prior to the effective date of this Ordinance shall continue to be the Plumbing Inspector and shall not require re-appointment by the Township Board.

Section 6. Fees.

Fees for inspection, issuance of permits and all other activities performed by the building inspector, the plumbing inspector or the electrical inspector shall be established by resolution of the Township Board.

Section 7. Violations.

Failure to comply with a stop work order issued by the enforcing agency shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of the Code shall be 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 \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, attorney fees and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

Section 8. Severability.

Should any portion of this Ordinance be declared invalid, the remaining portions shall remain in full force and effect.

Section 9. Repeal.

The following ordinances and any amendments thereto are hereby repealed in their entirety:

(a) The ordinance adopted by the Township Board on July 10, 1995, entitled "An Ordinance to Adopt by Reference the 1993 BOCA National Building Code; to Provide for Certain Modifications Thereof; and to Provide Penalties for the Violation Thereof."

(b) The ordinance adopted by the Township Board on July 10, 1995, entitled "An Ordinance to Adopt by Reference the 1993 National Electrical Code; to Provide for Certain Modifications Thereof; and to Provide Penalties for the Violation Thereof."

(c) The ordinance adopted by the Township Board on July 10, 1995, entitled "An Ordinance to Adopt by Reference the 1993 BOCA National Mechanical Code; to Provide for Certain Modifications Thereof; and to Provide Penalties for the Violation Thereof."

(d) The ordinance adopted by the Township Board on July 10, 1995, entitled "An Ordinance to Adopt by Reference the 1993 BOCA National Plumbing Code; to Provide for Certain Modifications Thereof; and to Provide Penalties for the Violation Thereof."

Section 10. Publication/Effective Date.

This Ordinance shall become effective immediately upon publication of the ordinance, or of a summary of its provisions, in a local newspaper of general circulation.

MICHIGAN HOUSING LAW ORDINANCE

(Ord. No. 06-08)

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1.

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, being MCL 125.401, the Township of Grattan hereby adopts by reference the Housing Law of Michigan, including the enforcement provisions of said Act.

Section 2.

The provisions of the Housing Law of Michigan, as adopted by this Ordinance, are in addition to the ordinances and laws now and hereinafter enacted in the Township of Grattan.

Section 3.

The clerk is hereby directed to publish a copy of this Ordinance, or a summary thereof, in a newspaper circulated within the Township, as soon as possible within 30 days after adoption. Within one week after publication, the clerk is further directed to record the ordinance in the Book of Ordinances, along with the date of passage, and the names and members of the Township Board voting, and how each voted, and to file an attested copy of this Ordinance with the county clerk. The Township Clerk shall certify publication and filing with the county clerk.

Section 4.

This Ordinance shall become effective 30 days after its publication.

FERTILIZER ORDINANCE

(Ord. No. 07-___)

An ordinance to regulate the application of phosphorous fertilizers in specified lake drainage districts in the Township; to require licensure of certain applicators of manufactured fertilizers, and to provide penalties for the violation thereof.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited as the Grattan Township Fertilizer Ordinance.

Section 2. Intent and Purpose.

(a) Based upon scientific studies and general knowledge, the Township Board has determined that phosphorus, which is contained in most manufactured fertilizers, when used within the Township, enters into the Township's water resources, resulting in excessive and accelerated growth of algae and aquatic plants. The Township Board has therefore determined that it is necessary and in the public interest to regulate the application of manufactured fertilizers containing phosphorous within those districts where storm water drains into the Township's primary lakes, these being: Big Pine Island Lake, Big Crooked Lake, Chapin Lake, Cowan Lake, Gavin Lake, Green Lake, McCarthy Lake, Murray Lake, Rattigan Lake, Round Lake, Scalley Lake, Slayton Lake and Tower Lake.

(b) The Township Board further determines that storm water flowing through an over-fertilized area of turf is likely to carry portions of fertilizer with it. If such storm water, carrying all or some of the elements from the fertilizer, should ultimately drain into a lake or other body of water, there are likely to be adverse impacts upon the lake or other body of water. Such impacts include the excessive growth or spreading of aquatic plants. Accordingly, it is a further intent of this Ordinance to provide regulations that will promote the public health, safety and general welfare by tending to reduce the adverse impacts resulting from fertilizer flowing into or otherwise reaching lakes and other bodies of water in the Township.

(c) It is the also the purpose and intent of this Ordinance to require licensure of commercial and institutional applicators of manufactured fertilizes within the Township.

Section 3. Definitions.

The following words and phrases, as used in this Ordinance, shall have the meanings stated respectively in this section:

(a) "Commercial applicator" means any individual or entity that applies manufactured fertilizer in the Township in exchange for money or other valuable consideration.

(b) “Institutional applicator” means any individual or entity that applies manufactured fertilizers for the purpose of maintaining turf areas. Institutional applicators shall include, but are not be limited to, owners of lands, schools, parks, religious institutions, utilities, industrial or business properties and residential properties maintained in condominium and/or common ownership; provided, however, that an institutional applicator shall not include an owner of individual parcels of land used for single family dwelling or agricultural purposes in any agricultural or residential district under the terms of the Township zoning ordinance, nor shall institutional applicator include the owner or operator of a golf course.

(c) “Manufactured fertilizer” means a commercially manufactured substance which enriches the soil and contains elements desirable for turf growth.

(d) “Turf” means a covering of grass vegetation which has both aesthetic and functional benefits maintained at a given level of management.

Section 4. Prohibition on Phosphorous Fertilizers in Lake Drainage Districts.

No manufactured fertilizer containing any amount of anhydric phosphoric acid shall be applied on lawns or other turf areas within the drainage districts of Big Pine Island Lake, Big Crooked Lake, Chapin Lake, Cowan Lake, Gavin Lake, Green Lake, McCarthy Lake, Murray Lake, Rattigan Lake, Round Lake, Scalley Lake, Slayton Lake and Tower Lake, as shown on the Grattan Township Lake Drainage Districts map adopted under section 7 of this Ordinance and maintained on file in the Township office; provided, however, that the provisions of this section shall not apply to the application of fertilizer for the purpose of improving the yield of crops on bona fide farms or for other purposes pertaining to agricultural production on bona fide farms.

Section 5. Exceptions.

(a) The prohibition of phosphorous fertilizers shall not apply to any lots or parcels of land as to which the Michigan Department of Agriculture has determined, based on tests and soil samples, that anhydric phosphoric acid is required to maintain lawn in a healthy condition. Any commercial or institutional applicator or homeowner who claims this exception shall submit a copy of the determination made by the Department of Agriculture to the Township clerk.

(b) Notwithstanding any other provision in this Ordinance to the contrary, a homeowner, or a commercial applicator working for a homeowner, may obtain approval to use phosphorous fertilizer on the homeowner’s property, provided the homeowner or applicator submits to the Township clerk, and the Township clerk approves, a laboratory analysis of the soil on the property indicating that the soil requires phosphorous fertilizer in order to be usable for turf-growing purposes.

(1) Lab analyses conducted for this purpose shall be performed by an independent source, such as but not limited to the Michigan State University Extension Service.

(2) If the use of phosphorous fertilizer is approved under this subsection, the resulting application of the phosphorous fertilizer shall be conducted so as to use only that amount of

phosphorous fertilizer indicated in the lab analysis as being sufficient to render the soil usable for turf-growing purposes.

(3) Approvals granted under this section shall be valid for one growing season only.

Section 6. Commercial and Institutional Applicator of Manufactured Fertilizer Licensure Requirement and Procedure.

(a) All commercial and institutional applicators shall be licensed in good standing by the Township prior to their applying manufactured fertilizers on any lands in the Township's Lake Drainage Districts.

(b) A license issued under this Ordinance shall be valid until expiration, suspension or revocation. Licenses shall expire two years from the date of issuance but may be renewed for additional two-year periods.

(c) To secure a license, a commercial and/or institutional applicator shall complete and submit to the Township clerk a license application. Applications shall be submitted by January 31 of the year for which a license is requested. The license application shall include the following:

(1) Legal and business name(s), address, telephone number and contact person of applicant.

(2) Name (if application), address and description of institutional applicator property, including the use, area and dimensions of the property.

(3) A copy of the applicant's material safety data sheet (MSDS) may also be required as part of the license application.

(d) The applicant shall sign the application where indicated, and the signature shall serve as an attestation that the applicant has read this Ordinance in its entirety and agrees to comply with all of its provisions.

(e) Upon submission of an application, the applicant shall pay the fee established by the Township Board.

(f) The Township clerk shall review the completed application and determine whether the manufactured fertilizers to be used comply with the provisions of this Ordinance.

(g) If the application is complete, and if the proposed use of manufactured fertilizer would comply with the terms of this Ordinance, a numbered license shall be issued. The license shall expire two years from the date of issuance.

(h) The Township clerk shall maintain a list of all currently-licensed commercial and institutional applicators.

Section 7. Lake Drainage Districts.

For purposes of this Ordinance, the following lake drainage districts are hereby established: Big Pine Island Lake, Big Crooked Lake, Chapin Lake, Cowan Lake, Gaving Lake, Green Lake, McCarthy Lake, Murray Lake, Rattigan Lake, Round Lake, Scalley Lake, Slayton Lake and Tower Lake. The lands comprising each lake drainage district shall be those shown on the Grattan Township Lake Drainage Districts map, which shall be maintained on file in the Township office.

Section 8. Violation; Penalties; Enforcement.

(a) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not be less than \$250 nor more than \$500 for the first offense and not less than \$500, nor more than \$1,000 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and actual attorneys fees incurred by the Township in enforcing the Ordinance and/or remedying the violation of the Ordinance. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months after a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

(b) A violation of this Ordinance is hereby declared to be a nuisance per se. In addition to other penalties and remedies, the Township may seek injunctive relief against the violator, in addition to other relief provided by law.

(c) Should a commercial or institutional applicator be found to be in violation of this Ordinance, the Township Board, following notice and an opportunity of the licensee to be heard, may revoke a license for such period of time as the Board may determine. If a commercial or institutional applicator is found to be in violation of this Ordinance on more than one occasion in any one calendar year, the Township Board shall revoke the license of such applicator for a period of not less than one calendar year, and for such greater period of time as the Board may determine.

Section 9. Reserved.

Section 10. Appeals.

Any homeowner or applicator of manufactured fertilizer aggrieved by a decision or determination made by the Township clerk under this Ordinance shall have a right to appeal such determination to the Township Board.

(a) The appeal shall be commenced by filing with the Township Board a written statement containing the specific reasons for the appeal within 30 days following the date of the decision being appealed. The timely filing of an appeal shall have the effect of staying any license issued under this Ordinance pending the outcome of the appeal.

(b) The Township Board shall consider the appeal at a public meeting. The Board shall affirm, affirm with conditions or reverse the decision or determination being appealed, consistent with the terms of this Ordinance.

(c) The decision of the Township Board on the appeal shall be set forth in writing, and a copy thereof shall be given to the party appealing. If the appeal is denied, the written decision shall include the reasons for the denial.

Section 11. Severability.

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 12. Adopting and Effective Date.

This Ordinance shall become effective 30 days after its publication, or 30 days after the publication of a summary of its provisions, in a local newspaper of general circulation.

NO TRESPASSING ORDINANCE

(Ord. No. 07-___)

An ordinance prohibiting public access to Township property designated as sewer treatment facilities.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited as the Grattan Township No Trespassing Ordinance.

Section 2. Intent and Purpose.

The Township Board has determined that the Township should not accept the liability for damage to equipment or injury to individuals caused by accident involving hunting, hiking, off road driving/riding, or any other activity other than authorized maintenance that might be conducted on sewer treatment facility property.

Section 3. Definitions.

Trespassing – any person or persons accessing any Grattan Township sewer treatment grounds without purpose of conducting assigned or contracted work.

Section 4. Application.

There shall be no trespassing on any property owned or operated for sewage treatment by Grattan Township solely or jointly. Such offense shall be punishable by prevailing state or local laws.

Section 5. Exceptions.

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions, in a local newspaper of general circulation.

OUTDOOR FURNACES ORDINANCE

(Ord. No. 09-002)

An ordinance to regulate the placement, installation and use of outdoor furnaces.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to establish and impose restrictions upon the location, construction and operation of outdoor furnaces within the limits of the Township, so as to secure and promote the public health, safety and welfare of the Township and its inhabitants, and visitors. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These regulations are intended to eliminate noxious and hazardous conditions, and other adverse effects, caused by outdoor furnaces.

Section 2. Outdoor Furnaces Defined.

For purposes of this ordinance, the term “outdoor furnace” shall mean a furnace, stove or boiler that is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for a building or structure.

Section 3. Regulations.

An outdoor furnace shall not be permitted within the Township unless it complies with each of the following regulations:

(a) **Setback.** The outdoor furnace shall be located not less than 300 feet from the nearest occupied building which is not on the same parcel of land, and not less than 100 feet from any boundary line of the parcel of land on which the outdoor furnace is located.

(b) **Chimney Height.** The height of the chimney of an outdoor furnace shall be and remain in compliance with the manufacturer’s specifications for the chimney height of the outdoor furnace. The chimney shall have a spark arrester installed on or at the top of the chimney, or such similar device specified by the manufacturer.

(c) **Open Ground Area; Distance from Dwelling.** An area with a radius of at least ten feet around the outdoor furnace shall be free of vegetation, except grass not exceeding four inches in height. An outdoor furnace shall be located at least 25 feet away from any dwelling located on the property where the outdoor furnace is located.

(d) **Appropriate Furnace Size.** Outdoor furnaces shall be appropriately designed for the size of the structure or structures to be heated.

(e) **Fuel.** No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:

(1) Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(2) Waste oil or other oily wastes.

(3) Asphalt and products containing asphalt.

(4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(5) Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(6) Rubber, including tires and synthetic rubber-like products.

(7) Newspapers, corrugated cardboard, container board or office paper.

(f) **Zoning District.** An outdoor furnace shall be permitted in all zoning districts in the Township.

Section 4. Permit.

The owner of an outdoor furnace shall obtain a permit from the Township, prior to placement or installation of the furnace, as follows:

(a) **Application Information.** The applicant for a permit shall submit the following information:

(1) Verification that the outdoor furnace will comply with the manufacturer's specifications, if any, for the outdoor furnace.

(2) Verification that the outdoor furnace will comply with all applicable state and federal statutes.

(3) A drawing providing the location of the proposed outdoor furnace and of nearby dwellings and other occupied buildings, so as to demonstrate compliance with all regulations contained in this Ordinance.

(4) Other information reasonably required by the Zoning Administrator.

(b) **Consideration of Application.** If the application is complete, and all other requirements for the application have been satisfied, the Zoning Administrator shall review the application and approve, deny or approve with conditions the application. The administrator shall

approve the application if the proposed outdoor furnace would comply with the provisions of this ordinance and if it appears that there would be no serious adverse effects on the subject land or on adjacent or nearby lands. If the proposed outdoor furnace would not comply with the provisions of this ordinance, the administrator shall deny the permit.

(c) **Application Fee.** The Township Board may by resolution establish an application fee for an outdoor furnace permit, or establish other reasonable fees or charges in connection with such an application, the review thereof, the inspection of the subject land and other matters involved in consideration of an application.

Section 5. Liability.

A person using or maintaining an outdoor furnace shall be responsible for all fire suppression costs and other liability resulting from damage caused by the outdoor furnace. Compliance with this Ordinance shall not be a defense to any civil claims. Nothing in this Ordinance shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith.

Section 6. Other Requirements.

In addition to this Ordinance, an outdoor furnace shall comply with all building and mechanical codes. All permits required by such codes shall be obtained. Failure to obtain such permits or to comply with applicable codes shall be a violation of this Ordinance.

Section 7. Penalty.

(a) Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500.

(b) Each day during which any violation continues shall be deemed a separate offense.

(c) The foregoing penalty shall not prohibit the Township from seeking injunctive relief against a violator or such other relief as may be provided by law.

Section 8. Severability.

The sections and provisions of this Ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

Section 9. Effective Date.

This Ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

PLANNING COMMISSION ORDINANCE

(Ord. No. 10-002)

An ordinance to continue the Township Planning Commission, in compliance with the Michigan Planning Enabling Act, Act 33 of the Public Acts of Michigan of 2008, and to provide for the membership, officers, duties and meetings of the Planning Commission, and other matters relating thereto.

THE TOWNSHIP OF GRATTA ORDAINS:

Section 1. General Provisions.

(a) **Short Title.** This Ordinance shall be known and may be cited as the Grattan Township Planning Commission Ordinance.

(b) **Statutory Authority.** This Ordinance is authorized by Act 33 of the Public Acts of Michigan of 2008.

(c) **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.

(d) **Repeal.** Any prior resolution establishing the Township Planning Commission is repealed.

(e) **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.

Section 2. Transition.

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.

Section 3. Membership and Officers.

(a) **Composition.** The Planning Commission shall consist of seven members.

(b) **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.

(1) **Qualifications for Membership.** 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.

(2) **Representation.** To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Township.

(3) **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.

(4) **Township Employees.** Township employees shall not be eligible for membership on the Planning Commission.

(c) **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 such officer shall be one year; each officer may be re-elected.

(d) **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.

(e) **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.

(f) **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.

(g) **Compensation.** Planning Commissioners may receive such compensation and expense reimbursement as the Township Board may determine.

(h) **Zoning Board of Appeals.** One member of the Planning Commission shall serve as a member of the Zoning Board of Appeals.

Section 4. Powers and Duties.

(a) **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.

(b) **Duties and Responsibilities.** The Planning Commission shall perform the following duties and responsibilities, among others:

(1) **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.

(2) **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.

(3) **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.

(4) **Reservations.** The Township Board retains the responsibility of adopting a capital improvements program for the Township.

Section 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.

Section 6. Notice; Effective Date.

This Ordinance shall become effective 63 days after it is published, or 63 days after a summary of its provisions is published in a newspaper of general circulation in the Township.

FIRE AND EMERGENCY SERVICE CHARGE ORDINANCE

(Ord. No. 10-008)

An ordinance to provide for reimbursement of Township expenses for certain fire, medical and other emergency services; to provide procedures for the collection of such expenses from responsible persons; and for other related purposes.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Title.

This Ordinance shall be known, and may be cited as, the “Township of Grattan Fire and Emergency Service Charge Ordinance.”

Section 2. Purpose.

This Ordinance is intended 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 to or otherwise acting in connection with a fire, medical or rescue emergency, an incident involving the release of hazardous or toxic materials (to the extent permitted by law) or other incident, casualty or situation resulting in services rendered by the Township Fire Department.

In order to implement this Ordinance, 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 otherwise acting in connection with any such incident, emergency, casualty or situation. Such charges are intended to supplement funding provided by other source, including, but not limited to, general Township funds, special assessments, special millages and other lawful sources.

Section 3. Authority.

This Ordinance is adopted pursuant to the authority granted by Public Act 33 of the Public Acts of 1951, as amended, being MCL 41.801, et seq., and also under the authority of Part 201 of the Natural Resources and Environmental Protection Act (“NREPA”), being MCL 324.20101, et seq.

Section 4. Definitions.

For the purposes of this Ordinance, the following terms and phrases shall be defined as follows:

1. “Hazardous 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. “Incident” shall mean any accident, emergency, activity, casualty or situation requiring or resulting in response or service by the Township Fire Department, or any personnel or equipment thereof, including though not limited to response or service pertaining to an accident,

casualty, fire or apparent fire, medical or rescue call or emergency, apparent medical or rescue emergency, hazardous or toxic materials release or potential release or other event, casualty, condition or situation resulting in response or service by the Township Fire Department.

3. “Recoverable expenses” shall mean, in connection with an incident, all actual costs or expenses incurred by the Township, including but not limited to each of the following:

(a) Charges for each fire department vehicle including but not limited to pumpers, water tenders, and other vehicles.

(b) Charges imposed by all other Township or municipal fire departments which have rendered mutual aid to the Township or have otherwise assisted the Township at or in connection with an incident.

(c) Replacement costs for equipment that is contaminated beyond reuse or repair (such as self-contained breathing apparatus).

(d) All personnel-related expenses incurred by the Township, including but not limited to wages, salaries, 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 expenses shall commence when the fire department has begun responding to the incident and shall continue until all Township personnel have concluded all incident-related responsibilities.

(e) Expenses of decontaminating and cleaning equipment.

(f) Technical consulting services specifically required as a result of the incident, including but not limited to technical experts or specialists not otherwise available to the Township.

(g) Laboratory costs of analyzing samples taken during the incident.

(h) Cost of cleanup, storage or disposal of any released hazardous or toxic material.

(i) Medical and hospital expenses incurred as a result of the incident.

(j) Legal, engineering, accounting, billing, collection and other administrative expenses incurred as a result of the incident, including but not limited to efforts to recover expenses pursuant to this Ordinance.

4. “Release” includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous substance into the environment.

5. “Responsible party” means, in connection with an incident, 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 an incident. Responsible party also includes any person who requests or receives assistance in connection with personal injury, harm or casualty, or medical condition or symptom, whether actual, threatened, or only apparent or alleged, or who is rescued, whether or not such person is at fault for the incident. Responsible party also includes the owner, occupant and user of real or personal property that is the subject of or otherwise associated with any casualty, whether actual or threatened, to such property, whether or not the owner, occupant or user is at fault for the incident.

Section 5. Recovery of Expenses.

1. Where the Township Fire Department or other parties or agencies of the Township government, or other persons or parties acting in behalf of the Township government, take action in connection with an incident, all responsible parties shall be responsible to the Township, and shall pay or reimburse the Township, for the recoverable expenses relating to the incident, in accordance with this ordinance. Such responsibility shall be in addition to any other penalties, obligations or remedies provided by law.

2. When a particular service rendered by the Township directly benefits more than one responsible party, each responsible party shall be jointly and severally liable for the payment of the full charge for such service.

3. The Township Board may, by resolution, establish and revise fees and charges for responses and services by the Township Fire Department and other emergency service personnel in connection with any incident. Failure to adopt such a resolution shall not prevent the Township from recovering its actual costs and expenses from a responsible party under the terms of this Ordinance.

4. The Board may, by resolution, adopt policies or supplement the procedures specified in this Ordinance with respect to the billing and collection of recoverable expenses and other matters pertaining to reimbursement of Township expenses incurred in responding to incidents. Such policies may include grounds or procedures whereby, in certain cases, the Township Fire Chief may determine not to seek reimbursement of recoverable charges on the basis of the financial or other hardship of the responsible parties or any of them.

Section 6. Exemptions.

The following properties and services shall be exempt from the fees and charges that are recoverable under this Ordinance:

1. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies.

2. Fires involving Township buildings, grounds and/or property.

3. Fire service performed outside the jurisdiction of the Township under a mutual aid contract with another municipality.

Section 7. Billing and Collection Procedures.

The following are the billing and collection procedures for the recovery of expenses related to incidents that are not caused by a release of a hazardous substance:

1. After the conclusion of an incident, the Township fire chief (or an authorized person acting for the fire chief) may, at the discretion of the fire chief, submit an itemized list of all known recoverable expenses to the Township Clerk, who shall prepare and send an invoice to all responsible parties for payment. The Township Clerk's invoice shall demand full payment within 30 days after receipt of the invoice. Any additional expenses that become known to the Township after mailing of the first invoice shall be billed in the same manner to the responsible parties. Any amounts unpaid after 30 days after the due date will bear a late charge of one percent per month, or fraction of a month, or the highest legal limit of interest permitted by law, whichever is less.

2. Any responsible party may appeal the amounts listed in any invoice to the Township Board. The appeal shall be filed in writing delivered to the Township Supervisor not later than 15 days after the date the responsible party receives the invoice. The Township Board shall give the appealing parties an opportunity to present evidence in support of their position. The appealing parties shall bear the burden of proof. After receiving all evidence deemed relevant by the Township Board, the Township Board shall make a decision on whether the expenses, or any portion thereof, are properly recoverable under this Ordinance. An appeal to the Township Board shall not postpone or delay the applicable time periods for payment of any invoice issued under this Ordinance. The Township Board shall use reasonable efforts to make a decision no later than 60 days after hearing the appeal.

3. The Township may file a civil action in a court of competent jurisdiction to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

Section 8. Collection Procedures for Incidents Caused By Release of Hazards Materials.

Subject to Section 9 of this Ordinance, the Township's method for seeking payment of recoverable expenses incurred in connection with an incident that is caused by a release of a hazardous material shall be through a civil cost recovery action commenced in a court of competent jurisdiction, as provided in and as authorized by Part 201 of NREPA.

Section 9. 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 regulations. The remedies provided herein shall be in addition to and cumulative to those remedies provided by other applicable laws, including, without limitation, the Michigan No-Fault Act.

Section 10. Non-Exclusive Charges.

The charges that are recoverable under this Ordinance shall not be the exclusive charges that may be imposed by the Township for maintaining a fire department and other emergency service

personnel, but shall be supplemental to other charges authorized by law. Without limitation, the Township may impose other charges for these services through general taxation, special assessments, special millages and other lawful sources.

Section 11. Severability.

Each portion of this Ordinance shall be deemed to be severable. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, such holding shall not affect the validity or enforceability of this Ordinance as a whole, or of any other part hereof.

Section 12. Publication/Effective Date.

A notice of adoption and a summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township, within 30 days of adoption. This Ordinance shall become effective the day following such publication.

WATER SOFTENING APPLIANCE REGULATION ORDINANCE

(Ord. No. 2011-003)

Brine discharging water softening appliance use regulation ordinance.

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited as Grattan Township's Water Softening Appliance Regulation Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to protect the health, safety and welfare of the citizens of Grattan Township and its waterways through the regulation of the discharge of sodium products into the Grattan Township Sanitary Sewer System (GTSSS) and the Grattan Township Wastewater Treatment Plant (WWTP); to impose regulations regarding to compliance with requirements of the Michigan Department of Environmental Quality, Waste Management Division and other State of Michigan regulatory agencies; to reduce the expenditure of public funds and mitigate rate increases for users of the system; to regulate the use of self-generating water softeners and appliances using sodium based products in as much as such systems represent the most significant controllable source of sodium ultimately entering into the GTSSS and WWTP, to regulate residential and nonresidential discharges into the GTSSS and WWTP resulting from cooking, toilets, sinks, faucets, showers and other uses and to otherwise specify conditions under which such uses including existing and future brine discharging water softening appliances and systems or other alternative non-brine discharging water systems; to otherwise avoid the excessive costs associated with the advance treatment for sodium removal from the WWTP as a result of regulations established by the Waste Management Division of the Michigan Department of Environmental Quality.

Section 3. Definitions and Abbreviations.

The following definitions shall apply to the terms used in this Ordinance:

“**Authorized Officer**” means the Township Supervisor, the Township Clerk, the Township Treasurer, the Township Operation and Maintenance Manager or any person designated by the Township Board resolution.

“**Brine**” means a heavily concentrated solution containing sodium.

“**Commercial User**” means any user of the public sewer other than a residential user or a person lawfully using a building or structure as a residence.

“**Community Sewer System**” means the network of facilities owned and operated by the Township that convey wastewater from within the Township's service area to the wastewater treatment plant.

“**MDEQ**” or “**DEQ**” means the Michigan Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction.

“**GTSSS**” means that Grattan Township Sanitary Sewer System; may also be referred to as the community sewer system.

“**Nonresidential**” means any structure which is not included in the definition of a residence as provided in this Ordinance.

“**Nonresidential brine discharging water softening appliance**” means a water softening device located within or adjacent to a nonresidential structure located in the Township which discharges into the community sewer system owned and operated by the Township, whereby the capacity of the appliance to remove hardness from water is renewed by the on-site application of a sodium containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.

“**Person**” means any individual, partnership, co-partnership, firm, company corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

“**Residence**” means a structure which is or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes, without limitations, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.

“**Residential brine discharging water softener and/or appliance**” means residential water softening or conditioning appliances that discharge brine into the GTSSS, including residential self-regenerating water softeners more commonly known as “automatic” water softeners. Residential self-regenerating water softeners include water softening or conditioning devices that renew that capability to remove hardness from water by the on-site application of a sodium based solution to the active softening or conditioning material contained therein, followed by the subsequent rinsing of the active softening or conditioning material.

“**State**” means State of Michigan.

“**Structure**” means a building used or available for use for household, commercial, industrial, or other purposes that discharges into the GTSSS.

“**Township**” means the Township of Grattan, located in Kent County, Michigan, and/or its duly authorized agent or representative. The Township owns and operates the sanitary sewer system that conveys wastewater to the Grattan Township Wastewater Treatment Plants.

“**Operation and Maintenance Manager or O&M Manager**” means the person designated by the applicable local government to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this Ordinance, or his/her duly authorized representative.

“**User Class**” means the kind of user connected to the GTSSS and WWTP including but not limited to residential, industrial, commercial, institutional and governmental.

a. **Residential User** shall mean a user of the GTSSS and WWTP whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multifamily dwellings.

b. **Industrial User** means a user of the GTSSS or the WWTP which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, and distinct from their employee’s domestic wastewaters or wastewaters from sanitary conveniences.

c. **Commercial User** shall mean an establishment involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastewaters from sanitary conveniences and which is not a residential user or an industrial user.

d. **Institutional User** shall mean any establishment involved in a social, charitable, religious, or educational function that based on a determination by the Township, discharges primarily segregated domestic wastes or wastewaters from sanitary conveniences.

e. **Governmental User** shall mean any federal, state or local government user of the wastewater treatment works.

Section 4. Regulations.

All users are prohibited from using a brine discharging system utilizing sodium based products or generating discharges containing any sodium levels.

New water softening devices installed for all users or structures shall be of a type and style as selected by the user at their expense, provided however that any such appliances or devices must comply with the terms and conditions of this Ordinance. Use of non-brine discharging water softening devices is encouraged by the Township.

Section 5. Installation of New Water Softening Appliances.

(1) **Permit Required.** No person located within the Township sanitary sewer service district shall install a water softening appliance and/or device to the GTSSS or WWTP unless the proposed installation has first been approved by the Township or its designated representative through the plumbing permit application process, and all applicable fees have been paid. A complete application must be made, the applicable fees paid, and approval obtained from the Township at least 72 hours before the time the installation is to be made.

(2) **Installation Standards.** All water softening appliances and/or devices shall be installed in accordance with the provisions of this Ordinance as well as any and all other provisions imposed by state, county or other governmental agencies.

(3) **Installation and Maintenance Costs.** The owner of any building or premises, or his authorized representative, shall be responsible, at their own cost, for the installation, connection and maintenance of any water softening appliance and/or device up to and including its connection with the GTSSS.

Section 6. Water Softening Appliance Backwash.

No backwash of any nature, or at any time, shall be introduced into the GTSSS or the WWTP. The property owner, or an approved contractor hired by the owner, must disconnect all backwash discharge lines, including but not limited to water softeners, air conditioning units, water processing or conditioning equipment, storm drains, etc., from the GTSSS. The following are some (not all) methods of disposing of water softener discharge backwash:

- (a) Run the discharge line to the outside and let the water run onto the ground.
- (b) Install a below-ground infiltration basin (drywell): Bury a container in the ground, fill it with stone or sand, and run the discharge line to the container. Drill holes in the container to allow the water to seep into the surrounding soil. A sump pump tub, which ranges in size from 15 to 24 inches in diameter to two to four feet in depth, is an example of a container that could be used.
- (c) Convert an existing septic tank: Pump out and clean your existing septic tank, break holes in the bottom of the tank and fill the tank with stone. Disconnect and plug the outlet pipe to the tile field to prevent groundwater from flowing back into the tank.

Section 7. Medical Exemption.

The Township Sewer Administrator shall have the authority to allow medical exemptions from compliance with the terms of this Ordinance and may permit individual residential brine discharging water softeners utilizing sodium products provided the medical need for soft water is verified in writing by a physician.

The Township Sewer Administrator, or other person designated by the Township Board, shall have the authority to rescind such medical exemptions if the Township is found to be in violation of state sodium and chloride discharge limits and in the opinion of the Sewer Administrator it is essential that the medical exemption be terminated. Such termination shall become effective 60 days after written notice from the Township to the subject resident. All decisions by the Sewer Administrator regarding this matter may be appealed to the Grattan Township Board for reconsideration. Any recommendations made by the Township Board shall be final.

Section 8. Administrative Enforcement.

The Grattan Township Sewer Administrator, or any other person designated by the Township Board, shall administer, implement and enforce the provision of this Ordinance. Enforcement personnel may enforce this Ordinance by (1) performing public outreach to inform residential and nonresidential users of the Grattan Township Sanitary Sewer System (GTSSS) of the terms of this Ordinance and to encourage voluntary compliance, (2) withholding administrative enforcement actions until 60 days after the effective date of the ordinance have passed to allow all affected

property owners adequate time to convert to potassium chloride water softener salt or to remove their noncompliant self-regenerating water softeners, (3) monitoring flows within the GTSSS to determine the locations of residential and nonresidential self-regenerating water softeners, and/or (4) conducting inspections upon reasonable notice of any residential or nonresidential user that discharges to the sanitary sewer system, (5) sampling of grinder pumps to determine the amount of sodium and/or chloride entering the sewer system from a specific user.

Section 9. Sodium Levels.

The sodium level for any discharges into the GTSSS or WWTP shall not exceed the state mandated level of 300mg/l as presently determined by the state.

Section 10. Violation.

The Sewer Administrator or any other person designated by the Township Board may issue a Notice of Violation to any person who fails to comply with any conditions of this Ordinance. A Notice of Violation shall allow a period of 30 days to correct the violation and/or to remove and dispose of the non-compliant self-regenerating water softener. Any person violating this Ordinance after issuance of a Notice of Violation and the subsequent 30-day period shall pay an administrative fine to the District Court in an amount of \$75 per REU quarterly operation and maintenance (O & M) billing cycle, and each subsequent O & M billing period until two sampling tests, conducted 15 days apart, show a sodium level below the state mandated level as may be amended from time to time as proved in Section 9 above. Fines for property owners found in violation exceeding two quarterly O & M billing cycles shall be increased to \$150 per REU for each quarterly billing period thereafter until such time as the violation has ceased.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The Township Board, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

Section 11. Severability.

The various parts, paragraphs, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Section 12. Adoption and Effective Date.

This Ordinance is hereby declared to have been adopted by the Grattan Township Board at a meeting thereof duly called and held on the 9th day of January 2012, and ordered to be given effect 30 days after its first publication as mandated by statute.

NUISANCE ORDINANCE

(Ord. No. 2013-002)

Section 1. Noise Regulations.

(1) **General Regulations.** No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any excessive, unnecessary, or unusually loud noise or disturbance which either endangers the comfort, health, peace, quiet or safety of persons in the Township or their property, or annoys or disturbs a reasonable person of normal sensitivity.

(2) **Specific Violations.** The following acts, among others, are hereby declared to be loud, disturbing, injurious, and unnecessary and unlawful noises in violation of this Ordinance; provided, however, that the specification of these acts is not to be construed to exclude other violations of this Ordinance not specifically enumerated:

a. **Amplified Sound and Musical Instruments.** The playing of any radio, phonograph, television, amplified or unamplified musical instrument, loud speaker, tape recorder, compact disc player, or other electronic sound producing devices, in such a manner or with volume, at any time and place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity:

(i) The operation of any such musical instrument or electronic sound producing device in such a manner as to be plainly audible on a property or in a dwelling unit other than the unit in which it is located, shall be *prima facie* evidence of a violation of this Ordinance;

(ii) The operation of any such electronic sound producing device in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be *prima facie* evidence of a violation of this Ordinance.

b. **Church or School Zones.** The emission or creation of any excessive noise which unreasonably interferes with the operation of any school or church.

c. **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 property.

d. **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.

e. **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.

f. **Construction Noises.** The erection, excavation, demolition, alteration or repair of any building or premises, or any logging or mineral removal operations, in any part of the Township, and including the streets and highways, other than between the hours of 7: 00 a.m. and 9:00 p.m. 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.

g. **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.

(3) **Exceptions.** This Ordinance shall not prohibit:

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 required 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.

f. **Construction Projects.** Construction noise between the hours of 7:00 a.m. and 9:00 p.m., as long as a valid building permit has been issued by the Township and is currently in effect, if applicable.

g. **Repair and Maintenance Work.** Noise occurring between 7:00 a.m. and 9:00 p.m. caused by home or building repairs or from maintenance of grounds.

h. Firearms. Noise emanating from the discharge of firearms, providing the discharge of the firearms is authorized under Michigan law and all local ordinances.

i. Approved activities. Activities for which specific provisions are made for noise, including provisions made in the Township Zoning Ordinance or conditions of approval placed upon site plans, special land uses, or other zoning approvals.

Section 2. Violation; Municipal Civil Infractions.

(1) Any person, firm, corporation, or other entity who violates this Ordinance or who uses or permits the use of any property in violation of this Ordinance is responsible for a municipal civil infraction, and is subject to payment of a civil fine of not less than \$50 nor more than \$250 for each violation, plus the Township's attorney fees and other costs incurred in enforcing this Ordinance.

(2) Repeat offenses shall be subject to increased civil fines. For purposes of this section, "repeat offenses" means a second (or subsequent) violation of this Ordinance 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 nor more than \$500 for each violation, plus the Township's attorney fees and costs incurred in enforcing this Ordinance.

b. The civil fine for a violation that is a second repeat offense or a subsequent repeat offense shall be not less than \$500 nor more than \$1,000 for each violation, plus the Township's attorney fees and costs incurred in enforcing this Ordinance.

c. Each day on which a violation of this Ordinance continues constitutes a separate offense and shall be subject to civil fines and actions as a separate violation.

Section 3. Validity.

The several provisions of this Ordinance 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 any other sections or provisions of this Ordinance.

Section 4. Repeal of Ordinances.

Ordinance Nos. 2012-001 and 2012-003 are hereby repealed in their entirety.

Section 5. Adoption.

This Ordinance is hereby declared to have been adopted by the Grattan Township Board at a meeting thereof duly called and held on the 11th day of March, 2013, and ordered to be given effect 30 days after its publication as mandated by statute.

NO PARKING FIRE LANE ORDINANCE

(Ord. No. 2016-001)

An ordinance regulating the parking and placement of automobiles, vehicles and other items adjacent to fire hydrants and within fire lanes in Grattan Township; providing penalties for the violation thereof; and providing for the administration of this Ordinance.

THE TOWNSHIP OF GRATTAN (the “Township”) ORDAINS:

Article 1. Short Title. This Ordinance shall be known and may be cited as the “Grattan Township No Parking Fire Lane Ordinance.”

Article 2. Intent and Purpose. The Grattan Township Board and the Grattan Township Fire Department have both determined that this Ordinance, and its enforcement, are essential to the health, safety and welfare of Township residents, property owners and visitors. Various water hydrants are located throughout Grattan Township and may be used by the Grattan Township Fire Department to access water in the event of a fire or other emergency. All of the hydrants currently located within the Township are “dry hydrants” which are not attached to any public or private water system, but rather, are installed in lakes, streams, canals and other watercourses within the Township. The locations of these hydrants (as well as fire lanes) must be kept clear of any vehicles or other property that would interfere with access to such hydrants or areas during any type of fire or other emergency.

Article 3. Definitions. For purposes of this Ordinance, the following words and phrases shall mean:

(a) “Hydrant” means an upright pipe with a nozzle or spout drawing water from a water main, lake, stream or canal. A hydrant is also sometimes referred to as a “fireplug.” Typically, such hydrants are used as an emergency water supply for fighting fires or for other public emergencies or catastrophes. A hydrant is also a connection point or structure by which firefighters can tap into a water supply.

(b) “Fire lane” means passageways, access roads or other ways or areas that allow fire apparatus, members of a fire department, fire vehicles or similar vehicles to pass through. Fire lanes are not intended for normal vehicle traffic or the parking of normal non-fire department vehicles. Generally, fire lanes are marked by Township signs or markings.

Article 4. Regulations.

(a) It shall be unlawful for any person to park or leave an automobile, vehicle or other item in any area designated by the Township Board as a fire lane or for fire or emergency vehicles to access water for firefighting or other emergencies.

(b) It shall be unlawful for any person to park or leave an automobile, vehicle or other item within 20 feet of a hydrant designated by the Township Board for the use of fighting fire or other emergency vehicles to access water for firefighting or other emergencies.

(c) It shall be unlawful for any person to damage, deface, tamper with, block, remove or vandalize any hydrant or any Township sign regarding any hydrant, fire lane or area designated by the Township Board for fire or emergency vehicles to access water for firefighting or other emergencies.

(d) It shall be unlawful for any person to disobey or disregard any oral directive, warning or command by the Township fire chief (or other designated fire department official) to move a vehicle or other item away from a hydrant or fire lane during any fire or other emergency.

Article 5. Signs. The Township is authorized to install signs adjacent to any hydrant or adjacent to or within any fire lane indicating no parking areas or a prohibition on other uses or activities adjacent to a hydrant or within a fire lane. Any person who disobeys any such Township sign or engages in any use or activity prohibited by any such Township sign shall be responsible for municipal civil infraction as specified in Article 8 of this Ordinance.

Article 6. Exemption. Police officers, firefighting personnel and first emergency responders are exempt from the regulations contained in this Ordinance when employed by governmental unit and engaged in firefighting, emergency rescue or similar activities or uses.

Article 7. Towing and Other Costs. If a person does not remove that person's automobile, vehicle or other item from a fire lane or within 20 feet of a hydrant immediately when so directed by a Township official, the Township shall have the right to have the automobile, vehicle or item towed or removed to another location and the owner of the automobile, vehicle or other item shall promptly reimburse the Township for any and all costs for such towing, removal and storage. Such cost reimbursements shall be in addition to any other penalties or fines imposed by a court of competent jurisdiction pursuant to Article 8 hereof.

Article 8. Penalties. Any person who violates this Ordinance is responsible for a municipal civil infraction, and shall pay a civil fine of not less than \$100.00 and not more than \$500.00. In addition, a court may order the person to pay full restitution for any damages to the environment, a road, or any private or public property damaged caused or worsened as a result of the violation.

Article 9. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent necessary to give this Ordinance full force and effect.

Article 10. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Article 11. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of thirty (30) days after the date of publication of the Ordinance or a summary of its provisions in accordance with the law.